

# Chief Executive's Report

Submissions to Material Alterations to Draft Castlecomer Local Area Plan 2018



April 2018



**Kilkenny County Council**

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## 1. Introduction

This report forms part of the statutory procedure for the making of a Local Area Plan (LAP). It addresses the submissions received during the 4 week public consultation period, from the 2<sup>nd</sup> February 2018 to the 2<sup>nd</sup> March 2018, in relation to the Proposed Material Alterations to the Draft LAP.

The purpose of the report is to:

- (a) report on the written submissions/observations received during the public consultation period.
- (b) set out the Chief Executive's response to the issues raised in the submissions/observations and;
- (a) make recommendations to the Elected Members on the issues arising from the consultation process.

This report is being furnished to the Elected Members of Kilkenny County Council in accordance with Section 20(3)(l) of the Planning and Development Act 2000, as amended, for their consideration.

### 1.1 Details of Public Display

The documents put on public display for the Proposed Material Alterations to the Draft Local Area Plan were:

- Public Notice
- Proposed Material Alterations
- Appropriate Assessment Screening report
- Strategic Environmental Assessment screening

The documents were placed on the Consult.kilkenny.ie consultation website and on the Council's own website. Hard copies of the documents were on public display in the following locations:

- Planning Office, Kilkenny County Council, County Hall, John Street, Kilkenny
- Castlecomer Library

Submissions could be made by:

- Email to [ourplan@kilkennycoco.ie](mailto:ourplan@kilkennycoco.ie)
- Online at [consult.kilkenny.ie](http://consult.kilkenny.ie)
- Written submissions to Director of Services, Planning, Kilkenny County Council, County Hall, John Street, Kilkenny.

## 2. Submissions Received

In total, 20 submissions were received to the Proposed Material Alterations to the Draft Local Area Plan, as set out below.

<b>Ref.</b>	<b>Name</b>
SA1	Transport Infrastructure Ireland
SA2	Dept. Housing, Planning and Local Government
SA3	Irish Water
SA4	Environmental Protection Agency (EPA)
CA1	Castlecomer Synergy
CA2	Lorcan Scott
CA3	Barretts Pharmacy
CA4	Brian and Mary Harrington C/o Brian Dunlop Architects
CA5	Respond Housing Association C/O Angela Tunney
<del>CA6</del>	Duplicate of CA3 via agent
CA7	Christina Murphy
CA8	Martin Rowe, Fonsie Mealy and Richard Mullins C/o Billy Moran
CA9	Billy Moran
CA10	Aldi Stores (Ireland) Ltd. C/o John Spain Associates
CA11	Greenstripe C/o McKarthy Keville O'Sullivan
CA12	Castlecomer Development Association C/o Gerard Ferris
CA13	Annette Boran
CA14	Oak Hill Residents Assoc. C/o Christopher Douglas
CA15	Seamus Loughlin
CA16	Mary Brennan
CA17	Mary Guiheen

### 3. Summary of Issues Raised, Chief Executive's Response and Recommendations

#### 3.1 Submissions from Statutory bodies

Ref	Name	Summary
SA1	<b>Transport Infrastructure Ireland (TII)</b>	<ol style="list-style-type: none"> <li>1. Acknowledges amendments to Section 9.4.1 of the Draft Plan, however TII is not sure if access to the N78 complies with Section 2.6 of Guidelines but considers that access to National Roads should be plan led and should be included in the Plan prior to making a decision on any related planning application or access proposal.</li> <li>2. Castletomer Business Park has not been addressed which has been designated "Industrial" at a point along the N78 where the 100km/h limit applies.</li> </ol>
<p><b>Response:</b></p> <ol style="list-style-type: none"> <li>1. Planning Authority considers that access to N78 along this stretch of 80km/h road complies with Section 2.6 of the guidelines. A further evidence based justification will be undertaken with TII as the need arises during the lifetime of the plan. Further text will be added to objective T4.</li> <li>2. The entrance at the Castletomer Business Park is extant and the speed limit entrance has been reduced to 80km/h. All applications within the Business Park will be referred to TII for comments. The entrance was not at issue in the material alterations.</li> </ol>		
<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. Add text to objective T4 to clarify that any planning decision on development at the Kilkenny employment area should be subject to an evidence based approach in order to comply with TII's requirements within the recently relaxed speed limit.</li> <li>2. No change recommended.</li> </ol>		

