

Forward Planning Unit
Economic Development and Enterprise Directorate
Limerick City and County Council
Merchant's Quay
Limerick

Monday, 4th April 2022

[By Email]

***MATERIAL ALTERATIONS TO THE DRAFT
LIMERICK DEVELOPMENT PLAN 2022-2028***

- SUBMISSION -

Dear Sir/Madam,

RE: FORMER RACECOURSE LANDS, GREENPARK, LIMERICK

1. Introduction

Tom Phillips + Associates, Town Planning Consultants, 80 Harcourt Street, Dublin 2 have been retained by Voyage Property Limited, Ashbourne Hall, Ashbourne Business Park, Corcanree, Dock Road, Limerick to make this submission in relation to the *Material Alterations to the Draft Limerick Development Plan 2022-2028* (hereinafter referred to as the 'Material Alterations') currently on public display. Voyage Property Limited is the owner of a strategic c.47 ha landholding comprising the former Racecourse lands located in Greenpark, Dock Road, Limerick. (The subject lands are generally referred to as the 'Greenpark Lands' for the remainder of this submission.) A submission was previously made by the landowner in respect of these lands during the public display period of the Draft Development Plan in September 2021.

2. Material Alterations

We note that the Material Alterations currently on display include the proposed change to the land use zoning of part of the Greenpark Lands (stated to be 14.71 ha) from Enterprise and Employment & Open Space as shown in the Draft Development Plan to New Residential (see Material Amendment No. 147). This Material Alteration is also identified on the amended City and Environs Zoning Map and in the Residential Settlement Capacity Audit (Site No. 133), which identifies the total area of New Residential zoned land to be 19.55 ha with a suggested residential yield of 802 no. units.



This Alteration is in line with the landowner's submission of September 2021 and we welcome the proposed land use zoning change. We contend that this alteration wholly reflects the locational characteristics of the Greenpark Lands close to Limerick city centre and accords with the relevant National, Regional and Local Development Plan policy context with regard to the promotion of residential development in inner urban locations, the requirement to accommodate a major planned population increase and the achievement of compact urban growth.

Our previous submission describes in detail how the Greenpark Lands adhere to all relevant planning policy objectives in relation to Residential zoning and development. As such, it is not considered necessary to restate these arguments again in full here. In summary, Limerick is a National Planning Framework (NPF) designated city of scale mandated to deliver ambitious population growth targets to 2040, 50% of which must be accommodated within the existing built footprint of urban centres preferably on underutilised lands close to existing city centres, public transport routes, employment centres and services. The Greenpark Lands are an obvious and natural fit in this regard.

This is the mandated growth model enshrined in the NPF and Regional Spatial & Economic Strategy (RSES) for the southern region (which incorporates the city-specific Limerick Metropolitan Area Spatial Plan - LMASP) that must now be adhered to in the Draft Limerick Development Plan. This approach to future urban growth comprises the sustainable alternative to continued urban sprawl and new car-reliant suburban greenfield development on the periphery of cities often involving complex ownership arrangements, costly significant new infrastructure provision and lengthy development programmes. The Greenpark Lands comprise a serviced underutilised 47 ha site located within 2 km of Limerick city centre consisting of a former racecourse that can be developed in the short-term.

As described in detail in the September 2021 submission, the Greenpark Lands are ideally located to deliver both residential and commercial development in a mixed use planning model that will deliver substantial housing provision and also significantly contribute to the ongoing economic growth of Limerick by way of employment-based uses. It is proximate to established social infrastructure, public open space zoned land, existing and emerging public transport routes, employment centres, University Hospital Limerick, third level institutions and the city centre. Its re-development will facilitate and encourage the use of public transport, walking and cycling in the city. The proposed alteration to facilitate increased New Residential zoning on the Greenpark Lands accords in full with the provisions of a wide range of National and Regional planning policy documents including:

