

MINUTES OF PROCEEDINGS AT SPECIAL MEETING OF LIMERICK CITY AND COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, DOORADOYLE AND ONLINE ON FRIDAY, 17th JUNE, 2022 AT 10.00 AM, TO CONSIDER THE CHIEF EXECUTIVES REPORT ON MATERIAL ALTERATIONS TO THE PROPOSED LIMERICK DEVELOPMENT PLAN 2022-2028.

PRESENT IN THE CHAIR:

Councillor D. Butler, Mayor.

MEMBERS PRESENT:

Councillors Benson, Carey, Collins (B), Collins (J), Collopy, Daly, Donegan, Egan, Foley, Galvin, Hartigan, Keary, Kiely, Kilcoyne, Leddin, McSweeney, Mitchell, Murphy, Novak Uí Chonchúir, O'Brien, O'Dea, O'Donoghue, O'Hanlon, O'Sullivan, Ruddle, Ryan (E), Ryan (M), Scanlan, Secas, Sheahan (J), Sheahan (K), Sheahan (M), Sheehan (C), Slattery, Talukder, Teefy.

OFFICIALS IN ATTENDANCE:

Chief Executive (Mr. P. Daly), Director, Regeneration (Mr. J. Delaney), Director, Transportation & Mobility (Mr. B. Kennedy), Director, National & Regional Shared Services (Mr. K. Lehane), A/Director, Economic Development & Enterprise (Mr. V. Murray), Meetings Administrator (Ms. L. Flannery), AO. Corporate Services & Governance (Mr. M Leahy), SSO. Corporate Services & Governance (Ms. A. Foley), Senior Planner, Strategic and Forward Planning (Ms. M. Woods), Senior Executive Planner, Strategic and Forward Planning (Ms. K. Burke).

The Mayor welcomed everyone to the Meeting, which was being held to consider the Chief Executives Report on Material Alterations to the proposed Limerick Development Plan 2022-2028. He commended the Members and staff for their engagement and commitment to the process, which had been ongoing for almost the past two years.

The Chief Executive confirmed that this was a very important day in the life of Limerick City & County Council with this meeting being held to consider and approve the Draft Limerick Development Plan 2022-2028. This is the first consolidated Development Plan for the new Local Authority, and the plan sets out the overall strategy for the development of the city and county over the next six years.

He outlined how the making of a new Development Plan is one of the most important functions of Local Authority Members, and gives them the opportunity to consider and plan for how our City and County develops over the next six years, and sets down the blueprint for further plans.

This new Development Plan sets out an ambitious strategy for how Limerick City and County will grow our population by almost 50,000 additional people, and provide almost 16,000 new homes and create significant additional employment growth in Limerick by 2028.

The proposed new Development Plan is underpinned by a strategic vision intended to guide future sustainable growth and this Vision is for Limerick to become a Green City region on the Shannon Estuary, connected through people and places and is underpinned by a number of interlinked strategic objectives:

- To transition to an environmentally sustainable carbon neutral economy;
- Build cohesive and sustainable communities, ensure residential development is of the highest quality thus ensuring a high quality of life for all;
- To address vacancy and dereliction to help to revitalise our city, towns and villages;
- To reduce car dependency and promote and sustainable modes of transport;
- To provide an appropriate level of road and water treatment and other critical infrastructure.

The Chief Executive acknowledged the role and commitment of the members in the making of this Limerick Development Plan. Over the last two years, the Members had engaged in extensive reading, consultation and engagement with the forward planning staff, the public, stakeholders and colleagues and had attended many hours of meetings and workshops as the draft plan was first prepared, and then the various stages of public consultation to shape the final document that was now being considered at the Meeting. He confirmed that without this high level of engagement from the Members that it would not be possible to make the plan and he thanked the Members for the commitment they had given to the process.

The Chief Executive also thanked the forward planning staff for all the work and many hours they have put into the plan making process, the consultation process, and for engaging with the members to advise on various issues.