Ref	Name	Summary
SA2	<b>Dept. of Housing, Planning and Local Government</b>	<ol style="list-style-type: none"> <li>1. The five zoning amendments will have no direct impact on core strategy figures. The Department considers that the proposed Material Alterations provide for the appropriate future planned development of the town including housing, community and economic terms.</li> </ol>
<p><b>Response:</b></p> <ol style="list-style-type: none"> <li>1. The Department's support for the alterations is acknowledged.</li> </ol>		
<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. No change recommended.</li> </ol>		

Ref	Name	Summary
SA3	<b>Irish Water</b>	<ol style="list-style-type: none"> <li>1. The Irish Water submission requests the removal of the word "untreated" from the following sentence in Section 8.1.2 :  "Although Primary treatment is being provided and overflow</li> </ol>

		frequencies and volumes have been reduced by stormwater retention provided, occasional <del>untreated</del> overflows from the system may still occur.”
<p><b>Response:</b> The sewer in Castlecomer is a combined system and as with any such system, occasional overflows may occur during severe flooding which can lead to some discharge before flow reaches the treatment plant. A 25mm -coarse bar screen prevents heavy material and suspended solids entering the overflow pipe. The Planning Authority therefore has no objection to the removal of the word “untreated”.</p>		
<p><b>Recommendation:</b> 1. Remove the word “untreated” from the sentence.</p>		

Ref	Name	Summary
SA4	Environmental Protection Agency	Where changes to the plan are made prior to finalisation or where modifications are proposed following adoption, these should be screened for likely effects on the Environment.
<p><b>Response:</b> 1. Noted. These will be implemented as required.</p>		
<p><b>Recommendation:</b> 1. No change recommended.</p>		

### 3.2 Other submissions

Ref	Name	Summary
CA1	Castlecomer Synergy	<ol style="list-style-type: none"> <li>1. Contradiction in 2.1.5 between New Residential and Mixed Use at Ballyhimmin</li> <li>2. Concerns about the anchor tenant on Co-op site being positioned to the rear of the site. Future development of the site should encourage pedestrian linkages. Proposed location will lead to doughnut effect with shoppers driving to the store and not using other facilities in town.</li> <li>3. The required upgrade of the Waste Water Treatment Facility should be scheduled during the lifetime of the plan. Raises concern that if the water supply for the town is not augmented during the lifetime of the plan, this will lead to future lag in terms of future development.</li> <li>4. The submission raises issues on the Governments National Broadband Plan (NBP).</li> <li>5. The submission raises concerns about the use of long term on street parking on the square which affect short term parking availability.</li> <li>6. The submission welcomes the zoning of 10.9 Ha of land for residential.</li> </ol>
<p><b>Response:</b> 1. The proposal is to change 0.5Ha of “Agricultural” Zoning at Ballyhimmin to “New Residential”. Although this was correctly stated in the section, a secondary reference next to the map contained typing errors that will be corrected.</p>		

<ol style="list-style-type: none"> <li>2. The Planning Authority considers the Creamery site to be located in the town centre and under a scenario where the anchor store is located adjacent to Creamery house, the town centre parking area will only be marginally closer to the square. The Material Alterations only provided for an additional access from Chatsworth Street and hence the principle of the central location of the Anchor store was not changed in the Material Alterations report.</li> <li>3. Please see Objective IE1 in this regard which is aimed at maintaining an adequate water and wastewater supply. The upgrade is dependent on the Capital Investment Plan of Irish Water and cannot be determined in the plan. The Planning Authority has consulted with Irish Water and Irish Water are aware of the issues.</li> <li>4. Broadband roll out for the town is already supported by the plan. Section 8.4 of the Plan recognises the need for high speed broadband and to urgently explore opportunities to expand the provision of broadband.</li> <li>5. The purpose of the proposed parking study under objective T11 is to consider the issues raised.</li> <li>6. The support in the submission is noted.</li> </ol>
<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. Correct reference to 0.5Ha of “Agricultural” Zoning at Ballyhimmin to “New Residential” in text.</li> <li>2. No change recommended.</li> <li>3. No change recommended.</li> <li>4. No change recommended.</li> <li>5. No change recommended.</li> <li>6. No change recommended.</li> </ol>

