

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

Friday, 19th August 2022

[By Email]

DRAFT DIRECTION
SECTION 31 OF THE PLANNING AND DEVELOPMENT
ACT 2000 (AS AMENDED)

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 *Draft Direction* as issued by the Minister for Local Government and Planning regarding a number of specific material alterations proposed in relation to the *Limerick Development Plan 2022-2028*. The *Draft Direction* is currently on public display.

In summary, the *Draft Direction* seeks that these material alterations, as ratified by the elected members of Limerick City and County Council (LCCC), be omitted from the final adopted Development Plan. This *Draft Direction* follows on from a recommendation of the Office of the Planning Regulator (OPR) to the Minister in respect of the aforementioned alterations. This submission specifically relates to Material Alteration (MA) No. 147 in respect of lands at the former Greenpark Racecourse, Dock Road, Limerick, which are owned by our Client. MA No. 147 proposes to alter the zoning of part of the lands from Enterprise and Employment to New Residential in the new Development Plan. (Further details regarding the lands in question are set out in our previous submission of September 2021 as appended to this document).



The subject lands are generally referred to as the ‘Greenpark Lands’ for the remainder of this submission.

2. Basis of this Submission

Previous detailed submissions were made by the landowner in respect of these lands during the public display period of the Draft Plan in September 2021 and again in April 2022 at the material alterations stage. These submissions are appendicised to this document for ease of reference.

In summary, we have very significant and serious difficulties with the OPR analysis of the proposed zoning of the Greenpark Lands, which underpins its opposition to the proposed Residential use of the lands in question. We contend that this analysis is deeply flawed and factually incorrect both in planning assessment terms and in relation to the OPR’s interpretation of the *Planning System and Flood Risk Management Guidelines for Planning Authorities 2009* (henceforth referred to as ‘The Guidelines’), particularly the Plan-making Justification Test as contained in the Guidelines. It should be noted that the Greenpark Lands were zoned for residential purposes under the *Limerick City Development Plan 2010-2016* (as extended), the adoption of which was after the adoption of the above referenced Guidelines.

This flawed analysis has directly resulted in the OPR’s recommendation to the Minister and the consequent *Draft Direction* being issued. We contend that the Plan-making Justification Test as set out in the Guidelines (Box 4.1) requires to be objectively reviewed regarding Greenpark, as it appears that the basis of the OPR position regarding these lands is grounded on an entirely erroneous and mistaken contention that the Plan-making Justification Test as carried out by JBA Consulting on behalf of LCCC was failed. Again, as a matter of fact, the lands passed the Justification Test as completed by JBA Consulting and as carried out by RPS on the Applicant’s behalf but, despite this, a planning policy decision was taken by the LCCC executive to zone the lands for Enterprise and Employment purposes.

Having passed the Justification Test, the Guidelines are clear that it is open to the Planning Authority to then zone lands as it sees fit in line with appropriate planning policy including for otherwise vulnerable uses. This is the very purpose of the Justification Test; it is to ‘justify’ land uses that would not otherwise be considered in areas designated as a flood risk. In this case, there is no rational basis in planning terms provided by LCCC, or its consultants, for determining that Enterprise and Employment use in an inner urban location like Greenpark is a superior use to Residential, given the clear planning policy framework in support of compact urban growth in Limerick; the site’s exceptional locational characteristics and the acute shortage of well-located residential development in Limerick City. As described in our September 2021 submission, and as previously noted by the OPR, there is no evidence-based support for the massive quantum of Enterprise and Employment zoned land now proposed in the Development Plan. (This issue is further addressed in the Lisney Report as appended to our September 2021 submission, which concludes that there is in excess of 20 years supply of commercially zoned land in Limerick provided for in this Development Plan).



In addition, in its submission to the Minister for Local Government and Planning dated 15 July 2022, there is an apparent attempt by the OPR to partially apply the criteria of the Plan-making Justification Test to the Greenpark Lands and, in our opinion, effectively undermine the site's obvious positive planning context (see Section 1.11, pp 19-24).

By any reasonable standard, the OPR's part-application of the Justification Test criteria is illogical and makes a number of unsubstantiated statements wholly unsupported by any evidence. Given the importance of this analysis, and its role in directly informing the Minister culminating in the *Draft Direction* now under discussion, we cannot accept that this is a reasonable basis to recommend to the Minister that the Greenpark Lands should not be zoned for Residential use. These issues form the basis for this submission and are addressed in further detail below.

