



**Forward/Strategic Planning,
Economic Development Directorate,
Limerick City and County Council,
Merchants Quay,
Limerick**

05/12/2022

RE: Material Alterations to the Rathkeale Local Area 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 Material Alterations to the Rathkeale Local Area Plan 2023 - 2029. This submission is made specifically with regards to 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 with regards to the estate portfolio, heritage and other areas of responsibility.

The OPW welcomes the following:

- Amendment No. 15 to Objective CC04 (a) in relation to the Rathkeale flood relief scheme

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

Flood Relief Scheme

The OPW welcomes the inclusion of amendment no. 15 to Objective CC O4: (a) that future development proposals shall not impede the progression of the flood relief scheme in Rathkeale.

Flood Risk Management (FRM) – General Guidance

The OPW commentary on the Draft Plan noted in relation to the stage of assessment that, *“The Strategic Flood Risk Assessment (SFRA) provided for the Rathkeale LAP is stated as being a Stage 1 Flood Risk Assessment. Table A3 in the Technical Appendices of the Guidelines (see below) state that at a minimum a Stage 2 SFRA is recommended for this type of plan (town within a county plan). As potential flood risk issues have been identified, a more detailed assessment would be recommended and that the SFRA should*

be continued to the Stage 2 Initial Flood Risk Assessment”. This comment has not been addressed at Material Alteration Stage.

	Flood risk identification	Initial flood risk assessment	Detailed flood risk assessment
Regional Flood Risk Appraisal	✓	U	U
Strategic Flood Risk assessment – County-wide	✓	P	U
Strategic Flood Risk Assessment – City or town within a county plan	✓	✓	P
Site-specific flood risk assessment	✓	✓	✓

P = Probably needed to meet the requirements of the Justification Test
 U = Unlikely to be needed
 ✓ = Required to be undertaken

Table A3: Flood risk assessment stages required per scale of study undertaken

The SFRA for Rathkeale contains some of the detail required for the Stage 2 Initial flood risk assessment. The SFRA uses the information sources provided in the appendices of the Guidelines as headings for the sections. This table should only be used as an indication for information sources, as some of these sources are or could be superseded. The OPW recommends that new sections be added to the SFRA that demonstrates that a Stage 2 Initial flood risk assessment has been completed, including highlighting the data which has determined the formation of the flood zones.

Justification Tests

Some of the new Justification Tests supplied have existing development. Please note that for zonings/sites that are already developed then 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 of the Guidelines, ‘Existing, developed, zoned areas at risk of flooding’ 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 Justification Tests with more than one land use zoning, the OPW recommends that each zoning 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.

Former Mart Site

The OPW commentary on the Draft Plan noted in relation to Criteria 3 of the Justification Test 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”*”. The approach used in the Justification Test included, which is a requirement for a flood risk assessment at development management stage, is not consistent with this requirement”. This comment has not been addressed at Material Alteration Stage. If Limerick City & 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.

Abbeylands / Ballywilliam

A Justification Test has been supplied for an *Open Space and Recreation* zoning which consists of existing residential units and agriculture/grazing lands. These lands were zoned *Open Space and Recreation* at the Draft Plan stage, however when the mapping was updated to reflect the National CFRAM extents, it was shown that the lands are situated in Flood Zone A and B. Generally, *Open Space and Recreation* is a water compatible zoning type and would not require a Justification Test, however some of the development permitted in this zoning are highly or less vulnerable type developments. *Residential* is a highly vulnerable zoning and is considered inappropriate in Flood Zone A and B. Land and buildings used for agriculture is considered a less vulnerable development type in the Guidelines, therefore *Agriculture* in Flood Zone A would be considered inappropriate.

