



**Planning Department,  
Clare County Council,  
New Road,  
Ennis,  
Co Clare.  
V95 DXP2**

21/12/2022

**RE: Proposed Amendments to the Draft Clare County 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 Amendments to the Draft Clare County Development 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 Plan may be made by the OPW with regards to the estate portfolio, heritage and other areas of responsibility.

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

**Proposed Amendments**

It is difficult to identify the changes that have been made to the SFRA document for the Material Alteration stage. It would have been useful if the edits and revisions had been highlighted.

**Flood Zone Mapping and the Sequential Approach**

The OPW had previously provided commentary on the Draft Plan, that due to scale of the maps provided, and as the land use zoning maps had not been overlaid with the flood zone maps, it was difficult to assess the zonings/sites at flood risk or if the sequential approach had been applied. This comment has not been addressed at Material Alteration stage. To demonstrate that the sequential approach has been applied, flood zone maps should show the proposed land use zonings overlaid with both Flood Zone A and B. These maps should be at a reasonable scale and be clearly legible. As the mapping provided cannot be interpreted it has been impossible to determine if material alterations have been proposed in flood risk areas.

**Preliminary Flood Risk Assessment (PFRA)**

Please note there is new guidance on the usage of PFRA from the OPW. PFRA indicative flood maps have now been superseded by the recently published national indicative fluvial, coastal and groundwater flood mapping, and so the mapping provided in 2012 should no longer be used.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 5km<sup>2</sup> that were not included in the National CFRAM Programme and NIFM Project.

## **Justification Tests**

There are a number of proposed land use zonings, some of which are classified as highly vulnerable development in the Guidelines which have been described as being in Flood Zones A and B, for which no commentary has been included to indicate that the Plan Making Justification Test has not been applied and passed.

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.

If it is the case that sites are already developed Circular PL 2/2014 provides 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”*.

## **National Coastal Flood Hazard Mapping (NCFHM)**

The Guidance from the OPW in relation to the use of NCFHM is that these maps show the worst case scenario as any flood defences potentially protecting the coastal floodplain are not taken into account, and so are in-line with the definition of the Flood Zones as set out in the Guidelines. The NCFHM maps are based on more up-to-date estimates of extreme coastal levels than those used for the CFRAM coastal maps (that were based on the ICPSS data). As such the NCFHM maps may be considered in preference to the CFRAM with regards to the definition of the Flood Zones. While it is stated in Table 4-1 that this dataset has not been used, it can be seen that dataset has been used for settlements e.g. Bunratty.

## **The Flood Risk Management Plans and Flood Relief Schemes**

The OPW previously provided commentary that, *“The OPW requests that Clare County Council has full regard to the proposed development of flood relief schemes in Ennis South, Springfield, Kilkee, Shannon Town & Environs, Bunratty and Kilrush to ensure that zoning or development proposals support and do not impede or prevent the progression of these measures, and that a specific objective in this regard is included in the Draft Plan”*. In the CE Report it is noted that the schemes have been taken into account in the zoning of the lands and that there is already comprehensive policy support in the Plan in relation to the schemes. Clare County Council might clarify which policies they are referring to in the CE Report. It is important that new developments do not impede or prevent the construction of these essential flood relief schemes in these towns.

### **SuDS and Natural Water Retention Measures**

The OPW provided commentary previously that *“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 comment has not been addressed in the Material Alterations. There are a number of opportunity sites and masterplans that have been identified in the Plan that Clare County Council could provide the guidance for, as recommended by the Guidelines.

### **CFRAM Update**

The OPW provided commentary previously in relation to Section 8 SFRA Review and Monitoring that the CFRAM Studies do not run on a six yearly cycle. This comment has not been addressed in the Material Alterations.