3. *Draft Direction*

The *Draft Direction* in respect of the Greenpark Land states:

'Pursuant to section 31(1)(ba)(i), section 31(1)(b) and section 31(1)(c) The Development Plan as made includes significant lands zoned in a manner that is inconsistent with National Planning Framework National Policy Objective 57, which seeks to avoid inappropriate development in areas at risk of flooding having regard to Ministerial Guidelines issued under Section 28 of the Act, The Planning System and Flood Risk Management, Guidelines for Planning Authorities (2009) ("the Flood Guidelines").

Significant lands have been zoned in the plan as made without passing the provisions of the sequential approach and plan-making Justification Test detailed in the Flood Guidelines. No or no adequate reasons or explanations relating to the proper planning and sustainable development of the area have been provided to explain why the lands have been zoned in such a way and how this approach is consistent with an overall strategy for the proper planning and sustainable development of the area'.

In subsequent correspondence from the Department of Housing, Local Government and Heritage to Limerick City and County Council (dated 28 July 2022), a 'summary of issues' is provided that seeks to further rationalise the *Draft Direction* as recommended by the OPR.

*'MA Recommendation 4 – Flood Risk Management (MAs nos.142, 145, 146, 147 and 148)
This recommendation required the planning authority to make the plan without several material amendments relating to lands zoned in areas identified as being at risk of flooding.*

MA no. 147 relates to lands at the former Limerick Racecourse located to the south west of Limerick city centre. The SFRA prepared by the planning authority to inform the preparation of the development plan has identified much of these lands as being susceptible to flooding and located in Flood Zones A and B with some portion of the lands adjoining residential areas to the southwest in Flood Zone C. As required by Part 4 of the Flood Guidelines the zoning of lands where there are risks of flooding is required to pass all of the criteria of Justification Test'.



At the outset, it is noted that the Draft Direction references inconsistency with NPO 57 from the NPF arising as a result of the proposed Residential zoning of the Greenpark Lands. We submit that no such inconsistency arises and that the NPO is being misinterpreted here.

NPO 57 states:

'Enhance water quality and resource management by:

Ensuring flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities'.

Whilst the NPO references the avoidance of inappropriate development in areas at risk of flooding, which is good practice in general terms, the Guidelines, as also referenced above, clearly facilitate the zoning of lands for development, where the Plan-making Justification Test has been passed. The Guidelines do not propose a blanket ban on all potential development on lands that are subject to flood risk designations, which appears to be the interpretation at play regarding Greenpark. If this was the intent of the Guidelines, there would be no reason for including the Justification Test criteria at all, or describing the circumstances where the Test is appropriate and necessary, as set out in the Guidelines. The fact is that the Guidelines explicitly allow for development (including residential) to be 'justified' in certain locations and, provided that the Test is satisfied, such development can proceed, subject to development management safeguards. It would appear that the OPR may be uncomfortable with the fact that such development can indeed be justified within the parameters of the Guidelines. Nevertheless, the Plan-making Justification Test comprises an important part of the Guidelines and landowners are entitled to have full regard to same in a reasonable and objective manner.

As noted above in this submission, it is apparent that the OPR position regarding the proposed residential zoning of the Greenpark Lands, and as summarised by the Department, centres on the mistaken and incorrect understanding that the lands failed the Plan-making Justification Test. At no stage in the entire Draft Plan process was it concluded by LCCC, or its consultants, that the Greenpark Lands did not pass the Justification Test; this point cannot be emphasised enough.

On this basis alone, the *Draft Direction* is incorrect in stating that *'Significant lands have been zoned in the plan as made without passing the provisions of the sequential approach and plan-making Justification Test detailed in the Flood Guidelines'*. This statement does not and cannot apply to Greenpark as a matter of fact.

The Draft Direction further states:

'No or no adequate reasons or explanations relating to the proper planning and sustainable development of the area have been provided to explain why the lands have been zoned in such a way and how this approach is consistent with an overall strategy for the proper planning and sustainable development of the area.'

As above, this statement is entirely without basis insofar as the Greenpark Lands are concerned and it would appear that the OPR did not give adequate assessment of the reasons of the elected members underlying MA No. 147.



In addition, the landowner provided a detailed 57 page planning submission in September 2021 (excluding appendices) that provided substantive reasoning and analysis as to why the zoning of the lands for residential purposes was wholly appropriate in planning terms and wholly consistent with the overall strategy for the future development of Limerick. At no stage did LCCC (or indeed the OPR) seek to disagree with this analysis of the lands in terms of its planning policy context.

