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

Manager's Report on
Submissions
11th July 2011

Forward Planning, Kilkenny
County Council



Introduction

This report presents the submissions and observations made following the display period (26th May 2011 to 29th June 2011) of 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 fifteen written submissions were received in response to the public display period to the two Variations published for the City & Environs and County Development Plans. Of these, fourteen related to the County Development Plan. A Table of Submissions is set out below, with the name on the submission and the area of interest. Only those submissions relating to the County Variation are addressed in this report. The submissions relating to the City & Environs Variation are addressed in the accompanying report – *Manager's Report on Submissions to Proposed Variation 1 to the City & Environs Development Plan*.

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 A and B address each of the fourteen 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 and the Manager's report, may by resolution, make the variation with or without further modification. If the Members decide to materially amend the proposed Variation, a further period of public consultation will be necessary.

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.

If the Planning Authority engages in a further round of public consultation for proposed material amendments to Variation No.2 of the County Development Plan, the planning authority must screen any proposed material changes to determine if an SEA or AA or both are required of any of the material alterations and what period is necessary for the carrying out of any SEA or AA.

This screening, and if necessary the SEA or AA, must be carried out before proceeding to the public consultation period. The public display of any material alterations is a minimum of 4 weeks during which submissions with respect to the proposed material alterations will be taken into account before the Variation is made.

Following the public consultation period a further Manager's Report is prepared and the members must consider the proposed variation, the alterations to the proposed variation any 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	Area of Interest (County/City/Both)
P1	Department of Environment, Community and Local Government	Both
P2	Health and Safety Authority	Both
P3	Environmental Protection Agency	Both
P4	Eugene & Seamas McKenna	County (Kells)
P5	Kilmacow Development Group	County (Kilmacow)
P6	Martin Howley	County (Mooncoin)
P7 a	Tesco Ireland	City
P7b	Tesco Ireland	County
P8a	South East Regional Authority	City
P8 b	South East Regional Authority	County
P9	Conn O'Shea	County (Freshford)
P10	Le Chéile Housing	County (Mooncoin)
P11	Deerland Construction	County (Ferrybank)
P12	Irish and European Properties	County (Urlingford)
P13	Archersleas Partnership	City
P14	Denis McBarron	County (Johnstown)
P15	Wexford County Council	County (New Ross)

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

Name/Group:	Department of the Environment, Community and Local Government, c/o Marian O'Driscoll, Planning System and Spatial Policy		
Submission P1:	Response:	Manager's Recommendation:	
<p>1. The Department wishes to compliment the Planning Authority on the thorough and comprehensive manner in which it has the addressed issues which are required to be covered in Core Strategies.</p> <p>2. It would be helpful if the Core strategy included the criteria which will determine when it may be appropriate to give consideration to the development on Phase 2 lands.</p> <p>3. It is important to clarify if it is intended that flood zones will be identified in the zoning maps for the LAPs which now form part of the County Development Plan, and also for the towns and villages which now only have settlement boundaries in order to support zoning and development management decisions in the future.</p>	<p>1. Noted.</p> <p>2. Policy PS17 in the Variation states that "To encourage development on Phase 1 lands (residential) and prohibit development of Phase 2 lands in the settlements of Freshford, Goresbridge, Kells, Mullinavat, Slieverue, Stoneyford, Bennettsbridge and Kilmacow during the lifetime of the County Development plan". The lifetime of the plan is from 2008-2014. The review of the next Development Plan commences in 2012, therefore at that stage all of the phasing will be reviewed in the context of the County Development Plan. It is not proposed to allow development within Phase 2 lands up to 2014.</p> <p>3. As information becomes available on flood zone mapping, this will be incorporated into any relevant planning document. Therefore, for the review of the Development Plan a new Strategic Flood Risk Assessment will be carried out which will</p>	<p>1. Noted.</p> <p>2. No change recommended.</p> <p>3. Change policy IE89 as follows: To prepare flood zone maps as part of future <i>the review of any Development or Local Area Plans</i>, as information becomes available.</p>	

<p>4. The Council should identify the purpose of Policy IE92 and how it is intended to implement it (Flooding).</p> <p>5. The Planning Authority should satisfy itself that the proposed variation is fully compliant with the requirements of the Regional Planning Guidelines in relation to Appropriate Assessment (AA) and Strategic Environmental Assessment</p>	<p>include those settlements now contained within the CDP. Policy IE89 will be amended to reflect this but in any event this is now a legislative requirement.</p> <p>4. The intention behind this policy is to ensure that a site specific flood risk assessment is carried out in areas where there is a high or moderate risk of flooding. Policy IE92 states that "Development that is vulnerable to flooding will not be permitted in an area identified as being at high (Flood Zone A) or moderate (Flood Zone B) flood risk (as set out in the Guidelines), unless the criteria as set out in the Justification Test are satisfied". The SFRA as included with this Variation does not identify flood zones, but it does identify areas where a site specific flood risk assessment will be required. Any applicant that is required to carry out a site specific flood risk assessment will be seeking to identify any such zones on their site. This policy will be amended.</p> <p>5. Noted. Screenings for AA and SEA have been carried out for both Variations and the Planning Authority has determined that neither a full Appropriate Assessment nor Strategic Environmental Assessment is required.</p>	<p>4. Amend Policy IE92 as follows: "Development that is vulnerable to flooding will not be permitted in an area identified as being at high (Flood Zone A) or moderate (Flood Zone B) <i>subject to flood risk (as set out in the Guidelines), without a site specific flood risk assessment. Any development will not be permitted unless the criteria as set out in the Justification Test are satisfied"</i></p> <p>5. No change recommended.</p>
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Part B: Issues raised by the other bodies/persons and Manager's Recommendations

