



**Senior Executive Officer,
Planning and Strategic Infrastructure Department,
Fingal County Council,
County Hall,
Main Street,
Swords,
Co. Dublin,
K67 X8Y2**

21/12/2022

RE: Proposed Material Alterations to the Draft Fingal Development Plan 2023 - 2029

Dear Sir/Madam,

The Office of Public Works (OPW), as lead agency for flood risk management in Ireland, welcomes the opportunity to comment on the Proposed Material Alterations to the Draft Fingal Development Plan 2023 - 2029. This submission is made specifically regarding flood risk and the application of the Guidelines on the Planning System and Flood Risk Management (DECLG/OPW, 2009), hereafter referred to as the 'Guidelines'. Further submissions on the draft Plan may be made by the OPW regarding the estate portfolio, heritage and other areas of responsibility.

The following comments highlight opportunities for the Draft Plan before it is finalised.

Preliminary Flood Risk Assessment (PFRA)

Please note there is new guidance on the usage of PFRA from the OPW. PFRA indicative flood maps have been superseded by the recently published national indicative fluvial, coastal and groundwater flood mapping, and therefore the mapping provided in 2012 should no longer be used. Planning Authorities may need to carry out their own Flood Risk Assessments to inform the definition of Flood Zones for areas less than 5km² that were not included in the National CFRAM and NIFM Programmes.

In the Justification Tests provided for the following settlements, PFRA has been referenced as the data source for the flood zones; Ballough, Ballyboughal, Ballymadun, Balscadden, Courtlough (M1 Business Park), Dublin Airport and Oldown / Wyanstown. It is also stated in the Justification Tests that the PFRA data is not considered suitable for this Stage 2 Initial Flood Risk Assessment. Fingal County Council will need to carry out their own Flood Risk Assessment to inform the definition of Flood Zones where PFRA mapping can no longer be used. Fingal County Council should rezone undeveloped lands in flood risk areas as water compatible type zonings, and in existing developed areas limit development to minor development as outlined in Circular PL 2/2014, until a Flood Risk Assessment can be carried out by Fingal County Council to inform the Flood Zones and planning decisions.

Material Alterations

Appropriate Development

There are amendments proposed to allow residential accommodation for seasonal workers / temporary workers in rural zonings such as *RU – Rural*, *GB – Green Belt* and *HA – High Amenity* zonings. It should be noted that dwelling houses are considered highly vulnerable type development. These zonings are unlikely to satisfy all criteria of the Plan Making Justification Test. Consideration might be given to policies and objectives limiting development of inappropriate vulnerability in flood risk areas.

Essential Infrastructure

There are amendments proposed to rezone lands to *MRE-Metro and Rail Economic Corridor*. The Guidelines classify essential infrastructure such as primary transport as highly vulnerable, and the zoning would not be appropriate in Flood Zones A and B unless a Plan Making Justification Test, completed by the local authority can be satisfied.

Greenways

River greenways are proposed on the Ward and Broadmeadow Rivers in Amendments No: PA SH 8.9 and PA SH 3.11. There are OPW Arterial Drainage Schemes in both these locations. The OPW requests that a 10m wide strip be retained for ongoing access for maintenance of channels. This strip should be accessible to mechanical plant and should not be landscaped, paved or otherwise developed in a manner that would prevent access. Fingal County Council should consult the OPW prior to initial design of the greenways.

Justification Tests

The comments provided by the OPW in relation to the Plan-making Justification Tests at the Draft Plan stage have not been addressed in the Material Alterations to the Plan.

None of the Justification Tests supplied have demonstrated that Criteria 2 and 3 of the Plan-making Justification Test have been satisfied. Therefore, the OPW recommends that Fingal County Council rezone undeveloped lands in flood risk areas as water compatible type zonings. If the lands are already developed then it should be highlighted that the Justification Test has not been passed and development should be limited to minor development as outlined in Circular PL 2/2014.