The new Development Plan, in setting out a strategy for how our city and county will develop over the next few years, brings a level of certainty and confidence to the public and to investors on how we move forward. The Chief Executive looked forward to implementing this plan over the next six years, and to continuing the development and success that is Limerick and he thanked everyone involved for all the work and commitment given to making this new Limerick Development Plan.

The Senior Planner, Strategic and Forward Planning gave a PowerPoint presentation to the Meeting on the details of the six proposed amendments to the plan and she went on to explain how the process of the Meeting would take place and how the Members would consider each proposed amendment. She also confirmed that Section 177 (V)(3) of the Planning & Development Act 2000 (as amended) requires that the Competent Authority shall make a proposed Development Plan only after having determined that it shall not affect the integrity of a European site. She confirmed that the Chief Executive had issued this

determination that the Draft Plan and the material alterations set out in the Chief Executives report dated 10 May 2022 will not give rise to significant effects on designated European Sites.

Modification No. 1: Make the plan with Material Alteration No. 149 - zone lands for a data centre at Ballysimon consisting of 33 hectares for the reasons submitted at the Council Meeting on the 18th February 2022 as summarised below.

- The site has excellent grid connection opportunities with the infrastructure already in place on site with 110kV powerlines connecting to the adjacent 220kV power station, which would lead to minimal disruption to the surrounding area for the required power connections.
- The site is close to a natural aquifer, providing suitable water requirements to the site.
- The site is ideally located close to the motorway and key road links, close to existing employment areas, has flat topography and no known ecological, flooding or archaeological constraints. Low traffic movements associated with the development of a data centre would be appropriate for this location.
- Government and Limerick City and County Council recognise the need and opportunity for a data centre in Limerick.

The Modification outlined was proposed by Councillor Slattery, seconded by Councillor Daly. Cllr Hartigan proposed that this modification should not be approved, which was seconded by Cllr Benson. Following discussions, the Mayor directed that a vote be taken on the proposal from Cllr Hartigan not to approve the modification, and the result of the voting was as follows:

In Favour

Councillors Benson, Butler, Carey, Collopy, Egan, Galvin, Hartigan, Kiely, McSweeney, Mitchell, Murphy, Novak, O'Brien, O'Sullivan, Sheahan (M). **(15)**

Against

Councillors Collins (B), Collins (J), Daly, Donegan, Foley, Keary, Kilcoyne, Leddin, O'Dea, O'Donoghue, O'Hanlon, Ryan (M), Secas, Sheahan (J), Sheahan (K), Sheehan (C), Slattery, Talukder. **(18)**

Abstain

Councillors Ryan (E), Scanlan, Teefy. **(3)**

The Modification proposed by Councillor Slattery, seconded by Councillor Daly was approved.

Modification No. 2: Reject the recommendation of the Chief Executive dated 10 May 2022, in relation to Material Alteration No.142 at Ballykeeffe that proposes to rezone lands from Enterprise and Employment to Agriculture and make the plan with the inclusion of Material Alteration No. 142 for the reasons set out at the Council Meeting dated 18 February 2022 as summarised below.

- The flood risk assessment accompanying the Draft Development Plan is based on the precautionary approach and the Flood Guidelines sets out that there are no uncertainties in datasets and assessment techniques.
- Areas at risk of flooding along the Dock Road and adjoining the former Racecourse are zoned for Enterprise and Employment, with a high risk of flood. Flood risk is not an impediment to development for Enterprise and Employment.
- The Development Plan Justification Test submitted, justifies the suitability of the lands for Enterprise and Employment and measures to prevent flood inundation, including the raising of floor levels.
- Strategic location of the site with accessibility and connectivity to the inter-regional transport network and other transport modes supports optimisation of land use at this location for economic development.

