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23/07/2021

**RE: Material Amendments to Draft Louth County Development Plan 2021-2027**

Dear Sir/Madam,

The OPW, as lead agency for flood risk management in Ireland, welcomes the opportunity to comment on the Material Amendments to Draft Louth County Development Plan 2021-2027.

In particular, the OPW welcomes the following alterations:

- **MA 7:** The addition of text to Strategic Objective SO4 to work with other bodies and organisations as appropriate to identify and help protect critical infrastructure
- **MA 134:** The insertion of text that detailed measures in relation to SuDS techniques in all forthcoming Local Area Plans shall be appropriately designed to enhance biodiversity and amenities and to ensure the protection of environmentally sensitive sites and habitats, including where flood risk management measures are planned.
- **MA 134 and 135:** The updating of text on PFRA as per OPW comments
- **MA 151:** The addition of a new objective to consult with the OPW in relation to any proposed developments in the vicinity of drainage channels and rivers for which the OPW are responsible
- **MA 152:** The addition of a new objective to consult with the OPW in relation to any developments requiring a new bridge or culvert, and to require developers obtain consent under section 50 of the arterial drainage act 1945 where appropriate

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

**MA 145: Flood Relief Schemes**

The OPW welcomes that objective number IU27 has been updated to reference specific schemes. This text could be further clarified to ensure zoning or development proposals support and do not impede or prevent the progression of these measures.

**MA 146: Consideration of Climate Change**

The OPW welcomes the addition of text to objective number IU25 regarding the possibility of a requirement for an SSFRA in Flood Zone C, and the requirement that “*applications for*



*development in flood vulnerable zones, including those at risk in the Mid-Range Future Scenario shall provide details of structural and non structural risk management measures such as those relating to floor levels, internal layout, flood-resilient construction, emergency response planning, and access and egress during flood events.”*

The OPW recommend that, in line with the Guidelines, Louth County Council consider the impact of Climate Change at plan making stage, such as by avoiding development in areas potentially prone to flooding in the future, providing space for future flood defences, and specifying minimum floor levels.

### **National Indicative Fluvial Mapping (NIFM)**

The OPW acknowledge that National Indicative Fluvial Mapping outputs were not available at the time of development of this Plan. The outputs are now available on request to Local Authorities.

The flood maps, including those for potential future scenarios taking account of the possible impacts of climate change, may be obtained in GIS format from the OPW Flood Risk Management - Data Management Section via email ([flood\\_data@opw.ie](mailto:flood_data@opw.ie)).

While these maps are an improvement on PFRA mapping, they are still indicative maps and the same cautions and limitations as outlined in Circular PL 2/2014 for PFRA should be followed. Please note that NIFM mapping does not cover catchments that were smaller than 5km<sup>2</sup>.

### **MA Vol 5-5: Justification Tests**

The OPW welcomes the inclusion of Justification Tests in the SFRA.

Please note that the Justification Test applies only to the urban centre (i.e., 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), and is not applicable to the periphery of urban areas. It is apparent that a number of sites located on the peripheries of settlements have been described in the SFRA as having passed the Justification Test.

Furthermore, as per criteria 1 of the Justification Test as outlined in the Guidelines, for the test to apply the settlement must be *“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.”* As such, under the Louth County Development Plan settlement hierarchy, the Justification Test can only apply to Regional Growth Centres, Key Towns, and Self Sustaining Growth Towns.

Criteria 3 of all Justification Tests in the SFRA is a requirement that a detailed SSFRA be submitted with any planning application. However, the guidelines state that as criteria 3 of the Plan Making Justification Test, *“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”*. In the discussion on various sites in the SFRA, it is stated that it is anticipated that *“flood risk mitigation measures could be designed to allow development of the wider site, as necessary”*. These specific mitigation measures should be outlined in the plan in order that the zoning be considered justified.



For several settlements, the SFRA sets out that Justification Tests have not been carried out on already developed lands. However, if a zoning allows Vulnerable or Highly Vulnerable development in already developed lands, Justification Tests are still required, unless development is restricted to rebuilds or infills in accordance with section 5.28 of the Guidelines.

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. *“Where the planning authority considers that the existing use zoning is still appropriate, the planning authority 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”.*

For sites that are intended to be zoned for development following the application of a Justification Test where 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, or that 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 as above, following a detailed FRA.

### **Comments on Specific Settlements**

#### **Ardee**

The Justification Test as set out in the Guidelines requires that lands be *“within or adjoining the core of an established or designated urban settlement”*. As sites 2, 3 and 6 are on the periphery of this settlement, the Justification Test does not satisfy this requirement. Louth County Council should consider rezoning the lands in Flood Zone A & B as a water compatible type zoning.

Site 3 has two planning permissions for development in a portion of the lands, which included an engineering report addressing fluvial flooding in one case, and an SSFRA in the second case. However, there is no discussion provided that the inclusion of these measures will not cause or increase flooding to other areas, or that climate change and residual risks can be managed. Should the proposed development in the area not go ahead or planning lapses with no submission to renew it, then Louth County Council should consider zoning the flood risk lands as a water-compatible type zoning such as *Open Space*, or attaching an objective to the zoning as outlined above.