The following comments in relation to Justification Tests are relevant to all Plan-making Justification Tests supplied in the SFRA.

Specific Land Use Zonings

The Justification Tests provided in the SFRA are for settlements, rather than for land use zonings which fall within, or partially within, a flood zone, where avoidance and substitution have not been possible. The OPW had previously commented in response to the draft plan that, *“The Justification Test is intended to assess specific land use zonings, where after application of the sequential approach, flood risk areas cannot be avoided and zonings of a vulnerability appropriate to the level of flood risk cannot be substituted. It is not intended to justify all development within various zoning types within a general area”*. The Guidelines sets out that a Justification Test is for a *“zoning or designation for development”*. The OPW recommends that the land use zonings be assessed individually against the criteria of the Plan Making Justification Test, to clearly demonstrate that a review of all three criteria has been carried for each of the zonings.

Criteria 2

The OPW commentary on the Draft Plan noted that, *“Each criterion of the Plan Making Justification Test must be satisfied for a zoning to be considered justified. If any of the criteria outlined in Box 4.1 of the Guidelines have not been satisfied, the Justification Test has not been passed. This requires that only land use zonings within or adjoining the core (defined 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”) of settlements which have been targeted for growth can pass the Plan Making Justification Test. This comment has not been addressed in the Material Alterations Stage. As the Justifications Tests cover a settlement instead of a zoning it is difficult to assess if Criteria 2 can be satisfied.*

It is also noted that all Justification Tests supplied have omitted some sub-criteria or sub-criteria (v) of Criteria 2. Box 4.1 of the Guidelines states, *“Where, as part of the preparation and adoption or variation and amendment of a development/local area plan, a planning authority is considering the future development of areas in an urban settlement that are at moderate or high risk of flooding, for uses or development vulnerable to flooding that would generally be inappropriate as set out in Table 3.2, all of the following criteria must be satisfied”*. This also includes all sub-criteria of the Test. Zonings should only be assessed against the criteria of the Plan Making Justification Test when avoidance and substitution have not been possible. Only if Fingal County Council can demonstrate that all sub-criteria have been satisfied for a Justification Test can the Test be deemed to have passed.

Criteria 3

Furthermore, the OPW commentary on the Draft Plan noted that, *“as set out in criteria 3 of the Justification Test, a flood risk assessment to appropriate detail must have been carried out for the zoning in question as part of the development plan process, which must demonstrate 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”*”. This comment has not been addressed at Material Alteration Stage. The requirement for a site specific FRA is not in itself considered to be a mitigation measure, and Fingal County Council might consider providing further guidance on the measures

considered acceptable in the zoning. This should include discussion on existing and proposed flood defences and any residual risks. Reference to Section 6.5 Flood Risk Mitigation and any further guidance in relation to managing flood risk or even reducing it could also be included. If Fingal County Council cannot satisfy the requirements of Criteria 3 then the lands at flood risk should be avoided and rezoned as a water compatible type zoning.

Developed Areas of Towns and Cities

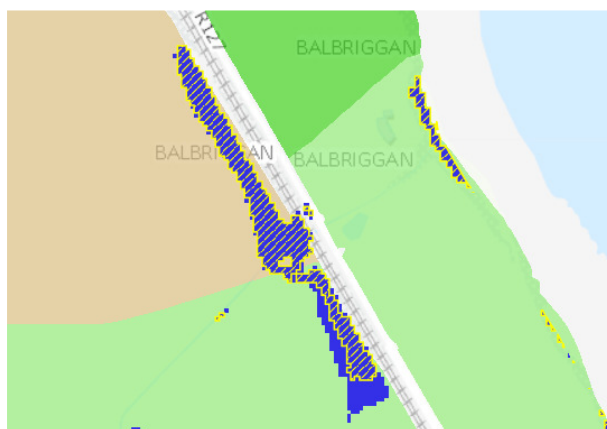
For zonings/sites that are already developed the Department of Environment, Community and Local Government Circular PL 2/2014 provides further advice and detail to planning authorities on older developed areas of towns and cities located in Flood Zone A and B. Section 4.27a, 'Existing, developed, zoned areas at risk of flooding' , to the Guidelines states that, *"In these instances, where the residential / vulnerable use zoning has been considered as part of development plan preparation, including use of the Justification Test as appropriate, and it is considered that the existing use zoning is still appropriate, the development plan must specify the nature and design of structural or non-structural flood risk management measures required prior to future development in such areas in order to ensure that flood hazard and risk to the area and to other adjoining locations will not be increased or, if practicable, will be reduced. Planning authorities should consider the issues and opportunities raised in section 4 of Appendix B (Technical Appendices) in this regard, and may consider including certain objectives or conditions as part of the zoning"*.

