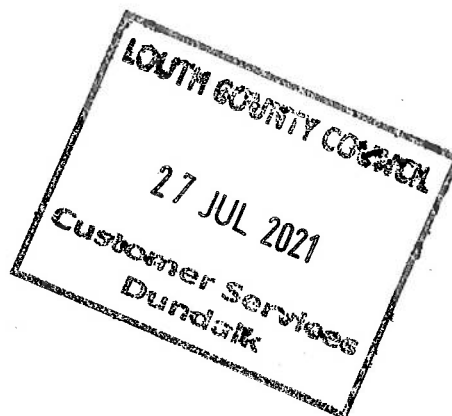


Frank Pentony,
Director of Services,
Louth County Council,
Town Hall,
Crowe Street, Dundalk,
Co. Louth
A91 W20C



28/07/21

Re: Material Alteration No. DLK32

Change lands south of Racecourse Road Dundalk from A2 New Residential and L1 Strategic Reserve to H1 Open Space

Dear Sir,

1.0 REQUESTED AMENDMENT

- 1.1 Mr Fred O' Hagan is the owner of circa 3.65Ha of lands along the south side of the Racecourse Road, Dundalk under Folio LH7208. The proposed Material Alteration No. DLK32 relates to part of these lands.
- 1.2 We, Mr Fred O Hagan, Lisa O' Hagan Mernagh and Orlaith O'Hagan, wish to request that the proposed zoning of 0.4Ha of these lands, as marked A on the Fig.1, is changed from Open Space to A2 New Residential Phase 1.

2.0 JUSTIFICATION FOR THE REQUESTED AMENDMENT

- 2.1 The change of zoning is requested for the sole reason of providing Lisa O' Hagan Mernagh and Orlaith O' Hagan (daughters of the landowner (Mr Fred O' Hagan) each with the opportunity to obtain planning permission to construct a single dwelling house on family lands and in close proximity to the family home allowing them to care for their aging parents
- 2.2 Mr O Hagan is prepared, if necessary, to allow for the zoning of an equivalent area of lands in his ownership to be changed from A2 New Residential Phase 1 to Open Space should the Planning Authority wish to retain the quantum of both Open Space and A2 New Residential Phase 1 lands at this location at their current level.
- 2.3 The lands are zoned Residential 1 in the Dundalk & Environs Development Plan 2009-2015 as extended
- 2.4 The subject lands front directly onto the Racecourse Road and can easily connect onto the existing infrastructure (water supply, foul sewer, ESB Network, Fibre Optic etc) with no need for extensions or upgrades.
- 2.5 Mr Fred O'Hagan has made significant investment over the past two decades in improving the landholding, including the subject lands, to make it more suitable for development.

- 2.6 The provision of 2no. houses on these lands shall not impact on access to the remaining zoned lands to the south of the Racecourse Road as the optimum access to these lands from the Racecourse Road has been identified as being located further to the west at a suitable separation distance from the R215/Racecourse Road junction.
- 2.7 The provision of 2no. houses on the lands shall mimic and naturally complete the existing pattern of development of road frontage development along this section of the Racecourse Road
- 2.8 The lands are located within 1.6km of Dundalk Town Centre (The Square) as the crow flies and just over 2km measured along available walking routes.
- 2.9 The subject lands are within 1km of a wide range of community, educational, cultural and retail facilities including: The Marist Church, St. Nicholas Church (Catholic), St. Nicholas Church (Church of Ireland), St. Marys Secondary School, Castletown Girls National Primary School, DLS Boys National Primary School, Public Houses (Lisdoo Arms and Spirit Store), Supermarkets (Aldi and Lidl), a number of service stations, Restaurants (Lisdoo Arms, Ma Brady's), a range of retail shops and services along Bridge Street and Chapel Street, Riverside Walk, St. Helena's Park, Dundalk Racecourse, Civic Amenity Centre etc.,
- 2.10 The proposed zoning of the lands as New Residential shall retain the current zoning and not expand the centre of the Dundalk settlement but rather will support policy objectives of both the core and growth strategies which seek to consolidate core areas and deliver compact growth, while supporting the creation of vibrant communities.
- 2.11 The proposed zoning shall promote sustainable development of lands adjoin the existing built up area, which are under-utilised and preferential to peripheral locations. Compact forms of growth can contribute to the viability of services and public transport, increase housing supply in a serviced area and enable people to be closer to employment and recreational opportunities
- 2.12 Residential development in the wider Dundalk area has tended to concentrate in the south of the town and has lead to an imbalance of growth between north and south. The zoning of these sites as New Residential, shall act as a counterbalance, albeit in a small way, to the level of growth in the southern environs of Dundalk

