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Bord  
Pleanála

## Inspector's Addendum Report

**ABP-320268-24**

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<b>Development</b>	Construction of two apartments and all ancillary site works.
<b>Location</b>	Lands at Castlefield Avenue, Knocklyon, adjoining Mimosa, Castlefield Avenue, Dublin 16, D16 R2F3
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD24A/0111
<b>Applicant(s)</b>	Ross Hollingsworth
<b>Type of Application</b>	Two Apartments
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Ross Hollingsworth
<b>Observer(s)</b>	Barry Minnock
<b>Date of Site Inspection</b>	10 <sup>th</sup> October 2024
<b>Inspector</b>	Donogh O'Donoghue



## **1.0 Introduction**

- 1.1. This report is an addendum report to my Inspector's report in respect of ABP-320268-24 (dated 21<sup>st</sup> October 2024).
- 1.2. The submissions on the file and the Inspector's report were considered at a Board meeting held on the 10th of December 2024. The Board decided to defer consideration of this case and to issue a Section 132 notice as follows:

The Board noted as per the South Dublin County Development Plan 2022-2028 the site is partly in a 'Flood Zone B' area and the development plan require that development proposals on lands that may be at risk of flooding should be subject to a flood risk assessment, prepared by an appropriately qualified Chartered Engineer, in accordance with the Flood Risk Management Guidelines. In this regard and to enable its further assessment of the proposed development, you are required to prepare and submit a site-specific flood risk assessment in accordance with the Flood Risk Management Guidelines for Planning Authorities 2009.

## **2.0 Response to the Board's Decision to Request Further Information**

- 2.1. In response to the Section 132 notice the applicant submitted a Site-Specific Flood Risk Assessment on the 13<sup>th</sup> January 2025.
- 2.2. Subsequent to the applicant's response in relation to the Section 132 notice, the Board issued Section 131 notices to all other parties to the appeal on the 25th of February 2025. The other parties including South Dublin County Council were given 3 weeks to make any submissions or observations.
- 2.3. A response to the 131 notice was received from South Dublin County Council on the 03<sup>rd</sup> March 2025 and from Barry Minnock, 5 Old Knocklyon Road on the 18<sup>th</sup> March 2025.
- 2.4. The response from South Dublin County Council stated that the Planning Authority confirms its decision, and the issues raised in the appeal have been covered in the Chief Executive Order.
- 2.5. The response from Barry Minnock sets out the following:

- The submitted site specific FRA is inadequate. It is a desk-based study which excludes site investigations such as percolation tests and fails to provide credible surface water management proposals including SuDS measures.
- The site-specific FRA argues that the area doesn't flood which is untrue. There have been several floods in the area in the last decade and properties at lower elevations are continuously battling with flood risk and overflowing sewage.
- The proposal does not pass the 'Justification Test' as per the Flood Risk Management Guidelines. There are sites in the area which are not in a flood zone that should be developed first. The proposal fails to comply with Box 5.1 Justification Test for Development Management.
- The submitted site-specific FRA is generic in its content and is high level only. It does not consider actual site conditions and does not address the relevant hazards. It does not include sufficient site-specific detail to conclude that the 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 letters included from elderly local residents have no basis on which to predict future flooding in the area.

### **3.0 Response from Applicant**

- 3.1. A Site-Specific Flood Risk Assessment carried out by Barney O'Neill, Chartered Engineer was submitted on the 13<sup>th</sup> January 2025.
- 3.2. The assessment sets out that following a review of SDCC SFA a portion of the subject site is in Flood Zone B with a 1 in 1000 chance of flooding in any given year and there are 3 sources of flood risk to the subject site - Fluvial, Pluvial and Overland Flow.
  1. Fluvial – The Ballycullen stream which is now culverted, flows adjacent to the subject site. With regular maintenance of local culverts and the downstream portion of the Dodder River, the risk of flooding from Fluvial flooding is low.
  2. Pluvial – This is basically on-site run-off. The proposed on-site drainage which includes permeable materials to all hard surfaces, 3,500 Litre attenuation tank to store and reuse rainwater will significantly reduce on site flooding or flooding downstream.

3. Overland Flow – The land to the east is at a higher level than the subject site, however there is a dwelling on the site which substantially reduces the risk of overland flow.

3.3. The Site-Specific Flood Risk Assessment sets out that the Justification Test for Development Management has been applied in the following manner;

- The subject site is zoned residential.
- Only a portion of the site is in Flood zone B.
- The on-site drainage infrastructure will minimise the flood risk and ensure that residual risks to the area can be managed to an acceptable level.
- The proposed development demonstrates good urban design.

3.4. The Site-Specific Flood Risk Assessment concludes that only a portion of the site is the floodzone, there never been an incident of flooding on site or in the vicinity and that with the use of on-site drainage infrastructure, the risk of flooding of the proposed development during a 1:1000 storm event is significantly reduced.