### **Map Review Programme**

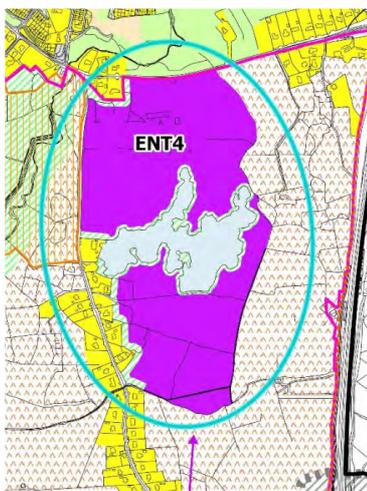
It should be noted that in certain areas physical changes may have occurred since the preparation of the flood maps under the National CFRAM Programme that would affect the watercourse and floodplains, and hence the Flood Zones. In some areas, there may have been limited information recorded on past flood events against which to calibrate the models, and more recent flood events or other evidence that becomes available may indicate that the flood extents should be greater or lesser than those currently mapped. In other areas, very detailed local assessments may have been undertaken, such as for a site-specific flood risk assessment that could be more detailed, contemporary and/or robust than the flood maps that were developed through the National CFRAM Programme. The OPW will review, and where necessary update, the flood maps on an on-going basis. Flood Mapping produced under the National CFRAM Programme is currently under review at Sixmilebridge.

### **Specific Settlements**

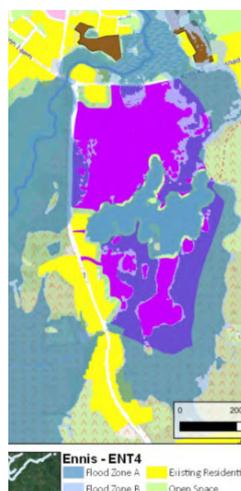
#### ***Ennis – ENT4***

In response to sub-criteria 5 of Criteria 2, no other lands available at lower risk of flooding, the Justification Test has not stated if there are other lands available, instead has described that the zoning of the lands as *Enterprise* would *“allow the wider wetlands area become a primary amenity for the town and continue its function as a carbon sink”*. It is noted that these lands are situated on the periphery of Ennis and would not satisfy Criteria 2.

A large proportion of the southern site is located within Flood Zone A, while the northern site is partially within Flood Zone A, however the perimeter of the site is surrounded by Flood Zone A. Considering Clare County Council indicate that they would like to use these flood risk lands as an amenity then these lands should be zoned as a water-compatible type to reflect this and prevent encroachment and/or loss of floodplain from development.



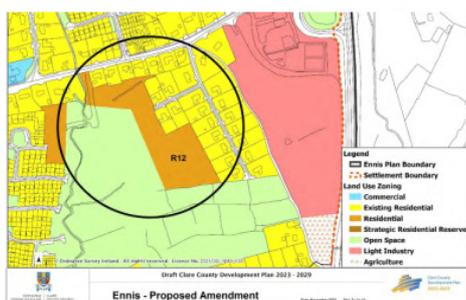
Proposed Material Amendment, ENT 4



SFRA, Justification Test, ENT 4

**Ennis - R12 Anstand Gaurus / Ballymachill**

The proposed alterations for this new *Residential* zoning states that there is some encroachment onto Flood Zone B and that the area of the site which lies in Flood Zone B will be utilised as *Open Space*. However, the site appears to be at risk of Flood Zone A as well. *Residential* zoning is not considered appropriate in Flood Zone A or B unless a Plan-making Justification Test completed by the local authority can be satisfied. Please see comments above on *Justification Tests* in relation to sites where a small proportion of the site is at risk of flooding.



Proposed Residential zoning R1 in Flood Zone A Flooding, flood extents and B

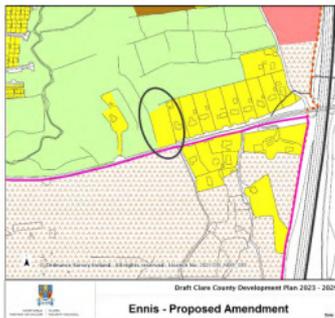


**Ennis – Existing Residential and LDR12**

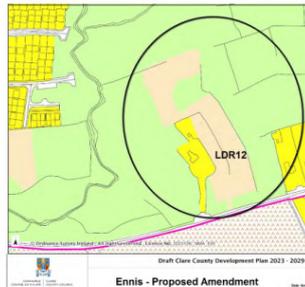
There are *Existing Residential* and *Low Density Residential* zonings proposed as part of the Material Alterations which are located in Flood Zone A and B, and appear to be undeveloped. Highly vulnerable development is not considered appropriate in Flood Zone A or B unless a Plan-making Justification Test completed by the local authority can be satisfied. It is noted that these lands are situated on the periphery of Ennis and would not satisfy Criteria 2.