3.0 FLOOD RISK

- 3.1 The lands are not susceptible to Fluvial Flooding under any scenario up to and including the 0.1% AEP event (1 in 1000 years)
- 3.2 The lands are not susceptible to Coastal Flooding under either the 10% or 0.5% AEP Events (1 in 200 year). The lands are however susceptible to coastal flooding under a 0.1% AEP scenario (1 in 1000 years) and subsequently classified as Flood Zone B.
- 3.3 The updated SFRA prepared in support of the Proposed Amendments to the Draft Development Plan determined, that any proposal to zone the subject lands (Site 9) for a vulnerable development (e.g. Residential) would fail to satisfy Criteria No.2 of the Development Plan Justification Test due to its location within a Flood Zone B

- 3.4 The assessment carried out under Criteria 2 of the Justification test in the updated SFRA as reproduced below is very short, un-detailed and generic. It is not clear from the document whether the subject site was fully assessed under each of the 5no. sub-criteria of Criteria 2.

Site 9: Rezone lands 'New Residential' (A2) which are vulnerable to coastal flooding and in Flood Zone B, as the primary provision of residential development on these lands is not compatible. Rezone the lands to 'Open Space' (H1).

***Application of Criteria 2 of the Justification Test to the Subject Lands
(Extract from Updated SFRA)***

- 3.5 Large tracts of lands along the east side of Dundalk are identified as being susceptible to coastal and/or fluvial flooding with large portions of these lands being identified as Flood Zone A. These areas include lands along the south side of the Point Road on which it is proposed to retain the Existing and/or New Residential zoning in the Amended Draft Plan despite the flood zone classification and their distance from the Town Centre
- 3.6 In contrast, the subject lands lie at the outer periphery of the identified coastal flood plain and have the lesser Zone B flood rating. The subject lands are also fully serviced and within the core area of the Dundalk Settlement. It is not clear why a more stringent approach is being taken in the case of the subject lands
- 3.7 The adoption of a simple mitigation measure of raising ground levels by circa 0.9m would prevent the subject lands from flooding. Such a technique is not unusual for new development within the east Dundalk area and is considered sustainable in this case given the small area of the land (0.4Ha). The infilling shall cause no material displacement of flood waters given that the source of flooding is coastal and the small area of the land relative to the coastal flood plain.
- 3.8 It is our view that the proposed decision with respect to Material Amendment 37 is based on a low level assessment of the lands under Criteria 2 of the Development Plan Justification Test which does not give due consideration to:
- the type, frequency and depth of the flooding
 - the potential to apply simple flood risk mitigation measures that shall not adversely impact on other lands
 - the location of the site relative to Dundalk Town Centre
 - the direct access onto the public road network
 - the availability of services
 - the ability to reduce the likelihood of the land flooding to an acceptable level (> 1 in 1000 years) through the adoption of simple mitigation measure
- 3.9 In particular, it is considered that the small size of the lands to which this request applies (0.4Ha) will allow these specific lands to be zoned as New Residential without undermining the overall integrity of the position being adopted by the Planning Authority in relation to the development of lands identified as flood zones.
- 3.10 It shall still be necessary in any event, should the 0.4Ha be re-zoned as New Residential, for any planning application for a house to be accompanied by a Site Specific Flood Risk Assessment Report. Any Site Specific FRA shall be required to demonstrate to the satisfaction of the Planning Authority that the development and its infrastructure will avoid

significant risks of flooding and not exacerbate flooding elsewhere and can also satisfy the Development Management Justification Test

- 3.11 Overall, it is considered that suitable site development mitigation measures could be adopted to ensure that the provision of two residential house on the lands would not represent an unacceptable flood risk or exacerbate flooding elsewhere. It is also considered that the location of the development within the core Settlement Area of Dundalk shall ensure that the proposed development of two houses would also satisfy the Development Management Justification Test
- 3.12 A sample Development Management Floor Risk Assessment, prepared by Eamonn Mc Mahon, Chartered Engineer, concludes that the provision of a house on one of the sites would
- not represent an unacceptable flooding risk
 - not exacerbate flooding in the immediate vicinity or wider area
 - satisfy the Justification Test for Development Management
- provided the FL of any building has a minimum level of 4.7m and general ground levels within the site are raised to 4.2m. - A copy of the sample Site Specific FRA is attached.