- *Project Ireland 2040 - National Planning Framework (NPF) 2018*
- *Development Plan Guidelines for Planning Authorities 2007*
- *Development Plan - Guidelines for Planning Authorities Draft for Consultation August 2021*
- *Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities 2009*
- *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, March 2018*
- *The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)*
- *Housing for All – A New Housing Plan for Ireland 2021;*



- *Rebuilding Ireland, Project Descriptions Local Infrastructure Housing Activation Fund (LIHAF) 2017*
- *Regional Spatial & Economic Strategy (RSES) for the Southern Region 2020*
- *Limerick Metropolitan Area Spatial Plan (LMASP) 2020*

At the local planning level, numerous policies and objectives of the Draft Plan also fully support the re-development of the Greenpark Lands for a mix of uses including a significant residential component as detailed in our previous submission.

3. *Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 (hereinafter referred to as the 'Guidelines') – Justification Test for Development Plans*

It is noted that the Material Amendments documentation currently on public display include slightly revised Justification Tests carried out by JBA Consulting Engineers (hereinafter referred to as 'JBA') on behalf of Limerick City & County Council (hereinafter referred to as 'LCCC'), including in relation to the Greenpark Lands. This Justification Test for the Greenpark Lands maintains the same conclusion as the previous version prepared as part of the original Draft Development Plan and states:

'Conclusion

Although not suitable for highly vulnerable development due to the level of residual risk and the brownfield nature of the site, less vulnerable uses (Enterprise and Employment) with appropriately detailed FRA and emergency plan, may be accommodated. Recommendation Site should remain Enterprise and Employment.

Members' Amendment

A motion was passed to change the zoning to residential, which included a FRA and justification test (see appendix D). However, despite reviewing the information provided the assessment and details of the Justification Test previously undertaken apply and the recommendation to retain water compatible / less vulnerable uses as appropriate to the Flood Zone remains'.

We disagree with the above conclusion, which does not accurately reflect the Development Plan Justification Test as per the Guidelines. To recap, it is acknowledged by the landowner and LCCC that the Greenpark Lands are of strategic importance in the context of the future development of Limerick City, given their size and location adjoining the city centre. This is why the Justification Test is deemed necessary to be utilised in this case in the first instance. All parties concur that the Greenpark Lands are '*...essential to facilitate expansion and compact growth of Limerick City in accordance with national and regional planning policy*' (see JBA Justification Test for Greenpark).

However, once the Justification Test is being applied to the lands, it cannot then be concluded that while the site is '*...not suitable for highly vulnerable development due to the level of residual risk and the brownfield nature of the site, less vulnerable uses (Enterprise and Employment) with appropriately detailed FRA and emergency plan, may be accommodated*'.



As per the Guidelines, the future land use zoning of any landholding being assessed in line with the Development Plan Justification Test cannot be pre-determined in this manner. That action is not mandated in any part of the Development Plan Justification Test criteria.

If a site satisfies the Development Plan Justification Test, then it is considered suitable for development and under the Guidelines no uses (vulnerable or less vulnerable) are precluded at that stage. Once the Justification Test is satisfied, it then becomes a matter of planning need as to how best the subject lands should be used, having regard to relevant planning considerations. The Guidelines simply note the requirement for a '*Plan-making Justification Test*' described in Chapter 4 to be used at the plan preparation and adoption stage, where it is intended to zone or otherwise designate land, which is at moderate or high risk of flooding. It is noted that the Justification Test will apply to '*uses or development vulnerable to flooding*' with no distinction drawn between 'highly' or 'less vulnerable development' or any particular land uses.

We reiterate, therefore, that there is no restriction in the Guidelines on these lands being zoned for Residential use, once the Justification Test is satisfied, and the planning authority are not entitled to impose such restriction under the Guidelines. The Greenpark Lands clearly pass the Development Plan Justification Test (an opinion evidently shared by LCCC) and, in planning terms are far more suitable for residential than enterprise and employment use, given their location and the ongoing significant shortage of well-located residential development in Limerick city.

