

**Proposed Material Alterations to
Draft Castlecomer Local Area Plan 2018-2024**



January 2018

1. Introduction

In accordance with Section 20 (3)(e) of the Planning and Development Act, 2000 (as amended) Kilkenny County Council is proposing a number of alterations to the Castlecomer Draft Local Area Plan, which was published on the 6th October 2017. These alterations have arisen following the Elected Members review of the *Chief Executive's Report on Submissions received to the Draft* under Section 20(3)(c) of the Planning and Development Act, 2000 as amended.

The proposed material alterations to the text are outlined below and should be read in conjunction with the Castlecomer Draft Local Area Plan. Map changes are detailed in section 2 below and alterations are also proposed for Figure 10.1. Development Area 1 – Indicative Layout.

A summary of the submissions made and the Chief Executive's response to each can be found in the *Chief Executive's Report on Submissions received to the Draft*.

In the following text, proposed deletions are shown in ~~strike through~~ and proposed insertions are shown in *italics*.

Environmental Assessments

An Environmental Report and a Screening report for Appropriate Assessment accompanied the Draft LAP. The Planning Authority must determine if a strategic environmental assessment or an appropriate assessment or both such assessments, as the case may be, are required to be carried out as respects one or more than one proposed material alteration of the draft local area plan. The proposed material alterations were subjected to Strategic Environmental Assessment and Appropriate Assessment screening, and has determined that neither a SEA or AA are required (see accompanying Screening reports).

Changes:

Some minor changes were required and have been reflected in the screening for the material alterations.

- 1. A development management standard will be included to cover concerns about the impact on biodiversity from footpaths along the SAC as follows: *"All lighting within the Plan area will be directional lighting designed specifically in relation to biodiversity"*. (See HDMS12 in Chapter 6)**
- 2. Terminology in the AA was amended to reflect the Habitats Directive ie. Stage 1 and 2.**
- 3. The specific conservation objectives for the River Nore/Barrow were considered but were referenced by the generic format. These will be referenced in the AA screening in detail. The version number and date will be included. The Screening has been updated accordingly. See AA screening for comprehensive list of conservation objectives and a list of threats to its integrity.**

2. Map changes

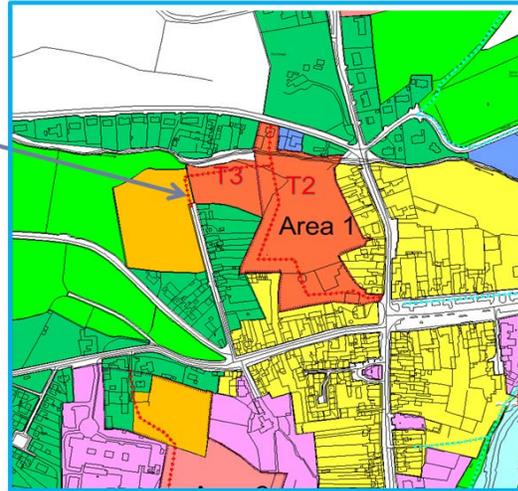
2.1. Figure A1 Zoning Map:

The following changes are proposed Figure A1: Zoning Map

- 2.1.1 Roads Objective T3 is deleted where it connects the Creamery site to Love Lane. Love Lane will therefore remain a Cul de Sac.

Recommended changes from draft:

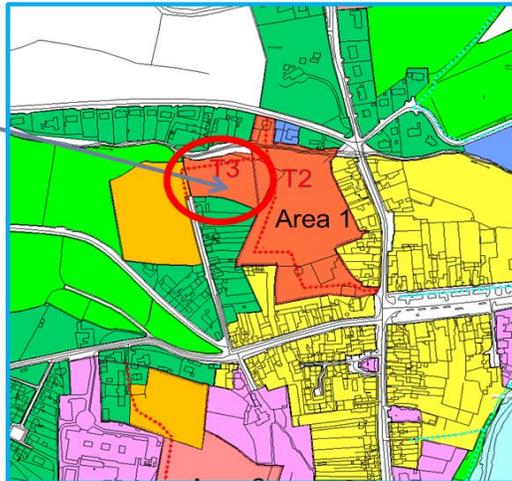
Remove connection to Love Lane to the Creamery site



- 2.1.2. Change 0.5 Ha lands zoned “New Residential” at the Creamery site to a “Mixed Use” zoning.

