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19th August 2022

Forward Planning,
Economic Development and Enterprise Directorate,
Limerick City and County Council,
Corporate Headquarters,
Merchant's Quay,
Limerick

**Re: Draft Direction in the matter of Section 31 of the Planning & Development Act
2000 (as amended) - Limerick Development Plan 2022-2028**
Our client: Michael Gabbett, Ballykeeffe, Mungret, Co. Limerick V94 NP76

Dear Sirs

This office has been engaged by Mr. Michael Gabbett the owner and occupier of lands being the subject matter of MA 142.

In preparing this submission we have considered letter dated 15th July 2022 from the Office of the Planning Regulator to Mr. Peter Burke T.D. Minister for Local Government and Planning, Department of Housing, Local Government and Heritage, Custom House, Dublin 1. D01 W6X0.

We have considered this letter in the context of submissions made by or on behalf of our client. These include reports prepared by HRA Planning and Punch Consulting Engineers which were lodged with the Local Authority on 3rd September 2021. Attached is letter dated 25th January 2022 from this office to our client which we are instructed was also made available to Limerick City and County Council.

We would specifically request that this letter and the above documents copies of which are included herewith for ease of reference are forwarded to the Office of the Planning Regulator and the Minister.

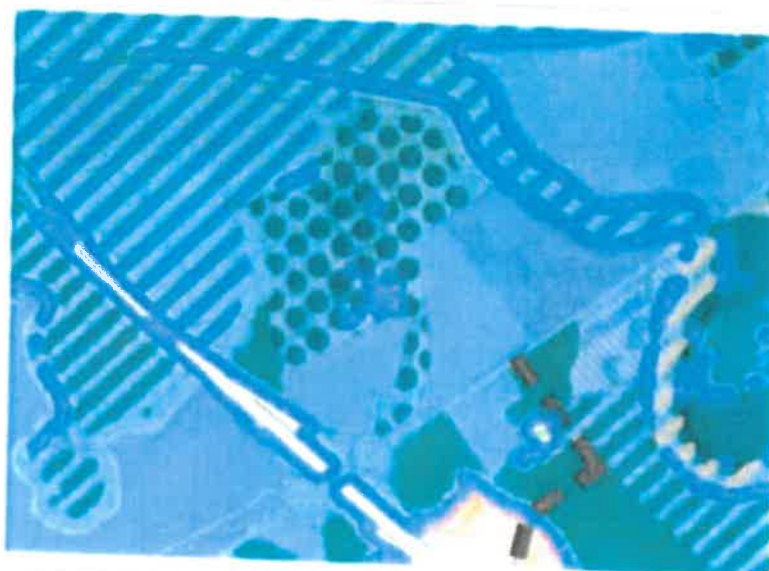
These lands have for many years past, been recognised by Limerick City and County Council, Management and Councillors, as being a key nodal location for development purposes as one enters the city from Shannon Airport at the interchange along the dual carriageway N18 which is the main artery to Limerick and all parts of Ireland.

Our client has for many years past taken advice from HRA Planning and more recently from Punch Consulting Engineers along with the advice given by this office as outlined in our letter to him of 25th January 2022 and supported by references to the enclosures included therewith.

It has always been our belief which is supported by professional hydrological advice that these lands can be developed without compromising adjoining properties and to a standard which will protect any development with floor levels above forecasted flood levels. They have unrivalled access and availability of all necessary services and would provide employment opportunities within walking distance of the extensive residential lands that are currently being developed in the Southern Environs.

The Strategic Flood Risk Assessment prepared by JBA Consulting dated 26th June 2021 (Section A.2.3 - Enterprise and Employment zoned lands at Dock Road) included a justification test which we have copied below. This was very favourable.

A2.2 Enterprise and Employment zoned lands at Dock Road



The urban settlement is targeted for growth under the National Planning Framework regional planning guidelines, statutory plans as defined above or under the Planning Guidelines or Planning Directives provisions of the Planning and Development Act 2000, as amended.

The Limerick-Shannon Metropolitan Area is targeted for growth under the National Planning Framework and Regional Spatial and Economic Strategy for the Southern Region. The NPF envisages Limerick as the principal focus within the Mid West Region with the potential to generate and be the focus of significant employment and housing growth. The RSES includes a Metropolitan Area Strategic Plan (MASP) for the Limerick-Shannon area. The MASP supports the NPF's ambitious growth targets to enable Limerick City to grow by at least 50% to 2040 and to enhance its significant potential to become a City of scale.

