
Kilkenny County
Development Plan
2008-2014
**Proposed
Variation 2**

Manager's Report on
Submissions to the
Material Alteration
12th September 2011

Forward Planning, Kilkenny
County Council



Introduction

This report presents the submissions and observations made following the display period (10th August 2011 to 7th September 2011) of the Proposed Material Alteration to Proposed Variation 2, and sets out the Manager's responses to the issues raised. The report forms part of the statutory procedure for making a Variation, as set out in Section 13 of the Planning and Development Acts, 2000-2010.

A total of eight written submissions were received in response to this public display period. A Table of Submissions is set out below, with the name on the submission and the area of interest.

Structure of the Report

The Report is presented in three parts:

- Part A: Issues raised by the Minister and Manager's Response and Recommendations
- Part B: Issues raised by other bodies or persons and Manager's Response and Recommendations
- Part C: Matters arising from internal review

Part B addresses each of the eight written submissions and observations received. It includes the names and addresses of persons or bodies that made the submissions and observations, a summary of the issues raised, and the response and recommendation of the Manager on each submission.

Part C outlines additional issues as raised through the internal review of the Variation.

Any paragraph, policy or objective to be amended in the County Development Plan is reproduced in full, with deleted text (~~struck through~~) and additional text in *italics*.

Next Steps

The members, having considered the proposed Variation, the proposed material alteration and the Manager's report, may by resolution, make the variation with or without further modification. Any further modification to the variation—

- (i) may be made where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site,
- (ii) shall not be made where it refers to—
 - (I) an increase in the area of land zoned for any purpose, or
 - (II) an addition to or deletion from the record of protected structures.

Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA)

A Screening for Strategic Environmental Assessment and a Screening report for Appropriate Assessment accompanies Variation No.2 to the County Development Plan 2008-2014. The screening report for SEA determined that the Variation would have no significant impact on the environment. The screening report for AA determined that there would be no significant effects on any Natura 2000 sites as a result of this Variation. Following the Council meeting of the 18th July, where it was resolved to materially alter the proposed Variation, the proposed material alteration was assessed to determine whether a

Strategic Environmental Assessment or Appropriate Assessment or both would be required. It was determined that the modifications proposed are not considered to have significant effects on the environment or will not adversely affect the integrity of a European Site and they did not result in a requirement for SEA or AA.

The members must now consider the proposed variation, the alterations to the proposed variation, the environmental reports and the Manager's Report on any submissions received and decide whether to make the variation with or without the proposed alterations.

Table of Submissions

Ref.	Name	Main Area of Interest
PMA1	Colette Byrne, Director of Services Waterford City Council	Ferrybank & Retail Strategy
PMA2	Shane Dunne, National Building Agency	Mooncoin
PMA3	George Murphy, Arrigle Holdings	Ballyhale
PMA4	Cian O'Mahony, EPA	
PMA5	Department of Communications, Energy and Natural Resources	
PMA6	James Lavin, South East Regional Authority	
PMA7	Deerland Construction, c/o Tom Phillips	Ferrybank Shopping Centre
PMA8	National Roads Authority	

Part A: Issues raised by the Minister and Manager's Recommendations

The proposed Material Alteration was referred to the Department of Environment, Community and Local Government. No formal written reply was received. The Department has communicated verbally that it has no concerns in relation to the proposed Material Alteration.

Part B: Issues raised by the other bodies/persons and Manager's Recommendations

Name/Group:	James Lavin, South East Regional Authority		
Submission PMA1:	Response:	Manager's Recommendation:	
<p>The Regional Authority welcome this variation and acknowledge the efforts made to co-ordinate the objectives and policies of the development plan so that they are consistent as far as practicable with the South East Regional Planning Guidelines. The Regional Authority consider that the overall population targets are broadly consistent with the RPG and that the proposed land use zonings will facilitate these objectives. The Regional Authority is satisfied that the proposed Material Alteration to Proposed Variation 2 is consistent as far as practicable with the South East Regional Planning Guidelines.</p>	<p>Noted.</p>	<p>No change recommended.</p>	