For existing developed areas that cannot satisfy all sub-criteria of Criteria 2 of the Justification Test, it should be highlighted that the Justification Test has not been passed and development should be limited to minor development as outlined in Circular PL 2/2014.

Comments on Specific Areas

Balbriggan

It was previously highlighted by the OPW that, *"An area of undeveloped lands at Castlelands in Balbriggan has been zoned highly vulnerable RA – Residential Area which overlaps with Flood Zones A. While this area has been assessed via Justification Test 5.2.5 for Balbriggan, as this area is on the periphery of Balbriggan it is not consistent with part 2 of the Justification Test"*. The OPW recommends that this area of land at flood risk should be rezoned as a water compatible zoning.



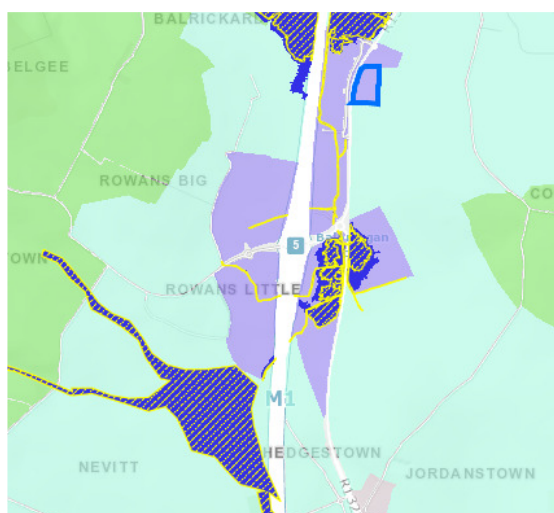
Balbriggan – Proposed residential in Flood Zone A and B on the periphery of Balbriggan

Blake’s Cross (Lusk) and Coolatrath / Coolquay

The OPW had previously provided comments in relation to Blake’s Cross (Lusk) and Coolatrath / Coolquay that, “it has not been demonstrated that all criteria in the Justification Test as set out in the Guidelines have been satisfied”. This comment has not been addressed in the Material Alterations.

Courtclough (M1 Business Park)

The OPW had previously provided comments in relation to, “An area of undeveloped lands at the M1 Business Park adjacent to Junction 5 of the M1 has been zoned less vulnerable GE – General Employment in Flood Zones A and B. This has been assessed via Justification Test 5.1.14 for Courtclough. However, it has not been demonstrated that all criteria in the Justification Test as set out in the Guidelines have been satisfied”. This comment has not been addressed in the Material Alterations.