As enclosed with our previous submission, the entirety of the Greenpark Lands have already been subject to a Site Specific Flood Risk Assessment (SSFRA) prepared by RPS Consulting Engineers (now also enclosed as Appendix D of the Material Alterations Strategic Flood Risk Assessment Appendix Part 1), which informed the vision for the Greenpark Lands and was integrated into the design of the overall landholding as detailed in the Greenpark Masterplan. The SSFRA addresses Point 3 of the Justification Test for Development Plans (Box 4.1 in the Flood Risk Management Guidelines) in proving that the flood risk to the lands can be adequately managed and the residual risk will not cause unacceptable adverse impacts elsewhere.

As demonstrated in our September 2021 Draft Development Plan submission, the planning case to facilitate a substantial area of Residential zoned land at the Greenpark Lands is far superior to that pertaining to Enterprise and Employment uses, as this will facilitate a significant new population close to the city centre on serviced lands proximate to public transport, places of employment and social infrastructure. This is the sustainable alternative to the promotion of suburban style edge of centre Residential zoning at a significant remove from the city centre which is reliant on costly new infrastructure.

4. JBA Justification Test and Regional Planning Guidance

It is clear to us that the Justification Test prepared by JBA on behalf of LCCC as applicable to the Greenpark Lands and under which the proposed Enterprise and Employment zoning is grounded, is not only incorrectly applied (as discussed above) but is also significantly flawed. The JBA Justification Test seeks to ground the Enterprise and Employment zoning of the Greenpark Lands by reference to regional policy set-out for '*Limerick's Dock Road*' in the RSES / LMASP.



However, the reference to ‘Limerick’s Dock Road’ in the RSES / LMASP very clearly does not include the Greenpark Lands as is demonstrated below.

We note with interest that JBA on behalf of LCCC have undertaken Justification Tests for a) ‘lands at the Dock Road’ and separately b) ‘lands at Greenpark’ thus identifying that they are entirely separate locations.

Appendix A.1.2 of the Material Amendments SFRA includes a Justification Test prepared by JBA regarding ‘Industry and Enterprise and Employment lands at the Dock Road’ (see Figure 1 below). Under sub-item (i) of this Test, it states that ‘Limerick’s Dock Road has been identified as a key employment and enterprise location under the RSES and MASP, which acknowledges the significant potential of this area of the City for economic potential (sic)’.



Figure 1: ‘A.1.2 - Industry and Enterprise and Employment lands at the Dock Road’, extracted from the *Draft Limerick Development Plan 2022-2028, Strategic Flood Risk Assessment – Material Alterations*.

Appendix A.1.3 of the Material Amendments SFRA includes a Justification Test also prepared by JBA (referred to below as the Greenpark Justification Test) regarding ‘Enterprise and Employment lands at Greenpark’ (see Figure 2 below). As above, this Test also states that ‘Limerick’s Dock Road has been identified as a key employment and enterprise location under the RSES and MASP, which acknowledges the significant potential of this area of the City for economic potential’. It further states that ‘The lands at Greenpark off the Dock Road subject of Flood Zone A & B are essential for the provision of lands for employment uses which cannot be accommodated in the City Centre’.



Figure 2: ‘A.1.3 – Enterprise and Employment lands at Greenpark’, extracted from the *Draft Limerick Development Plan 2022-2028, Strategic Flood Risk Assessment – Material Alterations*.

Both of the above Justification Tests confirm that the Limerick-Shannon Metropolitan Area is targeted for growth under the NPF and RSES and identify the need to deliver significant employment and housing growth.

The Greenpark Justification Test further notes that within the Metropolitan Area, the area zoned as Limerick’s “City Centre”, would correspond with the centre of the settlement noting that *‘The undeveloped area at Greenpark consolidates the existing built up area between the City Centre and the natural boundary presented by the Ballinacurra Creek and N18. These greenfield and brownfield lands are therefore essential to facilitate expansion and compact growth of Limerick City in accordance with national and regional planning policy’*. Thus, as noted above in this submission, both the Planning Authority and landowner are in clear agreement that the Greenpark Lands meet all relevant criteria in relation to the overarching planning policy goals of facilitating compact urban growth in Limerick. However, the Greenpark Justification Test as prepared by JBA on behalf of LCCC concludes that the site is suitable for Enterprise and Employment use only, whereas the Applicant’s Justification Test for the same lands concludes that the site is suitable for Residential development. This issue is considered in further detail below.