If the lands are developed then please note comments above on *Justification Tests* in relation to PL/2014 and existing developed areas of towns and cities located in Flood Zone A and B.

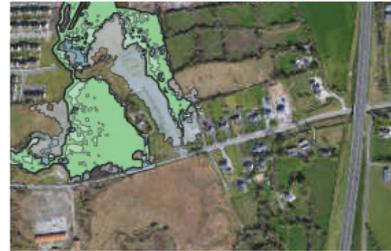
Clare County Council should rezone undeveloped lands in flood risk areas as water compatible type zonings, and in existing developed areas limit development to minor development as outlined in Circular PL 2/2014.



*Proposed Existing Residential zoning in Flood Zone A and B*



*Proposed Low Density Residential zoning, LDR12, in Flood Zone A and B*



*Floodinfo, flood extents*

**Ennis – UT1**

There is an *Utilities* zonings proposed as part of the Material Alterations which is located in Flood Zone A and B. Highly vulnerable development is not considered appropriate in Flood Zone A or B unless a Plan-making Justification Test completed by the local authority can be satisfied.



*Proposed Utilities zoning in Flood Zone A and B*

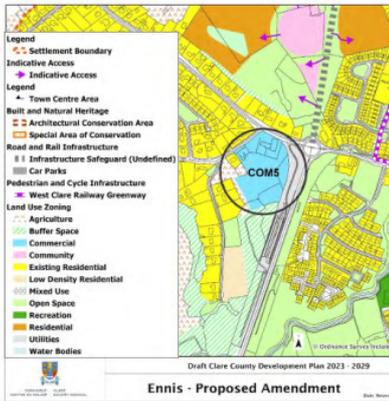


*Floodinfo, flood extents*

**Ennis - COM5**

A *Community* zoning is proposed to be enlarged in the Material Alterations, it is difficult to assess if the zoning will now be partially within Flood Zone A and B. Highly vulnerable development is not considered appropriate in Flood Zone A or B unless a Plan-making Justification Test completed by the local authority can be satisfied. Please see comments

above on *Justification Tests* in relation to sites where a small proportion of the site is at risk of flooding.

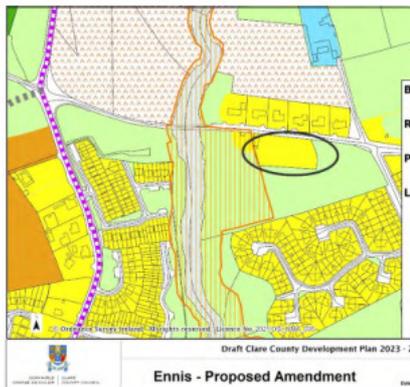


*Proposed Community zoning, COM5, in Flood Zone A and B*      *Floodinfo, flood extents*

**Ennis – Existing Residential**

An *Existing Residential* zoning is proposed as part of the Material Alterations which appears to be undeveloped and is located in Flood Zone A and B. Highly vulnerable development is not considered appropriate in Flood Zone A or B unless a Plan-making Justification Test completed by the local authority can be satisfied.

If the lands are developed then please note comments above on *Justification Tests* in relation to PL/2014 and existing developed areas of towns and cities located in Flood Zone A and B.



*Proposed Existing Residential zoning in Flood Zone A and B*      *Floodinfo, flood extents*

**Ennis - OP6 Riverside, Parnell Street Carpark**

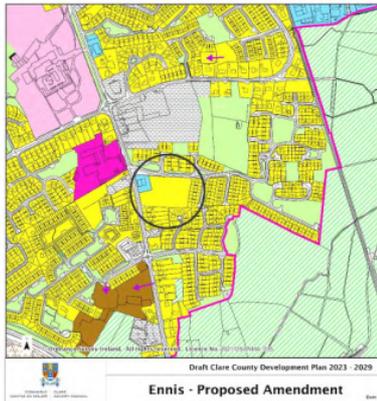
In the Justification Test supplied the recommendation for the zoning has noted *Mixed Use* and *Open Space*, however the proposed amendment is to zone the site as *Mixed Use* only. There are flood defences in this location and Clare County Council should have regard in the zoning and any planning permissions to the access requirements for maintenance of these defences.