This assessment was further validated by the An Bord Pleanála SHD Grant of Permission for 371 no. residential units on lands within the area currently under discussion (see ABP Ref: 311588). Thus, both LCCC and the Board fully accept that the Greenpark Lands are an appropriate location in principle for higher density residential development, notwithstanding the flood designations that apply to the site.

The sole reason for the Planning Authority deciding not to zone the lands for residential use related to the flood designations pertaining to part of the lands. There were no stated concerns regarding compliance with national, regional or local planning policy. To this end, the landowner provided the Planning Authority with a fully detailed Site Specific Flood Risk Assessment (SSFRA) for the lands prepared by RPS (highly respected and competent flood experts) including a Plan-making Justification Test and all necessary mitigation measures as part of the September 2021 submission. The RPS Justification Test passed the Greenpark Lands. All of the above information was reviewed by the Chief Executive and was available to the elected members in determining whether these lands were appropriate for residential use. This analysis was further reinforced in the April 2022 submission in respect of the material alterations to the Draft Plan.

We cannot accept, therefore, the statement that *‘No or no adequate reasons or explanations relating to the proper planning and sustainable development of the area have been provided to explain why the lands have been zoned in such a way’*. This patently not the case and detailed and comprehensive planning and technical site specific flood risk assessment rationale in support of the zoning of the lands was provided to the Planning Authority and available to all parties. The elected members are clearly entitled to rely on this information to assist in informing their decision making regarding the zoning of any landholding.

4. Greenpark is an appropriate location for Residential development

Our previous submissions of September 2021 and April 2022 describe in detail the locational characteristics of the Greenpark Lands close to Limerick city centre and their compliance with the relevant National, Regional and Local Development Plan planning 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 submissions describe 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. These have also all been validated by An Bord Pleanála in its SHD Decision.



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 as a logical extension of the city core.

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. The lands are 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 regeneration 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 *Limerick Development Plan 2022-2028* 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 submissions. The regeneration of these lands also enjoys the support of the local elected members and the Limerick Chamber. In summary, LCCC, the Board and the Applicant all concur that the lands are suitable for residential development in the context of all relevant planning policy considerations (notwithstanding flood risk designations). This issue has not been addressed by the OPR.



5. The OPR Analysis

The aforementioned OPR analysis of the Greenpark Lands is unsatisfactory and includes a number of unsubstantiated statements regarding same, which we consider require to be reviewed. Given that the OPR assessment ultimately resulted in the *Draft Direction* being issued by the Minister, it is considered critical that the OPR analysis of the Greenpark Lands is properly scrutinised as part of this process and, where errors of planning assessment are identified, that these are addressed correctly at this stage of the process.

On page 13, in general terms, with reference to the Guidelines, the OPR state that “...*the zoning of land for future development in areas known to be at risk of flooding can only be justified in situations where it is for redevelopment or regeneration of previously developed areas*”. This is an incomplete summary of what the Guidelines actually state, which is that lands should ‘*comprise significant previously developed and/or underutilised lands*’. There is no requirement that lands being proposed for review under the Justification Test must have been ‘*previously developed*’; the criterion is ‘*previously developed and/or underutilised*’. (It is later conceded by the OPR in the submission that Greenpark could be categorised as having being previously developed and is underutilised).

On pp 21-22, there is an apparent attempt to undermine the locational characteristics of Greenpark as a centrally located site, or one that adjoins the core of Limerick. It is stated that the lands are “...*located to the southwest of Limerick city centre*” and then further that “...*the lands might not be considered as adjoining the core (as defined in the guidelines) of Limerick being very much in its south-western environs*”.

This description is not accompanied by any measurable reference to distance from the city, or what might be considered the ‘city’ of Limerick in locally understood terms. For the avoidance of doubt, the Guidelines define the core of an urban settlement as ‘*The core area of a city, town or village which acts as a centre for a broad range of employment, retail, community, residential and transport functions*’. In our opinion, in the context and scale of Limerick city, it would be difficult to sustain any reasonable planning argument that Greenpark does not adjoin what is considered to be the core of the city. In addition, Greenpark is located within the Limerick City CSO Boundary and was historically always located within the former Limerick City Development Plan boundary, both of which comprise parameters used by LCCC in determining whether other lands meet the ‘city-first’ test in respect of zoning.