Having reviewed both the RSES and LMASP in detail, it is evident that the above quoted references in the Council’s Justification Test pertaining to lands at ‘Dock Road’ categorically does not relate to the Greenpark Lands.

Whilst the LMASP acknowledges the significant potential of ‘Dock Road’ as a key emerging employment centre, it is evident that ‘Dock Road’ in this context refers to Limerick’s Docklands and not the Greenpark Lands, or what is widely understood and referenced as the old/former Racecourse lands. The Dock Road lands referenced in the LMASP is clarified in that document (see Table 3 – *Strategic Employment Locations* on Page 295) to relate to the lands identified in the *Limerick Docklands Framework Strategy* as prepared by the Shannon Foynes Port Company (SFPC) designed to retain its core port operation and to transform its significant non-core property holdings in Limerick Docklands into a new economic and employment hub. These lands are clearly mapped in the aforementioned Framework Strategy (see Figure 3 below).

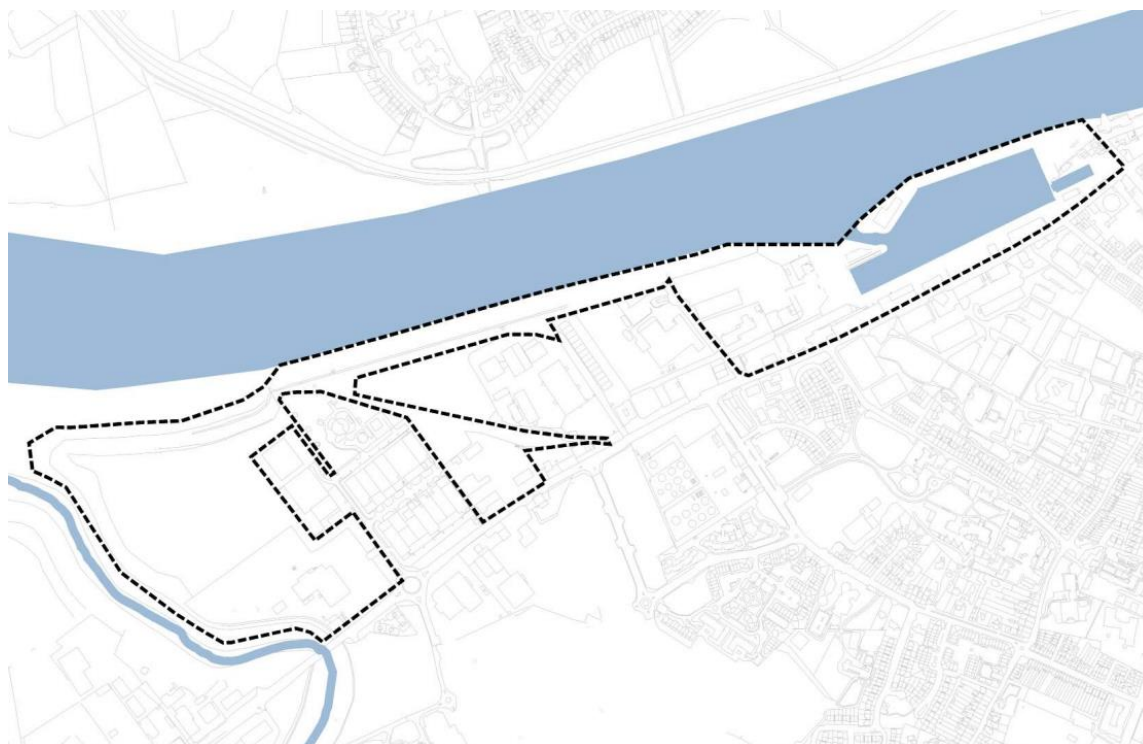


Figure 3: Extent of the Port Estate - Extracted from Page 3 of the *Limerick Docklands Framework Strategy, 2018*. Note that the Greenpark Lands are not included within the Port Estate.

