



**Senior Executive Officer,
Planning Department,
Kildare County Council,
Áras Chill Dara,
Devoy Park,
Naas,
Co Kildare.**

19th May 2022

RE: Draft Kildare County Draft 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 Draft Kildare County Development Plan for the period 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 OPW welcomes the acknowledgement of the Guidelines and the preparation of a Strategic Flood Risk Assessment (SFRA). In particular, the OPW welcomes the policies, objectives and actions in Chapter 6 regarding Flood Risk Management.

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

Sequential Approach

The Guidelines highlight the need for a Sequential Approach to managing flood risk, using mapped flood zones alongside considerations of the vulnerability of different types of development to give priority to development in zones of low flood probability. Only if there are no reasonable sites available in zones of low flood probability should consideration be given to development in higher flood probability zones. It would appear that land use zoning within Flood Zones that would be considered inappropriate or require application of the Justification Test, in accordance with Table 3.2 of the Guidelines, has been proposed in a number of settlements, as detailed in the Comments on Specific Settlements section below.

Flood Zone Mapping

While the inclusion of the various datasets on the flood zone mapping is helpful, it has resulted in somewhat cluttered mapping. The Guidelines require Flood Zones to be defined based on all available information in order for the sequential approach to be applied to land use zoning in flood risk areas. It would be preferable if mapping were included with Flood Zones A and B overlaid on the land use zoning.

Justification Tests

The OPW welcomes the inclusion of Plan Making Justification Tests in Appendix C. These Justification Tests however are not consistent with the Plan Making Justification Test as set out in the Guidelines. Part 1 of the Justification Test defined in Table 3.4 of the SFRA and as included in Appendix C states: *“The Regional Spatial Economic Strategy for the Eastern Midlands Region 2019 - 2031 sets out the planned direction for growth within the Greater Dublin Area up to 2031 by giving regional effect to national planning policy under Project Ireland 2040; the National Planning Framework & its Implementation Roadmap”*. However, Part 1 of the Plan Making Justification Test as set out in box 4.1 in the Guidelines, states: *“The urban settlement is 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”*.

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. It would be beneficial if KCC were to clarify which settlements have been targeted for growth.

Furthermore, 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 Tests included in Appendix C, which is in all cases a requirement for an SSFRA at development management stage, is not consistent with this requirement.

Proposed land use zones, some of which are classified as highly vulnerable development in the Guidelines within Flood Zones A and B are shown in the zoning maps that have not been assessed against the criteria of the Plan Making Justification Test.

Examples of areas for which either not all criteria have been satisfied, or which have not been assessed against the criteria of the Plan Making Justification Test are detailed in the Comments on Specific Settlements section below.

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.

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

The OPW welcomes the policies and objectives set out in chapter 6 and 12 of the written statement regarding Sustainable Urban Drainage Systems (SuDS) and the promotion and encouragement of SuDS and Nature Based Solutions to flood risk and surface water management (NBS). In particular the OPW welcomes the discussion in section 4.3.1 of the SFRA of the different types of SUDs suitable for specific development types.

Reference might be made to the “*Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas - Water Sensitive Urban Design - Best Practice Interim Guidance Document (2021)*”.

As set out in the Guidelines, and listed in section 3.5 of the SFRA, among the outputs of an SFRA recommended by the Guidelines is that an 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. In addition to the outputs listed in section 3.5 of the SFRA, the Guidelines also recommend that an SFRA provide guidance on the likely applicability of different SuDS techniques for managing surface water runoff at key development sites.

Consideration of Climate Change Impacts

The OPW welcomes the discussion on Climate Change in the Draft Plan. In particular the assessment of the climate change impact in each settlement and as set out in section 6.3 of the SFRA, the use of climate change flood extents mapping to apply The Guidelines sequential approach for appraising sites and make proactive land use decisions to avoid potential future flood risk issues with land zonings is welcomed.

Arterial Drainage Schemes and Drainage Districts

No commentary has been provided on Arterial Drainage Schemes or Drainage Districts. Consideration should be given in zoning land for development to ensure that access requirements are preserved for the maintenance of Arterial Drainage Schemes and Drainage Districts. Applications for development on land identified as benefiting land may be prone to flooding, and as such site-specific flood risk assessments may be required in these areas. The location of Arterial Drainage Schemes and Drainage Districts may be viewed on www.floodinfo.ie.