Name/Group:	Colette Byrne, Director of Services, Waterford City Council	
Submission PMA2:	Response:	Manager's Recommendation:
<p>1. Waterford City Council is concerned with the proposed material alteration to the County Development Plan Retail hierarchy. They submit that Ferrybank shopping centre's designation as a district centre is the most appropriate and based on Waterford's recent retail analysis there is no justification in upgrading the status of Ferrybank beyond that of district centre.</p> <p>2. The proposed new designation of Ferrybank is premature pending the completion of an integrated retail study/joint retail strategy for the area.</p>	<p>1. The Ferrybank/Belview Local Area Plan (2009) designates Ferrybank as a Gateway Suburban Centre and the County Development Plan (2008) did not contain a designation for the centre. There was a need to align the designation of the Ferrybank shopping centre in the County Plan with that contained in the LAP, therefore the Proposed Modifications to Variation 2 included a 'Gateway Suburban Local Centre' designation for Ferrybank.</p> <p>2. It remains the policy of the Council to pursue a Joint Retail Strategy for the Greater Waterford area with Waterford County Council and City Council, to provide a more co-ordinated approach to retail planning. However, in the interim it is considered necessary to align the policies of the County Development Plan and the Ferrybank/Belview Local Area Plan.</p>	<p>1. No change recommended.</p> <p>2. No change recommended.</p>

Name/Group:	Shane Dunne, National Building Agency	
Submission PMA3:	Response:	Manager's Recommendation:
<ol style="list-style-type: none"> 1. The National Building Agency (NBA) owns 4.42 acres of land in Mooncoin on which it is proposed to develop housing and a community facility in conjunction with the National Association of Building Co-operatives (NABCo) and the South Leinster Co-operative Housing Society Ltd. This site should have been included within the settlement boundary for Mooncoin as it is contiguous to the existing housing development to the south and west. 2. There is a demand for housing in Mooncoin with the increase in population and this development would add to the local community with a 40/60 percentage split between owner occupiers and co-operative owned houses. A site specific objective could be placed on the land for co-operative housing. 3. A policy should also be included 'to increase wastewater capacity 	<ol style="list-style-type: none"> 1. This land was zoned as residential by Amendment 1 to the 2003 LAP which was adopted in 2006. Permission was refused (file ref. 10/331) in July 2010 for 56 dwellings. The LAP expired in 2009 and as part of Proposed Variation 2 a settlement boundary was drawn around the existing village area. Considering the scale of development that has taken place in the village, and the remaining availability of undeveloped land, it was not considered necessary to include this land within the settlement boundary. No change to this site was proposed as a Modification to the Variation. At this stage of the Variation process no change in zoning can be made, however the Development Plan review commences in 2012 and the settlement boundary, and any objectives relating to Mooncoin will be reviewed at this stage. 2. The Development Plan review process, which commences in 2012, will include a review of the settlement boundary and any objectives relating to Mooncoin. 3. The Core Strategy, which includes a settlement boundary for Mooncoin in place of an LAP, was based on a number of factors, including the capacity of infrastructure such as water services. The Core Strategy should dictate where 	<ol style="list-style-type: none"> 1. No change recommended. 2. No change recommended. 3. No change recommended. 4. No change recommended.

<p>in order to facilitate future development in Mooncoin’.</p> <p>4. Mooncoin will come under increasing pressure for housing in the period to 2016.</p>	<p>infrastructure will be prioritised in line with the Water Services Investment Programme, therefore it would not be appropriate to insert such a policy for Mooncoin in the Variation.</p> <p>4. The Development Plan review commences in 2012 and the settlement boundary in Mooncoin will be reviewed at this stage.</p>	
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Name/Group:	Cian O'Mahony, Environmental Protection Agency (EPA)	
Submission PMA4:	Response:	Manager's Recommendation:
<p>1) The EPA notes the Council's position with regard to SEA of the Proposed Modifications. The Agency's previous submission on the Variation should be taken into consideration.</p> <p>2) Any future Amendments to the Plan should be assessed for significant effects on the environment, taking account of the SEA Regulations Schedule 2A criteria, in the same way as the Proposed Variations were assessed.</p> <p>3) The Council is referred to the requirements of all national and EU environmental legislation.</p> <p>4) The Council's attention is brought to the new SEA regulations which should be referenced and integrated into the Plan and SEA process. The Council is also referred to the DoECLG Circular (PSSP 6/2011) in relation to 'Further Transposition of the EU Directive 2001/42/EC on Strategic Environmental Assessment (SEA)'.</p> <p>5) The Council is reminded of its obligations under the SEA regulations to give notice as appropriate and to make a copy of the decision regarding the determination available for inspection.</p>	<p>1) Noted</p> <p>2) Noted</p> <p>3) Noted</p> <p>4) Noted.</p> <p>5) Noted.</p>	<p>1-5 No change recommended.</p>

Kilkenny County Development Plan: Manager's Report on submissions to Proposed Material Alteration of Variation 2