Ref	Name	Summary
CA2	Lorcan Scott	<ol style="list-style-type: none"> <li>1. The submission quotes case law on who needs to compile an Appropriate Assessment and seeks clarity on the issues raised when bridge from the Creamery site to the Ballinakill Road was screened, the need for full AA as regards the potential for overflow from the Waste Water Treatment Facility, the need for AA as regards the change of open space to agriculture at the former Wandesforde estate and the Road T4 etc.</li> <li>2. Further proposals were submitted, such as : <ul style="list-style-type: none"> <li>• Amalgamation of National Schools into one campus at brick factory</li> <li>• Powerline “dead area” be used for bridge between Price Grounds and Discovery park. (this is currently proposed)</li> <li>• A walkway via the golf course</li> <li>• Twinning of the Discovery Park with Welsh National Show caves.</li> <li>• Parking bays to the north of the Square</li> <li>• A recycling facility that stays open beyond office hours</li> </ul> </li> </ol>
<p><b>Response:</b></p> <ol style="list-style-type: none"> <li>1. <ul style="list-style-type: none"> <li>• The Planning Authority is required to screen any plan or project for Appropriate Assessment. This has been complied with in accordance with legislation. Under the draft 2018 Local Area Plan the potential for significant impact was screened out and no AA was required. It is important to note that although the need for full appropriate assessment was screened out at plan level, individual development proposals may need</li> </ul> </li> </ol>		

to be subject to full AA at project level and as such, any planning application, including the bridge, will still be subject to AA consideration at project level.

- As regards the mentioning of the potential for overflow from the Waste Water Treatment Facility (WWTF), this is merely a statement of fact reflecting an existing reality. The WWTP was recently upgraded and that was subject to AA considerations. Any future upgrades will also need to be subject to AA considerations. The capacity of the WWTP will not be exceeded by virtue of the zoning in the plan and the plant will continue to operate in terms of the EPA’s licensing regime.
- The change to Agriculture at the former Wandesforde estate will not lead to any change in ecological impact as the lands are already used for Agriculture and have been for many years. The change in zoning is therefore to reflect the existing situation rather than proposing a new use for the lands. As such no new impact is anticipated on the SAC and the need for an AA was screened out.

2. The additional matters raised, while outside the scope of the amendments are generally supported by the overall policies and objectives of the plan.

**Recommendation:**  
1-2. No change recommended.

Ref	Name	Summary
CA3	Barretts Pharmacy	<ol style="list-style-type: none"> <li>1. Submission is opposed to zoning of Medical Centre to General “Business” from “Community Facility” and requests that the zoning revert back to current zoning. The submission cites An Bord Pleanala’s earlier decision where An Bord Pleanala considered the proposal for a dispensing chemist unsuitable for this site. This zoning would potentially allow for same. Also refers to the recommendation by the CE on submission CC5 to the draft Plan.</li> <li>2. Parking presently is insufficient and further intensification would generate additional traffic causing serious problems at the Ballyraggett road junction.</li> </ol>

**Response:**  
1.-2. At the Council meeting on the 15<sup>th</sup> of January 2018 the members resolved to change the zoning with reference to submission CC5 (Dr. Lynch) to the draft plan from “Community Facilities” to “General business”. It should be noted that the Chief Executive advised against the change in her response to submission CC5, which stated:

*The current zoning does not preclude uses such as chiropody, physiotherapy, podiatry HSE outreach clinic or Primary Care Centre. Under reference 12/599 permission was refused by an Bord Pleanala for change of use to a dispensing chemist due to zoning and a lack of car parking. Car parking within this cul- de- sac remains problematic. A change to “General business” would potentially generate increased parking requirements in this cul- de- sac, which is already restricted due to on street parking.*

The Chief Executive’s position on this recommendation has not changed.

**Recommendation:**  
1-2. It is recommended that the proposed material alteration from “Community Facilities” to “General Business” be reversed and that the zoning in the adopted plan be “Community Facilities”.

