



Comhairle Cathrach  
& Contae **Luimnigh**

**Limerick City**  
& County Council

Pleanáil, Comhshaol agus Cruthú Áite  
Ceanncheathrú Chorpáraideach  
Comhairle Cathrach agus Contae Luimnigh  
Cé na gCeannaithe, Luimneach  
V94 EH90

Planning, Environment and Place-Making  
Corporate Headquarters  
Limerick City and County Council  
Merchant's Quay, Limerick  
V94 EH90

13<sup>th</sup> September 2023

To: The Cathaoirleach and each Member of the Municipal District of Newcastle West.

**Re: Chief Executive Report to Elected Members on the submission received as part of the public consultation on the Material Alteration to the Draft Abbeyfeale Local Area Plan 2023 -2029**

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A Chomhairleoir, a chara,

I enclose herewith a copy of the Chief Executive's Report on the submissions received as part of the public consultation on the Material Alterations to the Draft Abbeyfeale Local Area Plan 2023- 2029.

The Material Alterations to the Draft Local Area Plan were placed on public display from Saturday 22<sup>nd</sup> of July - 21<sup>st</sup> August 2023 inclusive.

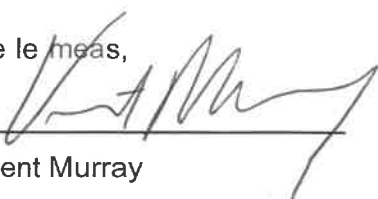
A total of 9 no. valid submissions were received within the statutory timeframe. A report consisting of a summary of the submissions received together with the Chief Executive's responses and recommendations are attached as required by Section 20 of the Planning and Development Act 2000 (as amended). The submissions can be inspected on <https://mypoint.limerick.ie> or in the Forward Planning Section of Limerick City and County Council during normal office hours and copies of the original submissions will be available for inspection at the October Meeting of the Municipal District of Newcastle West

The members of the Municipal District of Newcastle West on their 4<sup>th</sup> October meeting shall consider the Chief Executive Report and decide to make or amend the Abbeyfeale Local Area Plan.

A briefing for the members of the Municipal District of Newcastle West meeting on the Draft Abbeyfeale Local Area Plan being held on Wednesday, **27<sup>th</sup> September 2023 at 11am**, in Aras William Smith O'Brien, Newcastle West, Co. Limerick, to brief the Elected Members on the contents of the Report.

If you have any queries on the report please contact Maria Woods, Senior Planner, on 061 557228

Mise le meas,

A handwritten signature in black ink, appearing to read 'V. Murray', is written over a horizontal line.

Vincent Murray

Director of Services – Planning, Environment and Place-Making

# **Proposed Abbeyfeale Local Area Plan 2023 – 2029**

## **Section 20 (3)(k) Chief Executive's Report to the Elected Members on Submissions received on the Material Alterations to the Proposed Abbeyfeale Local Area Plan on Public Display 22<sup>nd</sup> July – 21<sup>st</sup> August 2023**

**Limerick City and County Council  
Forward Planning  
Planning, Environment & Place-Making Directorate  
Merchants Quay  
Limerick**



**13th September 2023**

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## 1.0 INTRODUCTION

This Chief Executive's Report outlines the submissions made following publication of the Material Amendments to the Proposed Abbeyfeale Local Area Plan 2023 - 2029. The Material Amendments were on public display between 22<sup>nd</sup> July and 21<sup>st</sup> August 2023 inclusive. 9 written submissions were received within this statutory public display period.

The report sets out the Chief Executive's responses and recommendations to the issues raised in relation to the proposed amendments and any further amendments to finalise the Proposed LAP. The report is part of the statutory procedure for preparing a new Local Area Plan (LAP) as set out in Section 20 of the Planning and Development Act, 2000 (as amended).

### 1.1 STRUCTURE OF THIS REPORT

Part A addresses each of the written submissions received within the statutory public display period. It includes the names of the individuals or bodies who made submissions, a summary of the issues raised, a response and recommendation of the Chief Executive on each submission. In the case of submissions that raised issues identified as matters not relevant to the proposed Material Alterations cannot be considered at this stage of the plan making process.

Part B outlines the proposed amendments recommended to the text of the proposed LAP in response to the Chief Executive's recommendations on the submissions received. Any paragraph, policy or objective to be amended in the Proposed LAP is reproduced in full with additional new text shown underlined in green and text to be deleted shown ~~struck through in red~~.

Part C outlines the Strategic Environmental Assessment Screening and Appropriate Assessment Screening of the alterations recommended following the public display of the Material Alterations 22<sup>nd</sup> July, 2023.