Recommended changes from draft:

Replace “new residential” zoning with “Mixed Use” on part of Creamery site

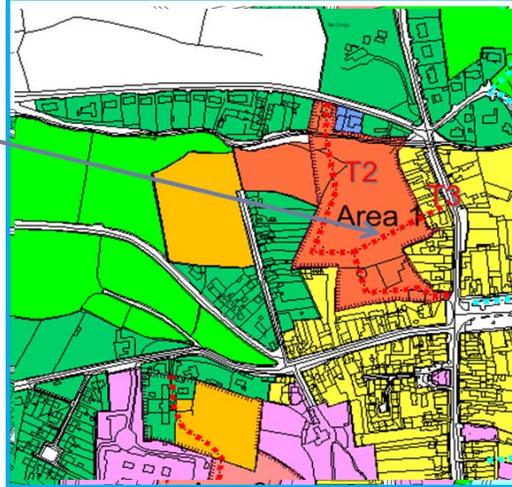


Due to the fact that this site is unlikely to be developed with any residential during the lifetime of the plan, no additional allocation has been made in the Core Strategy for residential on this site.

2.1.3. A new objective T3 is inserted to connect the creamery site to Chatsworth Street.

Recommended changes from draft:

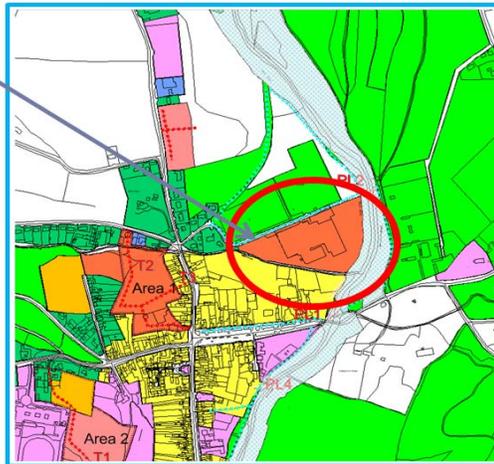
Insert new objective T3 – Additional road link from Creamery site to Chatsworth Street



2.1.4. Change the “Industrial” zoning at the Castlecomer Mill site to a “Mixed Use” zoning.

Recommended changes from draft:

Replace “Industrial” zoning with “Mixed Use” at former Mill site

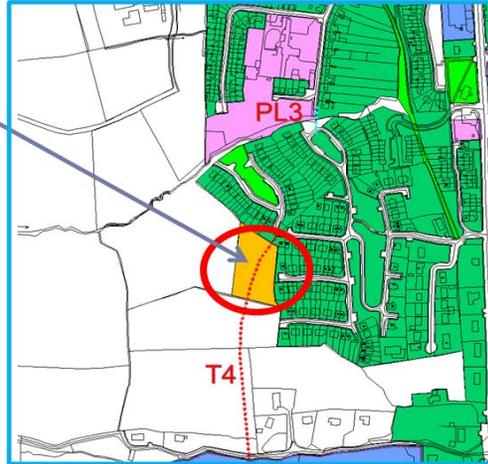


Due to its current use, this site is unlikely to attract residential use and hence no additional allocation has been made in the Core Strategy for residential on this site.

- 2.1.5. Change 0.5 Ha lands at Ballyhimmin from an “Agriculture” zoning to a “New Residential” zoning.