Ref	Name	Summary
CA4	Brian and Mary Harrington	<ol style="list-style-type: none"> <li>1. The submission states that all the uses proposed by Mr. Lynch under Submission CC5 to the draft Local Area Plan is permissible within the "Community Facilities" zoning. Based on information available it is therefore the intention to facilitate a future planning application for a retail unit/pharmacy on the site. Such development on site is not appropriate as it runs contrary to the objectives of the LAP, which to create improvements for the whole rather than the individual.</li> <li>2. The site is located on a cul de sac at a busy five cross roads junction which serves a school and is used by a significant number of commercial vehicles, agricultural vehicles, busses etc. The development of the subject site would at this location be unsustainable as it would contribute to traffic congestion.</li> <li>3. The Vacancy rate in Castlecomer is high and further extension of the General business zoning is unwarranted.</li> <li>4. Requests that Kilkenny County Council accept the initial recommendation from the CE not to change zoning of medical Centre site form "community Facilities" to "General Business."</li> </ol>
<p><b>Response:</b></p> <p>1-4. At the Council meeting on the 15<sup>th</sup> of January 2018 the members resolved to change the zoning with reference to submission CC5 (Dr. Lynch) to the draft plan from "Community Facilities" to "General Business". It should be noted that the Chief Executive advised against the change in her response to submission CC5, which stated:</p> <p><i>The current zoning does not preclude uses such as chiropody, physiotherapy, podiatry HSE outreach clinic or Primary Care Centre. Under reference 12/599 permission was refused by an Bord Pleanala for change of use to a dispensing chemist due to zoning and a lack of car carking. Car parking within this cul- de- sac remains problematic. A change to "General business" would potentially generate increased parking requirements in this cul de sac, which is already restricted due to on street parking.</i></p> <p>The Chief Executive's position on this recommendation has not changed.</p>		
<p><b>Recommendation:</b></p> <p>1-4. It is recommended that the proposed material alteration from "Community Facilities" to "General Business" be reversed and that the zoning in the adopted plan be "Community Facilities".</p>		

Ref	Name	Summary
CA5	Respond Housing Association	<ol style="list-style-type: none"> <li>1. Requests that pending agreement with the residents of Love Lane, a pedestrian link in lieu of removed road link T3 could satisfy the stated Creamery site design objective to maximise the potential for existing linkages and to encourage new linkages.</li> <li>2. There are detailed proposals for the junction of Barrack Street, the Ballyraggett road and Love Lane. Submission suggests an objective to carry out this junction improvement as a matter of priority.</li> <li>3. Respond welcomes the zoning of the lands off Love Lane to "New Residential".</li> </ol>

<p><b>Response:</b></p> <ol style="list-style-type: none"> <li>1. The development of the Respond lands will be subject to a planning application which does not preclude the possibility of a pedestrian link to the neighbouring Creamery site. The merits of same will however be considered in the course of the planning application.</li> <li>2. This matter was discussed with Kilkenny Roads Section and there are proposals to improve traffic management at the Ballyragget road/Barrack Street and Love lane junction. Also see as per the material amendments published, proposed objective TDMS5 to be inserted under Section 9.5.</li> <li>3. Support for the zoning is noted.</li> </ol>
<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. No change recommended.</li> <li>2. No change recommended.</li> <li>3. No change recommended</li> </ol>

Ref	Name	Summary
CA7	Christina Murphy	1. Objects to traffic plan for Respond housing on the grounds of increased traffic flow and damage to structure of old houses. Asks for access to be given from the Kiltown road.
<p><b>Response:</b></p> <ol style="list-style-type: none"> <li>1. The plan does not preclude access from the Kiltown road should such a proposal arise. Any development on the Respond site will be subject to a planning application and the matter of access will be considered in such application process.</li> </ol>		
<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. No change recommended.</li> </ol>		

Ref	Name	Summary
CA8	Martin Rowe, Fonsie Mealy and Richard Mullins C/o Billy Moran	<ol style="list-style-type: none"> <li>1. Chatsworth Street leads onto a regional road connecting Castlecomer to Portlaoise. The street has a large amount of on street parking and with its limited street width is insufficient for the amount of traffic to be generated by this proposal. The proposal will lead to serious congestion, will impact on access and egress to current businesses and will lead to future removal of on street parking.</li> <li>2. Chatsworth Street is a 50km/h zone and to meet Roads standards will require 70m sightlines in each direction. This will require the movement of the front boundary of lands adjoining the new access, thus affecting the ACA.</li> <li>3. The Ballinakill road is the main proposed exit point from the site, which will relieve pressure on Chatsworth Street.</li> </ol>
<p><b>Response:</b></p> <ol style="list-style-type: none"> <li>1. The points made are noted. The proposed combined vehicular and pedestrian access from the Creamery site to Chatsworth Street was to be a long term objective and not a mandatory access. Having regard to the concerns raised it is however recommended that all reference to vehicular access be removed and the access proposal be amended to reflect a pedestrian access only.</li> <li>2. Although the Roads Section has no objection to the vehicular access as shown, it is recommended that the access proposal be amended to reflect a pedestrian access only.</li> </ol>		