Name/Group:	Health and Safety Authority		
Submission P2:	Response:	Manager's Recommendation:	
<p>The HSA expects planning guidelines to contain:</p> <ol style="list-style-type: none"> 1. An indication of planning policy in relation to major accident hazard sites notified under the regulations. 2. The consultation distances supplied by HSA in relation to such sites should be indicated on various maps included in the plan 3. A policy on the siting of new major hazard establishments, including developments in the vicinity of such establishments 4. Mention of the following notified sites: Grassland Fertilisers & Nitrofert 	<ol style="list-style-type: none"> 1. Policy is contained in the CDP, section 9.13 in relation to such sites. The HSA have been asked for their land use planning advice in relation to the notified sites in the county and this land use planning advice has been taken into account in the zoning of land. A further site was notified following publication of the Proposed Variation, land use planning has not been received for this to date. Policy IE95 will be expanded to include for the development of new notified sites also. 2. These consultation distances are included on the Council's intranet mapping system, this will also be indicated on the zoning map for the New Ross Environs and for the Ferrybank/Belview area when that LAP is amended. 3. As discussed under Point 1, policy IE95 will be amended. 4. The Variation included reference to Nitrofert in Section 9.13. Since publication of the Variation, another site in Ferrybank has been notified, Trans Stock in Christendom. This will also be referenced in the Variation. 	<ol style="list-style-type: none"> 1) Amend Policy IE95 as follows: "In order to reduce the risk and limit the consequences of major industrial accidents, it is the policy of the Councils to consult with the Health and Safety Authority when assessing proposals for development <i>of</i>, in or near sites which area identified under the COMAH (Seveso II) Directive." 2) Indicate consultation distance on New Ross zoning map 3) Amend policy IE95 as above. 4) Amend Section 9.13 to state that "There are now three Seveso II sites within the county; Grassland Fertilisers (Kilkenny) Ltd., Palmerstown on the Tullaroan Road in Kilkenny City, Nitrofert Ltd., Raheen, New Ross, Co. Kilkenny <i>and Trans-Stock Warehousing and Cold Storage in Christendom, Ferrybank, Co. Kilkenny</i>" 	

Name/Group:	Cian O'Mahony, Environmental Protection Agency (EPA)	
Submission P3:	Response:	Manager's Recommendation:
<p>1) The EPA notes the Council's position with regard to SEA of the Proposed Variations. The Agency's previous submission on the Variations 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) Adequate and appropriate infrastructure should be in place, or required to be put in place, to service any development proposed and authorised during the lifetime of the Variation.</p> <p>4) The Council is referred to the requirements of the Habitats Directive and all responsibilities and obligations in accordance with national and EU environmental legislation.</p> <p>5) The Council is reminded of its obligations under the SEA regulations to give notice as appropriate.</p>	<p>1) Noted</p> <p>2) Noted</p> <p>3) The infrastructural requirements to service the development proposed have been addressed the proposed Variation through the Core Strategy, the zoning maps and accompanying policies.</p> <p>4) Noted. A separate screening to comply with the Habitats Directive, Screening for Appropriate Assessment, has also been carried out.</p> <p>5) Noted.</p>	<p>1-5 No change recommended.</p>

Name/Group:	Seamus and Eugene McKenna, c/o Peter Thomson Planning Solutions	
Submission P4:	Response:	Manager's Recommendation:
<p>This submission relates to the zoning of land in Kells and seeks a number of changes to the zoning:</p> <ol style="list-style-type: none"> 1. The submission seeks that the site of Planning ref. 06/2209 (for 40 units and a treatment plant), part of which is zoned for Phase 2, should be fully covered by Residential zoning. 2. The submission seeks that the zoning on site of Planning ref. 09/151 be changed from Phase 2 to Residential. 3. The submission seeks that the zoning on site of planning reference 08/1494 (refusal) be amended to reflect the area liable to flooding. 4. The submission seeks a change to zoning on the site to the south of Priory Grove from Residential to Phase 2. 	<ol style="list-style-type: none"> 1. Only a very small strip of this site (0.16 ha) is located in the Phase 2 zone. The boundary line between the Phase 2 and Residential zoning was selected as it is a natural field boundary. It is now proposed to change the zoning to correspond to the site layout as granted. 2. Having regard to the overarching provisions of the Core Strategy and on the basis of the sequential approach, as this parcel was located at a remove from existing development in the village, this land was moved into Phase 2. The permission on this land can be implemented. However this permission proposes to connect to the treatment plant under 06/2209 and it is conditional on a new treatment plant for the village being delivered. This permission expires in October 2014. The status of the lands will be reviewed again for the making of the new County Development Plan in 2014. 3. A Strategic Flood Risk Assessment was carried out as part of Variation No. 2. This will be amended to reflect the findings of the Preliminary Flood Risk Assessment submitted with Planning file 08/1494. Also, the zoning on this site will be changed so that no residential zoning remains in the area identified as being subject to flood risk. 4. This site was zoned for residential considering its 	<ol style="list-style-type: none"> 1. For the avoidance of doubt, align the zoning with the site boundary covered by Planning ref. 06/2209 – change 0.16ha from Phase 2 to Residential. 2. No change recommended. 3. Change the SFRA to incorporate the Flood Risk study that was undertaken for 08/1494 and change the zoning on this site to reflect the findings of this PFRA. 4. No change recommended.

<p>5. The submission agrees with the zoning of land to the front (north) of Burgess Court for residential.</p> <p>6. The submission seeks the zoning of the remainder of the parcel in his ownership for low density housing.</p> <p>7. A masterplan has been submitted with this submission for the entire landholding.</p>	<p>location closest to the existing village. Although there has not been planning activity on this site, this is the most logical site for development to take place sequentially.</p> <p>5. Noted</p> <p>6. Sufficient land is zoned in Kells through this core Strategy. A total of 32 low density sites have already been developed in Kells in the Priory Grove scheme. As low-density housing could be developed on the Phase 1 lands, there is no specific requirement for low density zoning.</p> <p>7. Noted.</p>	<p>5. No change recommended.</p> <p>6. No change recommended.</p> <p>7. No change recommended.</p>
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Name/Group:	Owen Sheehan, Kilmacow Development Group	
Submission P5	Response:	Manager's Recommendation:
<p>This submission relates to the zoning of land in Kilmacow. The group welcome the proposed variation but make the following suggestions:</p> <ol style="list-style-type: none"> 1. Change the zoning of the General Development lands to Residential, as the maximum density permissible is much less on Residential lands. 2. If Phase 2 lands are sold at agricultural prices, they should automatically be rezoned as agricultural. 3. More stringent standards and guidelines are required for house types. 4. Houses designated as social and affordable should offer decent levels of amenity and be fit for purpose. 5. Clear design guidance standards should be set down for all housing in Kilmacow. 6. Suggest that a percentage of the zoned lands be developed as serviced sites. Also suggest that more provision be made for people 	<ol style="list-style-type: none"> 1. The Government Guidelines on Sustainable Residential Development in Urban Areas generally recommend densities of above 15 to the hectare (6 per acre) in smaller towns and villages. Only land located closest to the centres is zoned for General Development. On these types of central sites the Government recommends densities of 30-40 units per hectare. Therefore the applicable density of 29.6 per hectare (12 per acre) is appropriate here. It must be noted that this is a maximum density and there may be other design constraint which would result in potentially lower densities. 2. The zoning of lands is not based on the sale price. When the plan is next being reviewed all zoning in the village will be re-examined and appropriate changes will be made at that time. 3. This Variation is intended to bring the County Development Plan (and LAPs) into alignment with the Regional Planning Guidelines. This issue was addressed in the making of the LAP and the Variation is not addressing such matters. 4. Again, this issue is addressed through the LAP and the County Development Plan and is not being addressed by this Variation. 5. Such design guidance was adopted as part of the LAP and the strength of such guidance was evidenced by a refusal of planning permission 	<ol style="list-style-type: none"> 1. No change recommended. 2. No change recommended. 3. No change recommended.