The Justification Test supplied does not satisfy Criteria 2, the responses to the sub parts of the criteria have included “no”, left blank or refer to Criteria 1. In Criteria 3 it is noted that “*Future development is generally limited to minor developments, where in areas liable to flooding or open space recreation facilities such as walkways*”. The zoning is fully contained in Flood Zone B and almost fully contained in Flood Zone A. The OPW recommends that all residential development or other highly or less vulnerable development should be limited to minor development, as set out in Circular PL 2/2014, or restricted to water compatible type developments. This should be noted in the conclusion and Limerick City & County Council should consider including an objective to support the restricting of development in this area.

Englishtenements – Cois Deel

In relation to the *Existing Residential* zoning please see above section on Justification Tests in relation to developed zonings. The OPW recommends that residential development located in Flood Zone A and B should be limited to minor development, as set out in Circular PL 2/2014. This should be noted in the conclusion and Limerick City & County Council should consider including an objective to support the restricting of development in this area.

For the *Agriculture* zoning, land and buildings used for agriculture is considered a less vulnerable development type in the Guidelines, therefore *Agriculture* in Flood Zone A would be considered inappropriate. The OPW recommends rezoning as water compatible or include an objective to support the restricting of development to water compatible uses.

Generally, *Open Space and Recreation* is a water compatible zoning type and would not require a Justification Test. The OPW recommends limiting to water compatible type development or include an objective to support the restricting of development to water compatible uses.

Enlightenements – New Line Road

Please see comment above in relation to individual Justification Tests for different land use zonings.

The *Enterprise and Employment* zoning is described as existing development. The OPW recommends that *Enterprise and Employment* situated in Flood Zone A be limited to minor development, as set out in Circular PL 2/2014.

The *Education and Community* zoning is partially within Flood Zone A and B. For sites that are intended to be zoned for development, 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, 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.

In relation to the Open Space and Recreation, please see comments above in *Enlightenements – Cois Deel* regarding this type of zoning.

Lower Main Street – South of Main Street/R523

Please see comment above in relation to individual Justification Tests for different land use zonings. The OPW recommends that for *Town Centre* and *Existing Residential* zonings, located in Flood Zone A and B, and for *Enterprise and Employment* zoning, located in Flood Zone A, be limited to minor development, as set out in Circular PL 2/2014. In relation to the *Open Space and Recreation*, please see comments above in relation to this type of zoning.

Rathkeale Enterprise Park

Please see comment above in relation to individual Justification Tests for different land use zonings. The OPW recommends that for *Enterprise and Employment* zoning, located in Flood Zone A, be limited to minor development, as set out in Circular PL 2/2014. In relation to the *Agriculture* zoning, please see comments above in *Enlightenements – Cois Deel* in relation to this type of zoning.

The *Utility* zoning is partially located within Flood Zone B. Please see comment above in *Englishtenements – New Line Road* in relation to sites that have only a small proportion of the site at risk of flooding.

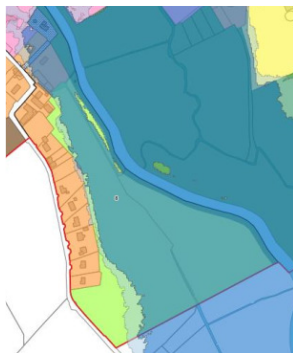
Enniscouch – Castlematix, south bank of River Deel

Please see comment above in *Englishtenements – Cois Deel* in relation to *Agriculture* zonings. It should be noted that Criteria 2 of the Justification Test has not been satisfied.

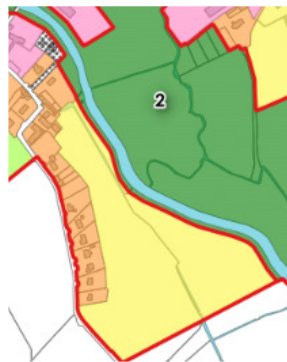
Enniscouch – Chestnut Grove

Please see comment above in relation to individual Justification Tests for different land use zonings. The *Enterprise and Employment, Utilities, Existing Residential* and *Agriculture* are described as existing development. The OPW recommends that highly vulnerable development located in Flood Zone A and B, and less vulnerable development in Flood Zone A be limited to minor development, as set out in Circular PL 2/2014.