Part D contains the Chief Executive's Recommendation

### 1.2 PROGRESS TO DATE AND NEXT STEPS

The steps in the process of preparation of the Local Area Plan for Abbeyfeale are shown in the following table:

Date
Stage 1

14 <sup>th</sup> October – 5 <sup>th</sup> December 2022	First issues stage: Submissions were invited
15 <sup>th</sup> April 2023 – 29 <sup>th</sup> May 2023	Draft Plan on public display: Public submissions invited during statutory period
<b>Stage 2</b>	
14 <sup>th</sup> June 2023	Chief Executive's Report issued to the Elected Members of the Newcastle West Municipal District for consideration
12 <sup>th</sup> July 2023	Elected Members considered the report issued 14 <sup>th</sup> June, 2023 and recommended alterations to the Proposed Plan for public display.
<b>Stage 3</b>	
22 <sup>nd</sup> July – 21 <sup>st</sup> August 2023	Material Alterations were placed on display for 4 weeks. Public submissions could only be made on the proposed alterations in accordance with Section 20 (3) of the Planning and Development Act, 2000 (as amended).
<b>The remaining stages of the Plan are as follows:</b>	
13 <sup>th</sup> September 2023	Chief Executive's Report on submissions on the Material Alterations issued to Elected Members for consideration at the October Municipal District meeting.
October 2023	Final adoption of Plan by Elected Members, having considered the Chief Executive's Report on the submissions received on the Material Alterations.
November 2023	Plan comes into effect 6 weeks from the time of adoption

Following receipt of the Chief Executive's Report on the submission received in relation to the material amendments, the Members of the Municipal District of Newcastle West have up to 6 weeks in which to consider the contents of this report on the material alterations to the Proposed LAP. Members may then decide to make the LAP with or without the proposed amendments or with modifications to the proposed amendments, subject to the provisions of the Planning and Development Act, 2000 (as amended). The formal making of the LAP is by resolution of the Elected Members of the Municipal District of Newcastle West. When performing their functions, the Elected Members of the Newcastle West Municipal District are restricted to considering the proper planning and sustainable development of the area, the statutory obligations of any Local Authority in the area and any relevant policies or objectives of the Government or of any Minister of the Government.

## PART A

### SUBMISSIONS, RESPONSES AND CHIEF EXECUTIVE'S RECOMMENDATION

#### 2.0 PERSONS/ BODIES WHO MADE SUBMISSIONS WITHIN THE STATUTORY TIMEFRAME

Submission No.	Submission received from
<b>Prescribed Bodies</b>	
<b>1</b>	Office of the Planning Regulator (OPR)
<b>2</b>	Environmental Protection Agency (EPA)
<b>3</b>	Environmental Co-ordination Unit
<b>4</b>	Department of Education
<b>5</b>	Uisce Eireann (UÉ)
<b>6</b>	Transport Infrastructure Ireland (TII)
<b>7</b>	Mid-West National Road Design Office
<b>8</b>	Office Public Works (OPW)
<b>9</b>	Paul Stack, Thomas & Helen Mann
<b>Other- not relevant to Material Alterations</b>	
	Gleeson McSweeney on behalf of John Hartnett

## 2.2 SUBMISSION SUMMARIES, CHIEF EXECUTIVE'S RESPONSES AND RECOMMENDATIONS

1	<b>Name/Group:</b> Office of the Planning Regulator (OPR) <b>Ref:</b> LCC – C234 – ABB03 - 7	
	<b>Submission:</b>	<b>Response</b>
	<p>1. The OPR has thanked the Local Authority for their preparation of the proposed Material Alterations.</p> <p>2. The OPR did not consider it necessary to make any recommendations on the Draft LAP, but made observations on four matters where further consideration was advised. The OPR acknowledges the work undertaken by the planning authority and welcomes the inclusion of objectives relating to the observations raised.</p> <p>3. The inclusion of the proposed material amendments to support the progression of the N21 Road Scheme (MA 6), the amendments in respect of water infrastructure (MA 10) and the identification of regeneration opportunity sites have all been welcomed and supported by the OPR.</p> <p>4. Whilst the OPR generally welcomes the proposed material amendments to the draft LAP, the Office has concerns over a proposed amendment to the land use zonings. The rezoning of New Residential lands to Enterprise and Employment results in a reduction of residential zoned land provision, inconsistent with the Development Plan core strategy and contrary to sections 19(2) and 20(5) of the Act.</p>	<p>1. Noted</p> <p>2. Noted</p> <p>3. Noted</p> <p>4. Noted, The Planning Authority acknowledges the OPR's concerns in respect to the changes in land use zonings.</p> <p>The Planning Authority would like to direct the attention of the OPR toward Table 3.1 in the Draft Abbeyfeale Local Area Plan. A total of 10.2 hectares is required to accommodate the population growth to 2029 in a combination of 'new residential' and 'serviced sites' (including additional provision). The breakdown to</p>