4.0 SUMMARY

- 4.1 The requested change of zoning of the 0.4Ha of lands is for the express purpose of allowing both Lisa and Orlaith to construct a house on family lands to allow them live in close proximity to the family home allowing them to act as carers to their aging parents
- 4.2 The lands are located within the core settlement of Dundalk and the development shall promote objectives regarding the sustained and compact growth of Dundalk.
- 4.3 It is considered that the small size, location and the frequency and type of flooding to which the site may be subject provide sufficient reason to allow these lands to be zoned as New Residential without undermining the overall integrity of the position being adopted by the Planning Authority in relation to the development of lands identified as flood zones.
- 4.4 A sample Site Specific flood Risk Assessment has demonstrated that a residential house and its infrastructure will avoid significant risks of flooding and not exacerbate flooding elsewhere provided simple and standard mitigation measures are put in place
- 4.5 The sample Site Specific flood Risk Assessment, also demonstrates that the proposed development of the lands would pass the Justification Test for Development Management
- 4.6 The sole reason for the request to further amend the Draft Development Plan for 0.4Ha of the O'Hagan land holding is to allow both Lisa and Orlaith to construct a house on family lands and in close proximity to the family home to ensure that they can act as carers to their aging parents. It is not the purpose of the request to increase the value of the land in advance of selling it on to a developer. The small area of lands to which the request applies (0.4Ha) shall in any event rule out its use for speculative purposes.
- 4.7 The O'Hagan family also have no objection to changing the zoning of 0.4Ha of others lands within their land-holding from New Residential Phase 1 to Open Space should the Planning

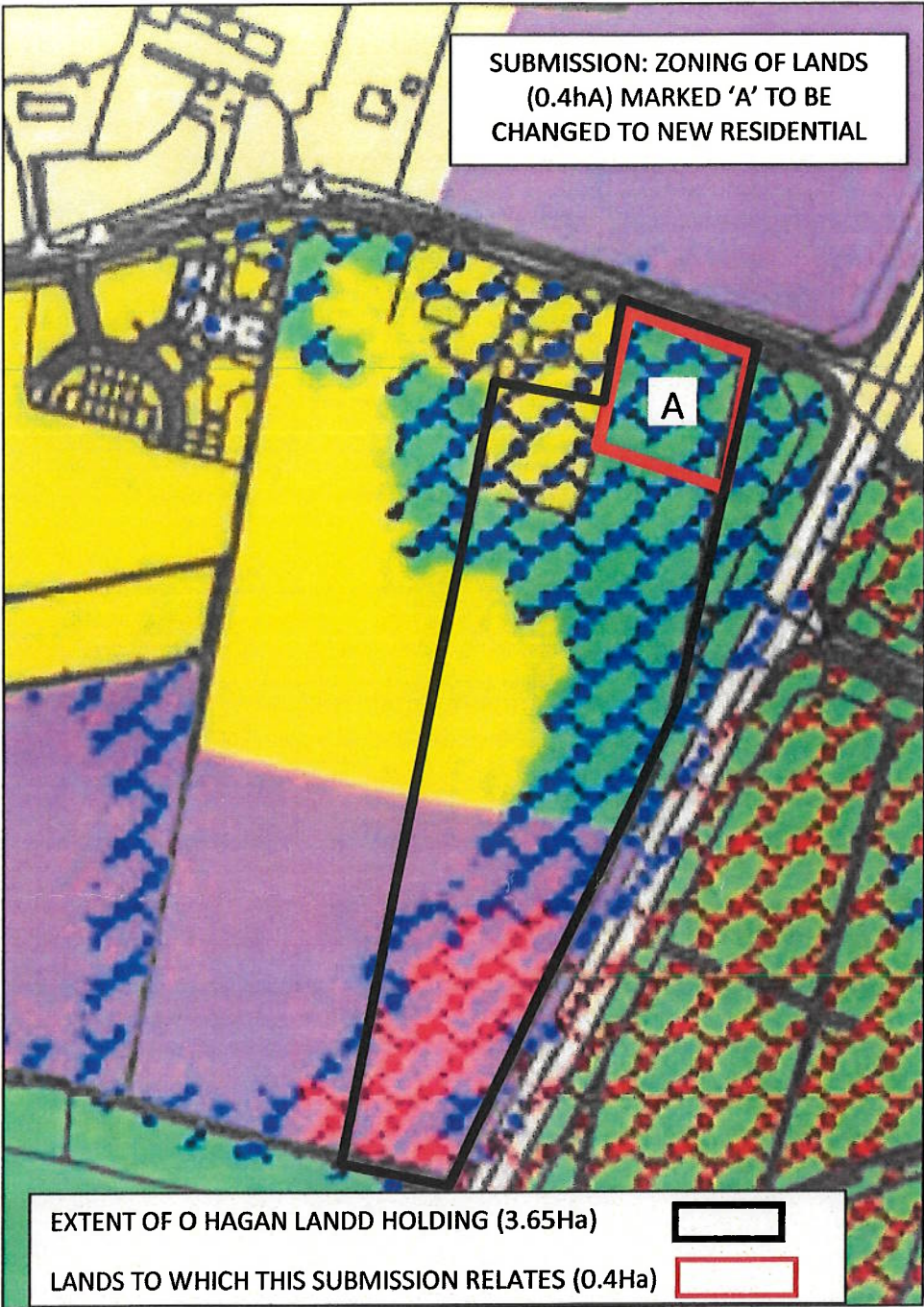


Fig. 1 – Location Map

**PROPOSED DWELLING, GARAGE
AND ASSOCIATED
SITE DEVELOPMENT WORKS
AT
RACECOURSE ROAD, DUNDALK, CO. LOUTH**

Lisa & Paul Mernagh

**FLOOD RISK
ASSESSMENT
REPORT**

*Eamonn McMahon
B.E., M.Eng.Sc., F.I.E.I
Chartered Engineer*

JULY 2021

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- 1.0** Location and Description of Site
- 2.0** Likelihood of Flooding
- 3.0** Predicted Flood Level
- 4.0** Impact of Flooding
- 5.0** Application of the Justification Test for Development Management
- 6.0** Summary and Conclusions