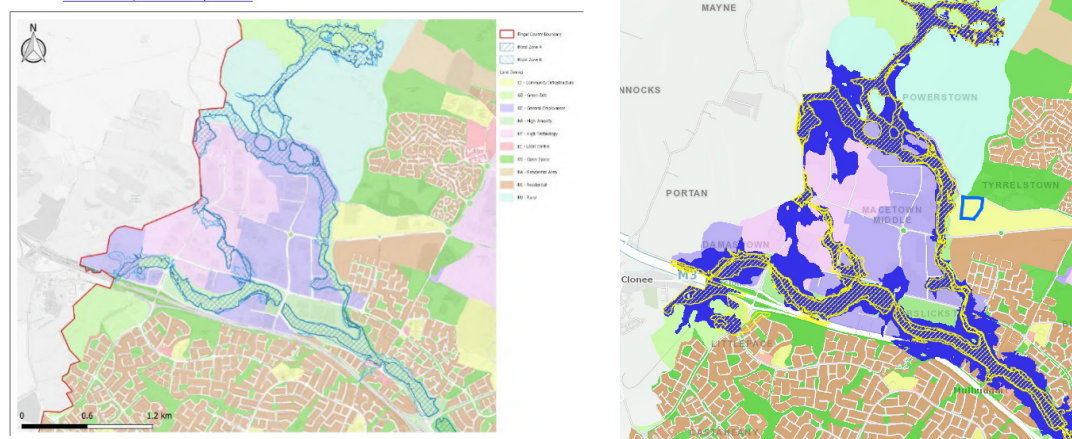


Coutlough (M1 Business Park) – undeveloped lands in Flood Zone A and PFRA mapping to the south

Damastown / Macetown / Clonee

The Flood Zones shown in the Justification Test, and in the SFRA Flood Mapping are not consistent with the Interactive Mapping provided with the Material Alterations. Fingal County Council should review the mapping and update accordingly.

5.2.12 Damastown / Macetown / Clonee



Damastown / Macetown / Clonee, Flood Flood Zones shown in Interactive Zones shown in Justification Test Section Mapping
5.2.12

Donabate

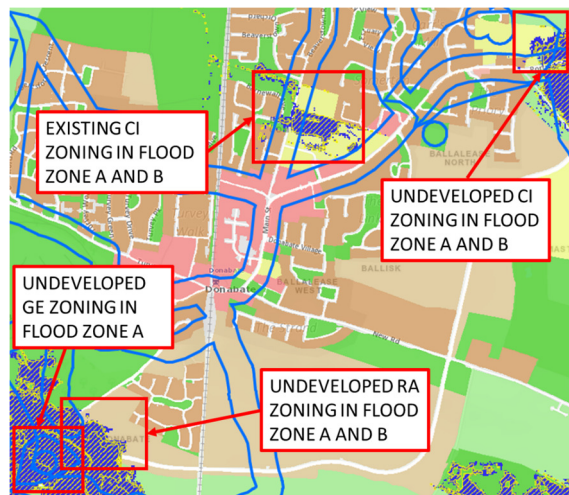
The RA – Residential Area zoning would not satisfy Criteria 2 of the Justification Test. Fingal County Council should rezone undeveloped lands in flood risk areas as water compatible type zonings. If the lands are already developed then it should be highlighted that the Justification Test has not been passed and development should be limited to minor development as outlined in Circular PL 2/2014.

It is stated in Criteria 3 of the Justification Test that, “A number of areas in Donabate are shown to be benefitting from flood defences within data provided as part of the SFRA process. However, limited information relating to the level of protection, nature and condition of flood defences has been made available. Therefore, site-specific FRAs should consider whether flood defences are suitable to be relied upon for flood mitigation as part of a Development Management Justification Test”. If these defended areas are community defences it should be Fingal County Council who establish the standard of protection and whether the defence is effective, and then within Criteria 3 provide the details on the residual risks that remain and guidance on how to manage these risks.

There are two areas of CI – Community Infrastructure that are within Flood Zone A and B. Schools are highly vulnerable type development and are considered inappropriate in Flood Zone A and B. The lands with Donabate Community School appears to be

developed and any further development should be limited to minor development as outlined in Circular PL 2/2014. The lands with Saint Patrick's Boys National School are undeveloped lands partially within the flood zones. These lands would not satisfy Criteria 2 and Fingal County Council should rezone undeveloped lands in flood risk areas as water compatible type zonings.