The Modification outlined was proposed by Councillor McSweeney, seconded by Councillor Sheahan (J). Cllr Hartigan proposed that this modification should not be approved, which was seconded by Cllr Novak. Following discussions, the Mayor directed that a vote be taken on the proposal from Cllr Hartigan not to approve the modification, and the result of the voting was as follows:

In Favour

Councillors Hartigan, Novak. **(2)**

Against

Councillors Benson, Butler, Carey, Collins (B), Collins (J), Collopy, Daly, Donegan, Egan, Galvin, Keary, Kiely, Kilcoyne, Leddin, McSweeney, Mitchell, Murphy, O'Brien, O'Dea, O'Donoghue, O'Hanlon, O'Sullivan, Ryan (M), Secas, Sheahan (J), Sheahan (K), Sheahan (M), Sheehan (C), Slattery, Talukder, Teefy. **(31)**

Abstain

Councillors Ryan (E), Scanlan. **(2)**

The Modification proposed by Councillor McSweeney, seconded by Councillor Sheahan (J) was approved.

Modification No. 3: Reject the recommendation of the Chief Executive dated 10 May 2022, in relation to Material Alteration No.145 at Pa Healy Road that proposes to rezone lands from Mixed Use to Community and Education and the omission of the objectives relating to this site. Make the plan with the inclusion of Material Alteration No. 145 for the reasons set out at the Council Meeting dated 18 February 2022 as summarised below.

- The LCETB has confirmed additional lands are not required for the adjoining Gaelcholaiste.

- Located adjoining the City Centre zoned area with a school, park, college, hospital and bus stop within 15 minutes walk, the site contributes to compact growth and facilitates residential development in proximity to the city core and services.
- Same flooding characteristics as the site granted permission for a school. Mixed use and schools are vulnerable uses, which require a Justification Test. The site adjoins the city core and passes the Justification Test and flood mitigation measures can be provided (details submitted with motion).

The Modification outlined was proposed by Councillor O’Hanlon, seconded by Councillor Slattery. Cllr Hartigan proposed that this modification should not be approved, which was seconded by Cllr Novak. Following discussions, the Mayor directed that a vote be taken on the proposal from Cllr Hartigan not to approve the modification, and the result of the voting was as follows:

In Favour

Councillors Hartigan, Novak. (2)

Against

Councillors Benson, Butler, Carey, Collins (B), Collins (J), Collopy, Daly, Donegan, Egan, Galvin, Keary, Kilcoyne, Leddin, McSweeney, Mitchell, Murphy, O’Brien, O’Dea, O’Donoghue, O’Hanlon, O’Sullivan, Ryan (M), Sheahan (J), Sheahan (K), Sheahan (M), Sheehan (C), Slattery, Talukder, Teefy. (29)

Abstain

Councillors Ryan (E), Scanlan, Secas. (2)

The Modification proposed by Councillor O’Hanlon, seconded by Councillor Slattery was approved.

Modification No.4: Reject the recommendation of the Chief Executive dated 10 May 2022, in relation to Material Alteration No.146 at Pa Healy Road that proposes to rezone lands from Mixed Use to Enterprise and Employment and the omission of the objectives relating to this site. Make the plan with the inclusion of Material Alteration No. 146 for the reasons set out at the Council Meeting dated 18 February 2022 as summarised below.

- Located adjoining the City Centre zoned area, neighbouring a school, park, college and hospital, within 15 minutes walk of city centre and bus stops, the site contributes to compact growth and facilitates residential development in proximity to the core.
- Access to the new Gaelcholaiste is off Pa Healy Road via a shared access with the subject lands, with the agreement that HGVs would not utilise this to avoid conflict with school traffic. Enterprise and Employment use would compromise the agreement resulting in HGV movements on the access road and access to the Gaelcholaiste will not be facilitated.
- Same flooding characteristics as the site granted permission for a school. Mixed use and schools are vulnerable uses, which require a Justification Test. The site adjoins the

city core and passes the Justification Test and flood mitigation measures can be provided.

