



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313855-22

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<b>Development</b>	House, new vehicular/pedestrian entrance and associated site works
<b>Location</b>	42, Whitehall Road, Terenure, Dublin 12, D12 YR60
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD22A/0094
<b>Applicant(s)</b>	Derek Glennon.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refused
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Derek Glennon.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	24 <sup>th</sup> October 2022.
<b>Inspector</b>	Lucy Roche

## 1.0 Introduction

- 1.1. This report should be read in conjunction with the previous Inspectors Report dated 7<sup>th</sup> of November 2022.

## 2.0 Board Correspondence

- 2.1. The Board in their direction of the 26<sup>th</sup> of June 2023 decided to defer consideration of this case and to issue a Section 132 notice to the applicant regarding the following:

*The strategic flood risk assessment for the South Dublin County Development Plan 2022-2028 indicates that the proposed development site is located within an area identified as being at risk of flooding. The relevant flood zone map (Sheet No.11) illustrates that the site falls within both Flood Zone A (1%AEP Flood Extent) and Flood zone B (0.1% AEP Flood Extent). As set out in the County Development Plan, development proposals on lands that may be at risk of flooding should be subject to a flood risk assessment.*

- 2.2. The Board requested the applicant to provide a site-specific flood risk assessment that is consistent with the requirements and standards indicated in the South Dublin County Development Plan 2022-2026.
- 2.3. The Board wrote to SONAA Architects agents acting on behalf of the applicant on the 28<sup>th</sup> of June 2023 and a response was received on the 17<sup>th</sup> of July 2023. The response includes a Site-Specific Flood Risk Assessment (SSFRA). The response was circulated to the planning authority on the 1<sup>st</sup> of August 2023. The planning authority did not respond within the statutory time period.

## 3.0 Response to Board Correspondence:

### 3.1. Applicants Response

The applicant's response to the S132 notice was received on the 17<sup>th</sup> of July 2023. The submission includes a Site-Specific Flood Risk Assessment (SSFRA) prepared by Ash Ecology Environmental, accompanied by a cover letter prepared by SONAA Architects. The contents of the cover letter can be summarised as follows:

- The site is located within Flood Zone A and Flood Zone B; however, while there are risks of the surrounding areas being flooded there are also mitigation measures which can be utilised to prevent these risks. Several of these mitigation measures are outlined in the Flood Risk Assessment.
- Further measures which can address the risk of flooding could include raising the internal ground floor FFL to an appropriate level, and to create a considered landscape approach, as outlined in the report.
- Considered design strategies can overcome the flood risks associated with the site.
- Consideration of further River Dodder Flood Alleviation Scheme should also be taken into account.
- The applicants seek the proposed house to live in close proximity to his elderly parents, who live at 42 Whitelhall Road, located within the same Flood Zone, and subject to the same risks, as highlighted in the report. The proposed house will provide a home to the applicant and his young family, while the location will enable him to offer care and assistance to his elderly parents.
- The applicants seek a considered approach to this appeal, based on the points raised above. They welcome any design conditions the Board would like to impose, to enable the proposed development and they invite the Board to request any further information relating to the design or detailed mitigation measures if such information would provide assistance in the review of the application.

### 3.2. Planning Authority Response:

None received.

## 4.0 **Planning History**

ABP-306725-20: Permission granted June 2023 for the Poodle flood alleviate scheme.

## 5.0 Assessment

### 5.1. Introduction

- 5.1.1. 'The Planning System and Flood Risk Management Guidelines' 2009 (FRM Guidelines) states that the vulnerability of development to flooding depends on the nature of the development, its occupation and the construction methods used (S.2.16 refers). Table 3.1 provides a classification of vulnerability of different types of development. It is noted that dwelling house is listed as highly vulnerable development.
- 5.1.2. Section 3.5 notes planning implications for each of the flood zones i.e., Zone A – High probability of flooding, Zone B – Moderate probability of flooding and Zone C – Low probability of flooding. Development in Flood Zone A is to be avoided and/or only considered in exceptional circumstances, such as in city and town centres, or in the case of essential infrastructure that cannot be located elsewhere, and where the Justification Test has been applied. In Flood Zone B Highly vulnerable development, would generally be considered inappropriate in this zone, unless the requirements of the Justification Test can be met.
- 5.1.3. The Board will be aware that planning permission has recently been approved (June 2023) for flood alleviation works along and adjacent to the River Poddle (ABP. Ref: 306725). This scheme is designed to provide protection against river flooding in a 100-year flood event (1% AEP). Its aim is to minimise the risk of flooding by introducing flood protection, flood storage and flood prevention measures, including flood walls and flood embankments as well as the installation of drainage flap valves and culvert screens and the sealing of manholes. The works are currently outstanding.

### 5.2. Site-Specific Flood Risk Assessment

- 5.2.1. The submitted SSFRA identifies fluvial flooding from the River Poddle, as a potential source of flood risk to the site. The River Poddle lies c120m to the south of the site.

The SSFRA references predictive flood maps from the Eastern CFRAM UoM09 study and the Strategic Flood Risk Assessment under the South Dublin County Development Plan 2022-2028, which place the site with a fluvial flood zone (Flood Zones A and B). Historical flood records show several flood events at the river Poddle and indicate that neighbouring properties have been affected.