**Ennis – Existing Residential**

A site is proposed to be rezoned as *Existing Residential* in the Material Alterations. The site appears to be undeveloped and partially located in Flood Zone A and B. Highly vulnerable

development is not considered appropriate in Flood Zone A or B unless a Plan-making Justification Test completed by the local authority can be satisfied. Please see comments above on *Justification Tests* in relation to sites where a small proportion of the site is at risk of flooding.

If the lands are developed then please note comments above on *Justification Tests* in relation to PL/2014 and existing developed areas of towns and cities located in Flood Zone A and B.



*Proposed Existing Residential zoning partially in Flood Zone A and B*      *Floodinfo, flood extents*

#### **Ennis – LDR2 and R17**

The OPW had previously commented in relation to these zonings that the “*Sites LDR2 and R17 have failed the Justification Test, but have retained their zoning. The sequential approach to flood risk management as set out in the guidelines recommends that if a zoning which allows for highly vulnerable development in Flood Zone B, or highly or less vulnerable development in Flood Zone A cannot be justified, the zoning should be substituted for a zoning appropriate to the level of risk*”. These Justification Tests have been removed from the SFRA, however there has been no material alterations proposed to change the land use zonings of these sites to water compatible. Therefore, Justification Tests that satisfy all criteria, are still required to be completed by Clare County Council.

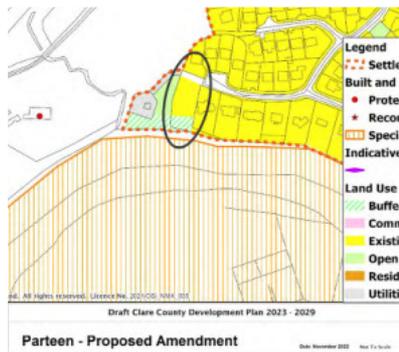
#### **Ennis – OP15 Clare Technology Park**

Criteria 1 and 2 of the Justification Test for this site have been supplied, where these criteria had been omitted previously from the SFRA contained in the Draft Plan. The result of the Test is passed, however there are statements included such as “*these lands are not essential for the expansion of Ennis town centre*”, “*The site is previously developed within Flood Zone C, but the lands within Flood Zone A / B are undeveloped*” and “*There is room within the site boundary to develop outside Flood Zone A and B*”. The recommendation to stipulate that water compatible development only is permitted in Flood Zone A and B is welcomed by the OPW, however the Justification Test should have failed as Criteria 2 has not been satisfied.

#### **Parteen**

An *Existing Residential* zoning is proposed to be extended as part of the Material Alterations which appears to be undeveloped and is located in Flood Zone A and B. Highly vulnerable development is not considered appropriate in Flood Zone A or B unless a Plan-making Justification Test completed by the local authority can be satisfied. It is noted that these lands are situated on the periphery of Parteen and would not satisfy Criteria 2.

If the lands are developed then please note comments above on *Justification Tests* in relation to PL/2014 and existing developed areas of towns and cities located in Flood Zone A and B. Clare 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.



*Proposed Existing Residential zoning in Flood Zone A and B*      *Floodinfo, flood extents*

**Clooney, Kilnamona and Kilmihil**

The Justification Tests in the SFRA states that watercourses in these settlements are not mapped and that a SSFRA will be required to define the Flood Zones. It is the responsibility of Clare County Council to define the Flood Zones at Plan-making stage. Clare County Council will need to carry out a Flood Risk Assessment to inform the definition of Flood Zones and planning decisions.

**Kilbane**

In the Justification Tests provided for Kilbane, PFRA is noted as being the data source for the Flood Zones and that a SSFRA will refine the Flood Zones. Clare 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. Clare 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 by Clare County Council can be carried out to inform the Flood Zones and planning decisions. Please see comments above in *Preliminary Flood Risk Assessment (PFRA)* in relation to the usage of PFRA mapping.

