



**Submission to the Department of Environment, Heritage and Local  
Government on 'The Planning System and Flood Risk Management  
Consultation Draft Guidelines for Planning Authorities'**

**Friday 14<sup>th</sup> November 2008**

## Introduction

Engineers Ireland, the representative body for engineers in Ireland, circulated the 'The Planning System and Flood Risk Management Consultation Draft Guidelines for Planning Authorities' to expert members of its Local Government Division. The following submission summarises the comments of those expert members.

Within this document, 'The Planning System and Flood Risk Management Consultation Draft Guidelines for Planning Authorities' shall be referred to as 'the Guidelines'.

- The issuing of the 'The Planning System and Flood Risk Management Consultation Draft Guidelines for Planning Authorities' is welcomed as an essential linkage between the issue of flood risk and land use planning.
- The statutory status of any guidelines needs to be established, in particular how these are to be incorporated into future development plans. The Guidelines suggest that development plans should “**have regard to**” the catchment based flood risk management plans to be produced under the EU Floods Directive (Sect. 4.9) The experience in Ireland of this phrase in relation to the National Spatial Strategy would not inspire confidence that this requirement will have any real impact on future development plans or zoning decisions.
- It is not clear that, where the proposed development is shown to be in an area of high risk that the development should not proceed. In Chapter 3 “Sequential Approach” the Guidelines appear to allow consideration to be given to developments even where the impact on adjacent lands is considered to be “unacceptable” (See Box 3.1).
- In Section 2.23 the category definitions are more severe than either the OPW National Flood Strategy, the UK Government agreement with the insurance industry (RASP) or the EU floods Directive. – This could have the effect of rendering large areas unnecessarily uninsurable. Also there is no clarification that these categories identify “hazards” rather than “risk”.
- Cl. 2.25 requires that flood zones should be determined as if existing defences were not in existence. This would appear to be illogical and again, lead to identification of larger areas as being “at risk” than was actually the case. This clause also appears to conflict with Cl. 5.20 which allows flood defences to be taken into account in a planning decision.
- In Chapter 3 there is confusion of “hazard” and “risk” e.g. flood hazard cannot be managed – only flood risk (First Box in Chapter 3).

- In Cl. 5.21 it is stated that “the presence of unacceptable flood risk .... Should be sufficient reasons for refusal...” The local authority needs to be protected from compensation claims in that eventuality – this reason should not be compensated.
- The absence of any comprehensive and risk based flood mapping in Ireland renders the operation of the Guidelines very difficult if not impossible. It is also not clear that the flood risk management plans referred to in Sect. 4.9 are in place in any local authority or when they will be in place, given resource and finance constraints.
- The Guidelines require that flood risk assessments are carried out on a number of levels (See Chapter 4) In Appendix A table A1 sets out the Hierarchy of Flood Risk Assessments with regional and strategic flood risk assessments being required before a site specific flood risk assessment can be done. This puts an additional burden on local authorities which will require expertise and resources.
- Many of the terms used in the Guidelines are not defined – these would include terms such as:
  - Acceptable and unacceptable risk
  - residual risk
  - appropriate (is this the same as acceptable?)
  - Significant (as in “significant flooding issue”)