Recommended changes from draft:

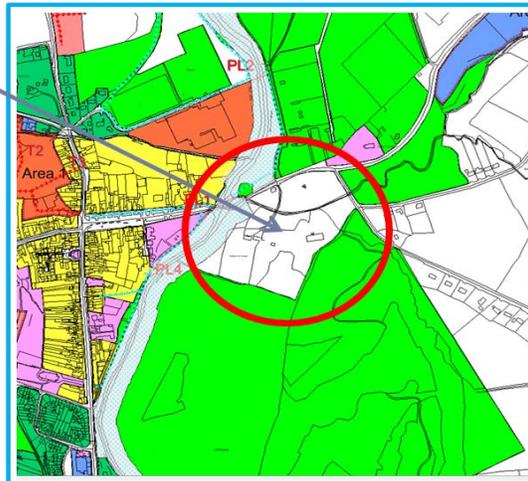
Replace “new residential” zoning with “Mixed Use” at Ballyhimmin



- 2.1.6. Change the lands zoned “Open Space” at the former Wandesforde estate between the Athy Road and the Castlecomer Golf Course to “Agriculture”.

Recommended changes from draft:

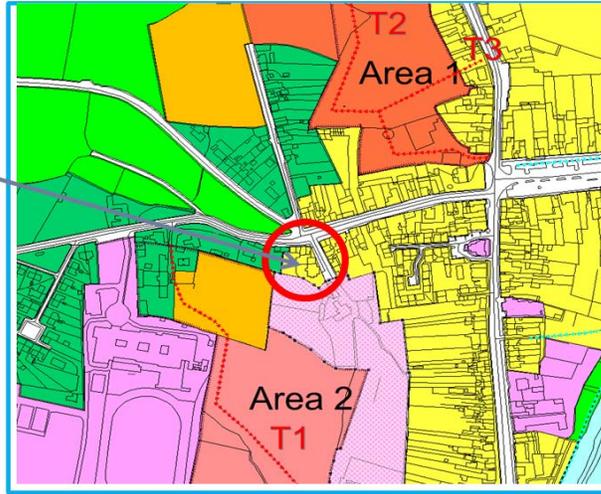
Replace “Open Space” zoning with “Agricultural “ zoning between Golf course and Athy road.(Delaney)



2.1.7. Change the zoning of the Medical Centre and Locum house off Barrack Street to General Business.

Proposed changes from draft:

Replace “Community Facilities” zoning with “General Business” at Medical Centre off Barrack Street



2.2. **Figure 10.1 Development Area 1 – Indicative Layout**

The following changes are proposed Figure 10.1: Replace Figure 10.1 with the figure below, which shows additional link to Chatsworth Street in lieu of the link to Love Lane (now deleted). Also see changes to mandatory objectives in Section 10.3.1.



3. Text Changes

All deletions in strikethrough text and Insertions in red Italics

Chapter 1. Introduction and Strategic Context

- Amend Section 1.8, S to read as follows:

~~National Spatial Strategy 2002-2020~~

~~The NSS identifies Kilkenny City as a strategically located medium sized hub which will support and be supported by the gateways. The NSS also envisages that Waterford, Kilkenny and Wexford will drive regional growth by providing a large and skilled population base, substantial capacity for additional residential and employment related functions and an improving transport network. County towns, other towns, villages and more rural areas should be positioned to support the full realisation of the potential for economic development throughout the region, with a particular emphasis on complementing the gateway and hub approach. The NSS acknowledges that towns of 1,500 to 5,000 population rates can contribute both economically and socially towards sustainable development.~~

~~The NSS is due to be replaced by the National Planning Framework (NPF) in 2017. Once published, the recommendations of the NPF will be examined to establish any implications for this draft LAP.~~

1.8 National Planning Framework 2040 and the Regional Spatial and Economic Strategies

The National Planning Framework supersedes the National Spatial Strategy and will guide the Strategic Spatial Development up to 2040. The NPF will put in place a new National and Regional Development Strategy, which allocates 50% of the National growth to five cities and 50% to a range of large and smaller towns, villages and rural areas. Castlecomer falls within the category of "Rural Towns" with a population under 10000.

~~South East Regional Planning Guidelines 2010-2022~~

~~The strategic policies and objectives currently set out in the South East Regional Planning Guidelines¹ (RPGs) form the backdrop for socio-economic planning by national and regional agencies. Castlecomer is identified as a District Town (with a population between 1500 and 5000). These district towns are being targeted for growth as centres that can perform an important role in driving the development of a particular spatial component of the overall region.~~

However, these South East Regional Planning Guidelines are set to be replaced by Regional Spatial and Economic Strategie (RSEs). Growth targets for towns within the Southern Regional Assembly region as a whole will then be revised through the RSES for the region and adopted locally through the County Development Plans.