For the avoidance of doubt, therefore, the area referred to as ‘Dock Road’ in the LMASP does not include the Greenpark Lands, which are not under the Port Company’s control and are not typically considered to comprise part of Limerick Docklands. Greenpark, or the old/former Racecourse is, in fact, not specifically referenced anywhere in the RSES or LMASP that we are aware of.

The aforementioned Table 3 (‘Strategic Employment Locations’) of the LMASP describes ‘Dock Road’ as follows:

‘The Limerick Docklands Framework Strategy aims to grow existing commercial activity at SFPC’s 23 hectare Ted Russell Docks, and also provide for the major development of non-core activities along a further 49 acre site’.



The above description is clear and does not mention Greenpark. Under the heading ‘Capacity’, Table 3 notes an area of 113.2 ha as relating to ‘Dock Road’. We submit that this area appears to be in error and should likely relate to acres rather than hectares. (The areas quoted in the description above equate to c. 106 acres). This is further confirmed with reference to the *Limerick Docklands Framework Strategy* itself, which notes the Port Estate as comprising 45.5 ha, which is just under 113 acres. Section 1.1 (Page 4) of the Strategy states:

‘Whilst the Port Estate at Limerick comprises 45.5 hectares, existing port operations only utilises circa 14.7 hectares (Ted Russell Dock). There remains 30.8 hectares of land, in the ownership of SFPC...’ [our emphasis]

Thus, there is no doubt that the RSES-LMASP identifies an area of land, both in text and in map form, that excludes the Greenpark Lands and relates to lands under SFPC ownership. As such, the basis for grounding the JBA Justification Test regarding Greenpark in the RSES references to economic development on ‘Dock Road’ is clearly flawed.

In addition, it should also be noted that the RSES for the Southern Region (incorporating the LMASP) came into effect on 31st January 2020 and was substantially drafted during 2018 and 2019. As such, even if ‘Dock Road’ as referenced in RSES/LMASP did relate to the Greenpark Lands (which it does not) in the context of being a location of economic potential, this could only have related to the 10.6 ha area zoned for ‘General Mixed Use’ purposes in the then operative *Limerick City Development Plan 2010-2016* and could not have included what was then existing zoned Residential land. The RSES/LMASP, which was being drafted in 2018 and 2019 could not have anticipated the proposed change in zoning from Residential to Enterprise and Employment use as shown in the first published *Draft Limerick City and County Development Plan 2022-2028* (June 2021).

Having regard to all of the above, it is submitted that the RSES/LMASP does not support the statement in the Greenpark Justification Test as prepared by JBA that the Greenpark Lands are ‘...identified as a key employment and enterprise location under the RSES and MASP, which acknowledges the significant potential of this area of the City for economic potential’. This is patently not the case as described above; Greenpark is not within the area identified as ‘Dock Road’.

On that basis, it is submitted that the rationale for seeking to propose and maintain the Enterprise and Employment zoning of the lands is not grounded in regional planning policy and does not comprise grounds to consider the lands as being appropriate for enterprise and employment uses. As described in our original submission in respect of the Draft Development Plan (September 2021) and summarised above, a far more compelling case exists in relation to the zoning of these lands for Residential use in line with the Development Plan Justification Test.



5. *Service Status / Tier Of Greenpark Lands As Assessed By LCCC*

It is noted that the ‘*Service Status / Tier*’ assigned to the Greenpark lands in the ‘*Settlement Capacity Audit*’ section of the Draft Plan has been altered significantly between the publication of the ‘*Chief Executive Report on Public Consultation (26th November 2021)*’ where the lands were clearly designated ‘*Tier 1*’ status and the publication of the ‘*Proposed Material Alterations (12th March 2022)*’, where the lands are now designated ‘*Tier 2*’ status. The status of service provision to the Greenpark Lands (drainage, water supply, roads access, etc) has not deteriorated during that period.