<p>who want to build their own homes.</p>	<p>recently for 10/379 on the basis of non-compliance with the design and layout guidance of the LAP.</p> <p>6. The low maximum density that applies on the Residential zoned land makes this land suitable for the development of serviced sites. The zoning of the land allows for all types of development, including the sale of individual sites. Permission was granted for the construction of one house on Residential zoned lands on Dangan Road under 09/790.</p>	<p>4. No change recommended.</p> <p>5. No change recommended.</p> <p>6. No change recommended.</p>
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<p>Name/Group:</p>	<p>Martin Howley</p>	
<p>Submission P6</p>	<p>Response:</p>	<p>Manager's Recommendation:</p>
<p>This submission seeks the zoning of land in Mooncoin for village centre or housing.</p>	<p>As the Local Area Plan for Mooncoin has expired, this Variation has now created a Settlement Boundary for the village, within which some general development objectives apply. The settlement boundary excluded the lands which had previously been designated as Phase 2 development. This land has been identified as being in an area of Flood Risk. Considering the scale of development that has taken place in the village, and the remaining availability of undeveloped land which was previously zoned, it was not considered necessary to include this land in the boundary. Taking into account that the SFRA indicates that the lands are at risk of flooding and given that there are other lands available for development, it is considered reasonable, using the precautionary principle, that the lands are excluded from the settlement boundary.</p>	<p>No change recommended.</p>

Name/Group:	Tesco Ireland, c/o DPP	
Submission P7b:	Response:	Manager's Recommendation:
<p>The submission makes a number of recommendations for the incorporation of retail policies in the Variation as follows:</p> <p>1. It is important to ensure that the Retail Planning Guidelines are appropriately reflected in the Variation by setting out a retail section in the Variation showing how the Plan is aligned to the Retail Planning Guidelines. In particular, three policies in relation to a healthy and competitive environment, enhancing the vitality and viability of the centre and adopting the sequential approach to the location of retail development are cited.</p>	<p>1. The current County Retail Strategy is based on the Retail Planning Guidelines. The three specific policies cited by the submission are already enshrined in the existing Retail Strategy for the city and county as follows: Objective 1 is to sustain and improve the retail profile and competitiveness of Kilkenny City and County within the retail economy of the South East Region and beyond. Objective 9 is to encourage and facilitate innovation and diversification in the County's retail profile and offer. Section 5.8.6.3 The Sequential Approach states that "In meeting the aims of the Strategy, policies and proposals in respect of the location of retail development must be in accordance with the principles set by the Sequential approach in the RPG."</p> <p>The fundamental assumptions in relation to the strategic location of retail development within the county are not altered by the Core Strategy. The Introduction to the Variation contains an explanatory paragraph outlining this. It will be appropriate to review the implementation of the Retail Strategy in the light of the Core Strategy. The Plan continues to be aligned with the Retail Planning Guidelines in all respects. The text in relation to the Retail Strategy will be moved from the Introduction to the Variation into Chapter 3: Core Strategy.</p>	<p>1. In the interests of clarity, move text in relation to the retail strategy into Chapter 3: Core Strategy and amend as follows: The retail strategy for the City and County was adopted in 2008 and is three years old. This Core Strategy does not change the fundamental assumptions in relation to the strategic location of retail development within the County. It does alter the expected population levels within the timeframe of the Development Plan. Since its adoption there has also been a significant change in the economic situation within the country. In particular the economic outlook is pessimistic in the short term and is subject to some uncertainty. Having considered the time frame to the review of the County and City Development Plans (commencing in 2012) it is considered more appropriate at this time to review the implementation of the retail strategy in the light of the new Core Strategy. Subsequently, when the retail strategy is reviewed it will take account of the core strategy.</p>

<p>2. The Core strategy should underline the importance of keeping the baseline information informing the County Retail Strategy up to date, including population figures which will be issued from the CSO (expected in 2012)</p> <p>3. The Core Strategy should underline the importance of a Retail Strategy which is fit for purpose and which supports investment in Kilkenny city. As such, all policies and the capacity of the 2008 Strategy need to be updated.</p> <p>4. The important economic role of the retail sector as identified by the South Eastern Regional planning Guidelines should be reflected in the core strategy.</p>	<p>2. The Council is aware of the necessity to keep baseline information up to date and is continually reviewing the information internally. All relevant data, including the Census and any economic reports will be incorporated into any review of the Retail Strategy. Section 5.9.5 of the Plan deals with Monitoring and Review.</p> <p>3. A thorough examination of the 2008 Retail Strategy will be conducted during the next review and this will include for a comprehensive re-evaluation of all baseline data, and all prevailing economic conditions.</p> <p>4. The current Retail Strategy as contained in the Development Plan sets out the objectives of the Strategy under 'Strategic Response' and this acknowledges the importance of the retail sector in the city's economy. This includes "Objective 1: To sustain and improve the retail profile and competitiveness of Kilkenny City and County within the retail economy of the South East Region and beyond." All policies and objectives of the Retail Strategy will be reviewed during the next review.</p>	<p>2. No change recommended.</p> <p>3. No change recommended.</p> <p>4. No change recommended.</p>
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Name/Group:	South East Regional Authority, Director Tom Byrne	
Submission P8b:	Response:	Manager's Recommendation:
<p>1. The submission welcomes this variation and acknowledges the efforts made to coordinate the objectives and policies of the development plan so that they are consistent as far as practicable with the South-East Regional Planning Guidelines 2010 – 2022. The Regional Authority considers that the overall population targets proposed in the Core Strategy are consistent with the RPGs.</p> <p>2. The Regional Authority suggests that during the review of the Ferrybank/Belview LAP and in conjunction with Waterford City Council that this would be an opportune time to review the progress in implementing the PLUTS strategy and a statement to this effect should be included.</p> <p>3. SERA questions if the rural service centres could be mapped.</p> <p>4. A statement should be included setting out that the review of the Housing Strategy must be consistent with the population targets of the RPGs.</p>	<p>1. Noted.</p> <p>2. The Ferrybank/Belview LAP will be amended following on from adoption of Variation 2. As part of the process of amending this plan, the planning authority will consult with Waterford City Council. The recommendations and implementation of PLUTS will be examined at this stage.</p> <p>3. The rural service centres is the smallest tier in the settlement hierarchy, consisting of a few local services such as a school, post office, church, garda station etc. These are mapped on Figure 3.3 in the Development plan. The legend will be changed from 'Smaller Settlements' to 'Rural Service Centres'.</p> <p>4. As part of this Variation a review of the affordability indicators was conducted. This also incorporated the population projections from the</p>	<p>1. No change recommended.</p> <p>2. No change recommended.</p> <p>3. Change legend on Figure 3.3</p> <p>4. No change recommended.</p>