<p>The OPR sets out a recommendation (MA Recommendation 1) in relation to land use zoning and consistency with the Development Plan core strategy:</p> <p><b>Having regard to:</b></p> <ul style="list-style-type: none"> <li>- <i>The core strategy of Limerick Development Plan 2022 – 2028</i></li> <li>- <i>Section 19(2) and 20(5) of the Planning and Development Act 2000 (as amended); and</i></li> <li>- <i>RPO 35 and NPO 3 for compact growth,</i></li> </ul> <p><b>The planning authority is required to make the LAP without the proposed material amendments to rezone the lands from ‘New Residential’ to ‘Enterprise and Employment’ (Site 2).</b></p> <p>The Office is satisfied that by making the final LAP, without the proposed material amendment to the land use zoning objective at Site 2, the planning authority will ensure that the LAP is consistent with the Development Plan core strategy and will provide a sufficient supply of zoned land in locations that provide for a sustainable pattern of development and that are well served by physical and social infrastructure.</p>	<p>achieve this, as per the Draft Plan is 7.8ha in ‘New Residential’ and 2.4ha in ‘Serviced Sites’.</p> <p>Proposed Amendment 13 is an updated ‘Table 8’ from the Draft LAP. The change which the submission is referring to is New Residential changing from 8.86ha to 7.94ha (Residential Serviced Sites remains at 3.03ha). Providing a total of 10.94ha for residential development in this plan period, relative to the 10.2ha requirement of the LAP.</p> <p>It is acknowledged that the residential land provision of 10.94ha in the LAP is below the 11.89ha requirement as set out in the Core Strategy of the Limerick City and County Council Development Plan 2022-2028. The Development Plan figure did not account for vacancy and town centre consolidation, the LAP has attributed a figure of 83 units to securing compact growth prioritising the town centre for redevelopment and re-use of underused lands for a mix of uses including residential. This in turn has resulted in a lower requirement for green field residential land in the LAP than that set out in the Development Plan. This does not affect the overall quantum of units’ deliverable in line with the Core Strategy of the Development Plan.</p> <p>The OPR will note that although the Material Amendments have resulted in a slight reduction in the amount of land zoned for ‘New Residential’ it is still above that which is actually required of 7.8ha. Therefore, the Planning Authority considers that, should the material amendments be made, the Abbeyfeale Local Area Plan is consistent with</p>
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	<p>the core strategy of the Limerick Development Plan 2022 – 2028, Section 19(2) and 20(5) of the Planning and Development Act 2000 (as amended); and RPO 35 and NPO 3 for Compact Growth.</p>	
	<p>5. The planning authority is required to notify the OPR within five working days of the decision of the planning authority in relation to the draft LAP. Where the planning authority decides not to comply with the recommendation of the OPR, or otherwise makes the plan in such a manner to be inconsistent with the recommendation, under the provisions of Section 31AO(5) of the Act the chief executive must inform the OPR accordingly and state the reasons for the decision of the planning authority.</p>	<p>5. Noted</p>
	<b>Chief Executive's Recommendation:</b>	
	1 – 5. No change	
	<b>SEA/AA Response: N/A</b>	

2	<b>Name/Group:</b>	Environmental Protection Agency (EPA) Ref: LCC – C234 - ABB03 - 1
	<b>Submission:</b>	<b>Response</b>
	<p>1. The EPA promotes the full and transparent integration of the findings of the Environmental Assessment into the Plan and advocates that the key environmental challenges for Ireland are considered and addressed, as relevant and appropriate to the Plan.</p> <p>2. The EPA's guidance document "SEA of Local Authority Land Use Plans – EPA</p>	<p>1. Noted.</p> <p>2. SEA of Local Authority Land Use Plans – EPA Recommendations and Resources are used by</p>

<p>Recommendations and Resources”, assists Local Authorities to incorporate relevant recommendations as relevant and appropriate to the Plan.</p> <p><b>3.</b> The Council should ensure that the Plan is consistent with proper planning and sustainable development. Adequate and appropriate critical service infrastructure should be in place, or required, to service any development proposed and permitted during the lifetime of the Plan.</p> <p><b>4.</b> The Plan should align with national commitments on climate change mitigation and adaption, as well as incorporating any relevant recommendations in sectoral, regional and local climate adaption plans.</p> <p><b>5.</b> The Plan shall align with key relevant higher level plans and programmes and be consistent with the requirements of the National Planning Framework and Regional Spatial and Economic Strategy.</p> <p><b>6. Future Amendments to the Plan:</b> Any future amendments to the Plan should be screened for likely significant effects, using the same method of assessment applied in the “Environmental Assessment” of the Plan.</p> <p><b>7. Environmental Authorities:</b> Prior to determining the SEA determination, the Planning Authority should consult with the Environmental Protection Agency, the Minister for Housing, Local Government and Heritage, the Minister for Environment,</p>	<p>the Planning Authority to inform the SEA process.</p> <p><b>3.</b> Noted, the provision of services considered in the determining the land use zoning in Abbeyfeale is outlined in the Settlement Capacity Audit – Tiered Approach to Zoning in Chapter 10 of the Proposed Local Area Plan.</p> <p><b>4.</b> Noted, climate change has been referenced throughout the Plan and given policy support in the LAP. Spatial Development Objective 01 ensures the provisions of the Proposed LAP align with the higher-level spatial plans.</p> <p><b>5.</b> Noted</p> <p><b>6.</b> Any future amendments will be screened for SEA as part of the preparation process.</p> <p><b>7.</b> Noted</p>
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	Climate and Communications, the Minister for Agriculture, Food and the Marine, and any adjoining planning authority whose area is contiguous to the area of the planning authority which prepared the proposed plan, proposed variation or local area plan.	
	<b>Chief Executive's Recommendations:</b>	
	<b>1 – 7. No Change</b>	
	<b>SEA/AA Response: N/A</b>	