#### **Carlingford**

In the settlement strategy of the Louth County Development Plan, Carlingford is identified as a “Self Sustaining Town”. As Carlingford has not been targeted for growth, it does not satisfy criteria 1 of the Justification Test. Louth County Council should consider rezoning the lands in Flood Zone A & B as a water compatible type zoning.

Site 2 has been zoned Tourism and Leisure (I1). It is stated in the discussion of this site that this zoning provides for uses that fall into the category of less vulnerable development. It is



noted that Chapter 13 of the Louth County Development Plan states that this zoning category allows for Highly Vulnerable Hotel and B&B.

### **Castlebellingham/Kilsaran**

In the settlement strategy of the Louth County Development Plan, Castlebellingham/Kilsaran is identified as a “Self Sustaining Town”. As Castlebellingham/Kilsaran has not been targeted for growth, it does not satisfy criteria 1 of the Justification Test. Louth County Council should consider rezoning the lands in Flood Zone A & B as a water compatible type zoning.

### **Collon**

In the settlement strategy of the Louth County Development Plan, Collon is identified as Level 4 “Small Towns and Villages”. As Collon has not been targeted for growth, it does not satisfy criteria 1 of the Justification Test.

The Justification Test as set out in the Guidelines requires that lands be “*within or adjoining the core of an established or designated urban settlement*”. As site 1 is on the periphery of this settlement, the Justification Test does not satisfy this requirement. Louth County Council should consider rezoning the lands in Flood Zone A & B as a water compatible type zoning.

### **Drogheda**

The Justification Test as set out in the Guidelines requires that lands be “*within or adjoining the core of an established or designated urban settlement*”, are “*essential in achieving compact and sustainable urban growth*”, and that “*there are no suitable lands for the particular use or development type in areas at lower risk of flooding within or adjoining the core of the urban settlement*”. As sites 1 and 2 are on the periphery of this settlement, the Justification Test does not satisfy these requirements. It is noted that these lands have extant planning permission for the provision of residential development. Should the proposed development in the area not go ahead or planning lapses with no submission to renew it, then Louth County Council should consider zoning the flood risk lands as a water-compatible type zoning such as *Open Space*.

### **Dundalk**

The Justification Test as set out in the Guidelines requires that lands be “*within or adjoining the core of an established or designated urban settlement*”. As site 1 is on the periphery of this settlement, the Justification Test does not satisfy this requirement. Louth County Council should consider rezoning the lands in Flood Zone A & B as a water compatible type zoning.

It is set out in the SFRA that there is extant planning permission for site 4. As this site is on the periphery of the settlement it does not satisfy criteria 2 of the Justification Test. Should these planning permissions lapse with no submission to renew them, then Louth County Council should consider zoning the flood risk lands as a water-compatible type zoning such as *Open Space*.

As sites 20 and 21 are on the periphery of the settlement, they do not satisfy criteria 2 of the Justification Test. In line with the Guidelines consideration should be given to avoid/substitute flood risk areas by zoning areas in Flood Zone A to a water-compatible zoning such as *Open Space*. This will ensure the sequential approach is followed in the development management stage and not just allow development if mitigation measures are included.

### **Omeath**



In the settlement strategy of the Louth County Development Plan, Omeath is identified as Level 4 “Small Towns and Villages”. As Omeath has not been targeted for growth, it does not satisfy criteria 1 of the Justification Test. Louth County Council should consider rezoning the lands in Flood Zone A & B as a water compatible type zoning.

#### **Tallanstown (MA L4-10)**

In the settlement strategy of the Louth County Development Plan, Tallanstown is identified as Level 4 “Small Towns and Villages”. As Tallanstown has not been targeted for growth, it does not satisfy criteria 1 of the Justification Test.

As the lands affected by Flood Zone A and B in site 1 are already developed, development should be restricted to infills and rebuilds as per objectives number IU25 and IU26.

Material alteration number L4-10 has resulted in the rezoning of a section of land almost entirely in Flood Zone A from H1 Open Space to A2 New Residential. As this zoning has the potential to introduce a significant number of additional people to flood risk areas, it is not consistent with the sequential approach as outlined in the Guidelines.

As site 3 is on the periphery of the settlement, it does not satisfy criteria 2 of the Justification Test. Louth County Council should consider rezoning the lands in Flood Zone A & B as a water compatible type zoning.

#### **Termonfeckin**

In the settlement strategy of the Louth County Development Plan, Termonfeckin is identified as a “Self Sustaining Town”. As Termonfeckin has not been targeted for growth, it does not satisfy criteria 1 of the Justification Test. As the lands affected by Flood Zone A & B are already developed, development should be restricted to infills and rebuilds as per objectives number IU25 and IU26.

#### **Tullyallen**

In the settlement strategy of the Louth County Development Plan, Tullyallen is identified as a “Self Sustaining Town”. As Tullyallen has not been targeted for growth, it does not satisfy criteria 1 of the Justification Test. As the lands affected by Flood Zone A & B are already developed, development should be restricted to infills and rebuilds as per objectives number IU25 and IU26.

If further information or input is required, please do not hesitate to contact the OPW ([floodplanning@opw.ie](mailto:floodplanning@opw.ie)) in advance of the completion of the Louth County Development Plan 2021- 2027.