The zoning or designation of the lands for the particular use or development type is required to achieve the proper planning and sustainable development of the town and in particular:

(i) is essential to facilitate regeneration and/or expansion of the centre of the urban settlement

Limerick's Dock Road has been identified as a key employment and enterprise location under the MASP, which acknowledges the significant potential of this area of the City for economic development. The lands at the Dock Road subject of Flood Zone A & B were identified as essential to support the expansion of marine related industries associated with Limerick Port and Docks. Having regard to their location next to the Docks, these lands are also considered essential for the provision of lands for employment uses which cannot be accommodated in the City Centre (warehousing, logistics etc.). Within the Metropolitan Area, the area zoned as Limerick's "City Centre" would correspond with the centre of the settlement. The undeveloped area of the Dock Road consolidates the existing built up area contiguous to the City Centre. These greenfield and brownfield lands are therefore essential to facilitate expansion and compact growth of Limerick City.

The Dock Road area has had a long history of development and as such has particular importance in both employment and service provision. These are undeveloped greenfield lands

(ii) Comprises significant previously developed and/or under-utilised lands

Draft Limerick Development Plan 2022: 2022-5-14

<p>(iii) Is within or adjoining the core of an established or designated urban settlement;</p> <p>(iv) Will be essential in achieving compact or sustainable urban growth;</p> <p>(v) There are no suitable alternative lands for the particular use or development type, in areas at lower risk of flooding within or adjoining the core of the urban settlement;</p> <p>A flood risk assessment to an appropriate level of detail has been carried out as part of the Strategic Environmental Assessment as part of the Development Plan preparation process, which demonstrates that flood risk to the development can be adequately managed and the use or development of the lands will not cause unacceptable adverse impacts elsewhere.</p>	<p>which would consolidate the existing built up area contiguous to the City Centre</p> <p>The Dock Road is a designated key employment location adjoining the core of the Limerick Shannon Metropolitan Area as identified in the RSES</p> <p>The delivery of development on these lands is essential to allow consolidation of the existing built up area of the Dock Road, achieve compact growth and enable Limerick to fulfil its economic development role in the Mid-West Region</p> <p>Suitable alternative lands are not available for development within and adjoining the core of the City, on which enterprise and employment uses which cannot be accommodated in the City Centre can be facilitated</p> <p>The flood zones show the site within Flood Zone A and B extents. Any future development should be subject to a Site Specific Flood Risk Assessment, which should address the following and an objective included in this regard:</p> <ul style="list-style-type: none"> Apply sequential approach should be applied through site planning and should avoid encroachment onto or loss of the flood plain; Highly Vulnerable Development shall not be permitted in Flood Zone A or B Should address climate change scenarios in relation to FFLs and potential mitigation measures Finished floor levels should be above the 0.1% or 1% AEP level where appropriate Proposals should not impede existing flow paths or cause flood risk impacts to the surrounding areas, and Emergency evacuation plan and defined access/egress routes should be developed for extreme flood events. Any Site Specific Flood Risk Assessment should be cognisant of the identified proposed flood defences adjacent to the site. Any development shall also be required to be built in accordance with SuDS principles and in compliance with the surface water and drainage policies as set out in the Draft Development Plan
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In addition HRA Planning in their report submitted to the Local Authority on 3rd September 2021 also included a favourable Justification Test.