Construction, Replacement or Alteration of Bridges and Culverts over Watercourses

Action TM A18 is to “*investigate the feasibility for a new pedestrian bridge crossing the River Liffey in the vicinity of Alexandra Bridge in Clane*”. It should be noted that there are restrictions on the construction, replacement or alteration of bridges and culverts over any watercourse, and that appropriate consent from the Commissioners is required under Section 50 of the Arterial Drainage Act 1945.

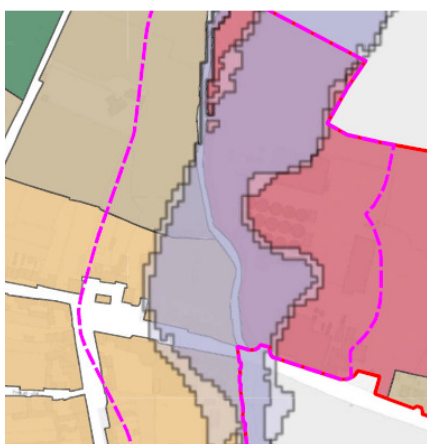
Errata

- Two Flood Zone Maps have been included labelled as Allen, one of which appears to be the Athgarvan Map.
- Section 6.7 of the written statement refers to “DECLG Circular P12/2014” This should read PL2/2014.
- The Source-Pathway-Receptor model diagram in Figure 3.1 of the SFRA appears to have had the definition of flood risk from section 3.2.3 of the SFRA. This has obscured the diagram.
- Section 3.1 of the SFRA refers to the availability of the Guidelines at www.opw.ie. The correct location for the Guidelines is <https://www.gov.ie/en/publication/7db50-the-planning-system-and-flood-risk-management-guidelines-for-planning-authorities-nov-09/>

Comments on Specific Areas

Ballitore

The Justification Test for Ballitore states that the lands are already developed. The OPW notes that the lands zoned for highly vulnerable *B – Existing Residential Infill* in Flood Zones A and B appear to be undeveloped. Consideration might be given to assigning a water compatible zoning to these lands.



*Flood Zone Mapping for
Ballitore*



*Aerial imagery from Google
Maps*

Ballymore Eustace

Lands zoned highly vulnerable *B – Existing Residential Infill*, and *U – Utilities & Services* which although it reflects current usage as water compatible hydro plant, can allow for highly vulnerable development, overlap with Flood Zones A and B. No commentary has been included to show that these zonings have been assessed against the criteria of the Plan Making Justification Test. Highly vulnerable development is not appropriate in Flood Zones A or B unless all criteria of a Plan Making Justification Test, undertaken by the planning authority have been satisfied.

Blessington Environs

The Justification Test for Blessington Environs for highly vulnerable *B – Existing Residential Infill* has answered no to criterion 2(iii) “*Is within or adjoining the core of an established or designated urban settlement*”. All criteria in the Plan Making Justification Test must be satisfied in order for a zoning to be considered justified.

Caragh

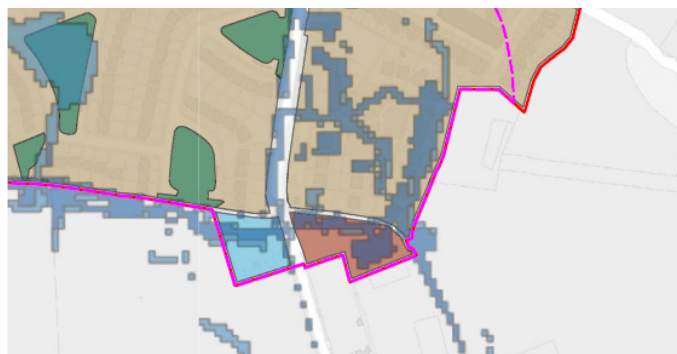
Lands have been zoned *I – Agriculture*, defined in the guidelines as less vulnerable, which overlaps with Flood Zones A. No commentary has been included to show that this zoning has been assessed against the criteria of the Plan Making Justification Test. Less vulnerable development is not appropriate in Flood Zone A unless all criteria of a Plan Making Justification Test, undertaken by the planning authority, have been satisfied.