**Scarriff / Tuamgraney**

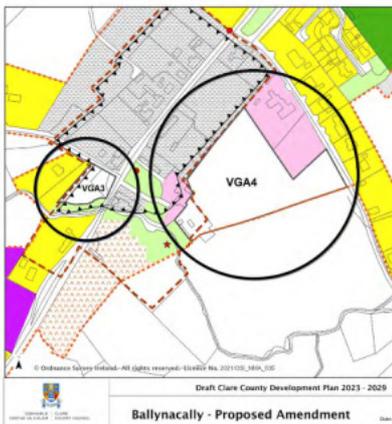
The OPW had previously commented that that the *Community* zoning required a Plan Making Justification Test. This has not been addressed in the Material Alteration Stage. Industrial lands and existing buildings are also described in Table 10-1 as encroaching on Flood Zone A and B. Highly vulnerable development is not appropriate in Flood Zone A or B, and less vulnerable development is not appropriate in Flood Zone A, unless a Plan-making Justification Test completed by the local authority can be satisfied.

**Ballynacally**

The OPW had previously commented that “*Table 11-1 of the SFRA states that lands zoned less vulnerable Commercial and highly vulnerable Existing Residential have been zoned in Flood Zone A and B. Highly vulnerable development is not appropriate in Flood Zone A unless a Plan-*

making Justification Test completed by the local authority can be satisfied". The Justification Test supplied covers Criteria 3 for the *Community* zoning, where highly and less vulnerable development is limited to Flood Zone C. However, Criteria 1 and 2 of the Justification Test for this zoning have been omitted.

There is a Material Alteration proposed to rezone an *Agriculture* zoning as *Village Growth Area* zoning (VGA3). No Justification Test has been supplied for proposing this highly vulnerable development in Flood Zone A. Highly vulnerable development is not appropriate in Flood Zones A and B, and less vulnerable development in Flood Zone A, unless a Plan-making Justification Test completed by the local authority can be satisfied.

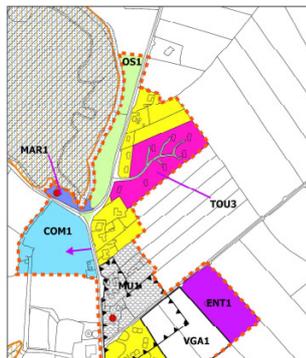


*Ballynacally, VGA3 Proposed Amendment*

*Ballynacally, SFRA*

**Belharbour**

The text in Table 11-1 of the SFRA has been updated noting that it is *Open Space* and *Maritime* zonings which are at flood risk. However, there is no comment on the *Commercial* zoning (COM1) where the north east corner of the site is partially in Flood Zone A and B. Less vulnerable development in Flood Zone A, unless a Plan-making Justification Test completed by the local authority can be satisfied. Please see comments above on *Justification Tests* in relation to sites where a small proportion of the site is at risk of flooding.



*Belharbour, Land Use Zoning*

*Belharbour, National Coastal Flood Hazard Mapping*

**Carrigaholt**

The OPW had previously commented that “*Table 11-1 of the SFRA states that lands zoned highly vulnerable Existing Residential and Mixed Use which allows highly vulnerable development have been zoned in Flood Zones A and B. Highly vulnerable development is not appropriate in Flood Zones A and B unless a Plan-making Justification Test completed by the local authority can be satisfied*”. This comment has not been addressed in the Material Alterations stage.

**Kilrush**

The Justification Test supplied covers Criteria 3 for the *Community* zoning, where minor development is permitted but opportunities to reduce flood risk should be taken. However, Criteria 1 and 2 of the Justification Test for this zoning have been omitted.

**Moyasta**

For the Tourism zonings (TOU1, TOU2 and TOU3), Criteria 2 states that the site is a visitor centre and Criteria 3 states that the lands are associated with the railway. It should be clarified what the tourism use is of all three sites are, since they are described as existing but appear to be undeveloped.

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 Clare County Development Plan 2023-2029.

Yours sincerely,



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**PP Conor Galvin**

**Flood Relief and Risk Management – Climate Adaption & Strategic Assessments**