<p>5. It should be stated that a Flood Risk Assessment will be carried out as part of the Development Plan Review.</p> <p>6. The planning authority is responsible for checking that the Variation is fully compliant with the requirements of the RPG in relation to Appropriate Assessment and Strategic Environmental Assessment, all relevant EU Directives and the Water Framework Directive and associated documents.</p> <p>7. The planning authority should satisfy itself that the proposed variation is fully compliant with the requirements of the RPG (PPO8.21) in relation to Guidelines for Planning Authorities Sustainable Residential Development in Urban Areas.</p> <p>8. The submission questions if there are specific sections/body text/policies/objectives in the existing Development Plan which should be amended/deleted because they are not aligned with or are in conflict with the proposed Core Strategy</p>	<p>RPGs. Any review of the Housing Strategy will be based on figures contained in the Development Plan, which will be consistent with the RPGs and this is controlled by legislative requirements.</p> <p>5. A Strategic Flood Risk Assessment was carried out for this Variation, based on all available information. Policy IE89 states “To prepare flood zone maps as part of future Local Area Plans as information becomes available”. It is proposed to alter this under Submission P1.</p> <p>6. Noted.</p> <p>7. Noted.</p> <p>8. An examination of this was carried out during the Variation process, and the Planning Authority is satisfied that all relevant sections have been amended appropriately.</p>	<p>5. See change recommended to IE89 under submission P1.</p> <p>6. No change recommended.</p> <p>7. No change recommended.</p> <p>8. No change recommended.</p>
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Kilkenny County Development Plan: Manager's Report on submissions to Proposed Variation 2

Name/Group:	Conn O'Shea, c/o Bluett & O'Donoghue		
Submission P9:	Response:	Manager's Recommendation:	
The submission relates to a 3.5 hectare landholding in Freshford, which was the subject of planning ref. 07/1975 which was withdrawn. The submission seeks a change in zoning from Phase 2 to Residential for a 0.7 hectare portion of the site. This is made on the basis that a stream traversing the site forms a better, natural boundary for distinguishing between Phase 2 and Residential zoning and that the zoning proposed in this Variation would lead to a lower quality layout than that originally proposed under 07/1975.	Planning ref. 07/1975 was withdrawn as the waste water infrastructure did not have capacity to service this scheme, and the proposed temporary private treatment plant was not supported by the Planning Authority. The waste water infrastructure has not been upgraded since. The Proposed Variation includes a policy, PS22 stating that "Any additional development in Bennettsbridge, Freshford, Goresbridge, Kells, Mullinavat and Stoneyford will not be permitted pending the upgrade of the necessary water services infrastructure". Therefore this policy precludes the full development of this site in the short term. Part of the lands is already included in Phase 1. The phasing in this LAP will be reviewed as part of the County Development Plan review process, which starts in 2012.	No change recommended.	

Name/Group:	Le Chéile Housing, c/o Tom Phillips & Associates		
Submission P10:	Response:	Manager's Recommendation:	
The submission relates to a 3.15 hectare site in Mooncoin and seeks that it be included within the settlement boundary to facilitate its future development for independent living units for the elderly. The proposed development would include communal	The Local Area Plan for Mooncoin expired in 2009. Proposed Variation 2 includes a Settlement boundary for Mooncoin, which is drawn tightly around the existing village area. Within this boundary Policy PS 16 will apply "To encourage development within the settlement boundary to support, strengthen and expand the service base of Ballyhale, Ballyragget,		

<p>facilities such as communal laundry room, library, oratory and indoor and outdoor recreational areas.</p>	<p>Inistioge, Knocktopher, Mooncoin and Urlingford, allowing development appropriate to the scale and character of these settlements whilst protecting their natural and built heritage". Outside of this settlement boundary the policies of the County Development Plan will apply. This site was not zoned in the Mooncoin LAP 2003.</p> <p>The scale of this development is of concern, and the need for such a large social housing project in Mooncoin has, not been fully justified. There is a very low level of demand from that sector of the population near Mooncoin at present, and the Housing section have estimated that a maximum of 4-6 units would suffice for the immediate Mooncoin area.</p> <p>A very large scale facility such as that proposed would be more appropriately directed to a larger centre of population where there is a greater potential for demand already due to the larger population base and where there is potential to utilise a site which is appropriately zoned or where permission already exists for numerous housing developments.</p> <p>Circular letter VCH2/08 from the Department (19/5/2008) which gives guidance on arrangements for the appraisal, approval and implementation of voluntary and Co-operative housing projects, states that 'the selection of the site is a key element in the development of the project. The Local Authority should satisfy itself that the site is suitable for the proposed project, having regard to the availability of building land, the demand for housing in the locality, the type of housing proposed..."</p>	<p>Amend the settlement boundary to include for 1.4 ha of land behind the existing nursing home in Mooncoin with a specific objective that the 1.4 ha be used only for social and voluntary housing for the elderly.</p>
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	<p>The proposal for 40 -50 housing units is in itself a relatively large number of units for a housing development in the village of Mooncoin having regard to the existing number of housing units and in addition the development is of a single age cohort and limited house profile.</p> <p>The scale of the project of a restricted age profile which would far exceed the local social housing demand in this category and the lack of any critical analysis of other options is of concern.</p> <p>The suitability of the site for housing for the elderly at this location to cater for the parish of Mooncoin is not in question. In this regard it is considered reasonable to allow for approximately 1.4 ha of land to be included within the settlement boundary of Mooncoin with a specific objective that the 1.4 ha behind the existing nursing home be used solely for social housing for the elderly.</p>	
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Name/Group:	Deerland Construction, c/o Tom Phillips & Associates	
Submission P11:	Response:	Manager's Recommendation:
<p>The submission generally relates to the status of the Ferrybank Shopping Centre in the County Retail hierarchy and the need for a Joint Retail Strategy.</p> <ol style="list-style-type: none"> 1. The submission seeks that the status of the shopping centre in the Ferrybank/Belview LAP as 'Gateway Suburban Centre' be reflected in the County Development Plan which at present contains no designation for the Ferrybank Centre. The submission states that the lack of a designation is affecting the operation of the centre. 2. The submission seeks that the Councils work together to prepare and adopt the <i>Joint Retail Strategy (JRS) for the Greater Waterford Area</i>. This JRS will determine whether the <i>Ferrybank Shopping Centre</i> should be designated as a Town or District Centre in the County Retail Hierarchy. 3. Until such a time that the JRS is updated, the KCDP and its proposed Core Strategy will not be consistent with the <i>Regional Planning Guidelines for the South-East Region 2010-2022</i>. 	<p>The Manager's response and recommendation to follow.</p>	