The above would appear to be a deliberate attempt to portray Greenpark as being located on the peripheral edge of Limerick City, as opposed to being within 2km of the city core and comprise, in the Limerick context, an inner urban site. This is a site that both LCCC and the Board considered residential densities in excess of 50 units per ha to be appropriate due to its locational context; these are densities explicitly associated with inner urban and centrally accessible lands in National planning guidance as opposed to suburban or edge locations.

The use of the term ‘*environs*’ is also a clear attempt to reinforce this point. However, the ‘*environs*’ area of any town or city is generally understood in planning practice to relate to areas at the edge of the wider built settlement as would be reflected in various ‘*environs plans*’ prepared for towns and cities nationwide. An area like Mungret, for example, would comprise the Limerick City environs, whereas Greenpark could not accurately be classified in those terms.



The OPR further states, almost as a matter of fact, that “...*there would be suitable alternative lands for the development type proposed in areas of lower risk within or adjoining the core of Limerick*”. This is another very significant statement in the context of the Justification Test but is wholly unsubstantiated. No such alternative lands are identified in the OPR submission, nor has there been any suggestion by LCCC or JBA (consultants acting for LCCC) that such alternative lands exist, which would equate to Greenpark in locational terms and that would be at a lower risk of flooding. Surely, if the OPR is seeking to rely on this point to undermine the Plan-making Justification Test, which appears to be purpose of this part of the analysis, then these lands must be identified, as opposed to simply making the statement, particularly where the relevant local Planning Authority has not done so?

As previously discussed above, the submission repeats the recurring inaccurate statement that there was a “...*demonstrated failure to have regard to the Flood Guidelines including by reason of a failure to meet the Justification Test*”. This is simply incorrect. Full regard was afforded to the Guidelines by the Applicant at all times including providing a full SSFRA and Justification Test as prepared by RPS. No failure of the Justification Test was recorded by any party regarding Greenpark; the lands also passed the JBA Justification Test, but a decision was made to determine the lands as being unsuitable for residential development due to the flood designations pertaining to the site – that decision was not, however, as a result of the outcome of the Justification Test itself.

The OPR then re-state that the lands are essential for the provision of land for employment uses, which is unproven and, in fact, the evidential basis for the LCCC zoning of employment lands was queried in a previous OPR submission regarding the Draft Plan. As far as we are aware, LCCC did not provide any formal response to this query.

On pp 22/23 of the analysis, the OPR references concerns raised by the Chief Executive and the OPW that “*there remains significant concerns on behalf of the executive and the OPW that the overall area, which is dependent on these earthen embankments is essentially not suitable for the development type envisaged*”. This statement shows serious disregard for the Guidelines, the SSFRA submitted by RPS and the Board’s assessment of residential development on the lands.

The Guidelines, through the deployment of the Plan-making Justification Test, specifically allow lands that are deemed essential for the expansion of a city, such as Limerick, in a manner that would promote compact growth on lands that are located within or adjoining the urban core, to be zoned for whatever the greatest planning need is, despite their location within either Flood Zones A / B and despite the fact that they are presently reliant on earthen embankments. For clarity, the Flood Guidelines require such existing flood defences to be ignored completely when assessing risk i.e., any lands being assessed / modelled for flood risk are simply not allowed to rely on any form of protection from existing flood defences. This principle was taken into account in full in the RPS flood risk assessment with adequate mitigation measures proposed and agreed with by An Bord Pleanála as evidenced by the SHD permission.



On Pg 24 of the submission, it states:

'The reasons given by the elected members appear to suggest that the executive could make the subject lands meet the requirements of the justification test in relation to housing development. However, the elected member's reasons do not outline where this belief is grounded'.

That *'belief'* was grounded in the Justification Test carried out by RPS as included in our substantive submission to LCCC in September 2021 regarding the Draft Plan, which was available for review by the Planning Authority, the wider public and elected members.

There is no evidence in the OPR analysis of Greenpark that it has sought to consider whether, notwithstanding the flood designations, the lands are otherwise appropriate to accommodate residential use in line with overarching National, Regional and Local planning policy. This is despite the fact that both LCCC, the Board and the Landowner concur that the Greenpark Lands are *'...essential to facilitate expansion and compact growth of Limerick City in accordance with national and regional planning policy'* (extract quoted from JBA Justification Test for Greenpark). The alternative to the residential zoning of Greenpark is the promotion of other lands for residential use much further from the centre in what are clearly unsustainable environs/outer suburban locations as we've previously described (see September 2021 submission).