<p>3. The link to the Ballinakill road is a mandatory access/exit in phase 1 and will be constructed as a priority. This access will take significant amounts of traffic to and from the site, reducing congestion at the entrance adjacent to the Creamery house.</p>
<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. To amend objective T3 and indicate in figure 10.1 a pedestrian access only from the Creamery site to Chatsworth Street.</li> <li>2. See above, no additional change recommended</li> <li>3. No change recommended</li> </ol>

Ref	Name	Summary
CA9	Billy Moran	<ol style="list-style-type: none"> <li>1. Chatsworth Street leads onto a regional road connecting Castlecomer to Portlaoise. The street has a large amount of on street parking and with its limited street width is insufficient for the amount of traffic to be generated by this proposal. The proposal will lead to serious congestion, will impact on access and egress to current businesses and will lead to future removal of on street parking.</li> <li>2. Chatsworth Street is a 50km/h zone and to meet Roads standards will require 70m sightlines in each direction. This will require the movement of the front boundary of lands adjoining the new access, thus affecting the ACA.</li> <li>3. The Ballinakill road is the main proposed exit point form the site, which will relieve pressure on Chatsworth Street.</li> </ol>

<p><b>Response:</b></p> <ol style="list-style-type: none"> <li>1. The points made are noted. The proposed combined vehicular and pedestrian access from the Creamery site to Chatsworth Street was to be a long term objective and not a mandatory access. Having regard to the concerns raised it is however recommended that all reference to vehicular access be removed and the access proposal be amended to reflect a pedestrian access only.</li> <li>2. Although the Roads Section has no objection to the vehicular access as shown, it is recommended that the access proposal be amended to reflect a pedestrian access only.</li> <li>3. The link to the Ballinakill road is a mandatory access/exit in phase 1 and will be constructed as a priority. This access will take significant amounts of traffic to and from the site, reducing congestion at the entrance adjacent to the Creamery house.</li> </ol>
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<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. To amend objective T3 and indicate on figure 10.1 a pedestrian access only from the Creamery site to Chatsworth Street.</li> <li>2. See above, no additional change recommended</li> <li>3. No change recommended</li> </ol>
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Ref	Name	Summary
CA10	Aldi Stores (Ireland) Ltd. C/o John Spain Associates	<ol style="list-style-type: none"> <li>1. The prescriptive Nature of the Creamery site brief will inhibit the timely development of the site. The material alteration to provide a link through the creamery site to Chatsworth street is unnecessary and the objective to provide the links to both Chatsworth street and the Ballinakill road should be future links</li> </ol>

		<p>rather than required links.</p> <ol style="list-style-type: none"> <li>2. Requests the deletion of sections requiring the phasing of the site and access roads to Ballinakill and Chatsworth streets to be provided in phase 1.</li> <li>3. Development of the Southern part of the site is sufficient to provide a natural extension to the town centre and can accommodate an anchor store. Aldi has successfully developed such stores in historic centres such as in Cashel.</li> </ol>
<p><b>Response:</b></p> <p>1-2. The points as made are noted. The plan however considers the Creamery site in its entirety in order to address the development of the site in a comprehensive manner. Given the size and town centre location of the site, it's development will in time generate significant traffic volumes to and from the site. As such, a single access to the site as is proposed in Aldi's submission is not considered a viable solution for the development of the entire site and will exacerbate the existing traffic congestion at the square.</p> <p>3. The planning authority is of the view that the location of an anchor store on the Southern part of the site and adjacent to the Creamery house would be counterproductive to the long term development of the entire site. Also, such placement will lead to a built form and vista from the square with a potential expanse of car parking which would not be visually complimentary within the Architectural Conservation Area.</p>		
<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1-2. To amend objective T3 and indicate in figure 10.1 a pedestrian access only from the Creamery site to Chatsworth Street.</li> <li>3. No change recommended.</li> </ol>		