Name/Group:	George Murphy, Arrigle Holdings Ltd.	
Submission PMA5:	Response:	Manager's Recommendation:
This submission relates to land to the west of Main Street in Ballyhale, which was formerly the site of Kilkenny Living Ltd. The submission seeks that the plan will not inhibit future commercial development on this site.	In the 2004 Ballyhale Local Area Plan, this site was zoned for Village Centre and Residential use. As the Ballyhale LAP expired in 2010, Variation 2 introduced a Settlement Boundary for the village, within which some general development objectives apply. This settlement boundary was drawn tightly around the existing village core. The developed portion of this holding was included inside this settlement boundary and the greenfield portion was excluded. Outside of the settlement boundary, the general policies of the County Development Plan will apply in relation to Enterprise and Employment in Rural Areas. A new Policy ED14a will be inserted to include for cases of proposed commercial development on sites which straddle the settlement boundary and for clarity this policy will also be inserted in Chapter 3, Core Strategy.	Insert new policy as PS16a and as ED14a as follows: <i>“Employment generating proposals located on lands which straddle the settlement boundaries or are immediately adjacent to the settlement boundaries of Ballyhale, Ballyragget, Knocktopher, Inistioge, Mooncoin & Urlingford will be considered favourably by the Planning Authority subject to the normal assessment criteria”</i>

Name/Group:	Carmel Conaty, Department of Communications, Energy and Natural Resources	
Submission PMA6:	Response:	Manager's Recommendation:
The Department has no comments/observations at this time.	Noted.	No change recommended.

Name/Group:	Deerland Construction, c/o Tom Phillips & Associates	
Submission PMA7:	Response:	Manager's Recommendation:
<p>1. This submission relates to the designation of the Ferrybank shopping Centre as a 'Gateway Suburban Local Centre' and seeks the removal of the word 'local' from this designation as it would likely lead to confusion with other levels in the retail hierarchy.</p> <p>2. The submission seeks a change to the footnote text defining the 'Gateway Suburban Centre' to allow for more flexible interpretation and a greater variety of retail outlets.</p> <p>3. The submission seeks a change to the wording of the Action under Section 5.8.5.2. The Action states 'To complete an integrated retail study which will inform the members of Kilkenny County Council as to whether a centre for Ferrybank should be designated as a town or district centre'. The submission states that the Plan should not provide a designation (between District Centre and Town Centre) and then state that it may be potentially downgraded.</p>	<p>1. The Manager's Report on Submissions to the Variation recommended that the Ferrybank Centre be designated as a Gateway suburban centre. It was resolved to insert the word 'local' at the Council meeting in July. It is considered that the word local should be removed in the interests of clarity.</p> <p>2. The proposed change is to add in text (in italics) as follows: "Gateway Suburban Centre above the level of the District Centre definition contained in the Retail Planning Guidelines, but below the level of Town Centre. This is to allow for the re-configuration/expansion of the existing centre <i>for the purpose of accommodating, inter alia, a range of major space users</i> for additional Level 2 type comparison shopping". It is not considered that this further elaboration is required, as the definition is sufficiently broad.</p> <p>3. Considering that the LAP and the CDP will now be in alignment, it is considered that this Action should be amended so that no specific level in the hierarchy is specified as follows: To complete an integrated retail study which will inform the members of Kilkenny County Council as to <i>what designation is appropriate for the Ferrybank centre whether a centre for Ferrybank should be designated as a town or district centre</i>'.</p>	<p>1. Amend Table 5.1 as follows 'Tier 1 Level 2 'Gateway Suburban Local Centre'.</p> <p>2. No change recommended.</p> <p>3. Amend the Action in Section 5.8.5.2 as follows: To complete an integrated retail study which will inform the members of Kilkenny County Council as to <i>what designation is appropriate for the Ferrybank centre whether a centre for Ferrybank should be designated as a town or district centre</i>'.</p>

Name/Group:	Michael McCormack, National Roads Authority	
Submission PMA8:	Response:	Manager's Recommendation:
<p>1. The submission seeks minor changes to the text of Section 9.4.1 in relation to the N29 at Belview port and seeks the inclusion of references to the <i>Spatial Planning and National Road (Draft) Guidelines for Planning Authorities</i>.</p> <p>2. The submission states that the comments raised in the submission of July 2011 were not taken into account but they remain the</p>	<p>1. The insertions proposed are as follows: "The N29 National route was developed to service the Belview Port area and considerable Exchequer investment has taken place there in the provision of road, water, and wastewater infrastructure. The Port and its development is one of the key economic drivers for the County and the Region. In order to facilitate development of identified lands around the port for industrial and port related services it will be necessary to allow limited form of appropriately planned access to the N29. It is the intention of the Planning Authority to develop and agree a policy for the N29 in conjunction with the NRA". "Action: To develop and agree an appropriately planned a policy response to access from the N29 Port road to industrial zoned lands in the Belview area in conjunction with the National Roads Authority." These changes are minor in nature and are considered appropriate. As the policy and text of this section will now state that any policy for the N29 will be agreed with the NRA and it is not considered necessary to include reference to these Guidelines.</p> <p>2. There is no statutory obligation to refer the Core Strategy Variation to the NRA. The Planning Authority made a decision not to refer core strategy to NRA. Subsequently, in anticipation of</p>	<p>1. Change the text of Section 9.4.1 as set out.</p> <p>2. (a-d) No change recommended.</p>