1.0 LOCATION AND DESCRIPTION OF SITE

- 1.1 The proposed development is located along the south side of the Racecourse Road. The location of the site within the greater east Dundalk Area is shown on Fig.1.1, while an aerial view of the site and surrounding lands is shown on Fig.1.2
- 1.2 The site is rectangular in shape measuring circa 60m x 35m and with a total area of 0.192 Ha.
- 1.3 The site is currently unused and comprises of poor quality grass lands.
- 1.4 The site is flat with levels ranging from 3.20m to 3.50m (Malin Head datum).
- 1.5 The site is located within 500m of the Dundalk Bay/Irish Sea.
- 1.6 The nearest watercourse is the Castletown River which is located c. 750m to the south of the site.
- 1.7 The proposed development comprises of detached house with associated garage, new entrance of the Racecourse Road and standard site development works. The proposed site layout is shown on Fig.1.3

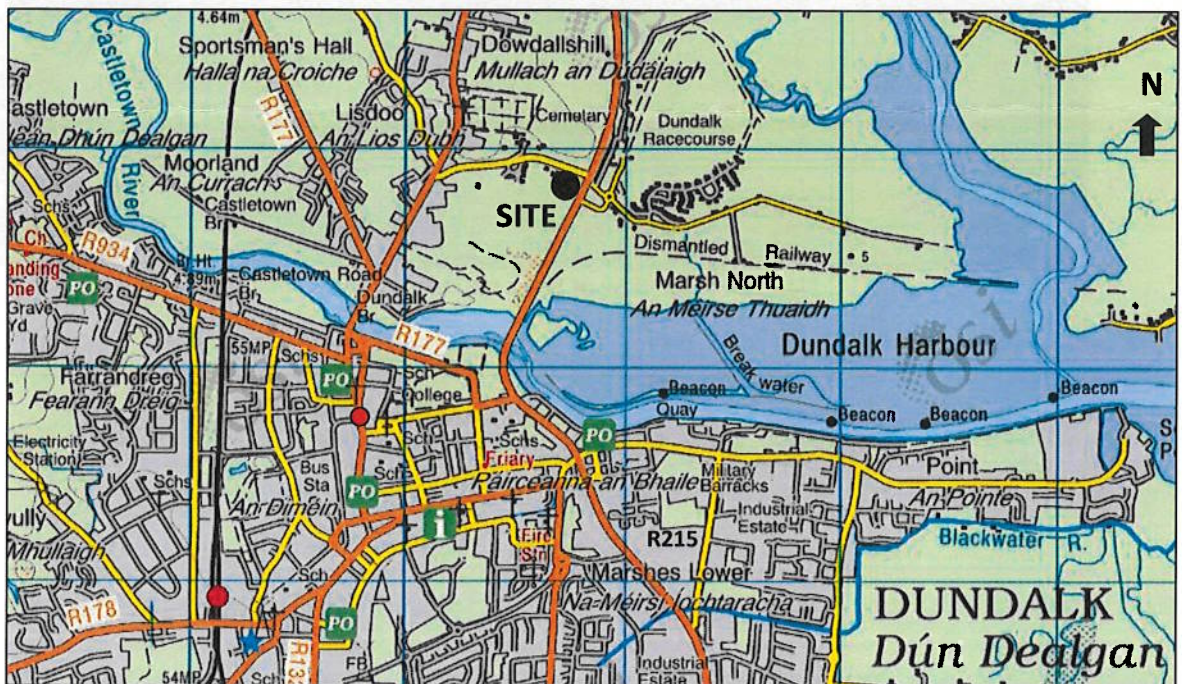


Fig. 1.1 – Site Location Map No.1 (NTS)



Fig.1.2 – Aerial View of Site and Surrounding Lands (NTS)

