



Comhshaol, Pobal agus Rialtas Áitiúil
Environment, Community and Local Government



To: Directors of Planning Services, City and County Councils

CC: Chief Executives, City and County Councils
An Bord Pleanála

13 August 2014

Circular PL 2/2014

- (i) Use of OPW Flood Mapping in assessing planning applications, and**
- (ii) Clarifications of advice contained in the 2009 DECLG Guidelines for planning authorities – “The Planning System and Flood Risk Management”**

Dear Director,

I wish to refer to the above two matters as follows:

(i) Use of OPW Flood Mapping in assessing planning applications

The Draft Indicative Preliminary Flood Risk Assessment (PFRA) Maps produced by the Office of Public Works (OPW) in 2010 were prepared for the purpose of an initial assessment, at a national level, of areas of potentially significant flood risk, as required by the EU Floods Directive 2007/60/EC. As was indicated in the OPW Guidance Notes attached to the draft PFRAs, *“the maps provide only an indication of areas that may be prone to flooding. They are not necessarily locally accurate and should not be used as the sole basis for defining Flood Zones, or for making decisions on planning applications”*.

Furthermore, the OPW Guidance Notes state that *“local site inspections, and/or making use of the knowledge of staff familiar with a particular area, are essential to determine if the maps for a given area are reasonable. For the purposes of flood zoning, or making decisions on planning applications, it is strongly recommended that a Stage II Flood Risk Assessment (Initial Flood Risk Assessment), as set out in the (2009 DECLG) Guidelines, is undertaken (where there are proposals for zoning or development, and where the area may be prone to flooding, as described above)”*.

As a second stage in the implementation of the requirements of the EU Floods Directive, the OPW is currently working on the preparation of more accurate mapping for areas of potentially significant risk under a programme of Catchment Flood Risk Assessment and Management Studies (CFRAMS). Draft CFRAM flood maps have been provided to relevant local authority engineers, for their respective areas, in their role as project partners

on the six national CFRAM studies. The objective of providing local authority access to these draft CFRAM flood maps at this early stage is to help assess the quality and accuracy of the “first run” draft maps, and to benefit from local knowledge in identifying any inconsistencies or necessary improvements in the mapping accuracy, along with OPW engineers and other technical reviewers, before they are issued for public consultation and subsequently finalised.

Similar to the draft PFRA maps, the draft CFRAM flood maps, in their current form, remain subject to an unknown amount of change before they can be robustly relied upon for any decision-making processes. It would therefore be premature to rely solely on these draft outputs for planning and development management purposes. In this regard, it would be prudent both for planning authorities and for planning applicants to have due regard to the issue of flood risk and to the information provided in the maps, and that where a flood risk is indicated in an area under consideration for development, to request that the applicant undertakes site-specific flood risk assessment by an appropriately qualified Chartered Engineer.

In essence, planning authorities are requested to be prudent in the use the draft PFRA or CFRAM flood maps as the sole basis for deciding on planning applications (i.e. to refuse applications), to make use of site inspections and/or knowledge of local areas, to request a site-specific flood risk assessment by an appropriately qualified engineer where appropriate and to also generally use their professional judgement in this regard.

The approach to be adopted by planning authorities in assessing planning applications as outlined in section 6.4 of the 2009 DECLG Guidelines still continues to apply:

“Planning authorities must strike a fair balance between avoiding flood risk and facilitating necessary development, enabling future development to avoid areas of highest risk and ensuring that appropriate measures are taken to reduce flood risk to an acceptable level for those developments that have to take place, for reasons of proper planning and sustainable development, in areas at risk of flooding.”

(ii) Clarifications of advice in the 2009 DECLG Guidelines for planning authorities – “The Planning System and Flood Risk Management”

The attached Appendix outlines four clarifications which should be incorporated in the 2009 DECLG Guidelines, as follows:

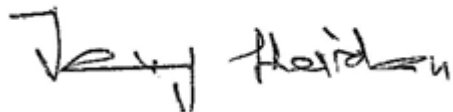
- minor revision to section 3.7 – page 26 of the Guidelines,
- the insertion of a new footnote 4 to paragraph 2(v) of box 4.1 (Justification test) – page 37 of the Guidelines,
- the insertion of a new section 4.27a after the existing section 4.27 under the heading “Existing developed zoned areas at risk of flooding” – page 40 of the Guidelines,
- minor revisions to section 5.28 – page 52 of the Guidelines.