Ref	Name	Summary
CA11	Greenstripe C/o McCarthy Keville O'Sullivan	<ol style="list-style-type: none"> <li>1. Requests that lands at Creamery site which are to be changed from "New Residential" to "Mixed Use" remain as "New Residential". It the submission states that the rationale for the change, being the unlikely development of the site during the plan period, is without substance. The site is said to have residential potential in accordance with the sequential approach, its fully serviced status, its central and accessible location (within 250m of town centre), its potential access from Love Lane and potential to consolidate the town centre.</li> </ol>
<p><b>Response:</b></p> <ol style="list-style-type: none"> <li>1. The zoning matrix indicates that in principle dwellings are permissible within the "Mixed Use" zoning. Access to and from Love lane as mentioned in the submission can be considered in a planning application if such a proposal emerges.</li> </ol>		
<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. No change recommended.</li> </ol>		

Ref	Name	Summary
CA12	Castlecomer Development Association C/o	<ol style="list-style-type: none"> <li>1. Comments on Irish Water's submission and requests that the Wastewater Treatment plant be upgraded as soon as possible so as to eliminate overflows.</li> </ol>

	Gerard Ferris	<ol style="list-style-type: none"> <li>2. States that “Residential” zoning is loaded heavily towards the Southside of the town. New residential areas should have green and play areas adjacent. The submission proposes zoning of the site adjacent to the Prince Grounds.</li> <li>3. The group has serious concerns about the entrance to the Creamery site (T3). Line of sight is insufficient at new entrance and additional traffic from the old mills factory requires a traffic management plan for Chatsworth street.</li> <li>4. The new Aldi site needs to be adjacent to the Creamery house so extra entrances are not needed. An entrance from the Ballinakill road will lead to shoppers entering the site from the Ballinakill road and not visiting other retail outlets in town.</li> <li>5. The change of zoning along Barrack Street from “Community Facilities” to “General Business” is of concern because of traffic congestion in the area. Welcomes the development of the Medical Centre but Barrack street needs a traffic management plan.</li> <li>6. Traffic Management in Castlecomer needs to be reviewed. The current parking along the square on the N78 where cars reverse onto the road is very dangerous.</li> <li>7. Double yellow lines on Barrack street adjacent to the Creamery house needs to be extended to new recess in pavement on Barrack Street.</li> <li>8. Paving in front of the Creamery restricts large vehicles entering Chatsworth street and needs to be reviewed. The restoration of the fountain would be nice and should be included in the traffic management plan.</li> <li>9. Bus stop layouts have been causing traffic problems and problems for bus operators and needs to be reviewed. The submission makes suggestions on the creation and location of new bus stops.</li> <li>10. Public toilets are not mentioned in the Local Area Plan. Every town requires public toilets especially if it is to become a tourist destination.</li> <li>11. High speed Broadband is important for the town and for job creation.</li> <li>12. The submission fully supports the pedestrian bridge on the N78.</li> </ol>
<p><b>Response:</b></p> <ol style="list-style-type: none"> <li>1. Please see Objective IE1 in this regard which is aimed at maintaining an adequate water and wastewater supply. Any upgrade is dependent on the Capital Investment Plan of Irish Water and cannot be determined in the plan. The Planning Authority has consulted with Irish Water and Irish Water are aware of the issues.</li> <li>2. Residential zoning is clustered in close proximity to the town centre and sufficient zoned lands have been made available during the plan period. The zoning of land at the Prince grounds is a new issue and cannot be considered in the material alterations report.</li> <li>3. Having regard to the concerns raised it is recommended that the vehicular access be removed and that only pedestrian access be shown from the Creamery site to Chatsworth Street. Also see CA8 and CA 9 inc. their recommendations.</li> <li>4. Locating an anchor within the Architectural Conservation Area to the front of the site, with extensive parking visible from the square would compromise the future development</li> </ol>		