- 5.2.2. Stage 1 of SSFRA concluded that the risk to the site from fluvial flooding was high and that pending the completion of the works under the River Poddle Flood Alleviation Scheme, there is an extant risk to the site. A Stage 2 Initial Flood Risk Assessment was therefore undertaken, this is outlined in Section 4.0 of the SSFRA.
- 5.2.3. The SSFRS considers Hydraulic modelling undertaken under the Eastern CFRAM study and predicts flood depths for both the 1% AEP and 0.1%AEP in the region of 0-25cm at the site location, suggesting a maximum flood level of 48.0mOD. The FFL of the proposed dwelling is proposed at 47.95mOD, +200mm above road level. The SSFRA acknowledges that the FFL does not reach the ideal flood defence level of 500mm freeboard based on current modelling but considers the risk of flood waters inundating the dwelling to be very low based on predicted flood depths to 48.0mOD. It considers that on balance the development of the site warrants flood resilience and resistance measures as a precautionary measure.
- 5.2.4. Appendix A of SSFRA includes a justification test in line with the criteria listed under Box 5.1 of “The Planning System and Flood Risk Management Guidelines’ 2009”. With respect to Criteria 1 of Box 5.1, the report notes that the subject lands are zoned for residential development. With respect to Criteria 2 the report notes that the proposed dwelling does not displace significant quantities of flood storage so as to impact flooding elsewhere. The flood risk to the dwelling is cited as low given current modelling of flood depths surrounding the site and estimated flood depths do not suggest a risk to life or likely cause of any significant infrastructure damage. Residual risks are to be managed through (1) the implementation of SuDS measures for surface runoff and (2) through interim flood resistance measures including de-mountable door barriers and sandbags.

5.2.5. The conclusion of the SSFRA, as set out in Section 4.6 of the report, is that the proposed development is suitable regarding the relevant objectives within the South Dublin County Development Plan 2022-2028 and the Planning Systems and Flood Risk Management Guidelines (OPW 2009).

### 5.3. **Assessment – Application of Justification Test**

5.3.1. Permission is sought for the construction of a dwelling house, a highly vulnerable development, on lands identified as being at risk of flooding. The proposed development must therefore satisfy the criteria of the Justification Test as described in Box 5.1 of the 'The Planning System and Flood Risk Management Guidelines' 2009. A Justification Test is set out in Appendix A of the SSFRA.

5.3.2. The first criteria to be met is that the subject lands have been zoned or otherwise designated for the particular use or form of development proposed. In this case the proposed development site is in an area zoned 'Objective RES; *To protect and/or improve residential amenity*' under the South Dublin County Council Development Plan 2022-2028 (SDCDP 2022). I am satisfied that residential development is permitted in principle under this zoning objective and therefore I am not satisfied that the proposed development would satisfy Criteria 1 of the Justification Test.

5.3.3. Criteria 2 requires that the development proposed be subject to a Flood Risk Assessment of appropriate detail to demonstrate that it would not have adverse flood risk impacts. I have provided a summary of the SSFRA and its findings / recommendations in the preceding section of this report. In brief, the SSFRA determines the flood risk to the dwelling to be low and recommends that residual risks be managed through the implementation of SuDS measures and by way of interim flood resistance measures such as the use of de-mountable door barriers and sandbags. However, I am not satisfied that the mitigation measures proposed are adequate to ensure that residual risks to the development can be managed to an acceptable level. My concerns in this regard relate to the reliance in the SSFRA on planned flood alleviation works and to the finished floor level of the proposed dwelling.

- 5.3.4. I refer the Board to Section 5.16 of the FRM Guidelines which states that the risks should be mitigated and managed through the location, lay-out and design of the development to reduce such risks to an acceptable level and that a precautionary approach would be to set floor levels above the 1% flood level **ignoring the moderating effects of flood defences** (emphasis added). This is because areas protected by flood defences still carry a residual risk of flooding from overtopping or breach of defences and the fact that there may be no guarantee that the defences will be maintained in perpetuity. On the question of what should minimum floor level be to mitigate flood risk? the FRM Guidelines state that the minimum floor levels for new development should be set above the 1 in 100 river flood level including an allowance for climate change, with appropriate freeboard. In this case the FFL of the proposed dwelling is set below the 1% flood level and is therefore at risk of flooding. While the FRM guidelines indicate that the use of flood resistant and flood resilient construction methods to reduce the impact of flooding would be appropriate in the case of development with a lower vulnerability, I am not satisfied that this approach is suitable for the proposed dwelling, a highly vulnerable development. Therefore, I am not satisfied that the proposal meets the criteria for the justification test.
- 5.3.5. The applicant's response to the S132 notice, notes the possibility of raising the internal ground floor level for the dwelling to an appropriate level as a further measure to reduce flood risk; however, in the absence of detailed and considered proposals for same, which include an allowance for climate change and appropriate freeboard, I cannot be satisfied that the proposed development would not give rise to an increased risk of flooding of the site or of property in the vicinity. Therefore, having regard to the precautional approach, I recommend that permission for this development be refused.

## 6.0 Recommendation

- 6.1. I recommend that permission for this development be refused for the reason outlined below.

## 7.0 Reasons and Considerations

1. Having regard to the location of the site in an area which is prone to flooding and on the basis of the submissions made in connection with the application and appeal, the Board is not satisfied that the proposed development would not give rise to an increased risk if flooding of the site or of property in the vicinity. The proposed development would therefore, be prejudicial to public health and safety and would be contrary to the proper planning and sustainable development of the area.

*I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.*

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Lucy Roche  
Planning Inspector

16<sup>th</sup> October 2023