~~These district towns are located in rural areas that have experienced varying degrees of population growth. These centres have well developed services and community facilities and have the capacity to accommodate additional growth (subject to certain physical infrastructural investments).~~

~~The NPF will inform the preparation of Regional Spatial and Economic Strategies. The South East Regional Planning Guidelines will be replaced by the Southern Regional Spatial and Economic Strategy. Once published, the recommendations of the RSES will be examined to establish any implications for this LAP. *The LAP will accordingly be varied to reflect any Regional and Local Policy changes that may affect the Plan.*~~

¹ South East Regional Authority, *Regional Planning Guidelines for the South East Region 2010-2022*, 2010

Chapter 2. Core Strategy & Zoning

- Change Sections 2.4.2 and 2.4.3 to reflect updated census figures and insert new table 2.3:
 - 2.4.1 “This Plan proposes to provide for the growth of 207 people over the plan period to end 2023. The average household size for County Kilkenny was 2.8 in ~~2011~~2016. Using this ~~2011–2016~~ average household size of 2.8 for the County, this would result in a requirement for 74 households over the plan period.”
 - 1.4.3 “In terms of age cohorts, almost 20% of the population recorded in the ~~2011~~2016 census was in the 0-14 age category, 38% were in the 15-44 age cohort, ~~26%~~24% were in the 45-64 age cohort and 18% was recorded as being over 65. ~~When compared with the national averages, Castlecomer has a higher population in the 65+ age group.~~”

Table 2.3 Population Profile			
Age Bracket	Population 2016	% of Total Population in 2011	% of Total Population in 2016
0-14	291	18.54%	19.37%
15-24	180	12.36%	11.98%
25-44	390	26.09%	25.96%
45-64	367	24.65%	24.43%
65+	274	18.33%	18.24%

Update table 2.3 with figures from 2016 census.

Chapter 5. Community and Housing

- Amend Section 5.2.1 to read as follows:
 “Land within the agricultural zone will not be considered for intensive commercial or residential development during the lifetime of this LAP. This is to allow for the strategic expansion of the plan area, and to prevent urban generated development which would interfere with the operation of farming and prejudice the future planning and development of the area. *However Circular letter PL 2/2017 (Sustainable Rural Housing Guidelines for Planning Authorities 2005 – Local Needs Criteria in Development Plans dated 31 May 2017) advises that in light of the European ruling on urban generated rural housing “that the existing 2005 Guidelines remain in place”. It is considered that the policy as outlined in the draft does not differ significantly from that which was in place for agricultural land in Castlecomer under the 2009 plan.*

Chapter 6. Heritage

- Change heading of figure 6.6 to read as follows:
Figure 6.6: Castlecomer site and Monuments Record-Also see appendix AB
- Change reference to the Minister for the Environment, Heritage and Local Government in Section 6.1.1 to read as follows:

The National Inventory of Architectural Heritage (NIAH) has also recorded a number of structures within Castlecomer. The purpose of the inventory is to identify, record and evaluate the post-1700 architectural heritage of Ireland, uniformly and consistently as an aid in the protection and conservation of the built heritage. NIAH surveys provide the basis for the recommendations of the Minister for the Environment, Heritage and Local Government *for Culture, Heritage and Gaeltacht* to the planning authorities for the inclusion of particular structures in their Record of Protected Structures. A list of these structures can be found on www.Buildingsofireland.ie

- Insert HDMS 12 as follows:

HDMS12 *All lighting within the Plan area will be directional lighting designed specifically in relation to biodiversity”.*

Chapter 7. Recreation, Tourism and the Arts

- Change Sections 7.1.1 and 7.4 where reference to PL3 and PL4 should be switched, with PL3 and PL 4 respectively reading:

PL3 *Between the Acorns (Upper and Lower) and Donaguile subject to consultation with the local community.*