<p>potential of the centre and rear of the site, would impact negatively on the character of the ACA and proximate protected structures and would not be in the interest of the long term development of the creamery site. Due to the extensive nature of the Creamery site and the inability of a single access adjacent to the Creamery serving the site without severe traffic disruption, the access from the Ballinakill road is essential and hence was brought forward from the 2009 plan.</p> <ol style="list-style-type: none"> <li>5. At the Council meeting on the 15<sup>th</sup> of January 2018 the members resolved to change the zoning with reference to submission CC5 (Dr. Lynch) to the draft plan from “Community Facilities” to “General Business”. It should be noted that the Chief Executive advised against the change in her response to submission CC5. This recommendation has not changed. See CA3 and CA4.</li> <li>6. It is an objective (T11) to review car parking along the N78.</li> <li>7. Detailed parking arrangements are traffic management issues and can be dealt with under Objective T11.</li> <li>8. The paving in front of the Creamery building to facilitate traffic is a traffic management and parking issue which can be addressed under objectives T7 and T11.</li> <li>9. Bus stop provision can be done under Objective T7, T8 and T11.</li> <li>10. Public toilets are available at the Castlecomer Discovery Park, which is the main tourist site in town. These toilets are accessible and well utilised. Further toilets can be provided on the Creamery site, the provision of which can be considered in a planning application.</li> <li>11. High Speed Broadband is supported in the plan. Section 8.4 of the Plan recognises the need for high speed broadband and to urgently explore opportunities to expand the provision of broadband. This was however not a material alteration.</li> <li>12. Support for the pedestrian bridge is noted.</li> </ol>
<p><b>Recommendation:</b> 1-12. No change recommended.</p>

Ref	Name	Summary
CA13	Annette Boran	<ol style="list-style-type: none"> <li>1. The presence of Manganese in Water affects many homes. The problems with Water supply has not been resolved with Irish Water and could create problems for future housing.</li> <li>2. The submission outlines problems on Barrack Hill at intersection with Love lane and Ballyragget road. The submission deals with very specific traffic management issues and drainage issues and requests a plan from the Council to resolve these in light of the new housing proposed along love Lane and on Barrack hill. Disagrees with the amount of housing proposed for the Respond site and raises concerns about the change from “Community Facilities” to “General business” at the medical centre. This requires a traffic management plan and until traffic management and infrastructure issues have been dealt with in agreement with the local community, no work should commence.</li> </ol>
<p><b>Response:</b></p> <ol style="list-style-type: none"> <li>1. Objective IE1 is in support of maintaining an adequate water and wastewater supply. The presence of Manganese and problems with Water Supply are noted, but are matters for Irish Water. The wording of the Section 8.1.1 and objective IE1 is broad enough to cover all solutions and to provide for future development and growth.</li> <li>2. This matter was discussed with Kilkenny County Council Roads Section and there are proposals to improve traffic management at the Ballyragget road/Barrack Street and Love lane junction. Also see as per the material amendments published, proposed objective</li> </ol>		

<p>TDMS5 to be inserted under Section 9.5. The Respond site zoning and development are not issues raised in the Material Alterations report and cannot be further considered. However, development proposals for the Respond site will be subject to detail consideration in a planning application.</p>
<p><b>Recommendation:</b> 1-2 No change recommended.</p>

Ref	Name	Summary
CA14	Oak hill Residents Assoc. C/o Christopher Douglas	<ol style="list-style-type: none"> <li>Refers to contradiction in 2.1.5 between New Residential and Mixed Use at Ballyhimmin and seeks clarification on mixed use. Also see response to submission CA1.</li> <li>New development on Oak Hill will lead to more HGV traffic on a bad road, not suitable for such traffic and with hairpin bends and no footpath. The road is not friendly to families and young children and buggies.</li> <li>Drainage is a problem and during heavy rains, water flows from the field now zoned.</li> </ol>
<p><b>Response:</b></p> <ol style="list-style-type: none"> <li>The proposal is to change 0.5Ha of "Agricultural" Zoning at Ballyhimmin to "New Residential". Although this was correctly stated in the section, a secondary reference next to the figure contained typing errors that will be corrected.</li> <li>The suitability of the access road to the Oak Hill site will be addressed in the event of a planning application for the site and details to address traffic concerns will be required.</li> <li>Issue pertaining to surface water retention and sustainable drainage (SUDS) will be considered in the event of a planning application for the development of the site.</li> </ol>		
<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>Correct reference to 0.5Ha of "Agricultural" Zoning at Ballyhimmin to "New Residential" in text.</li> <li>2-3. No change recommended.</li> </ol>		