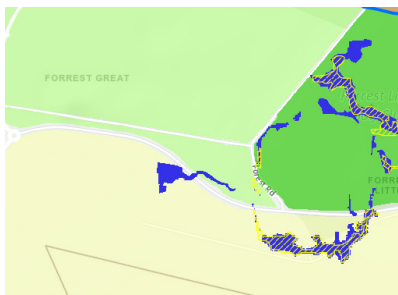
Amendment No: PA SH 7.2 proposes rezoning from *HA - High Amenity* to *GE - General Employment* at Kilcreagh. The site is fully contained within Flood Zone A, therefore no compensation for loss of floodplain can be provided and development on these lands would have the potential to flood other areas. The *GE - General Employment* zoning would also not satisfy Criteria 2 of the Justification Test. The OPW recommends that these lands be rezoned as a water compatible type zoning.



Donabate, Zonings in Flood Zones

Dublin Airport

The data source for the Flood Zones are noted as being CFRAM and PFRA in the Justification Test provided. There is one area of extents to the north of the airport which are not consistent with the National CFRAM extents shown on floodinfo. Fingal County Council might review and confirm the data source.



Dublin Airport, Interactive Mapping – Floodinfo – 0.1% and 1% AEP fluvial Flood Zones

There are other lands zoned as *GE – General Employment*, *WD - Warehousing and Distribution*, *HT - High Technology* and *FP - Food Park* that are located within Flood Zone A.

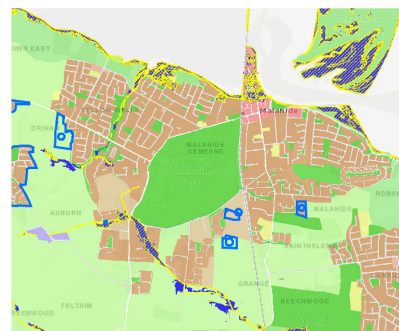
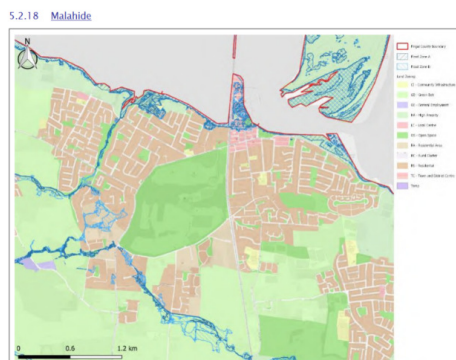
If some of the zonings can satisfy Criteria 2, when the Justification Tests are revised for individual zonings and only a small proportion of the site is at risk of flooding, a policy objective might be attached to such zoning. Such an objective might require that the sequential approach be applied in the site planning, whereby to ensure no encroachment onto, or loss of, the flood plain, only water compatible development such as *Open Space* would be permitted for the lands which are identified as being at risk of flooding within that site. Planning permission for these sites might then be subject to the sequential approach having been adopted and applied, following a detailed FRA.

Lanestown / Turvey

The OPW had previously provided comments in relation to Lanestown / Turvey, “An area of partially undeveloped lands overlapping with Flood Zones A and B in the Turvey Lane Area has been zoned less vulnerable *GE – General Employment*. This zoning has been assessed via Justification Test 5.1.17 for Lanestown/Turvey. However, it has not been demonstrated that all criteria in the Justification Test as set out in the Guidelines have been satisfied”. This comment has not been addressed in the Material Alterations.

Malahide

The Flood Zones shown in the Justification Test are not consistent with the Interactive Mapping provided with the Material Alterations. Fingal County Council should review the mapping and update accordingly.