The Modification outlined was proposed by Councillor O’Hanlon, seconded by Councillor Daly. Cllr Hartigan proposed that this modification should not be approved, which was seconded by Cllr Novak. Following discussions, the Mayor directed that a vote be taken on the proposal from Cllr Hartigan not to approve the modification, and the result of the voting was as follows:

In Favour

Councillors Hartigan, Novak. (2)

Against

Councillors Benson, Butler, Carey, Collins (B), Collins (J), Collopy, Daly, Donegan, Egan, Galvin, Keary, Kiely, Kilcoyne, Leddin, McSweeney, Mitchell, Murphy, O’Brien, O’Dea, O’Hanlon, O’Sullivan, Ryan (M), Secas, Sheahan (J), Sheahan (K), Sheahan (M), Sheehan (C), Slattery, Talukder. (29)

Abstain

Councillors O’Donoghue, Ryan (E), Scanlan, Teefy. (4)

The Modification proposed by Councillor O’Hanlon, seconded by Councillor Daly was approved.

Modification No.5: Make the plan incorporating Material Alteration MA 148 i.e. Change the Zoning of lands from Semi Natural Open Space to Enterprise and Employment at The Crescent, Dooradoyle, as identified on map submitted and with minor modifications to Material Alteration 13 to include the following text: “This FRA shall also include a detailed Emergency Response Plan and a Breach Modelling Assessment using a methodology to be agreed in advance with LCCC”. The reasons are summarised below.

- It is considered that the site passes the Justification Test in relation to the proposed Enterprise and Employment land use zoning objective, having regard to the documentation submitted with the material alteration motion:
- Appendix 1 – Dooradoyle Urban Quarter Strategic Flood Risk Assessment Summary Report;
- Appendix 2 – Plan Making Justification Test;
- Appendix 3 – Strategic Flood Risk Assessment;
- Appendix 4 – Geotechnical Analysis;
- Appendix 5 – Downstream Breach Assessment;
- Appendix 6 – IDA Submission on Draft Development Plan.
- Additionally, the MA13 objective contains relevant further measures to be taken in relation to flood risk in respect of any future planning application, further strengthened by the minor modification proposed as part of this motion.

The Modification outlined was proposed by Councillor Leddin, seconded by Councillor Kilcoyne. Cllr Hartigan proposed that this modification should not be approved, which was seconded by Cllr Novak. Following discussions, the Mayor directed that a vote be taken on the proposal from Cllr Hartigan not to approve the modification, and the result of the voting was as follows:

In Favour

Councillors Benson, Carey, Collins (B), Collopy, Daly, Hartigan, Novak, O’Dea, Ryan (E), Scanlon, Talukder, Teefy. **(12)**

Against

Councillors Butler, Collins (J), Donegan, Egan, Galvin, Keary, Kiely, Kilcoyne, Leddin, McSweeney, Mitchell, Murphy, O’Donoghue, O’Hanlon, O’Sullivan, Ryan (M), Secas, Sheahan (J), Sheahan (K), Sheahan (M), Sheehan (C), Slattery. **(22)**

The Modification proposed by Councillor Leddin, seconded by Councillor Kilcoyne was approved.

Modification No.6: Make the plan with Material Alteration 147 (Greenpark – former racecourse lands) and zone portion of these lands from A) Enterprise and Employment (c.12.98ha) and B) Open Space (1.73ha) to New Residential (14.71ha) for the reasons as summarised below.