PL4 - Along the river Dinin between the Athy road N78 bridge and the former Convent along the Kilkenny road, with a branch linking through the lane central to Florence terrace

- Insert the following objective under Section 7.4
“RTA 7 Investigate the potential to reinstate the fountain in a suitable location on the square”

Chapter 8. Infrastructure and Environment

- Implement changes suggested in last paragraph of Section 8.1.1 and remove text with strike through and add text in red Italics :

“Although capacity currently exists in the network, the construction of all the houses anticipated under this plan will ~~may~~ place pressure on the system and may require Irish Water to bring forward their 2025 capital investment program should all the capacity be taken up. Works are underway to identify the most appropriate solutions to provide adequate capacity and to assess the network’s capacity in Castlecomer. This will take into consideration future development and growth”

- Include the following sentence in Section 8.1.2:

Castlecomer WWTP has recently been upgraded and the siphon crossing of the Dinin River has been replaced by a new Pumping Station where previously partially treated had been discharging to the Dinin. In addition, untreated overflows during wet weather had been discharging to the receiving waters. The upgrade works are required to achieve environmental compliance and will ensure the treatment plant is capable of complying with standards specified by the EPA. The upgraded plant includes nutrient removal and the design capacity is 2500pe. *Although preliminary treatment is being provided and overflow frequencies and volumes have been reduced by stormwater retention provided, occasional untreated overflows from the system may still occur.*

Insert the following objective under Section 8.5

“IE7 to investigate the provision of a footpath and lighting to the Prince sports grounds” .

Chapter 9. Transport

- Update Section 9.1 and Figure 9.1

Having regard to the ~~2011~~2016 Census figures, ~~60%~~66.8% of the population of Castlecomer commute to work, school or college by car or van with ~~30%~~22% travelling by foot, ~~2.5%~~4.3% by bus and just ~~0.4%~~0.2% use a bicycle. In the long run the active encouragement to utilise pedestrian and cycling opportunities should be prioritised so as to encourage long stay occupiers of parking spaces to leave their cars at home.

Update figure 9.1 with 2016 mode of transport figures.

Mode of Transport	Number
On foot	222
Bicycle	3
Bus, minibus or coach	18
Train, DART or LUAS	1
Motorcycle or scooter	2
Car driver	293
Car passenger	120
Van	22
Other	22
Not stated	25
Total	728

Source: CSO 2011

Figure 9.1: Population aged 5 years and over and means of travel to work, school or college.

Means of Travel	Work	School or College	Total
On foot	52	135	187
Bicycle	0	2	2
Bus, minibus or coach	13	23	36
Train, DART or LUAS	2	1	3
Motorcycle or scooter	2	0	2
Car driver	337	10	347
Car passenger	27	136	163
Van	43	0	43
Other (incl. lorry)	3	0	3
Work mainly at or from home	21	0	21
Not stated	11	9	20
Total	511	316	827

Source: CSO 2016

Figure 9.1: Population aged 5 years and over and means of travel to work, school or college.

- Insert the following in Section 9.4.1:

9.4.1 National Roads

The main route through the town is the N78 which runs south to Kilkenny City and north east to Athy and onwards to Dublin. The N78 road crosses the River Dinin at the eastern end of the town at a narrow bridge crossing which includes a very narrow pedestrian footpath.

National policy in relation to access to national roads is set out in the *Spatial Planning and National Roads Guidelines*² and followed here. The Guidelines state that “The policy of the Planning Authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60km/h apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant”. Section 2.6 of the Guidelines provides for a less restrictive but evidence based approach along identified sections of National routes. Two such areas are identified in the local area plan (Area 3 and Area 4) and the local authority will develop an evidenced based approach to access arrangements for these areas with TII as the need arises during life of the plan.