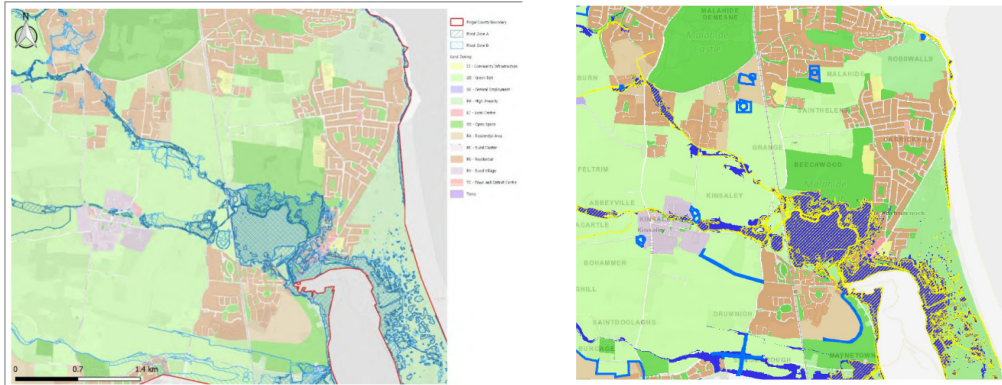
Malahide, Flood Zones shown in Justification Test Section 5.2.18

Malahide, Flood Zones shown in Interactive Mapping

Portmarnock

The Flood Zones shown in the Justification Test are not consistent with the Interactive Mapping provided with the Material Alterations. Fingal County Council should review the mapping and update accordingly.

5.2.23 Portmarnock / Kinsealy



Portmarnock, Flood Zones shown in Justification Test Section 5.2.23 *Flood Zones shown in Interactive Mapping*

Skerries

The OPW had previously provided comments in relation to Skerries that there is an, “undeveloped area of lands to the west of Skerries Station which have been zoned less vulnerable GE – General Employment. As this is an undeveloped area on the periphery of the settlement this zoning is not consistent with part 2 of the Justification Test”. This comment has not been addressed in the Material Alterations.



Skerries, Undeveloped GE – General Employment in Flood Zone A

Sustainable Urban Drainage Systems (SuDS) and Nature Based Solutions (NBS)

Table 2.18 has been amended to include eight masterplans scheduled to be commenced over the Plan Period. Fingal County Council should assess if there are opportunities to

provide guidance on the likely applicability of different SuDS techniques for managing surface water run-off at these key development sites, as recommended by the Guidelines.

Consideration of Climate Change Impacts

New text has been added to the SFRA that, *“It is noted that the OPW is currently transitioning to regional based climate models that reflect the likely varied impacts throughout the island of Ireland. This is likely to be implemented during the lifetime of the county development plan”*. The OPW is currently exploring the use of regional based climate change predictions that reflect the potential varied impacts on flooding throughout the island of Ireland. If implemented, this may be available during the lifetime of the county development plan.

The OPW welcomes the inclusion of future scenario mapping. The SFRA notes that, *“CFRAM flood data was provided by the OPW, via Fingal CC, and did not include climate change flood extents. Therefore, CFRAM climate change data has been replicated from that shown on floodinfo.ie (MRFS and HEFS) and included on flood maps in Appendix B and Appendix C”*. Fingal County Council should request future scenario mapping for the National CFRAM, NIFM and NCFHM (National Coastal Flood Hazard Mapping) Programmes from OPW via flood_data@opw.ie.


Planning authorities can consider climate change impacts in the Plan-making Stage, such as by avoiding development in areas potentially prone to flooding in the future, and by providing space for future flood defences.

Past Flood Events

Since the Draft Plan consultation the OPW has uploaded flood events to the Past Flood Events Database on www.floodinfo.ie, which included events in areas covered by Fingal County Council.

If further information or input is required, please do not hesitate to contact the OPW (floodplanning@opw.ie) in advance of the completion of the Fingal Development Plan 2023-2029.

Yours sincerely,



PP Conor Galvin

Flood Relief and Risk Management – Climate Adaption & Strategic Assessments