3	<b>Name/Group:</b>	Environmental Co-ordination Unit Ref: LCC – C234 – ABB03 - 2
	<b>Submission:</b>	<b>Response</b>
	<p>1. The Environmental Co-ordination Unit submits that there are no impacts or anticipated impacts to the following:</p> <ul style="list-style-type: none"> <li>- Fishery Harbours</li> <li>- Aquaculture</li> <li>- Sea Fishing</li> <li>- Cumulative Impacts</li> </ul> <p>There are no objections or further observations to the plan.</p>	1. Noted
	<b>Chief Executive's Recommendations:</b>	
	<b>1. No Change</b>	
	<b>SEA/AA Response: N/A</b>	

4	<b>Name/Group:</b>	Department of Education and Skills Ref: LCC – C234 – ABB03 - 3
	<b>Submission:</b>	<b>Response</b>
	1. The Department has considered the material amendments and they do not change the projected school place requirements as per its submission of the 19 <sup>th</sup> May 2023. The Department welcomes	1. Noted

	the consideration given by Limerick City and County Council for the ongoing work in ensuring sufficient and appropriate land is zoned for educational needs.	
	<b>Chief Executive's Recommendation:</b>	
	<b>1. No Change</b>	
	<b>SEA/AA Response: N/A</b>	

5	<b>Name/Group:</b>	Uisce Éireann Ref: LCC – C234 – ABB03 - 4
	<b>Submission:</b>	<b>Response</b>
	<p><b>1.</b> Uisce Éireann welcomes the inclusion of the Proposed Material Alterations arising from their submission on the Draft Plan.</p> <p><b>2.</b> UÉ have provided observations and comments on the proposed Material Alterations to the Draft Plan in relation to public water services.</p> <p><b>3.</b> Amendments to Land Use Zoning Map</p> <ul style="list-style-type: none"> <li>- <i>“Rezone lands from New Residential to Enterprise and Employment, and rezone lands from Enterprise and Employment to New Residential – Cllr. Liam Galvin – Municipal Meeting 12<sup>th</sup> July 2023”.</i></li> </ul> <p>Access to the water and wastewater networks is available on the L1324, network extensions will be required to connect. Localised network upgrades may be required depending on the scale of development.</p>	<p><b>1.</b> Noted</p> <p><b>2.</b> Noted</p> <p><b>3.</b> Potential developers will be advised to consult with Uisce Éireann at an early stage in the development process, if localised network upgrades are required these will be borne by the developer.</p>

	<ul style="list-style-type: none"> <li>- “Rezone lands from Agriculture to Enterprise and Employment, beside Tesco – Cllr. Liam Galvin – Municipal Meeting 12<sup>th</sup> July 2023”</li> </ul> <p>Water and wastewater network extensions of approximately 160m required to service the site. Localised network upgrades may be required depending on the scale of development.</p>	
	<b>Chief Executive’s Recommendations:</b>	
	<b>1 – 3. No Change</b>	
	<b>SEA/AA Response: N/A</b>	

6	<b>Name/Group:</b>	Transport Infrastructure Ireland Ref: LCC – C234 – ABB03 - 6
	<b>Submission:</b>	<b>Response</b>
	<p><b>1.</b> Transport Infrastructure Ireland has reviewed the Proposal Material Alterations on display and welcomes the proposed amendments that arise from the Councils consideration of TII’s submission on the Draft Local Area Plan.</p> <p><b>2.</b> In relation to the other Proposed Material Alterations on display, the Authority has no specific observations to make. TII request that the foregoing observations are taken into consideration by the Council prior to the adoption of the Abbeyfeale Local Area Plan 2023 – 2029.</p>	<p><b>1.</b> Noted</p> <p><b>2.</b> Noted</p>
	<b>Chief Executive’s Recommendation:</b>	
	<b>1-2. No Change</b>	
	<b>SEA/AA Response: N/A</b>	

7	<b>Name/Group:</b>	Mid West Road Design Office Ref: LCC – C234 – ABB03 - 8
	<b>Submission:</b>	<b>Response</b>
	1. The submission refers to Proposed Amendment 6, identifying that there is no link road proposed to be provided from the Abbeyfeale Road Scheme, and as such the text “and associated linkage into the town centre” should be removed from Objective SM O1 (e).	1. Noted, the planning authority will amend Objective SMO1 accordingly to ensure consistency with the future development intentions of the N21 Abbeyfeale Road Scheme.
	<b>Chief Executive’s Recommendation:</b>	
	1. Remove “and associated linkage into the town centre” from Objective SM O1(e)	
	<b>SEA/AA Response:</b> Refer to Parts C and D of this report	