#### 4.0 **Assessment**

4.1. Residential dwellings are classified as Highly Vulnerable Development within the FRM Guidelines and are not considered appropriate within Flood Zone A and B. The FRM Guidelines, however, recognises the need for growth within urban settlements and as per Table 3.2, sets out that the Justification Test (Box 5.1) is required to be met for Highly Vulnerable Development within Flood Zone A and/or B. Section 5.28 as amended by Circular 2/14 states that applications for minor development including small scale infill, “are unlikely to raise significant flooding issues.....since such applications concern existing buildings or developed areas the sequential approach cannot be used to locate them in lower-risk areas and the Justification Test will not apply.”

4.2. Section 5.2.1 of the County Development Plan SFRA sets out the Justification Test for highly vulnerable zonings. It also sets out that all new developments shall be subject to a Site-Specific FRA and notes the FRA should have an appropriate level of detail to demonstrate that it would not have adverse flood risk impacts. The FRAs should ensure development does not block flow paths, does not increase flood risk elsewhere,

is designed to appropriate standard of flood resilient construction and demonstrates emergency evacuation procedures during flood events. Revised Section 5.28 of the FRM Guidelines sets out that a commensurate assessment of the risk of flooding should accompany minor infill applications to demonstrate that they would not have adverse impacts or impede access to a watercourse.

- 4.3. Having regard to the above and given the urban location of the appeal site, I consider that the proposed development falls within the category of minor infill proposals as intended under revised section 5.28 of the FRM Guidelines, and as such, a development type which can be considered appropriate within Flood Zone A and B. The Sequential Approach and the Justification Test as per the FRM Guidelines are not applicable. The primary issues to consider is whether the flood risk to the proposed development can be adequately managed, and the use or development of the lands will not cause unacceptable adverse impacts elsewhere. I note, in this regard, that the applicants have submitted a Site-Specific FRA incorporating a Justification Test.
- 4.4. The submitted Site Specific FRA notes the culverted Ballycullen stream flows adjacent to the subject site and with regular maintenance of local culverts and the downstream portion of the Dodder River, the risk of flooding from Fluvial flooding is low. It goes onto to note that proposed on-site drainage which includes permeable materials to all hard surfaces and a 3,500 Litre attenuation tank will significantly reduce on site flooding or flooding downstream while an existing dwelling on the site to the east will substantially reduce the risk of overland flow. The Site-Specific FRA concludes that with the use of on-site drainage infrastructure, re-cycling of rainwater and flood defence barriers the risk of flooding of the proposed development during a 1:1000 storm event is significantly reduced, and the proposed development will not increase the risk of flooding downstream or elsewhere within the Knocklyon area.
- 4.5. I have concerns that the Site-Specific FRA provides no information in relation to the Ballycullen culverted stream. This is a major flow path identified in the SDCC SFA and the applicant has not provided any details in relation to its location, its depth underground, anticipated water levels and how they intend to ensure it is not compromised by the construction of the development. From the County Development Plan SFRA Mapping (Sheet No 16) it would appear the culverted stream crosses the eastern part of the site in the vicinity of the proposed car parking area and bin store just to the rear of the proposed apartment building. The Flood Risk Guidelines Technical Appendices sets out the key outputs required from a Site-specific FRA

which include appropriate cross sections of the site showing the finish floor level relative to the source of flooding and the anticipated water levels and associated probabilities. None of this information has been provided by the applicant.

- 4.6. In addition, the OPW records provide details of a historic flood event as a result of water escaping from the Ballycullen culverted stream at 3 no manholes to the south of the site in the Castlefield area in 2011. In response to this the Ballycullen Flood Alleviation Scheme was completed in 2018. This involved the construction of a flood alleviation culvert to convey part of the flow from the Ballycullen Stream during periods of heavy rainfall in order to reduce the risk of fluvial flooding in the Castlefield Manor housing estate. It included a 1.6km length of culvert that tied into the sewer at the Old Knocklyon Road. The Site-specific FRA makes no reference this scheme and whether the proposal will have any impact on this scheme.

## **5.0 Conclusion**

- 5.1. I consider that the proposed development can be classified as minor infill development as per revised Section 5.28 of the FRM Guidelines. However, I am not satisfied that the applicant has provided sufficient information to demonstrate that the development of the proposed site can be adequately managed and will not cause unacceptable adverse impacts elsewhere.

## **6.0 Recommendation**

I recommend planning is refused for the following reason:

Having regard to the location of the site within Flood Zone B in the South Dublin County Development Plan 2022-2028 Strategic Flood Risk Assessment, Section 5.2.1, Development Plan IE 4 Objective 1 Flood Risk, and The Planning System and Flood Risk Management Guidelines (November 2009) Section 5.28, as revised by Circular 2/14 Flooding Issues, requiring developments to demonstrate that flood risk to a development can be adequately managed and will not cause unacceptable adverse impact elsewhere, it is considered that the applicant has failed to provide a Site - Specific Flood Risk Assessment of sufficient detail to ensure that the flood risk to the proposed development and elsewhere has been mitigated and managed to an acceptable level of risk. The proposed development would therefore 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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Donogh O' Donoghue  
Planning Inspector

16th April 2025