- Amend Objective T3 under section 9.5 to read as follows:
T3 To link the street through the Old Creamery site to ~~Love Lane~~ Chatsworth Street and provide co-located pedestrian and cycle lanes and public lighting. (See Figure 10.1)
- It is recommended that the Objective T4 be amended to read.
T4 As a long term objective to develop an evidenced based approach to the linking of the Kilkenny Road/N78 to the Kilkenny road employment Area, extending to the Acorns upper/Oak hill in conjunction with TII.
- Add objective T11 under Section 9.5 to read as follows;
T11 To review town centre parking provision along the N78 and extending the study as far as the Discovery park”
- Include the following objective: under Section 9.6:
TDMS 5: To require all significant developments to be accompanied by Traffic and Transport Assessments (TTA) and Road Safety Audit (RSA) to be assessed in association with their cumulative impact with neighbouring developments on the road network. Regard should be had to the thresholds advised in the TII Traffic and Transport Assessment Guidelines (2014) and sub threshold TAA requirements for proposals affecting National Roads

Chapter 10. Urban Design Framework

- Amend section 10.3.1 in part as follows:

Mandatory objectives:
The development of this key development area shall refer to Figure 10.1 and accordingly shall:
<ul style="list-style-type: none"> • Be based on a new street which shall extend from junction with the Square/Chatsworth Street via the site to the Ballinakill Rd. The character of the street extending within the ACA from Chatsworth Street to the central parking area shall <i>broadly follow the outline of that indicated in Figure 10.1</i> and be reflective of <i>Chatsworth Street’s</i> character in <i>its enclosed nature</i>, building form, bulk and height. Access roads should provide for pedestrian/cycling and vehicular traffic. Subject to high quality design, development to the centre/rear of the site will be flexible in terms of street layout and building position and for this area the layout under figure 10.1 is indicative but not prescriptive. <i>Access to the Ballinakill road is required in the</i>

² Department of Environment, Community and Local Government, *Spatial Planning and National Roads - Guidelines for Planning Authorities*, 2012

<i>first instance.</i>
<ul style="list-style-type: none"> • <i>Development can take place in a phased approach, provided that accesses to the Square and Ballinakill road are included in phase 1. This is to ensure that the site is opened up completely during phase 1.</i>
<ul style="list-style-type: none"> • Ensure that new development draws customers into the site whilst not impacting on views from the square towards Creamery house.
<ul style="list-style-type: none"> • Incorporate a public car park to serve both the site and the town centre
<ul style="list-style-type: none"> • Ensure that the development proposal takes account of existing historic structures including the Castlecomer Co-operative creamery which has been recorded on the Record of Protected Structures.
<ul style="list-style-type: none"> • Investigate the feasibility of linking the site to the R694/Barrack Street via the former railway line reserve.

Chapter 11. Implementation

- **Include omitted word in Section 10.3.4.**

Mandatory objectives:
<i>The development of this key development area shall:</i>
Assess and protect the riparian vegetation along the site boundary
Assess impacts on water quality, with particular regard to the high water table
Ensure protection of mature trees on site
Where practicable, <i>protect</i> existing natural features such as hedgerows and trees
Provide access via Athy Road
Provide high quality design minimising the visual impact at this location

- To insert the following prerequisite in Section 10.3.4.1

Site 4: Required infrastructure to be delivered in tandem with the development:

- Pedestrian and Cycle route to town as part of road link
- Water and wastewater connections
- *Satisfactory evidenced based access arrangements and pedestrian linkage to be developed in accordance with the Spatial Planning and National Roads Guidelines in conjunction with TII.*

Appendix 1: Land Use Zoning Objectives

- Amend Appendix 1, “Mixed use” as follows, adding :
 - * *“Mixed use” site at the Prince grounds excludes retail.*
 - Remove all reference to Flood Risk as this zoning.*
- General Business:
 - Remove all reference to Flood Risk as this zoning.*
- Low Density Residential:
 - Remove all reference to Flood Risk as this zoning.*

- Amend flood risk under Zonings for Agriculture, Amenity Open space, Community Facilities, Industrial, New Residential, Residential to read as follows:

All proposed development within this zone which also falls within flood zones A and B shall be subject to a site specific flood risk assessment. No highly vulnerable uses other **than extensions to existing structures and uses** will be permitted within the flood zones.

Less vulnerable uses will not be allowed within Flood Zone A other than extensions to existing structures and uses.