8	<b>Name/Group:</b>	Office of Public Works Ref: LCC – C234 – ABB03 - 9
	<b>Submission:</b>	<b>Response</b>
	1. The OPW outline their role in terms of flood risk and the comments attached relate specifically to Flood Risk Management.	1. Noted
	2. The OPW welcomes the updated Flood Map which is now consistent with the mapping produced as part of the National CFRAM programme.	2. Figure 8-1 will be updated accordingly to include the proposed zoning changes in Material Alterations.
	Figure 8-1: Overview Map – Land Use Zoning and Flood Zoned in SFRA needs to be updated to include the proposed zoning changes in Material Alterations.	
	3. The submission states that the Justification Test forms part of the consideration if the existing use zoning is still appropriate and that there is no need to remove the Justification Tests for the	3. The planning authority will continue to use the Justification Test in assessing existing development to inform land use zonings and apply relevant restrictions or policy objectives as appropriate and aligned with Section 5.28

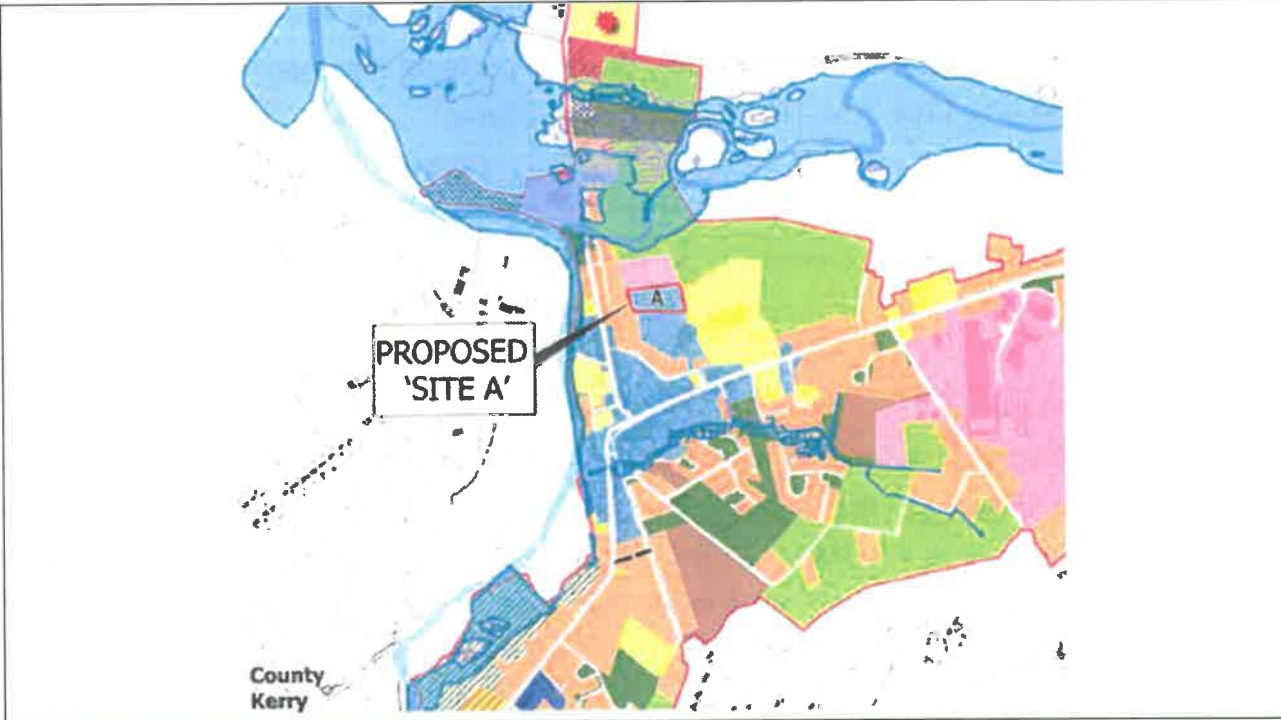
<p>existing developed areas that would not satisfy all of the criteria. The Test should still be completed and if Criteria 2 cannot be satisfied/passed then the relevant restrictions or policy objectives should be included in Criteria 3.</p> <p>The submission continues by stating that a Justification Test is not appropriate for land use zoning types such as Agriculture that are always located at the periphery of the settlements, instead, for these types of zonings a policy objective should be attached to the zoning.</p> <p>4. The OPW welcomes the climate change extents showed in Figure 4-5, which demonstrates the 1% AEP current extents with the high-end future scenario extents for the 1% AEP. The planning authority might consider referring to the OPW National CFRAM mapping on flood info for 0.1% future scenario mapping. It is also suggested that the planning authority make reference to how the mapping contained in Section 4.7 has been used to inform the production of the Draft Plan.</p> <p>5. The OPW had previously commented that the Council should examine the applicability of SuDS measures and Nature-based solutions in the 11 opportunity areas identified in the Draft Plan. The OPW suggests that this comment was not addressed in the Material Alterations.</p>	<p>of the Guidelines as amended by Circular PL 2/2014.</p> <p>4. The inclusion of future scenario mapping for 0.1% is not considered a minor alteration and therefore cannot be considered at this stage of the plan-making process.</p> <p>The Draft Plan text will be amended under Section 9.3 to include reference to Section 4.7 Climate Change and the map contained within the SFRA.</p> <p>5. As previously stated, the application of nature based solutions and SuDS measures will be considered on a case by case basis and implemented in conjunction with development proposals at development management stage. As set out in the Limerick City and County Development Plan 2022 – 2028, Objective EH O14 Nature Based Solutions, Objective IN O12 Surface Water and SuDS and Section 11.3.11 SuDs appropriately</p>
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		address the Planning Authority's position on SuDS Measures and Nature-based solutions, as such, it is not deemed necessary to include same within the Local Area Plan.
	<b>Chief Executive's Recommendation:</b>	
	<ol style="list-style-type: none"> <li>1. No Change</li> <li>2. Update Figure 8.1 to include proposed zoning changes</li> <li>3. No change</li> <li>4. Amend the text under Section 9.3 Flood Risk Management of the Draft Plan to include reference to Section 4.7 Climate Change and Figure 4-5 within the SFRA.</li> <li>5. No change</li> </ol>	
	<b>SEA/AA Response:</b> Refer to Parts C and D of this report	