- Limerick as a city and Ireland as a country is currently facing an unprecedented housing crisis. Delivery of well located, suitable and affordable homes for the people of Limerick must be the number one priority for the Elected Members of the council.
- An Bord Pleanála (ABP) granted planning permission for the first 371 homes to be delivered on these lands. Circa 6.5 hectares (circa 16 acres) of these Strategic Housing Development lands are located in Flood Zones A/B which equates to circa 60% of the total application lands. ABP considered both the LCCC submission and the detailed Site Specific Flood Risk Assessment (SSFRA) for the lands undertaken by RPS Consulting Engineers on behalf of the landowner, and clearly sided with RPS in this regard. ABP consider the delivery of homes in Flood Zone A acceptable, provided proposed mitigation is implemented which can be considered and conditioned as part of any future planning application process on the lands.
- On 18 February 2022, the Elected Members of this council decided to include a Material Amendment to the Draft Plan to retain the New Residential zoning on the Greenpark lands and the executive were instructed to incorporate this Material Amendment into the revised Draft Plan to be placed on public consultation. The executive did not properly execute this instruction as the Justification Test was not fully applied to the lands in terms of New Residential use, but rather was maintained in its previous form justifying Enterprise and Employment zoning with an unsubstantiated conclusion reached that “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”.

- During the public consultation period, a number of notable submissions were made in relation to flood risk. Both the Office of the Planning Regulator (OPR) and Office of Public Works (OPW) made submissions in this regard. Both of these submissions mistakenly classify Greenpark as having failed a Justification Test undertaken by the Local Authority. This simply is not the case. Greenpark has never failed a Justification Test.
- It should be noted that under the zoning matrix in the Draft Development Plan, Enterprise and Employment zoning allows for the following types of development in principle, or open for consideration: hospitals, schools, childcare facilities, all of which are specifically deemed Highly Vulnerable uses under the Flood Risk Management Guidelines, as well as health centres and health practitioners which, although not specifically categorized in the aforementioned table, could reasonably be expected to be placed in the same category as hospitals.
- On the 28 March 2022, the OPR made a submission on the Clare Draft Development Plan. In this submission, the OPR recommends that the Local Authority “not zone for highly vulnerable (Flood Zones A and B) or less vulnerable (Flood Zone A) development, any lands that have not passed the Justification Test. It is clear from this statement that the OPR would have had no comment to make on the zoning of lands in Greenpark for New Residential had the executive supported the instruction of the Elected Members to zone the lands New Residential by undertaking a Justification Test in this regard.
- JBA Consulting Engineers also appear to sanction the zoning of lands for highly vulnerable uses that have passed the Justification Test in Flood Zones A/B within the wording of their Strategic Flood Risk Assessment prepared on behalf of Dun Laoghaire Rathdown in support of their Draft Development Plan where JBA state “It is not appropriate for new, highly vulnerable, development to be located in Flood Zones A or B other than in those areas deemed to have passed the Development Plan Justification Test

The Modification outlined was proposed by Councillor Leddin, seconded by Councillor Sheehan (C). Cllr Hartigan proposed that this modification should not be approved, which was seconded by Cllr Novak. Following discussions, the Mayor directed that a vote be taken on the proposal from Cllr Hartigan not to approve the modification, and the result of the voting was as follows:

In Favour

Councillors Hartigan, Novak.

(2)

Against

Councillors Benson, Butler, Carey, Collins (B), Collins (J), Collopy, Daly, Donegan, Egan, Foley, Galvin, Keary, Kiely, Kilcoyne, Leddin, McSweeney, Mitchell, Murphy, O’Dea, O’Hanlon, O’Sullivan, Ruddle,

Ryan (E), Ryan (M), Scanlon, Secas, Sheahan (J), Sheahan (K), Sheahan (M), Sheehan (C), Slattery, Talukder, Teefy. **(33)**

Abstain

Councillors O’Donoghue. **(1)**

The Modification proposed by Councillor Leddin, seconded by Councillor Sheehan (C), was approved.

Resolution

Proposed by Councillor Sheahan (J);
Seconded by Councillor O’Hanlon;
And Resolved:

“That, having considered the Chief Executive’s Report on the Material Alterations dated May 10th 2022 and associated Environmental reports and AA Determination, that Limerick City and County Council make the Limerick Development Plan 2022 – 2028 with the amendments outlined in the Chief Executives report and including further modification numbers 1, 2,3, 4, 5, 6, as set out above.”

This concluded the Meeting.

Signed: _____
Mayor

Date: _____