It is suggested that this change reflects the designation of the additional lands proposed to be zoned for Residential purposes as Flood Zone A and B and an assumption that these may necessitate flood alleviation works, prior to being developable. In the case of Greenpark, however, this is incorrect. The development of the Greenpark Lands is not dependent on the completion of any flood alleviation works or other related scheme required to be carried out by the Planning Authority or other public body. The future development of these lands for Residential purposes will necessitate the integration of certain flood risk mitigation measures into the design of a future proposal in line with the recommendations of a Site Specific Flood Risk Assessment and in accordance with a grant of permission, assuming such a permission will be forthcoming. All the required mitigation measures will be undertaken by the Developer as part of the implementation of a planning permission, if granted.

The lands are fully serviced and there is no extraordinary dependence on third parties to provide such services to the site. Delivery of homes can commence on the Greenpark Lands in the short term and well within the lifetime of this Development Plan (2022-2028), subject to planning approval. The references to Tier 2 status must be considered in that context.

6. *Conclusion*

We wholeheartedly welcome the proposed Material Alteration to the Draft Development Plan that zones a significant part of the Greenpark Lands for Residential purposes (see Material Amendment No. 147). As summarised above and described in detail in our previous September 2021 submission, this constitutes good planning practice and will facilitate a mixed use development model to be delivered on a strategic 47 ha landholding within 2 km of Limerick city centre. It will reduce reliance on the private car and encourage walking, cycling and the use of public transport. Residential use will accord in full with the overarching planning policy of compact urban growth as proposed in the NPF and RSES-LMASP and as described in the Draft Development Plan for Limerick in relation to the promotion of the 15 minute city model.

It is acknowledged that part of the Greenpark Lands are located in a flood zone. However, given the scale of the landholding and its strategic location adjoining the core of the city, these lands have a crucial role to play in delivering the above compact city planning objectives and the need to avoid ongoing car-reliant suburban sprawl on the edge of the city. As such, as per the *Planning System and Flood Risk Management Guidelines for Planning Authorities 2009*, the application of the Justification Test for Development Plans is appropriate in this case.



This Test has been deployed by LCCC and the landowner and both Tests conclude that the lands satisfy the criteria and are appropriate for development. The LCCC Test, however, is used to then rationalise the zoning of the lands for enterprise and employment purposes only on the basis of being, in the opinion of JBA / LCCC, unsuitable for residential use and arising from the purported specific identification of the lands on 'Dock Road' as being of economic potential in the RSES-LMASP. However, as described above, this is erroneous and the Greenpark Lands categorically do not form part of the 'Dock Road' lands as described in the RSES. Thus, there is no imperative at regional planning level to zone these lands for enterprise and employment uses nor, we submit, is there sufficient demand for this form of development in Limerick necessitating this level of commercial zoning (see September 2021 submission and associated Lisney Report for further details).

However, there is significant demand for appropriately located residential development in close proximity to the city centre and this can be provided for in Greenpark on the basis that the Justification Test is satisfied. We reiterate that there is no restriction on residential use being proposed for the Greenpark Lands noted in the above referenced Flood Risk Management Guidelines, as the Justification Test is clearly satisfied. In addition, the landowner has already completed a Site Specific Flood Risk Assessment for the entire landholding, so all relevant detailed mitigation measures to ensure the safe development of the lands for housing purposes have been considered and would be fully implemented by the Developer independent of the Planning Authority. The implementation of these mitigation measures can also be enshrined into relevant Development Plan policy pertaining to the future development of Greenpark.

We trust that this submission will be considered as part of the Draft Development Plan adoption process and that the proposed Material Amendment No. 147 is supported.

Yours sincerely

John Gannon
Director
Tom Phillips + Associates