9	<b>Name/Group:</b>	Paul Stack, Thomas & Helen Mann Ref: LCC – C234 – ABB03 - 10
	<b>Submission:</b>	<b>Response</b>
	<p>1. The submission relates to a parcel of land of which there was an amendment made to the land use zoning – namely the rezoning of lands from Agriculture to Enterprise and Employment, beside Tesco as proposed at the Municipal Meeting 12<sup>th</sup> July 2023.</p> <p>The submission requests for the zoning of these lands to be amended again to “Zone part of the lands north of Colbert Terrace for ‘Town Centre’ use.” (illustrated below).</p> <p>The submission reads as a planning report which sets out reasoning under the following headings to justify the zoning request:</p> <p>- Site Location &amp; Context</p>	<p>1. The previous Chief Executive report outlined the Planning Authority's concerns in relation to additional zoning at this location as follows;</p> <p>There are significant lands zoned in Abbeyfeale for Town Centre use and a considerable amount of vacant and derelict properties lining the streets of the town. In order to consolidate the town and to seek to address issues around vacancy and dereliction, it is considered that these lands are not required and would be contrary to the Town Centre approach, which is underway in Abbeyfeale.</p> <p>The Town Centre zoning has been retained at appropriate locations to strengthen the existing developed retail core and support the reactivation of vacant buildings within the town centre. While the location of the subject</p>

<p>Underutilised, greenfield site located c. 200metres north of Main Street, Abbeyfeale. The site is recognised as possessing the potential to accommodate the future development of the settlement, having regard to its proximity to existing development and town centre.</p> <p>- Zoning Lands immediately south are zoned 'Town Centre' and so the requested rezoning would serve as a logical extension of same. The site is serviced and considered Tier 1: Serviced Lands under Appendix 3 of the NPF.</p> <p>- Town Centre First &amp; '10 minute' Town Concept The subject site is within a 10minute walking distance of Abbeyfeale, development in this area would facilitate additional footfall, stimulate growth and help to address the level of vacancy.</p> <p>- Retail Vacant premises within the town centre are not adequately sized to accommodate a medium sized convenience retailer. Therefore, the lands are consistent with the sequential approach in accordance with the Retail Planning Guidelines 2012.</p> <p>- Special Area of Conservation The submission supports Objective CH03 in the Draft LAP, and considers it appropriate to that the northern perimeter of the lands remain zoned 'Agriculture' and act as a riparian buffer zone to protect the ecological integrity of the River Allaughan.</p>	<p>site close to the town centre is noted, the reuse of appropriate brownfield sites and vacant premises is prioritised as this will contribute to the delivery of compact growth consistent with the National Strategic Objective of the NPF and will help implement the Government's Town Centre First Policy.</p> <p>At the Municipal District meeting held on the 12<sup>th</sup> of July 2023 a motion was passed to zone the lands for 'Enterprise and Employment' in place of 'Agriculture' zoned lands. The concerns previously set out in the Chief Executive report still apply in relation to 'Town Centre' zoning at this location.</p>
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<b>Chief Executive's Recommendation:</b>	
1. No Change	
<b>SEA/AA Response:</b> N/A	

### 2.3 SUBMISSION RECEIVED NOT RELEVANT TO THE PROPOSED MATERIAL ALTERATIONS

<b>Name/Group:</b>	Gleeson McSweeney on behalf of John Hartnett
<b>Key points:</b>	
<ul style="list-style-type: none"> <li>- Submission is in relation to the change in the zoning of lands from residential to agriculture.</li> <li>- The submission states that adjacent lands have retained residential zoning which are further out from the town centre, and that the subject site is too small to be utilised for agricultural use.</li> <li>- The submission also includes documents that have been prepared to accompany a planning application to be lodged for the lands.</li> </ul>	

## PART B PROPOSED AMENDMENTS TO PROPOSED ABBEYFEALE LOCAL AREA PLAN 2023 – 2029

(To be read in tandem with Part A)

**Note:** The following sets out amendments, which include text to be omitted ~~struck-through in red~~ and wording to be inserted underlined in green. Where policies or objectives are proposed to be included or amended, the policy/objective numbers of those in the Proposed Plan may need to be revised.

