

Proposed Amendment No 1
to the
Kilmallock Local Area Plan 2019 - 2025
in accordance with
**Section 20(3)(c) of the Planning and Development Act,
2000 (as Amended)**

Chief Executive's Report

Proposed Amendment No 1
The change in zoning of a site from Residential to
Enterprise and Employment

April 2024

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



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

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1.0 Introduction

The purpose of this Amendment of the Kilmallock Local Area Plan 2019 – 2025, is to rezone a site from Residential to Enterprise and Employment use.

The proposed amendment has arisen as a result of a request from the Members of the Cappamore Kilmallock District.

This Chief Executive's Report outlines the submissions made following publication of the Proposed Amendment to the Kilmallock Local Area Plan 2019 - 2025. The report sets out the Chief Executive's responses and recommendations to the issues raised. The report is part of the statutory procedure for preparing/amending a Local Area Plan (LAP) as set out in Section 20 of the Planning and Development Act, 2000 (as amended).

The Amendment was placed on public display for a six week period from the 17th February to 2nd April 2024 inclusive. A total of 3 no. of written submissions were received within the statutory timeframe. No submissions were received outside the statutory period.

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 issues raised.

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

1.2 Environmental Reports

The proposed amendment has been considered in the context of the Habitats Directive, and Limerick City and County Council is satisfied that the proposed amendment does not have the potential to give rise or contribute to negative impacts on any European Site. Accordingly, it is determined that there is no requirement for the proposed amendments to be subject to Appropriate Assessment.

Equally, the proposed Amendment does not give rise to any strategic environmental concerns and having consulted with the Environmental Authorities it is determined that there is no requirement for the amendment to be subject to Strategic Environmental Assessment. A Strategic Environmental Assessment (SEA) Screening Report and a Habitat Directive Assessment (HDA) Screening Report has been prepared in conjunction with this proposed amendment and are available online for inspection and download from the following website: [Kilmallock Local Area Plan | Limerick.ie](https://www.kilmallock.ie/Kilmallock-Local-Area-Plan-2019-2025).

1.3 Next Steps

Following receipt of the Chief Executive's Report, the Elected Members of Limerick City and County Council have up to 6 weeks in which to consider the contents of this report and the Proposed Amendment. Members may then accept the Proposed Amendment and adopt it or amend the Proposal.

PART A

In all, a total of 3 submissions were received on the Proposed Amendment to the Kilmallock Local Area Plan 2019 – 2025, during the statutory public consultation period.

A list of submitters, summary of each submission, the Chief Executives Opinion and Recommendation is set out below.

2.0 Persons/Bodies who made submissions within the statutory timeframe

Submission No.	Submission received from
Prescribed Bodies	
1	Office of the Planning Regulator (OPR)
2	Uisce Éireann (UÉ)
3	Transport Infrastructure Ireland (TII)

The principle issues raised by the submissions are as follows;

- Error in Section 2.1 of the proposed Amendment to Table 9.1 of the LAP – Enterprise & Employment area needs amended.
- Protection of the public water and sewer networks at design stage if a planning application is to be lodged on the lands.

2.1 Submission Summaries, Chief Executive's Responses and Recommendations

1.	Name/Group:	Office of the Planning Regulator Ref: LCC-C298-KIL01-3
	Submission:	Response
	The work by the Local Authority in preparing the amendment was acknowledged by the Office.	Noted.
	The Office considers the amendment to be relatively minor and expressed no particular concerns in respect of conflict with the policy framework of the Limerick Development Plan 2022 – 2028 or the RSES.	Noted.
	The office did however identify that the proposed amendment area of land identified Enterprise and Employment in Section 2.1 of the proposed Amendment to Table 9.1 of the LAP is incorrect, as the area has been reduced by 0.3 hectares rather than increased by that amount.	Noted. The Planning Authority will review and update Section 2.1 of the Proposed Amendment to Table 9.1 of the Kilmallock Local Area Plan 2019 – 2025 to ensure that the area of the land zoned for Enterprise and Employment accurately reflects the increase of .3 hectares in Enterprise and Employment lands rather than reduces it.
	Chief Executive's Recommendations:	

Amend Table 9.1 Total Zoned Lands as follows:		
Zoning	Area designated 2019 LAP (ha)	Area designated 2009 LAP (ha)
Agriculture	60.89	40.39
Education and Community Facilities	10.69	8.68
Existing Residential	29.48	44.31
Enterprise & Employment	34.58 35.18	38.66 (i)
Open space and recreation	21.9	39.41 (ii)
Open space and sports Grounds	12.6	19.2 (iii)
Residential Development Area Phase 1	13.48	24.85
Serviced sites	7.53	5.4
Special Control Area	18.38	17.29
Utility	3.41	2.26
Town Centre	9.3	8.06 (iv)
SEA/AA Response: Minor change to clarify the correct area zoned for Enterprise and Employment use. No likely significant effects on the Natura Network are anticipated from this proposed minor alteration. Protective measures are already in force through the Limerick Development Plan and those already included in the Kilmallock Local Area Plan. Consequently, Stage 2 AA will not be required to be undertaken on the Proposed Alterations.		

2.	Name/Group:	Uisce Éireann Ref: LCC-C298-KIL01-1
	Submission:	Response
	Uisce Éireann have reviewed the proposed zoning changes and have no objection. Commenting that – “The site is served by public water and sewer networks in the adjoining roads. Available GIS indicates there is also a sewer along the western boundary. This sewer must be protected and taken account of at the design stage.”	Noted, the Planning Authority will take this information into consideration if a planning application is lodged on these lands in the future. Potential developers will be advised to consult with Uisce Eireann at an early stage in the development process.
	Chief Executive’s Recommendations: 1. No Change	
	SEA/AA Response: N/A	

3.	Name/Group:	Transport Infrastructure Ireland Ref: LCC-C298-KIL01-2
	Submission:	Response

	TII have no specific observations to make	Noted.
	Chief Executive's Recommendations: No Change	
	SEA/AA Response: N/A	

2.2 Submissions outside statutory timeframe

There were no submissions received outside the statutory timeframe.

PART B

3.0 Proposed Amendments to Kilmallock Local Area Plan 2019 – 2025

(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 Amendment to Local Area Plan Written Statement

Amend Table 9.1 Total Zoned Lands as follows:

Zoning	Area designated 2019 LAP (ha)	Area designated 2009 LAP (ha)
Agriculture	60.89	40.39
Education and Community Facilities	10.69	8.68
Existing Residential	29.48	44.31
Enterprise & Employment	34.58 <u>35.18</u>	38.66 (i)
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3.2 Amendments to Appendix 1 - Maps

There are no amendments proposed to Appendix 1 - Maps.