Castledermot

Lands zoned *E – Community & Education* which can allow highly vulnerable development, less vulnerable *Q – Enterprise & Employment* and *I – Agriculture* have been zoned in Flood Zones A and B. No commentary has been included to show that these zonings have been assessed against the criteria of the Plan Making Justification Test. Highly vulnerable development is not appropriate in Flood Zones A or B, and less vulnerable development is not appropriate in Flood Zone A unless all criteria of a Plan Making Justification Test, undertaken by the planning authority, have been satisfied.

Johnstown

The Justification Test for Johnstown states for criterion 2(iii) that “*All identified sites are close to or adjoin the village centre*”. The lands at Westown zoned highly vulnerable *C – New Residential* are on the periphery of the settlement, and thus do not satisfy this requirement.

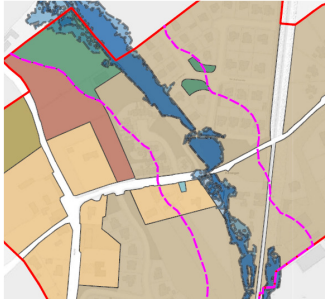


New Residential zoned lands at Westown on the periphery of Johnstown

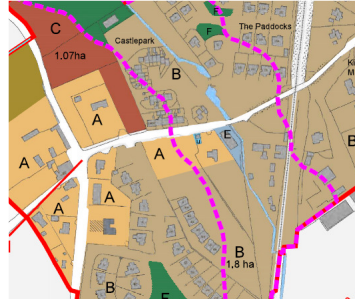
Kildangan

The Justification Test for the highly vulnerable *B – Existing Residential Infill* zoned lands in Kildangan states that: “*a large portion of the lands identified are already developed*”.

Moving development which is already underway would lead to sprawling of the village". Large areas of this land within Flood Zones A and B, between the Castleparks and Paddocks estates appear however to be undeveloped. Consideration might be given to assigning a water compatible zoning to these lands.



Kildangan Flood Zone Mapping



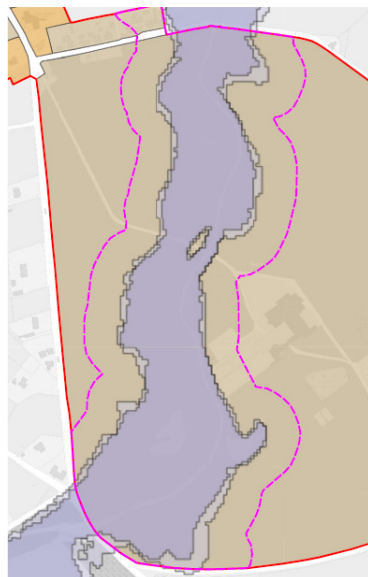
Kildangan Land Use Zoning Mapping



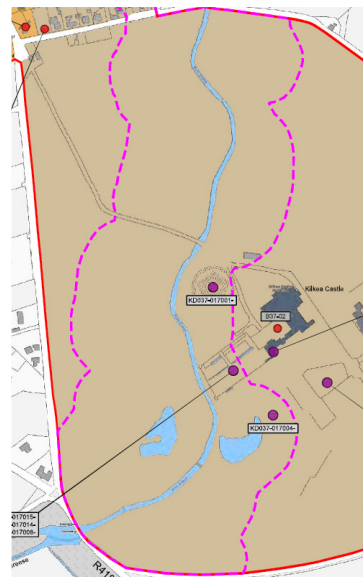
Aerial imagery from Google Maps

Kilkea

The flood risk assessment in section 7.1.5 of the SFRA states that *"There is very little flood risk identified in this area to the existing urban development and there is no Justification Test required."* There is however a large area zoned *Existing Settlement* which allows highly vulnerable development, which overlaps with Flood Zones A and B. Highly vulnerable development is not appropriate in Flood Zones A or B, and less vulnerable development is not appropriate in Flood Zone A unless all criteria of a Plan Making Justification Test, undertaken by the planning authority, have been satisfied.



Kilkea Flood Mapping



Kilkea Land Use Zoning Mapping

Kill

Lands zoned *V – Equestrian*, which while generally allowing for less vulnerable usage can allow highly vulnerable development such as Hotels or Hostels, overlap with Flood Zones A and B to the south of the settlement. No commentary has been included to show that this zoning has been assessed against the criteria of the Plan Making Justification Test. Highly vulnerable development is not appropriate in Flood Zones A or B, and less vulnerable development is not appropriate in Flood Zone A unless all criteria of a Plan Making Justification Test, undertaken by the planning authority, have been satisfied.