### 3.1 AMENDMENTS TO PROPOSED LOCAL AREA PLAN TEXT

#### Chapter 7 Sustainable Mobility

Proposed Amendment	Submission No./Elected Member Amendment No.
<b>1.</b> Amend Objective SM O1(e) as follows: Support the progression of the N21 Abbeyfeale Road Scheme (as already provided by the Limerick Development Plan 2022- 2028, including Objective TR O31), <del>and associated linkage into the town centre,</del> to provide improved regional connectivity and ensure future development proposals do not compromise the development of this scheme.	<b>7</b>

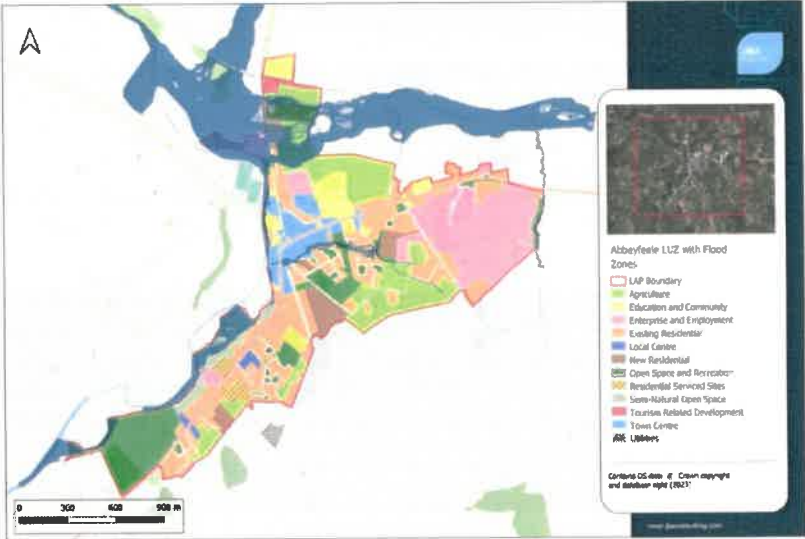
#### Chapter 9 Infrastructure and Utilities

Proposed Amendment	Submission No./Elected Member Amendment No.
<b>2.</b> Amend the text under Section 9.3 Flood Risk Management as follows: A Strategic Flood Risk Assessment (SFRA) for Abbeyfeale has been prepared in accordance with the requirements of the DoEHLG and OPW ‘The Planning and Flood Risk Management Guidelines for Planning Authorities’, and accompanies this Draft Plan. This ensures that flood risk management is integrated into the spatial planning policies of the Draft LAP. The Flood Risk map prepared as	<b>8</b>

	<p>part of the SFRA highlights potential development areas that require the application of a Justification Test and/or more detailed assessment at a site-specific level. The SFRA also provides guidelines for development within areas at potential risk of flooding, and specifically looks at flood risk and the potential for development within a number of key sites in Abbeyfeale. <a href="#">Section 4.7 Climate Change and Figure 4-5 within the SFRA demonstrates the precautionary approach taken to climate change by avoiding development in areas potentially prone to flooding in the future.</a></p>	
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### 3.2 AMENDMENTS TO ABBEYFEALE STRATEGIC FLOOD RISK ASSESSMENT

#### Chapter 8 Settlement Zoning Review

	Proposed Amendment	Submission No./Elected Member Amendment No.
3.	<p>Update Figure 8.1 to include proposed zoning changes</p>  <p>Figure 8-1: Overview Map - Land Use Zoning and Flood Zones</p>	8

## **PART C      STRATEGIC ENVIRONMENTAL ASSESSMENT SCREENING AND APPROPRIATE ASSESSMENT SCREENING**

There are no additional sources for effects arising from the Chief Executive's recommendations on European sites that have not been considered by the AA to date. Taking into account all of the mitigation measures that have already been integrated into the Draft Plan, I can confirm that none of the Chief Executive's recommendations for modifications would affect the integrity of any European site.

These Chief Executive's recommendations for modifications would further contribute towards provisions related to sectors and topics that are already provided for within the Draft Plan. Taking into account the measures that have already been integrated into the Draft Plan that provide for and contribute towards environmental protection, environmental management and sustainable development, any potential effects arising from these Chief Executive's recommendations for modifications would either: be present already (beneficial) and would be further contributed towards, but not to a significant extent; and/or would be mitigated so as not to be significant (adverse). Taking this into account, the Chief Executive's recommendations for modifications would not be likely to result in significant environmental effects.

## **Appropriate Assessment Determination**

under  
Section 177V of the Planning and Development Act 2000, as amended,  
for the

### **Abbeyfeale Local Area Plan 2023-2029**

In order to comply with the requirements of Section 177V of the Planning and Development Act 2000, as amended, and pursuant to Article 6(3) of the Habitats Directive as to whether or not a plan or project would affect the integrity of any European site(s), this Appropriate Assessment determination is being made by Limerick City and County Council relating to the potential for the Abbeyfeale Local Area Plan 2023-2029 that is being adopted<sup>1</sup> to have effects on the integrity of European sites.