Name/Group:	Irish and European Properties, c/o Harley Newman	
Submission P12:	Response:	Manager's Recommendation:
<p>The submission relates to lands in Urlingford, and seeks that they be included in the settlement boundary for Urlingford to allow for potential commercial development.</p>	<p>This land was zoned for industrial development in the 2004 LAP, which has since expired. The subject site has no recent planning history. As part of this Proposed Variation, a settlement boundary was designated for Urlingford within which Policy PS 16 will apply "To encourage development within the settlement boundary to support, strengthen and expand the service base of Ballyhale, Ballyragget, Inistioge, Knocktopher, Mooncoin and Urlingford, allowing development appropriate to the scale and character of these settlements whilst protecting their natural and built heritage". Outside of this settlement boundary the policies of the County Development Plan will apply. Any application for commercial use at this location can be dealt with on its merits under the provisions of the CDP. Including the land within the settlement boundary could lead to residential use which would reduce its capacity for future industrial development.</p>	<p>No change recommended.</p>

Name/Group:	Denis McBarron, C/o Tom Halley, McCutcheon Mulcahy	
Submission P14:	Response:	Manager's Recommendation:
<p>The submission relates to lands in Johnstown. The submission seeks the following:</p> <ol style="list-style-type: none"> 1. That Johnstown and Urlingford be designated as a 'District Centre' in the settlement hierarchy. 2. That a policy be added in relation to prioritising settlements which do not have a statutory Local Area Plan and stating that 'for development management purposes any development proposal will be dealt with on its merits subject to normal proper planning and sustainable development considerations'. 	<ol style="list-style-type: none"> 1. The District Town tier in the settlement hierarchy is reserved for those larger towns in the county, with population of approx. 1,500. Callan, Castlecomer and Thomastown all have populations greater than 1,500. Graiguenamanagh has a smaller population, however it contains similar services to those of a District town and its population is over 1,000. Johnstown and Urlingford are both designated as Small Town/Villages to reflect their smaller size and service base. They are physically distinct settlements, separated by over 2.5 km, therefore designating them as one combined centre would result in unsustainable transportation patterns. To designate these as one combined settlement would not conform to the settlement hierarchy and would not comply with the RPGs. 2. For settlements which had LAPs that have since expired, such as Urlingford, a settlement boundary has been designated and policies have been set out which govern development within that settlement boundary. Outside of this, and in other settlements which do not have an LAP, such as in Johnstown, applications are dealt with under the County Development Plan. The Council will prioritise investment on the basis of its settlement structure, and will not be prioritising settlements which do not have LAPs, and by their nature are 	<ol style="list-style-type: none"> 1. No change recommended. 2. No change recommended.

<p>3. The zoning of a 3.2 hectare site in Johnstown for mixed use development in the forthcoming LAP process.</p>	<p>smaller service centres. Any development proposal under the County Development Plan is always dealt with on its merits, and this does not need to be restated in the Variation.</p> <p>3. The Johnstown LAP process started in 2010. Due to the enactment of the Planning and Development Act 2010 and its requirement to include a 'Core Strategy', the programme of Local Area Plans, focused mainly on zoning objectives, was suspended. As the Core Strategy has involved a reduction in zoned land across the county, it is not considered sustainable to continue preparing additional LAPs focused on zoning objectives. Other framework documents, or settlement boundaries may be considered for Johnstown, and similar settlements following monitoring and review of the implementation of the Core Strategy from now until the next County Development Plan in 2014.</p>	<p>3. No change recommended</p>
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Name/Group:	Eamonn Hore, Director of Services, Wexford County Council	
Submission P15:	Response:	Manager's Recommendation:
<p>1. The submission relates to the phasing of land in New Ross. The submission seeks clarity on the restrictions of development on Phase 2 land.</p> <p>2. The submission seeks clarity on the review process for the 2005 LAP and how this is co-ordinated with the County Development plan process. Wexford County Council would consider it desirable that the LAP be reviewed in 2011 when it expires.</p>	<p>1. The Introduction to the Variation states that “Nine LAPs will be subject to revised zoning maps (including New Ross Environs) with the introduction of phasing... Phase 2 land will not be permitted to be developed during the lifetime of the County Development Plan (up to June 2014).” A policy in the 2005 LAP stated that “It is not intended that development within this second phase would be considered until substantial areas of the first phase of zonings are built out”. To bring the LAP into alignment with the Core Strategy, it is considered appropriate to replace that line in the LAP.</p> <p>2. The zoning map as amended by this Variation will take precedence over that in the LAP. The New Ross Environs LAP is due to expire in October of this year. Now that the zoning map has been incorporated into the County Development Plan, the LAP will be reviewed as part of the Development Plan review process, which commences next year. This will allow for sufficient time for appropriate consultation to take place with all relevant bodies.</p>	<p>1. Amend Policy PS17 as follows: “ To encourage development on Phase 1 lands (residential) and prohibit 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. This provision overrides the statement in the LAP.</p> <p>2. No change recommended.</p>

PART C: Proposed Variations from Internal Review

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

Chapter 9: Infrastructure and Environment

Insert new policy in Section 9.8.4: Sustainability and Energy Efficiency in Buildings

IE39 To require that planning applications demonstrate that due consideration has been given to the Technical Guidance Documents of the Building Regulations.

Section 9.12.5 Flooding

Change to Policy IE91 as follows:

For any development, where flood risk may be an issue, a flood risk assessment should be carried out that is appropriate to the scale and nature of the development and the risks arising. ~~The onus is on the applicant to assess whether there is a flood risk issue and how it will be addressed in any proposed development.~~ *The applicant is primarily responsible in the first instance for assessing whether there is a flood risk issue and how it will be addressed in the development they proposed.*

Chapter 9

9.4.1 National Road Network

The N29 National route was developed to service the Belview Port area and considerable 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 access to the N29. It is the intention of the Planning Authority to develop a policy for the N29 in conjunction with the NRA.

