



Planning Department,
Civic Offices,
Limerick Road,
Nenagh,
Co. Tipperary,
E45 A099



25/03/2024

RE: Material Alterations to Draft Carrick-on-Suir Local Area Plan 2025 - 2031

Dear Sir/Madam,

The OPW, as lead agency for flood risk management in Ireland, welcomes the opportunity to comment on the Material Alterations to the Draft Carrick on Suir Local Area Plan for the period 2025 – 2031.

This submission is made specifically concerning flood risk management. Further submissions on the Material Alterations may be made by the OPW concerning the estate portfolio, heritage and other areas of responsibility.

The OPW welcomes the following material alterations:

- Material Alteration number 42, to update Policy 8.4(d) to address an observation made by the OPW at draft plan stage,
- Material Alteration number 60 which clarifies that PFRA datasets are not appropriate for use,
- Material Alterations number 59, 61 and 62 which correct errors highlighted via the OPW commentary on the draft plan,
- Material Alteration number 68 which rezones an area of land within Flood Zones A and B from 'Community Services and Infrastructure' which allows highly vulnerable development, to water compatible 'Open Space and Recreation'.

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

Material Alteration number 64

The OPW welcomes Material Alteration number 64, to amend Section 2.6 of the SFRA to limit usage to water compatible in Flood Zone A and less vulnerable or water compatible uses in Flood Zone B, *"apart from where the Justification Test outlined in the Flood Risk Management Plan has been passed"*. It should be noted that the Justification Test is outlined in the Planning System and Flood Risk Management Guidelines for Planning Authorities as amended by Circular PL2/2014, and not in the Flood Risk Management Plan.

Justification Tests

The OPW welcomes the updated Justification Tests included via material alteration number 65, which address each sub criterion of part 2 individually.



Criterion 2(iii) of the Plan Making Justification Test requires that in order for lands to be zoned for usage which would be inappropriate to the level of flood risk identified, the lands must be *"within or adjoining the core of an established or designated urban settlement"*. The core of a settlement is defined in the Guidelines as the *"centre for a broad range of employment, retail, community, residential and transport functions"*. This would be consistent with lands zoned Urban Core, therefore, any zonings which are not within or adjoining the urban core would not satisfy this criterion, and thus have not passed the Justification Test.

Several of the Justification Tests included at material alteration stage have stated that: *"any future development should be subject to an FRA which should address the following:*

- The sequential approach should be applied and highly vulnerable infill and redevelopment shall not be permitted in Flood Zone A or B; FRA should address climate change scenarios in relation to FFLs and potential mitigation measures;*
- Finished floor levels should comply with the minimum standards set out in Table 6.4 of the SFRA."*

The OPW commentary on the draft plan noted that part 3 of the Plan Making Justification Test as set out in the Guidelines is that *"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"*. It was clarified that this is a requirement that in order to satisfy the Justification Test, it must be demonstrated that it is feasible to develop the lands in question safely, and that this should not be passed on to development management. If a Justification Test is required, a decision is being made to zone lands for usage inappropriate to the level of flood risk identified. In order to justify such a decision, it must be demonstrated that the specific risk associated with the site in question can be mitigated sufficiently to justify the vulnerable usage being proposed in areas where flood risk has been identified.

Former Mart Site

The OPW welcomes Material Alteration number 56, which amends the key planning criteria for the site from "should include high-density employment and residential uses" to "should include high-density employment uses", thus removing the proposal to develop this site for highly vulnerable usage, although the zoning objective of "Regeneration" would still support such development.

This site has been assessed via Plan Making Justification Test JT07. Part 3 of the Justification Test states that:

- Any future development in the zone should follow the sequential approach,
- Any development proposals which provide for new buildings would require a Site Specific Flood Risk Assessment,
- That policy 8.4 would significantly limit the development of sections of the site within Flood Zones A and B.

The limitation of development via policy 8.4, and the application of the sequential approach to development of the site where flood risk areas are avoided would indicate that Tipperary County Council do not intend that undeveloped areas of this site located within Flood Zones



A and B be developed. In addition, it is set out in appendix 3 of the draft plan that redevelopment of the suite should provide "amenity space along the river".

If Tipperary County Council wish to avoid development in currently undeveloped areas of this site located within Flood Zones A and B, consideration might be given to zoning undeveloped areas of the site for water compatible usage. If the planning authority wish to justify development in these areas, part 3 of the Justification Test might be amended to suggest application of measures to mitigate the identified risk, such as requiring the minimum design levels and freeboard requirements as set out in Table 6.4 of the SFRA to be adhered to.

North Quay/Greystone Street

It is noted that there is extant planning permission at this site, and that a Gaelscoil has been proposed at this location. This site has been assessed via Plan Making Justification Test JT-15. Part 3 of the Justification Test states that: *"The LAP is subject to the policies, objectives and requirements of the Tipperary County Development Plan that relate to flood risk and climate change, and the LAP contains a number of specific policies and objectives in this regard. Furthermore, much of these lands are protected by the Carrick-on-Suir Flood Relief Scheme that provides for a 2% Annual Exceedance Probability Standard of Protection."* This does not contain detail regarding how the specific risk to highly vulnerable users of the proposed development might be mitigated sufficiently to justify development, particularly given the standard of protection stated would not protect the school in either the 1% or 0.1% event. The planning application for this site included a Site Specific Flood Risk Assessment recommended the following:

- *"To raise finished floor levels of the Gaelscoil to a minimum level of 4.27m OD, which is 0.5m above the 1 in 1000-year flood level in both watercourses adjacent to the site. The finished floor level of the separate storage building located along the eastern boundary of the site should be constructed to a minimum level of 300mm above the 1 in 1000-year fluvial flood level (3.77m OD + 0.3m = 4.07m OD)"*,
- *"Flood storage compensation shall be provided to account for flood waters that may be displaced as a result of raising the ground levels in the northern area of the site above the 1 in 1000 year flood level"*
- *"An evacuation plan be put in place and shall be implemented by the facility operator to comply with the appropriate standards and regulations"*

Reference to these requirements might be made in Part 3 of the Plan Making Justification Test for this site.

If further information is required, please do not hesitate to contact the OPW (floodplanning@opw.ie) in advance of the completion of the Draft Carrick-on-Suir Local Area Plan 2025-2031.

Yours sincerely,



pp Conor Galvin

Flood Risk Management – Climate Adaptation and Strategic Assessments