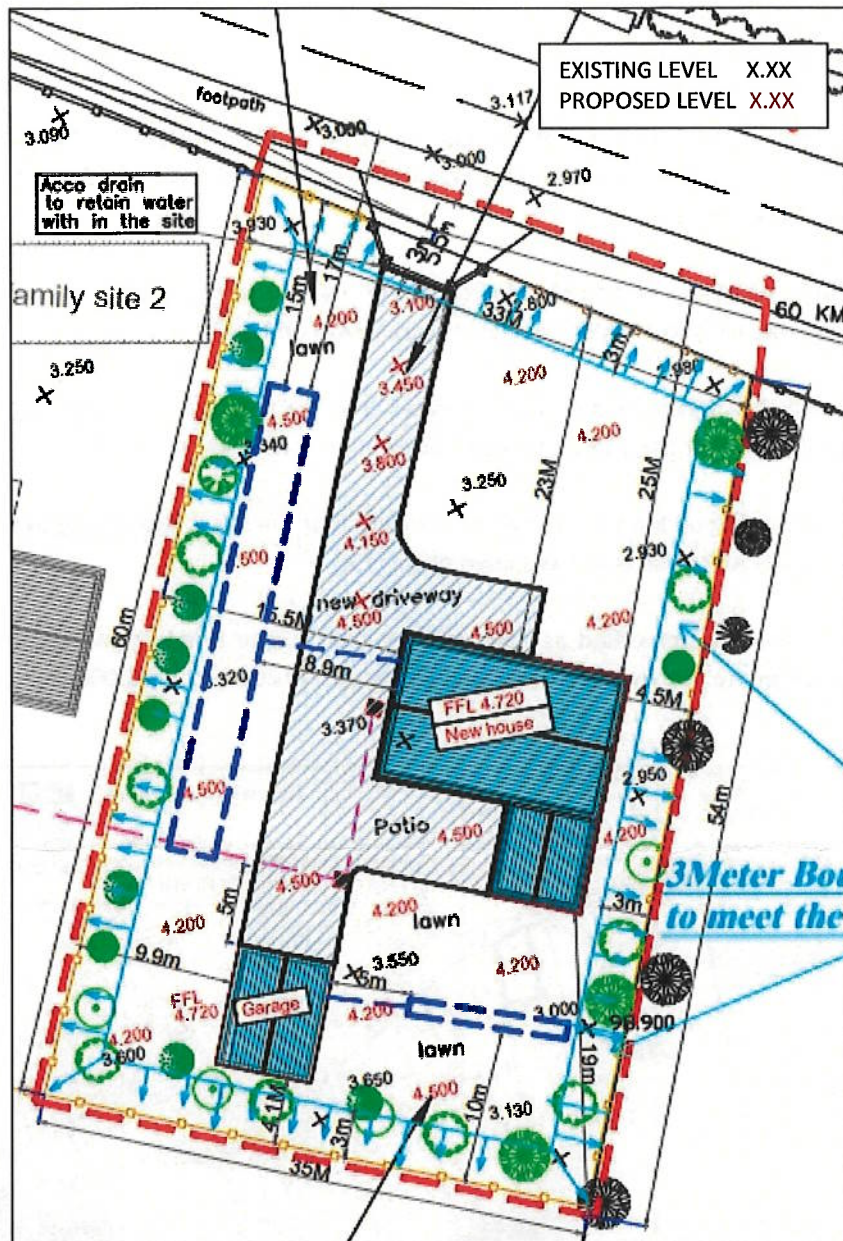


Fig.1.3 – Proposed Site Layout (NTS)

2.0 LIKELIHOOD OF FLOODING

- 2.1 The best available information of the likelihood of flooding within the Dundalk Area is the Dundalk and South Blackrock AFA Maps produced in 2016 by the OPW/RPS as part of the Neagh Bann CFRAMS exercise.
- 2.2 The Dundalk AFA Fluvial Flood Map indicates that the site is not susceptible to Fluvial Flooding under the 10%, 1% or 0.1% AEP Flood Events as shown on Fig. 2.1
- 2.3 The Dundalk AFA Coastal Flood Map indicates that the site is also not susceptible to Coastal Flooding under either the 10% or 1% AEP flood events as shown on Fig.2.2
- 2.4 The AFA Coastal Flood Map does however indicate that the site is susceptible to coastal flooding under the 0.1% AEP flood event as shown on Fig 2.2.
- 2.5 The site is therefore classified as lying within a **Flood Zone B** as designated in the Flood Risk Guidelines (i.e. the likelihood of flooding is between 1 in 200 and 1 in 1,000 years).