Action: To develop 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.

Chapter 10 Requirements for New Development

10.6 Apartments

Table 10.1 Minimum apartment sizes

Apartment type	Minimum floor area
Two bedrooms	65 sqm 73 sqm

Strategic Flood Risk Assessment – Appendix 1 to Strategic Environmental Assessment Screening

Section 4: Maps of Flood Risk Indicators

Kells – change to boundary to include for point raised in Submission P4

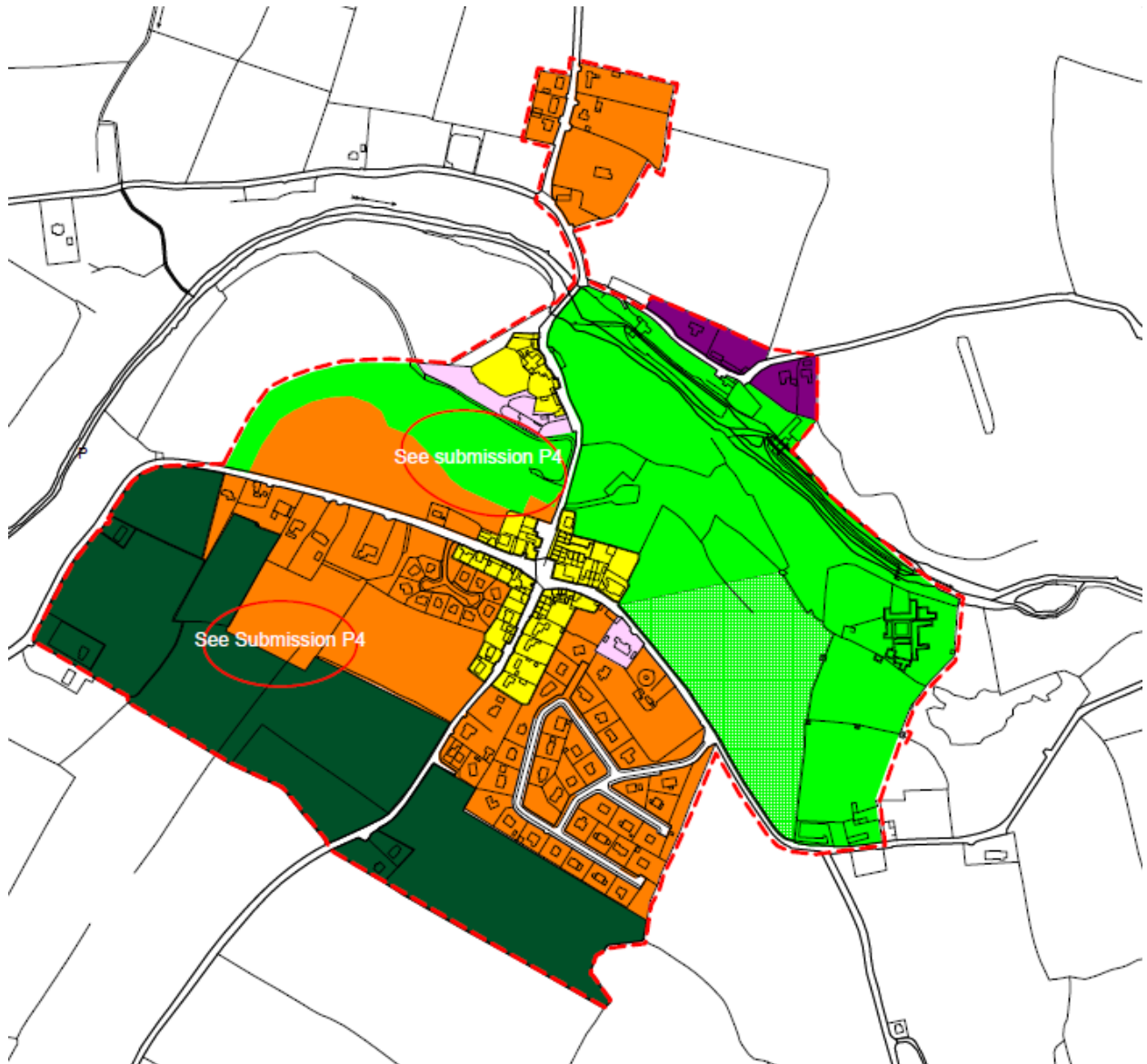
New Ross – change to boundary to include flood zone mapping from Wexford County Council

Proposed Map Changes

Kells Zoning changes (See Submission P4)

P4 Point 1: Change from Phase 2 to Residential

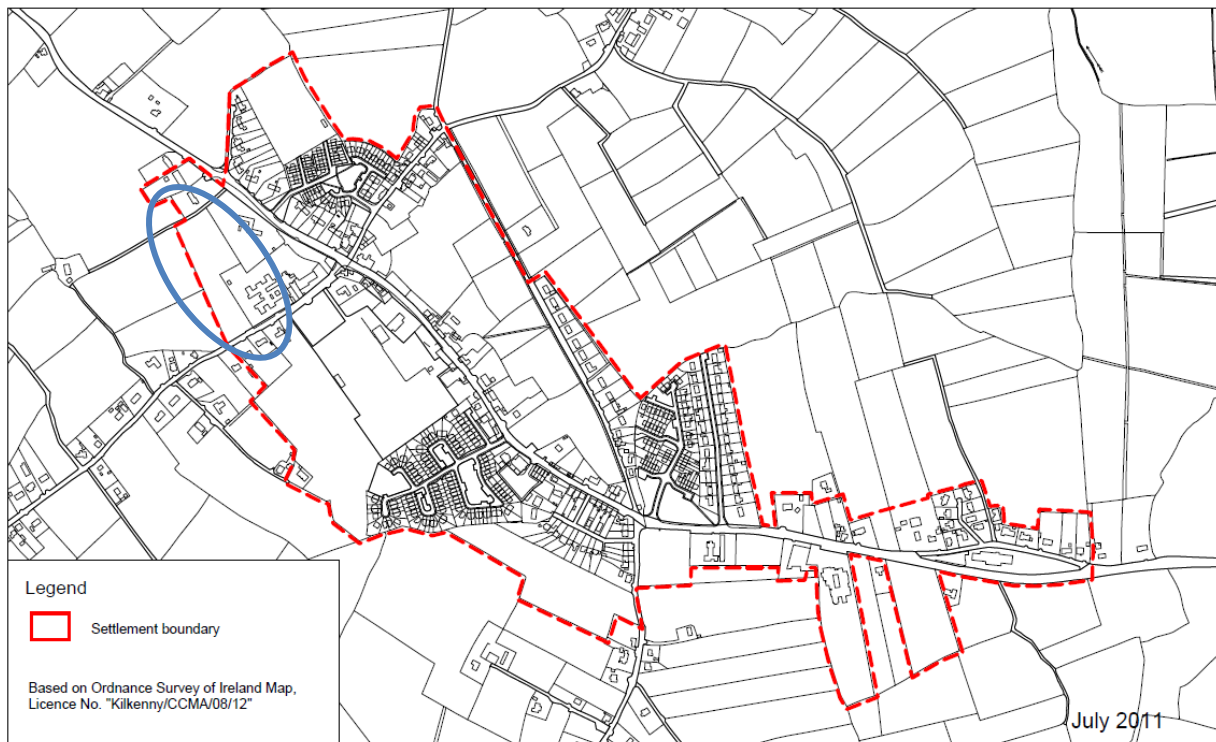
P4 Point 3: Change from Residential to Open Space