HRA Planning Chartered Town Planning Consultancy

Table 1 'Box 4.3' Justification Test Criteria to be addressed	Response
1 The urban settlement is targeted for growth under the National Spatial Strategy, regional planning guidelines statutory plans as defined above or under the Planning Guidelines or Planning Directives provisions of the Planning and Development Act, 2000, as amended	<p>Limerick has been identified in the National Planning Framework (NPF) as one of the five cities in the country which is the subject of a Metropolitan Area Strategic Plan. This emphasises the Metropolitan Area's national importance for significant additional growth. This is echoed in the Regional Spatial and Economic Strategy for the Southern Region which mentions that the Limerick Shannon Metropolitan area is 'a key economic driver for the region and Ireland'. Limerick has been identified for significant population growth in the NPF along with an objective that 50% of that future growth be located within the city and its suburbs. (NPF020)</p> <p>Limerick City is located at a pivotal point on the Atlantic Economic Corridor. The NPF and RSE confirms that Limerick has the potential to generate and be the focus of significant employment and housing growth.</p>
2 The zoning or designation of the lands for the particular use or development type is required to achieve the proper planning and sustainable development of the urban settlement and, in particular: a) is essential to facilitate regeneration and/or expansion of the centre of the urban settlement	<p>Zoning of the subject would assist achieving proper planning and sustainable development of the metropolitan city centre given that the intended function of the lands - to facilitate enterprise and employment at a pivotal location adjacent to the city centre, at a strategic intersection with the national road and transportation corridors will assist in consolidating urban expansion within the defined urban city core supporting economic growth and employment for the metropolitan area.</p> <p>The land is greenfield in nature and is significantly underutilised in that respect. Given its strategic gateway position with</p>
b) comprises significant previously developed and/or under-utilised	

1. Limerick City Centre and its surrounding area

land



c. Is within or adjoining the core of an established or designated urban settlement.

d. Will be essential in achieving compact and sustainable urban growth.

e. There are no suitable alternative lands for the particular use or development type in areas at lower risk of flooding within or adjoining the core of the urban settlement

immediate access to both the city centre and the transport corridor accessing the western seaboard, and other major intra urban cities, zoning of the subject site for enterprise and employment would contribute to effective utilisation of serviced urban land within the settlement.

The subject site is located adjacent to the core Limerick city metropolitan area – a settlement designated for growth.

Use of the subject site for the purpose of enterprise and employment uses can contribute to compact and sustainable growth by consolidating such uses within the built envelope of the existing city urban area and create synergies and opportunities with uses which are less suited to core centre locations, but which still need access to the city centre (which is in close proximity) and access to the national transport corridors extending north to Limerick/Galway, south to Cork, east to Dublin and southwest to Kerry.

There is no other alternative site at lower risk to flooding which present an equal or better degree of location, accessibility and proximity to the city core, situated at the western gateway location and adjacent to the strategic transport corridors. While the property owner's lands do have some aspects of enterprise and employment land use zoning objectives designated to them in the draft plan, they are of insufficient size and of isolated formation to warrant investment in development of those sites to be marketable for such uses. It is only the collective consideration of the lands at this location which become commercially viable, and the development of areas which are at risk to flooding will still be required to undergo a development management justification test pending consideration of site specific considerations and development specific uses and development arrangements.


A flood risk assessment to an appropriate level of detail has been carried out as part of the Strategic Environmental Assessment as part of the development plan preparation process, which demonstrates that flood risk to the development can be adequately managed and the use or development of the lands will not cause unacceptable adverse impacts elsewhere. N.B. The acceptability or otherwise of levels of any residual risk should be made with consideration for the proposed development and the local context and should be described in the relevant flood risk assessment

Not only has a SFRA been carried out as part of the SEA, but also has a SSFRA which examines the specific characteristics of each plot of land and which confirms that site specific and development specific flood risk measures can be considered at detailed development management stage to ensure that development will not cause unacceptable adverse impacts elsewhere.

The Site Specific Flood Risk Assessment prepared by Punch Consulting Engineers (September 2021) which also formed part of the submission to the Local Authority on 3rd September 2021 gave a very favourable report and concluded (as acknowledged by the Office of the Planning Regulator) that *'The type of development proposed on Flood Zone A areas may be subject to a Justification Test in accordance with the Planning System and Flood Risk Management Guidelines dependent on the site development proposals put forward. Given the low probability of flooding on the Flood Zone A designated site areas, it is highly likely that a 'less vulnerable use' such as 'Enterprise and Employment' could be justified. The sites are well serviced in regard drainage and access requirements and would therefore benefit from a 'less vulnerable' use zoning.'* They fairly stated that *'Further planning advice is required for the planning justification (Box 4-1)'*.

The submission by HRA included the Justification Test which was favourable.