At no stage is this issue rationalised or addressed; rather, the OPR has sought to describe Greenpark as also being peripheral to the core of Limerick City located in the *'south-western environs'* and infers that there are other, as of yet unidentified, alternative lands equally or better located and less flood prone than Greenpark that can deliver residential use. This line of analysis contrasts significantly with how the lands were considered by the relevant Planning Authority (LCCC) and its consultants.

Finally, the Draft Direction in respect of Greenpark recommends that:

'MA no. 147 i.e. the subject land reverts to Enterprise and Employment/Open Space and Recreation from New Residential except in respect of the lands to be developed for housing under ABP SHD reference 311588'.

It is acknowledged by all parties that a portion of the lands subject to the above referenced An Bord Pleanála decision to grant permission for 371 new homes is located in Flood Zones A/B. Regardless of the actual quantum of land, the fact that the Board were satisfied to grant permission for even one residential unit to be developed directly on lands in Flood Zones A/B supports the accuracy and robust nature of the SSFRA undertaken by RPS and the mitigation measures contained therein for these lands.

The Board's Decision also disagreed with the explicit recommendation made to the Board by LCCC to refuse permission for the proposed residential development, which was wholly on the basis of flood risk. The OPR, in its submission to the Minister, now recommends that the lands granted permission by the Board are appropriate to be zoned New Residential. The flood risk on those lands the subject of this grant of permission that are located within Flood Zones A/B is exactly the same as the remaining adjoining lands that the OPR is now asking the Minister to refuse to zone for New Residential purposes.



This is a wholly illogical and inconsistent approach to planning decision making. The landowner has shown, through technical flood risk analysis, that the Greenpark Lands can be developed safely with flood risk mitigated and no impact on adjoining property owners. It is submitted that little or no weight has been given to these assessments in the OPR analysis.

6. Conclusion

As summarised above and described in detail in our previous September 2021 submission, the zoning of the Greenpark Lands for New Residential purposes 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 Flood Zones A/B. 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 nationally mandated 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 on a number of occasions and the Landowner and all 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 in our April 2022 submission, 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 planning 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 what is an enormous level of unnecessary 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.

It appears that the OPR analysis of the lands has misinterpreted what has occurred in relation to the Justification Tests as carried out by LCCC and has ignored completely the Justification Test completed by RPS on the Landowner's behalf, whereby the lands have clearly passed all Tests. (The SSFRA was similarly ignored). By way of contrast, we note that in relation to MA No. 142 (Ballykeefe), the OPR analysis of those lands highlights that the SSFRA undertaken by Punch Consulting Engineers on that landowner's behalf *'did not apply the Justification Test'*. We are unclear as to why the RPS assessments were not considered in the Greenpark case.

The subsequent decision to zone the lands for Enterprise and Employment use is a planning policy decision as opposed to a direct outcome of the Justification Test. Our central contention is that the planning case for Enterprise and Employment use is far weaker than for Residential, given the acute ongoing national housing shortage and the planning imperatives to facilitate residential development in central urban locations in line with sustainable development principles. This issue goes to the heart of the matter and requires objective review.

There is then an attempt within the OPR analysis of Greenpark to downplay the positive locational characteristics of the site that, by any objective planning assessment, inherently accord with the overarching policy of the NPF and related National Planning Objectives in respect of compact urban growth in line with sustainable development principles. The fact that the lands are subject to flood risk designations is not disputed; however, what is strongly disputed is the interpretation of the Guidelines in relation to the Plan-making Justification Test.

The Guidelines are unambiguous in this regard; if the lands pass this Test, then their future development can be 'justified', subject to development management assessment. What has occurred in this case is that having passed the Justification Test, LCCC have deviated off the sequential approach as set out in the Guidelines by reverting back to 'Substitution', rather than proceeding to 'Mitigation', which is the next step in the sequential approach process. This is a mis-application of the Justification Test and has not been reviewed or considered by the OPR. In addition, the LCCC recommendation to zone the lands for Enterprise and Employment use will facilitate a number of vulnerable uses on the lands (viz., crèche, hospital, health centre, health practitioner, education and training facility), which further confirms that the basis for precluding residential use is ill-considered.



We trust that this submission will be considered as part of the consideration of the *Draft Direction*. We request that MA. No. 147, as ratified by the elected members of LCCC, be included in the adopted *Limerick Development Plan 2022-2028*.

We look forward to receipt of acknowledgment of this submission in due course.

Yours sincerely

John Gannon
Director
Tom Phillips + Associates