The image used for the Justification Test is not consistent with the revised land use zoning map supplied with the Material Alterations. An area of land previously zoned as *Agriculture* has been rezoned as *Education and Community Facilities* in the Material Alterations. No Justification Test has been supplied for proposing highly vulnerable development in Flood Zone A and B. The lands are nearly fully contained in Flood Zone A and B, with little lands not at risk of flooding, therefore no compensation for loss of floodplain can be provided and development on these lands would have the potential to flood other areas. The lands are also situated on the periphery of the town and would not satisfy the required criteria of a Justification Test. The OPW recommends that these lands be rezoned as a water compatible type zoning.



SFRA Image



Proposed Alterations Zoning Map



Material Draft Plan Zoning Map

Preliminary Flood Risk Assessment (PFRA)

Following the OPW’s comment on PFRA and noting the response in the CE Report that “the Local Authority consider the PFRA, as an indication of flood risk”, the new guidance from OPW is that PFRA mapping is now superseded by the outputs of national indicative flood mapping; National Indicative Fluvial Mapping (NIFM), National Coastal Flood

Hazard Mapping (NCFHM) and probabilistic and historic groundwater flood maps prepared by Geological Survey Ireland through the 2016-2019 GWFlood Project.

CFRAM Predictive Flood Maps

The OPW commentary on the Draft Plan noted in relation to CFRAM map provided that, *“The screenshot provided in the SFRA of the CFRAM flood extents only show the 1% AEP or 1 in 100 chance of flooding occurring, this is equivalent to Flood Zone A. The 0.1% or 1 in 1000 chance of occurring should also be shown, as these extents are equivalent to Flood Zone B”*. The CE Report had stated that this would be amended to include both flood zones, however no alteration to the SFRA was proposed in this regard. This has not been addressed at Material Alteration Stage.

Arterial Drainage Schemes and Drainage Districts

The OPW commentary on the Draft Plan noted in relation to the Arterial Drainage channel and a Drainage District channel to the north west of the town, which were not identified in the SFRA, have not been addressed at Material Alteration Stage. The location of Arterial Drainage Schemes and Drainage Districts may be viewed on www.floodinfo.ie. The OPW welcomes the clarification that CC04 indicates that a 10m strip will be preserved along watercourses to permit access for maintenance.

Consideration of Climate Change Impacts


The OPW partially welcomes Amendment no 16 Objective CC O3 (e) to *“Ensure that future development in lands identified as being at flood risk, is generally limited to minor developments, save for lands which have been subject to the Plan Making Flood Justification Test in line with the Flood Guidelines”*. However, a Justification Test is not required for lands that currently have no risk of flooding but could in the future, therefore Limerick City & County Council should consider omitting the reference to the Justification Test. The OPW welcomes the clarification in the CE Report *“the precautionary approach has been taken to zoning in the proposed LAP for Rathkeale, avoiding areas, which are vulnerable to flood risk, which may suffer from increased flood risk, because of climate change”*. Limerick City & County Council should consider including a discussion on climate change in the SFRA and also taking a precautionary approach to lands that currently have no risk of flooding but could in the future.

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

The OPW commentary on the Draft Plan noted in relation to the Guidelines and SuDS *“The Guidelines recommend that the SFRA provide guidance on the likely applicability of different SuDS techniques for managing surface water run-off at key development sites, and also that the SFRA identifies where integrated and area based provision of SuDS and green infrastructure are appropriate in order to avoid reliance on individual site by site solutions”*. This has not been addressed at Material Alteration Stage. There are 6 opportunity areas identified in Rathkeale where Limerick City & Council can provide further guidance on potential SuDS and NBS

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 Rathkeale Local Area Plan 2023 - 2029.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Konor Dandrea", is centered within a light grey rectangular box.

PP Conor Galvin
Flood Relief and Risk Management – Climate Adaption & Strategic Assessments