<p>position of the authority. These are as follows:</p> <p>a. Policy PS6 of the variation appears to advocate the promotion of car dependency with zoning in New Ross which is “unsustainable and remote”</p> <p>b. Also the observation states that the core strategy does not indicate the availability of public transport as required by Section 10(2A)(g) of the Planning and Development Act (as amended).</p> <p>c. The Authority seeks that it be consulted in the preparation of an amendment to the LAP for Ferrybank/Belview area.</p> <p>d. The Authority notes the inclusion of a mixed use zone for the former albatross site in the New Ross environs. It highlights that this site is in the 50-60 kph zone on the N25 and that the masterplan should provide for a limited level of direct access.</p>	<p>the insertion of Section 9.4.1 as a Proposed Modification to the Core strategy, a decision was made to consult with the NRA.</p> <p>a. In relation to policy PS6, which states “To support the strengthening of critical mass within the catchment of the Waterford gateway by implementing a co-ordinated approach to the development of New Ross and its environs within County Kilkenny between Kilkenny County Council, New Ross Town Council and Wexford County Council” this is included in order to facilitate the development of New Ross in its supporting role to Waterford City as a Gateway as envisaged by the NSS.</p> <p>b. Section 10(2A)(g) refers to the “development plan of a city or town council”. It is not applicable to a variation to a County Development Plan. The Council has fulfilled the requirements of the Act by showing the relevant roads as National Primary and Secondary routes along with relevant regional roads. The variation also shows the relevant inter urban and commuter rail routes.</p> <p>c. The NRA has already been consulted on the proposed amendment to the Ferrybank/Belview LAP which is underway at present.</p> <p>d. The portion of the Albatross site referred to is located within the administrative area of New Ross Town Council and not Kilkenny County Council. The portion of the Albatross site in County Kilkenny has no road frontage to the N25.</p>	
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PART C: Proposed Modification from Internal Review

Text inserts are in *italics* and all text deletions are in ~~strikethrough~~.

Chapter 3

3.3.7 ~~Rural Service Centres~~ Smaller Settlements

The County contains a further settlement tier, below the level of smaller towns and villages, not readily identifiable in the RPGs, which also forms part of the settlement structure. These ~~rural service centres~~ *smaller settlements* contain a few local services such as a school, post office, church, garda station etc. which serve the local area. These centres possess a very narrow range of physical and social infrastructure but have some limited capacity to cater for additional housing generally through low-density individual or multiple housing and other developments, in tandem with the provision of services. They will form an important component of the settlement network, by providing a basic level of services and by accommodating new growth that is compatible with the area. The scale and fabric of these centres must however be respected in new development proposals. Any new development should be of a design, layout, character and scale which fits well with the settlement involved and presents a high quality living environment.

Policy PS It is the policy of the Council to encourage low density housing in the form of individual or multiple developments within ~~rural service centres~~ *smaller settlements* and also immediately adjacent (i.e. within 150 m) to an operating isolated rural service such as a school, public house, church or shop.

Amend Policy PS17 as follows. Insert "New residential" after prohibit as follows:

PS 17 To encourage development on Phase 1 lands (residential) and prohibit *new residential* development of phase 2 lands in the settlements of Freshford, Goresbridge, Kells, Mullinavat, Slieverue, Stoneyford, Bennettsbridge, New Ross and Kilmacow during the lifetime of the County Development Plan.

Chapter 8: Heritage

Policy H9: Ensure that any plan or project which has the potential to directly, indirectly or cumulatively impact on a site protected under European legislation (SAC or SPA), is assessed in accordance with Article 6 of the Habitats Directive in order to avoid adverse impacts on the integrity and conservation objectives of the site. Any such plans or projects shall be referred to the Department of ~~the Environment, Heritage and Local Government~~ *Arts, Heritage and the Gaeltacht* for comments.

Mapping changes:

1 County Development Plan - Change legend on Figure 3.3 Rural Settlement Areas from 'Rural Service Centres' to 'Smaller Settlements'.