In carrying out this Appropriate Assessment (AA), the Council is taking into account the matters specified under Part XAB of the Planning and Development Act 2000 (as amended), including the following<sup>2</sup>:

- The Natura Impact Report prepared for the Draft Plan;
- The Screening for AA Report prepared for the Proposed Material Alterations;
- Written submissions made during the Plan preparation process; and
- Ongoing advice on AA from the Council's agents, including on further modifications.

As part of the AA, it was identified that the Plan may, if unmitigated, have significant effects on 2 (no.) European sites. Factors that could potentially affect the integrity of European sites include:

- Provisions for sectors such as housing, sustainable communities, economic development and tourism, sustainable mobility, climate action, environment and heritage and infrastructure and utilities; and
- Loading pressures from the operational phase of developments – these sources could result in disturbance effects and interactions with water quality.

The undersigned, having carefully considered the information referred to above agrees with and adopts the reasoning and conclusions presented and determines that:

- Implementation of the Plan would have had the potential to result in effects to the integrity of European sites, if unmitigated.
- The risks to the safeguarding and integrity of the qualifying interests, special conservation interests and conservation objectives of the European sites have been addressed by the inclusion of mitigation measures into the Plan that will, in addition to the measures already in force through the Limerick Development Plan 2022-2028, prioritise the avoidance of effects in the first place and reliably mitigate effects where these cannot be avoided. In addition, any lower-level plans and projects arising

<sup>1</sup> Incorporating: the Draft Plan; all and any alterations; and all and any further modifications considered by the AA process.

<sup>2</sup> A consolidated Natura Impact Report has also been made available, integrating relevant elements of these matters into one document.



through the implementation of the Plan will themselves be subject to AA when further details of design and location are known.

- In-combination effects from interactions with other plans and projects have been considered in this assessment and the mitigation measures have been incorporated into the Plan – these measures are robust and will ensure there will be no effects on the integrity of European sites as a result of the implementation of the Plan either alone or in-combination with other plans/projects.
- Having incorporated mitigation measures<sup>3</sup> and taking into account the measures already in force through the Limerick Development Plan 2022-2028<sup>4</sup>, the Plan is not foreseen to give rise to any effect on the integrity of any European site, alone or in combination with other plans or projects<sup>5</sup>. This evaluation is made in view of the conservation objectives of the habitats or species, for which these sites have been designated.

Signed:



Date:

13-9-2023

**Signatory: Vincent Murray**

**Director Planning, Environment and Place - Making**

<sup>3</sup> As detailed under the following reference numbers in the consolidated Natura Impact Report: Policy ED 1: Strategic Economic Development, Objective CH 03: Special Area of Conservation, Objective CH 04: Tree Protection and Nature Conservation, Objective C 04 Parks, Open Space and Recreation, Policy CH 2 Water Framework Directive, Objective IU 01: Water Supply Infrastructure, Objective IU 02: Wastewater Infrastructure, Objective IU 03: Surface Water Management and SUDS, Objective ED 02: Tourism Objective, Policy TCF P1: Town Centre, Objective ED 01: Enterprise and Employment, Objective IU 04: Flood Risk Management, Policy CH 1: Climate Change, Objective CH 01: Climate Change, Policy SMT P1: Integration of Land Use and Transport Policies, Policy SMT P2: Transport and Movement - Promotion of Sustainable Patterns of Transport Use, Objective SM 01: Movement and Accessibility, Objective IU 05: Energy Generation, Telecommunication and Digital Infrastructure, Objective CH 02: Blue Green Infrastructure, Objective C 02 New Amenity Areas, Walkways and Cycleways, Objective SM 02: Modal Shift and Behavioural Change and Objective IU 06: Waste Management.

<sup>4</sup> As detailed under the following reference numbers in the consolidated Natura Impact Report: Limerick Development Plan 2022-2028 Objective EH 011 Invasive Species; and Limerick Development Plan 2022-2028 Objective ECON 039. Furthermore, as detailed under Section 10.1 "Land Use Zoning and Implementation" of the Local Area Plan, the overarching policies and objectives of the Limerick Development Plan 2022 -2028 and any replacement thereof also apply. All development requiring planning permission must adhere to the Policies, Objectives, Development Management Standards and other requirements of the Limerick Development Plan 2022-2028, or any replacement thereof.

<sup>5</sup> Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be: a) no alternative solution available, b) imperative reasons of overriding public interest for the plan to proceed; and c) Adequate compensatory measures in place.



## **PART D      CHIEF EXECUTIVE'S RECOMMENDATION**

In accordance with Section 20(3) of the Planning and Development Act 2000 (as amended), it is recommended that Proposed Local Area Plan is made in accordance with the Proposed Plan published on the 15<sup>th</sup> April 2023 and the Proposed Material Alterations published 22<sup>nd</sup> July 2023 and the alterations outlined in the Chief Executives Report above.

A handwritten signature in black ink, appearing to read 'Vincent Murray', is written over a horizontal line.

Vincent Murray

Director of Services – Planning, Environment and Place - Making