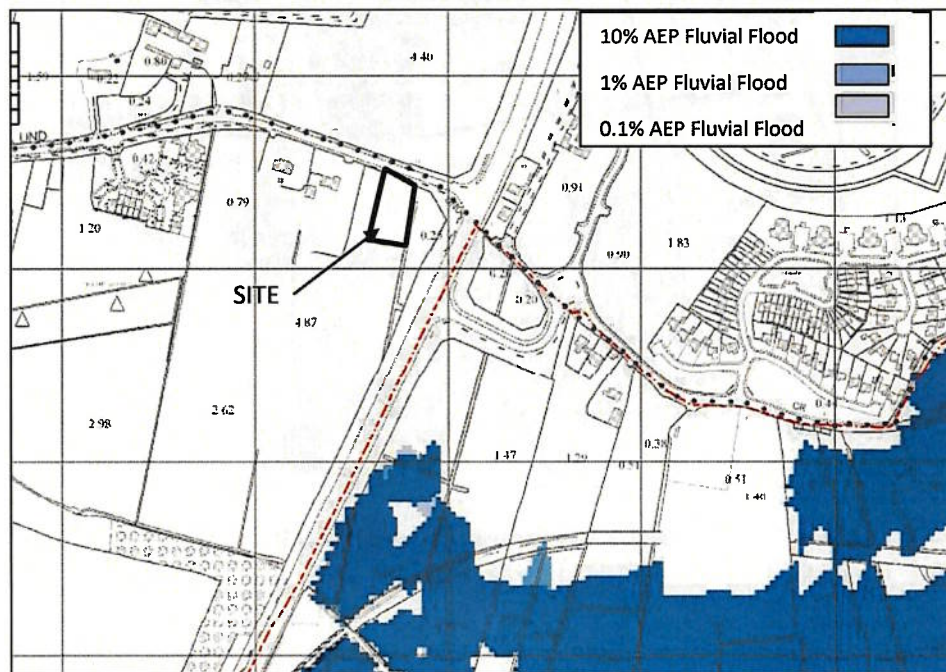


Fig. 2.1 – Extract from Dundalk & South Blackrock AFA Maps – Extent of Fluvial Flooding

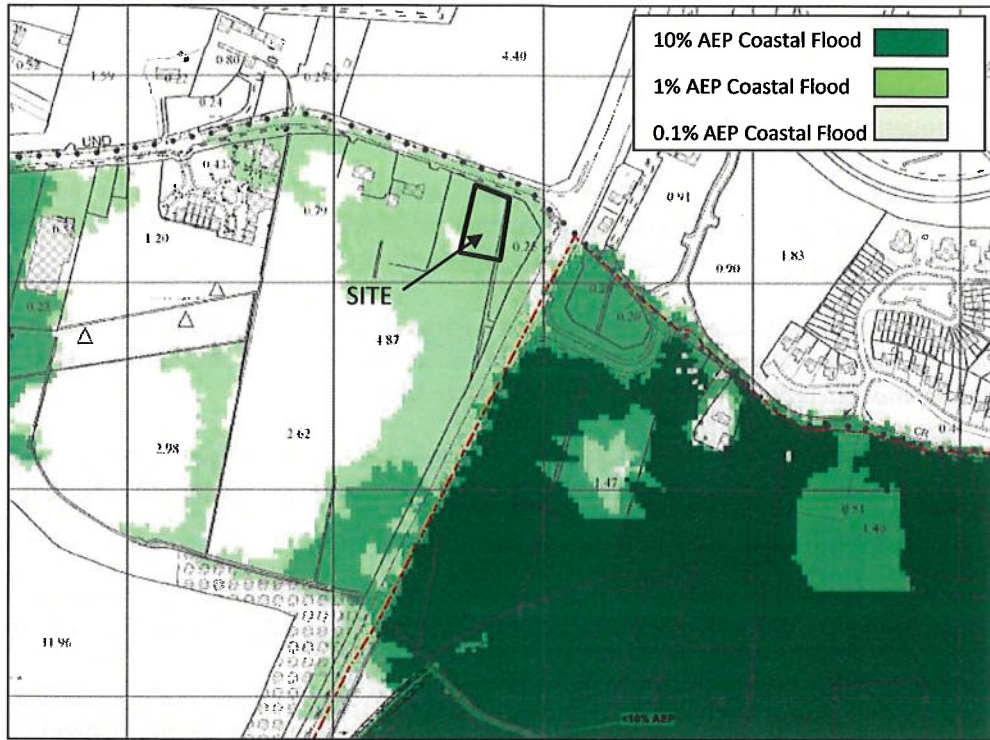


Fig. 2.2 – Extract from Dundalk & South Blackrock AFA Maps – Extent of Coastal Flooding

3.0 PREDICTED FLOOD LEVEL

- 3.1 The AFA Flood Maps were prepared by predicting flood levels at a number of key node point and overlaying these levels over a high quality topographical survey of the area.
- 3.2 In this case there are a number of nodes within close proximity of the site as follows:

Node No.	Distance from Site	Predicted 0.5% Coastal Flood Level	Predicted 0.1% Coastal Flood Level
0622C00027	500m to south east	3.72m	3.97m
0623M00033D	500m to south	3.71m	3.96m
0628M00034	1000m to east	3.73m	4.00m