The purpose of these revisions is to give further advice and detail to planning authorities, at the development plan (or variation) stage, in considering the zoning of areas of existing

'vulnerable uses' such as housing, and which now find themselves in flood zone A&B. This will generally apply in the older developed areas of towns and cities.

The revised text indicates that during the preparation of the development plan (or a variation of a development plan) in areas located in flood zone A&B, where the existing use zoning is classified as a "vulnerable use", the planning authority should consider if the existing use zoning of the 'vulnerable use' is still the appropriate zoning for the area. 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.

Similarly where the area relates to the regeneration of a residential area and is located in a flood risk zone A&B, the planning authority should in the first instance consider the relocation of the residential use, and where, in the opinion of the planning authority, this is not feasible, the development plan (or any variation) must specify the above matters.

A handwritten signature in black ink that reads "Terry Sheridan". The signature is written in a cursive, slightly slanted style.

Terry Sheridan,
Principal Officer,
Planning Section.

Appendix

Clarifications of advice in the Guidelines for Planning Authorities - The Planning System and Flood Risk Management Guidelines (November 2009)

(i) Revised section 3.7 – page 26 of the Guidelines

Justification Test

3.7 Notwithstanding the need for future development to avoid areas at risk of flooding, it is recognised that the existing urban structure of the country contains many well established cities and urban centres which will continue to be at risk of flooding. At the same time such centres may also have been targeted for growth in the National Spatial Strategy, Regional Planning Guidelines and the various City and County Development Plans taking account of historical patterns of development and their national and strategic value. In addition, development plans have identified various strategically located urban centres and particularly city and town centre areas whose continued consolidation, growth, development or regeneration, including for residential use, is being encouraged in order to bring about compact and sustainable urban development, and more balanced regional development. Furthermore, Development Plan Guidelines, issued by the Minister for the Environment, Heritage and Local Government under Section 28 of the Planning and Development Act 2000, have underlined the importance of compact and sequential development of urban areas with a focus on town and city centre locations for major retailing and higher residential densities.

(ii) Insertion of new foot note 4 to Box 4.1, paragraph 2(v) – page 37 of the Guidelines

(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. 4

4 This criterion may be set aside where section 4.27a applies.

(iii) Insertion of new Section 4.27a – page 40 of the Guidelines

Existing, developed, zoned areas at risk of flooding

4.27a In some instances, particularly in older parts of cities and towns, an existing land use may be categorised as a “highly vulnerable development” such as housing, be zoned for residential purposes and also be located in flood zone A/B. Additional development such as small scale infill housing, extensions, or changes of use that could increase the risk or number of people in the flood-prone area can be expected in such a zone into the future. 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.

Regeneration areas

As indicated in section 3.7, development plans have identified various strategically located urban centres and particularly city and town centre areas whose continued consolidation, growth, and development or regeneration is being encouraged.

Where an existing residential area is proposed for residential regeneration, and is located in a flood zone A/B, the planning authority should in the first instance consider the relocation of the residential use and where in the opinion of the planning authority this is not feasible, the development plan (or any variation) must specify the matters above, i.e. the nature and design of structural or non-structural flood risk management measures required prior to future development in such areas to ensure that flood hazard and risk to the area and other locations will not be increased or, if practicable, will be reduced, with a particular emphasis on the overall design of the area following the core principles set out in section 2.1 of Appendix B on planning and design for flood risk.

Where more extensive regeneration is to take place, including site clearances, and where new mixed development is proposed i.e. a docklands site, again 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 to ensure that flood hazard and risk to the area and other locations will not be increased or, if practicable, will be reduced, with a particular emphasis on the overall design of the area to integrate flood risk management as a central core of the design, ensuring that as far as possible vulnerable uses are not located in flood zone A/B areas.

(iv) Revised section 5.28 – page 52 of the Guidelines

Assessment of minor proposals in areas of flood risk

5.28 Applications for minor development, such as small scale infill, small extensions to houses or the rebuilding of houses, and most changes of use of existing buildings and or extensions and additions to existing commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances. Since such applications concern existing buildings or developed areas, the sequential approach cannot be used to locate them in lower-risk areas and the Justification Test will not apply. However, a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities. These proposals should follow best practice in the management of health and safety for users and residents of the proposal.