Ref	Name	Summary
CA15	Seamus Loughlin	<ol style="list-style-type: none"> <li>Submission is broadly in favour of objective T3 and request that the Chatsworth Street access is put into phase 1 also, which will result in the removal of a hazardous/derelict site and will ensure the carpark serves the town centre at the earliest opportunity.</li> <li>The increase in vehicular activity that will result from the Chatsworth street entrance will require a traffic calming scheme, which should be a mandatory objective.</li> </ol>
<p><b>Response:</b></p> <ol style="list-style-type: none"> <li>The support for the proposal is noted. It is however considered that the entrances from the Creamery site to the square and the Ballinakill road would be sufficient for phase 1. A pedestrian access only to Chatsworth street is now supported, please also see CA8 and CA9 and their recommendations.</li> <li>Any planning proposal for the Chatsworth Street access will be subjected to a traffic impact assessment and traffic safety audit and if granted will be subject to all planning conditions that may be imposed accordingly to address traffic management.</li> </ol>		

<p><b>Recommendation:</b> 1-2. No change recommended.</p>
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Ref	Name	Summary
CA16	Mary Brennan	<ol style="list-style-type: none"> <li>1. Due to the narrowness of Love Lane and lack of off road parking, vehicles are already required to park on the lane, which obstructs the lane. Any additional traffic would be detrimental and would cause air/noise pollution.</li> <li>2. The junction of Love Lane with Barrack Street and the Ballyraggett road is currently hazardous, making access to dr. Lynch's surgery, the local community school and walkway to the church extremely dangerous and a traffic safety concern.</li> <li>3. The proposal for 40 houses on Love Lane would result in an unacceptable high density which will impact heavily on the exiting residents of the overpopulated Love Lane, will affect water pressure, drainage and character.</li> </ol>
<p><b>Response:</b> 1-3. Traffic management issues such as traffic Impact and road safety pertaining to Barrack Street, Love Lane and the Ballyragget road as well as development density issues will be addressed in a planning application for any significant development proposal for lands at Love Lane.</p>		
<p><b>Recommendation:</b> 1-3. No change recommended.</p>		

Ref	Name	Summary
CA17	Mary Guiheen	<ol style="list-style-type: none"> <li>1. The number of houses on Love Lane (40) are too many and should be reduced.</li> <li>2. The wall dividing love lane from the new housing site should remain and Love Lane should not be used as an entrance to the new housing estate.</li> <li>3. An new safer junction should be created at the top of Love Lane.</li> <li>4. Would Love Lane remain a Cul de Sac, would it be widened or stay the same.</li> <li>5. Objection to changes at the back of houses- would walls be put in place at the back of gardens.</li> </ol>
<p><b>Response:</b> 1-5. Traffic management issues such as traffic Impact and road safety pertaining to Barrack Street, Love Lane and the Ballyragget road as well as development density issues will be addressed in a planning application for any significant development proposal for lands at Love Lane.</p>		
<p><b>Recommendation:</b> 1-5. No change recommended.</p>		

## 4. **Next Steps**

The members shall consider the Chief Executive's Report, and following this consideration the Local Area Plan shall be deemed to be made or amended by resolution, with all, some or none of the material alterations as published.

If the Members decide to change the material alteration of the plan by resolution, it shall be necessary that the resolution be passed by not less than half of the members of the planning authority.

A further modification to the material alteration:

- 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,
- Shall not be made where it refers to – an increase in the area of land zoned for any purpose, or an addition to or deletion from the record of protected structures.

A Screening Report for Strategic Environmental Assessment and a Screening report for Appropriate Assessment accompanies the Proposed Material Alterations to the Draft LAP.

## 5. **Summary of Recommendations of the Chief Executive**

In total 20 submissions were received on the Proposed Material Alterations to the Draft Castlecomer LAP from a range of consultees.

The statutory referrals, including the submission from the Department of Housing, Planning and Local Government was dealt with separately at the start of the report. No submission was received from the Southern Regional Assembly.

This report has assessed all submissions in detail.

I recommend that the draft LAP be adopted, with the Proposed Material Alterations as recommended in this report, and the requirements of the Planning and Development Acts 2000 to 2017.

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Colette Byrne,  
Chief Executive