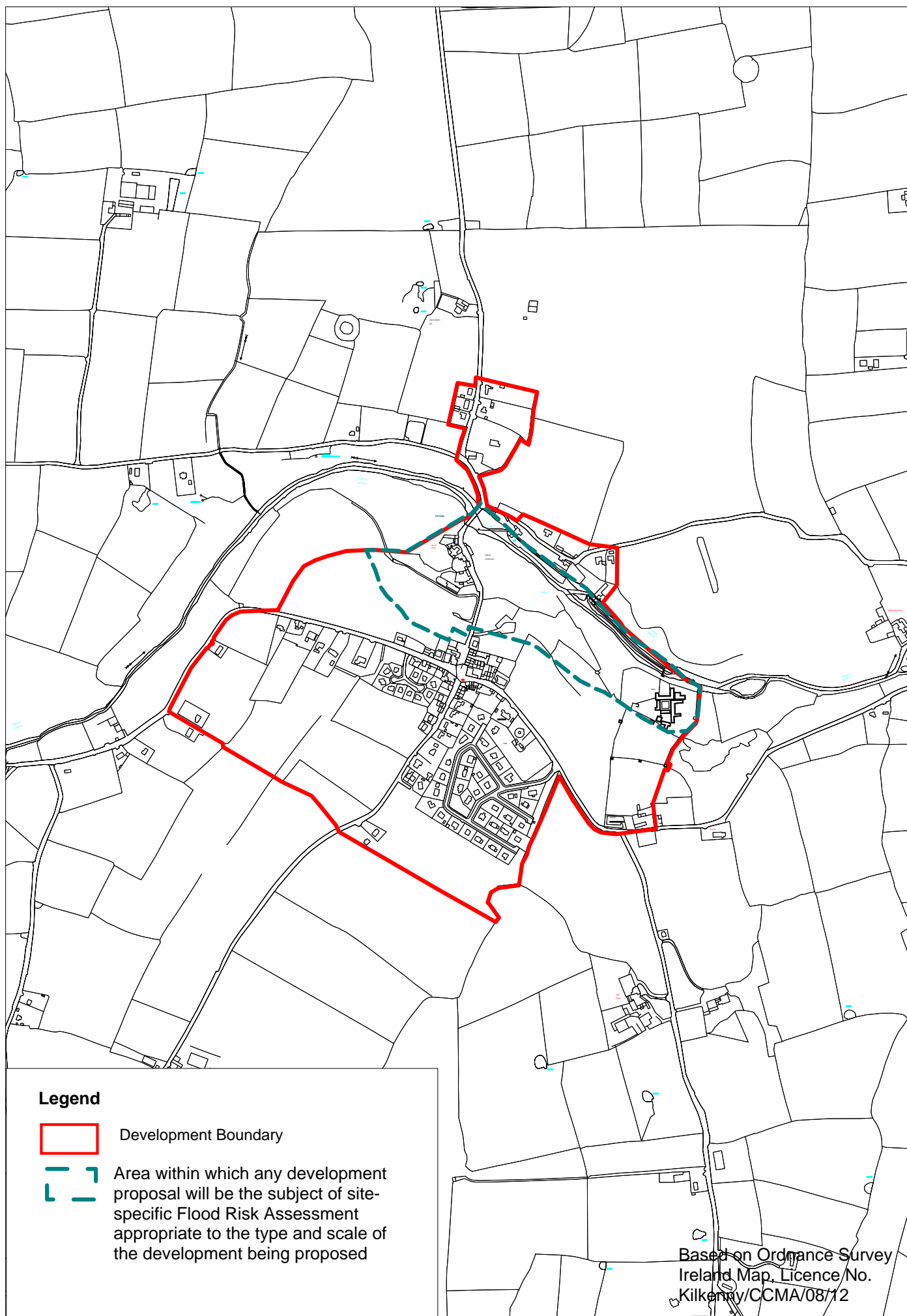
Mooncoin – proposed change to Settlement Boundary (See submission P10)