Maganey/Levitstown

Lands zoned highly vulnerable *Existing Settlement* have been zoned in Flood Zones A and B at the west bank of the Greese watercourse. No commentary has been included to show that this zoning has been assessed against the criteria of the Plan Making Justification Test. Highly vulnerable development is not appropriate in Flood Zones A or B unless all criteria of a Plan Making Justification Test, undertaken by the planning authority, have been satisfied.

Prosperous

Undeveloped lands zoned highly vulnerable *C – New Residential* and *SS – Serviced Sites* have been zoned in Flood Zones A and B. No commentary has been included to show that these zonings have been assessed against the criteria of the Plan Making Justification Test. Highly vulnerable development is not appropriate in Flood Zones A or B unless all criteria of a Plan Making Justification Test, undertaken by the planning authority, have been satisfied.

Rathangan

Undeveloped lands zoned *A – Town Centre* which can allow highly vulnerable development, and less vulnerable *I – Agriculture* have been zoned in Flood Zone A along the Slate watercourse. No commentary has been included to show that these zonings have been assessed against the criteria of the Plan Making Justification Test. Highly vulnerable development is not appropriate in Flood Zones A or B, and less vulnerable development is not appropriate in Flood Zone A unless all criteria of a Plan Making Justification Test, undertaken by the planning authority, have been satisfied.

Staplestown

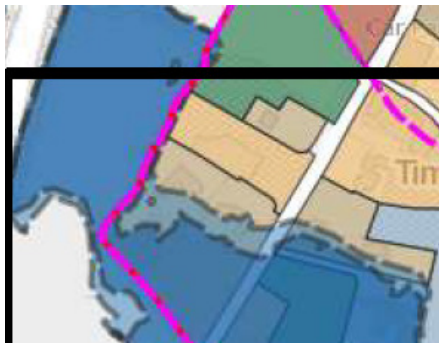
Lands zoned *Existing Settlement* and *Settlement Core*, both of which allow highly vulnerable development, have been zoned in Flood Zones A and B. No commentary has been included to show that these zonings have been assessed against the criteria of the Plan Making Justification Test. Highly vulnerable development is not appropriate in Flood Zones A or B unless all criteria of a Plan Making Justification Test, undertaken by the planning authority, have been satisfied.

Suncroft

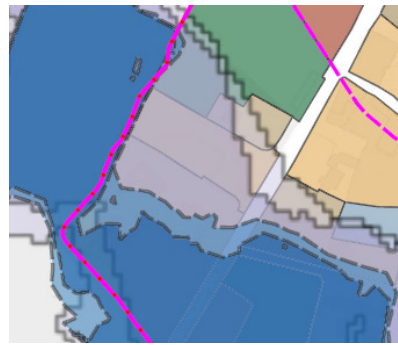
Lands zoned highly vulnerable *B – Existing Residential Infill* overlap with Flood Zones A and B in the Askinraw Lane/Eascanrath Brook areas. No commentary has been included to show that this zoning has been assessed against the criteria of the Plan Making Justification Test. Highly vulnerable development is not appropriate in Flood Zones A or B unless all criteria of a Plan Making Justification Test, undertaken by the planning authority, have been satisfied.

Timolin

Lands zoned *A – Village Centre* which can allow highly vulnerable development have been zoned in Flood Zone A and B. This zoning has not been referenced in the Justification Test for Timolin. There is a discrepancy in the mapping, whereby the clipping in the Justification Test shows this area in Flood Zone C, while the Flood Zone mapping shows this area in NIFM Flood Zones A and B. Highly vulnerable development is not appropriate in Flood Zones A or B unless all criteria of a Plan Making Justification Test, undertaken by the planning authority, have been satisfied.



Justification Test Clipped Mapping



Timolin Flood Zone Mapping

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 Draft Kildare County Development Plan 2023-2029.

Yours sincerely,

A handwritten signature in blue ink that reads 'Kon Dondra'.

PP Conor Galvin

Flood Relief and Risk Management – Climate Adaption & Strategic Assessments