On 12th March 2022 a further Strategic Flood Risk Assessment Report was prepared by JBA Consulting and appeared in Volume 2 - Material Alterations of the Draft Limerick Development Plan 2022 – 2028. In this there is a further Justification Test which appears to us to be at variance in a very significant way with the JBA Consulting Report of 26th June 2021. Having regard to the importance of this key nodal location recognised by all parties (this office, HRA Planning, Limerick City and County Council and JBA Consulting in its report of 26th June 2021) we fail to comprehend how the more recent JBA Strategic Flood Risk Assessment Report of 12th March 2022 can have such a significantly different justification test for these lands.

Submission No. CC001206	
Members' Amendment: Agriculture to Ecotourism and Environment at Macau	
	
<p>The urban settlement is located in an area under the National Planning Framework, regional planning guidelines, statutory plans as defined by the Planning Guidelines and Planning Directives provisions of the Planning and Development Act 2005, as amended.</p>	<p>The Lamma Shamma Metropolitan Area is targeted for growth under the National Planning Framework (NPF), and regional planning guidelines, statutory plans as defined by the Planning Guidelines and Planning Directives provisions of the Planning and Development Act 2005, as amended.</p>
	<p>The NPF promotes Lamma as the primary focus within the 3rd Urban Region, with the objective to develop and be the focus of sustainable settlement and tourism growth.</p>
<p>The zoning or designation of the lands for the particular use or development here is required to achieve the proper planning and sustainable development of the town and in particular:</p>	<p>The MASP includes a Metropolitan Area Strategic Plan (MASP) for the Lamma Shamma area. The MASP supports the NPF's sustainable growth strategy to develop Lamma City to grow to at least 805 in 2040 and to promote its sustainable growth to become a city of scale.</p>
<p>It is essential to facilitate regeneration and/or expansion of the centre of the urban settlement.</p>	<p>The lands are not essential to facilitate regeneration. Within the Metropolitan Area, the area zoned as Lamma City Centre would correspond with the centre of the settlement. Given the distance of these lands from the city centre, they are not essential to facilitate expansion of the centre of the settlement.</p>
<p>iii. Conversion, significant, grassroots development and/or under-utilised lands.</p>	<p>These are prevalent lands.</p>



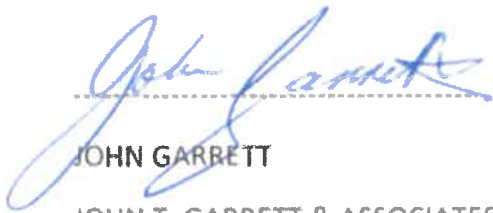
iii. Is within or adjoining the core of an established or designated urban settlement	The lands are not within or adjoining the City core.
iv. Will be essential in achieving compact and sustainable urban growth	The delivery of development on these lands is not essential to achieve compact or sustainable growth. The Duck Pond Junction, south, farm, connection, and additional development would necessitate traffic improvements.
v. There are no suitable alternative lands for the particular use or development type, in areas at lower risk of flooding within or adjoining the core of the urban settlement	Suitable alternative lands are available for sustainable development elsewhere in areas outside of any flood risk.
A flood risk assessment is an appropriate level of detail has been carried out as part of the Strategic Environmental Assessment as part of the development plan preparation process, which demonstrates that flood risk to the development can be adequately managed and the use or development of the lands will not cause unacceptable adverse impacts elsewhere.	Assessment of the lands and within Flood Zone A and B, including some of the proposed access points. Against the development, assessed as flood management issues. The development within Flood Zones A and B should be avoided.
Conclusion	
Part 2 of the Audit/Assessment Test has not been passed and parts of the site are at high risk of flooding as shown on the Recommendation.	
Agricultural zoning objectives is not achieved by lands within Flood Zones A and B	
Members' Amendment	
A submission was received which included in Part 2 of the Audit/Assessment Test, however, details regarding the information provided, the assessment and design of the Audit/Assessment Test are not undertaken again and the recommendation is, when, when, compatible uses, etc.	

It is our respectful submission that the Office of the Planning Regulator will make an extremely serious mistake to the detriment of Limerick City and County if it does not support the development of this key nodal location.

We should be obliged if you would bring this submission and all enclosures referred to therein to the attention of the Minister and the office of the Planning Regulator and ensure they have copies of all our client's submissions as attached herewith.

In conclusion we ask the Office of the Planning Regulator to amend its advice to the Minister and permit the 'Enterprise and Employment' zoning on the land in question.

Yours faithfully,



JOHN GARRETT

JOHN T. GARRETT & ASSOCIATES

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