- 3.3 On this basis the selection of a 0.5% flood level of 3.72m at the site would be reasonable. assumption
- 3.4 It is widely accepted that sea levels shall rise over the coming decades due to climate change. The most accurate current prediction is that the extent of the increase shall be 0.5m along the east coast of Ireland. The design flood level, with appropriate allowance for climate change, is therefore considered to be 4.22m

4.0 IMPACT OF FLOODING

- 4.1 It has been concluded that the proposed development is located with coastal Flood Zone B and subsequently has a likelihood of flooding of between 1 in 200 and 1 in 1000.
- 4.2 However the development is located within the Dundalk Settlement Centre and therefore supports the continued renewal and development of the compact urban form in accordance with the key objective of the Planning Authorities Core Strategy for Dundalk.
- 4.3 The Flood Guidelines accept development in an area at risk of flooding with the proviso that *'the risk should be mitigated and managed through the location, layout and design of the development to reduce such risks to an acceptable level'*
- 4.4 The chief contributory factor to the current likelihood of flooding at the site is the relatively low elevation of the site at circa 3.4m. The existing ground levels are significantly less than both the current (3.72m) and future (4.22m) design flood levels,
- 4.5 The design proposals for the development include construction of both the house and garage with a FL of 4.72m and the raising of levels within the remainder of the site to a minimum of 4.2m
- 4.6 The proposal to raise levels within the site is a standard mitigation measure adopted in most new residential developments with the east Dundalk area and is considered to be acceptable and sustainable given the small footprint of the site (less than 0.2Ha)
- 4.7 The proposal to raise levels within the site shall not materially reduce the overall size of the coastal flood zone and subsequently shall not cause flood levels to rise nor cause displacement of floodwaters onto other lands.

5.0 APPLICATION OF THE JUSTIFICATION TEST

5.1 The proposed development, a dwelling house, is classified as 'a highly vulnerable development' in the Flood Guidelines. This type of development must satisfy a Justification Test before it can be deemed suitable with a flood zone.

5.2 In this case it is necessary to demonstrate that the proposed development satisfies the **Justification Test for Development Management** (Box 5.1 of the Flood Guidelines) before it can be deemed appropriate.

5.4 Criterion No.1

The subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking into account these Guidelines

The subject site is zoned as Residential 1 on the Dundalk & Environs Development Plan 2009-2015 Core Strategy Land Use Map A

This variation to the Development Plan took account of the 'Planning System and Flood Risk Management for Planning Authorities Guidelines' and deemed that the zoning of the lands in this manner met the criteria as set out in the Justification Test for Development Plans (Box 4.1).

The proposed development satisfies the policies and objectives of 'Residential 1' zoning

5.5 Criterion No.2

(i) The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk

It is proposed, as a flood mitigation measure, to construct the floor level of the proposed house to 4.72m and to raise general ground levels within the site to a minimum of 4.2m. The proposed site has a very small footprint of less than 0.2Ha. This represents a miniscule fraction of the overall East Dundalk coastal flood plain as identified in the AFA Flood maps. The proposal to raise levels within the site shall not materially reduce the overall size of the coastal flood zone and subsequently shall not cause flood levels to rise nor cause displacement of floodwaters onto other lands.

(ii) The development proposed includes measures to minimize flood risk to people, property, the economy and the environment as far as is reasonably possible

The most current AFA Flood Map indicates that the likelihood of coastal flooding impacting the site lies between 1 in 200 (0.5% AEP) and 1 in 1000 (0.1% AEP).

In addition, any flooding, should it occur, shall be for a short period given the diurnal nature of the tides.

It is proposed to further reduce the likelihood of flooding at the site and make due allowance for climate change by constructing the floor level of the house at 4.72m and rising existing ground levels to ensure that general levels within the site exceed 4.2m.

Under this proposal, the floor level of the house and garage shall have a freeboard of 0.5m above the predicted extreme design flood level (0.5% AEP) even when allowance is made for global warming while the remainder of the site would remain free from flooding

Persons and property with the house and garage shall not be impacted by any flooding that may occur.

Any flooding shall cause no structural damage to either the house or garage.

Any flooding that may occur shall be limited to low depth flooding around the periphery of the site. These areas shall be grass lawn/landscape areas and any such flooding shall have minimal economic or environmental impact

There is a well-developed interconnected road network within the vicinity of the site and access is possible via a number of alternative routes and directions. Residents can escape from the flood waters and onto higher grounds by travelling either west along the Racecourse Road or north along the R215 (Inner Relief Road).

Similarly emergency services shall be able to access the subject site via a number of alternative even during flood conditions.

It is proposed that the proposed house shall connect onto the existing public sewer and public water mains. Any flooding shall have no adverse impact on the operation of an on-site waste treatment system or well.

(iii) The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management measures and provisions for emergency services access

The development proposed includes mitigation measures to ensure that residual risks to the area and/or development can be managed to an acceptable level

The mitigation works are standalone site-specific measures that can applied as part of the development.