Include site of 1.4 ha in the settlement boundary

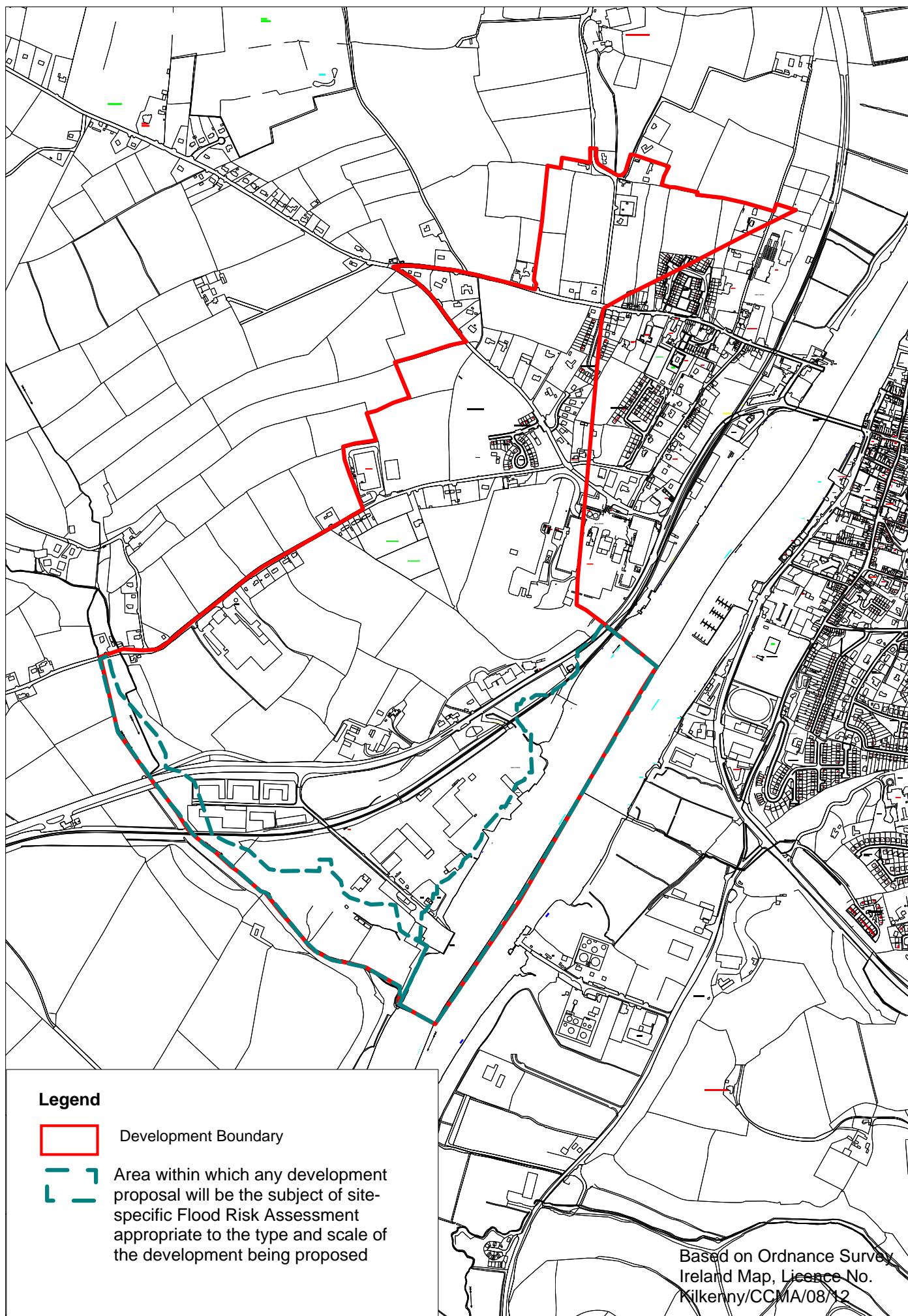
Variation No. 2 to Kilkenny County Development Plan 2008-2014
Core Strategy - Proposed settlement boundary for Mooncoin



Settlement: Kells



Settlement: New Ross Environs



Kilkenny County Development Plan 2008-2014

Proposed Variation 2

Supplementary Managers report on Proposed Variation No. 2
Issued 18th July 2011.

Following from the Managers report issued to the members with the agenda for the monthly July meeting, the Manager has issued this supplementary report as indicated under Submission P11 of the original report.

Name/Group:	Deerland Construction, c/o Tom Phillips & Associates	
Submission P11:	Response:	Manager's Recommendation:
<p>The submission generally relates to the status of the Ferrybank Shopping Centre in the County Retail hierarchy and the need for a Joint Retail Strategy.</p> <ol style="list-style-type: none"> 1. The submission seeks that the status of the shopping centre in the Ferrybank/Belview LAP as 'Gateway Suburban Centre' be reflected in the County Development Plan which at present contains no designation for the Ferrybank Centre. The submission states that the lack of a designation is affecting the operation of the centre. 2. The submission seeks that the Councils work together to prepare and adopt the <i>Joint Retail Strategy (JRS) for the Greater Waterford Area</i>. This JRS will determine whether the <i>Ferrybank Shopping Centre</i> should be designated as a Town or District Centre in the County Retail Hierarchy. 3. Until such a time that the JRS is updated, the KCDP and its proposed Core Strategy will not be consistent with the <i>Regional Planning Guidelines for the South-East Region 2010-2022</i>. 	<p>It is still the policy of the Council to pursue a Joint Retail strategy for the Greater Waterford Area between Waterford City Council and Waterford County Council to provide a co ordinated approach to future retail planning. Policy ED22 of the County Development Plan and policy REP1 of Belview/Ferrybank LAP. There is a need to align the designation of the Ferrybank Shopping centre in the County Plan with that contained within the Ferrybank/Belview LAP.</p>	<p>To insert into the County Retail Hierarchy the designation of the Ferybank Shopping Centre as a "Gateway Suburban Centre" above the level of the District Centre definition contained in the retail planning guidelines but below the level of town centre. Table 5.1 of the County Retail Hierarchy to be amended as below.</p> <p>Remove "by September 2008" from Action under section 5.8.5.2</p> <p>ACTION: To complete an integrated retail study by September 2008 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.</p>

Table 5.1: County Retail Hierarchy

Level/Retail Function	Centre
Level 1 Major Town Centre/County Town	Kilkenny City & Environs
Tier 1 Level 2 Sub county town	Callan Thomastown
Tier 2 Level 2 Sub County Town	Castlecomer Graiguenamanagh
Level 3 Town	No designated centre
Level 4 Village Centre	
Level 4 Neighbourhood Centre	As designated for Kilkenny City & Environs and Waterford Environs

Proposed Table

Table 5.1: County Retail Hierarchy

Level/Retail Function	Centre
Level 1 Major Town Centre/County Town	Kilkenny City
<i>Tier 1 Level 2 “Gateway Suburban Centre”¹</i>	<i>Ferrybank/Belview</i>
Tier 2 Level 2 Sub County Town	Callan Thomastown
Tier 3 Level 2 Sub County Town	Castlecomer Graiguenamanagh
Level 3 Town	No designated Centre
Level 4 Village Centre	
Level 4	As designated for Kilkenny City & Environs and Waterford Environs

¹ “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 of additional level 2 type comparison shopping.

Proposed Change from Internal Review

Replace the last paragraph of Section 9.10.2 as follows:

Existing :

Kilkenny County Council requires that sites will be assessed in accordance with the EPA manual entitled *Wastewater Treatment Manuals: Treatment Systems for Single Houses (2000)* as may be replaced or updated by the EPA's *Code of Practice – Wastewater Treatment Systems for Single Houses*. The person carrying out the assessment will be suitably qualified.

Proposed:

Kilkenny County Council requires that all **new** applications will be assessed in accordance with the EPA Manual entitled **Code of Practice, Waste water Treatment and Disposal Systems serving Single Houses(p.e ≤ 10)**, also referred to as EPA 2009 or such guidance as may replace this guidance. The person carrying out the site assessment will be suitably qualified and on the Council's approved panel of Site Suitability Assessors.