The effectiveness of the proposed measures in reducing the flood risk to an acceptable level is not dependent on existing or proposed communal flood protection measures

The deficiencies of the existing coastal flood defences at Dundalk have been recognized at national level and flood defence schemes for Dundalk are included as part of the first phase of a €1bn national flood defence programme announced by the OPW in May 2018.

Binnies/Black & Veatch and Nicholas O' Dwyer were appointed by Louth County Council in August 2020 to develop further develop and advance the flood relief scheme.

The programme of works included in the most recent Newsletter for the Scheme (February 2021) shows construction work to commence in 2023 and end in 2026.

It is therefore highly likely that substantive high-quality flood defence measures shall be in place in Dundalk and Blackrock within the lifetime of the Plan.

The works shall significantly reduce the residual flood risk in the Dundalk area including the subject land.

The proposed development is not located within the vicinity of any of the proposed communal flood protection measures and shall not impact on access to construct or management the new infrastructure

(iv) The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes

The proposed development can be described as a small infill development on what is effectively an underutilized site located within 1.6km of Dundalk Town Centre (The Square) as the crow flies and just over 2km measured along available walking routes.

The subject lands are within 1km of a wide range of community, educational, cultural and retail facilities including: The Marist Church, St. Nicholas Church (Catholic), St. Nicholas Church (Church of Ireland), St. Marys Secondary School, Castletown Girls National Primary School, DLS Boys National Primary School, Public Houses (Lisdoo Arms and Spirit Store), Supermarkets (Aldi and Lidl), a number of service stations, Restaurants (Lisdoo Arms, Ma Brady's), a range of retail shops and services along Bridge Street and Chapel Street, Riverside Walk, St. Helena's Park, Dundalk Racecourse, Civic Amenity Centre etc.

The proposed development will not expand the centre of the Dundalk settlement but rather will support the policy objectives of both the core and growth strategies which seek to consolidate core areas and deliver compact growth, while supporting the creation of vibrant communities.

It shall therefore facilitate the continued renewal and development of the compact urban form in accordance with the key objective of the Core Strategy.

The proposed development supports the achievement of a sustainable living environment by locating a residential development where the necessary infrastructure is available together with supporting social and community facilities.

5.6 It is concluded, based on the above assessment, that the proposed development satisfies the **Justification Test for Development Management** (Box 5.1 of the Flood Guidelines)

6.0 SUMMARY AND CONCLUSION

- 6.1 The proposed development is for the construction of detached dwelling house and garage on a 0.192Ha site on the Racecourse Road, Dundalk.
- 6.2 The AFA Fluvial Flood Maps for Dundalk indicate that the site shall not be susceptible to fluvial flooding under any scenario up to the including the 0.1%AEP event.
- 6.2 The AFA Coastal Flood Maps for Dundalk do indicate that the site shall be susceptible to coastal flooding under a 0.1% AEP scenario. The site is therefore located within a Flood Zone B
- 6.4 It is proposed, to reduce the likelihood of flooding at the site even further, to construct the floor level of house and garage to 4.72m and raise the general site levels within the site to above 4.2m.
- 6.5 The proposed floor levels shall provide a 0.5m freeboard above the predicted 0.5% AEP extreme design flood level (0.5% AEP) even when suitable allowance is made for increased sea levels due to global warming. In addition, the general site shall not be susceptible to flooding in the same circumstances.
- 6.6 The proposed site has a very small footprint of less than 0.2Ha. This represents a miniscule fraction of the overall East Dundalk coastal flood plain as identified in the AFA Flood maps. The proposal to raise levels within the site shall not materially reduce the overall size of the coastal flood zone and subsequently shall not cause flood levels to rise nor cause displacement of floodwaters onto other lands.
- 6.7 The adoption of the flood mitigation measure shall reduce the flood risk to people, property, the economy and the environment to an acceptable level as outlined in the assessment under Criteria 2(ii) of the Justification Test.
- 6.8 The subject site is zoned as Residential 1 on the Dundalk & Environs Development Plan 2009-2015 Core Strategy Land Use Map A (Aug 2011). The proposed development shall :
- facilitate the continued renewal and development of the compact urban form in accordance with the key objective of the Core Strategy.
 - support the achievement of a sustainable living environment by locating a residential development where the necessary infrastructure is available together with supporting social and community facilities.
- 6.9 It has been demonstrated, in Section 4.0, that the proposed development satisfies all of the criteria of the Justification Test for Development Management (Box. 5.1 of the Flood Risk Management Guidelines).
- 6.10 In summary, it is concluded that the proposed development shall not represent an unacceptable flooding risk nor exacerbate flooding in the immediate vicinity or wider area

Eamonn McMahon

Eamonn Mc Mahon
B.E., M.Eng.Sc, F.I.E.I., Chartered Engineer
20/07/21