



Director of Services (Planning),
Kilkenny County Council,
County Hall,
Kilkenny

19 December 2018

Re: Draft Thomastown Local Area Plan 2019-2025

Dear Sir/Madam,

Introduction

I act on behalf of Kevin Moore (Building Contractors) Limited and am making this submission in respect of land the company owns at Cloughabrody, Thomastown.

Background

The land in question extends to around 5ha and has been zoned Residential since the first Development Plan for Thomastown in 2002 (Volume 2 of the County Development Plan 2002).



Planning permission was refused by An Bord Pleanála in 2006 on grounds of road safety (application ref: P05/1817; ABP Ref: PL10.216307). At that time the proposed access was onto the R700 Kilkenny Road.

A similar proposal, but with short term access onto Dublin Road in the town and long- term access onto the Kilkenny Road, was refused in 2006 on similar grounds (ref: P06/1837).

The land was zoned "New Residential" in the 2009 – 2015 Thomastown Local Area Plan. In 2012 the land was rezoned Phase 2 Residential.

Kevin Moore (Building Contractors) Limited.

My client has a track record of house building having developed a number of estates in Thomastown over the years.

1. In 1996 the company developed the 12 house Berkely Lawns development off the Dublin Road at Cloughabrody (application ref: P96/152).
2. In 2004 planning permission was granted for a further 44 houses behind the Berkely Lawns (application ref: P03/1559; ABP ref: PL10.10207029).
3. In 2001 permission was granted for a 73 house development off the eastern side of Dublin Road (Maudlin Court) which was developed by Kevin Moore (Building Contractors) Limited (application ref: 001410). The number of houses in this development were reduced to 69 following a grant of permission for a revised layout in 2004 (application ref: P04/760).
4. In 2018 Kevin Moore (Building Contractors) Limited obtained planning permission for 42 houses (application ref: P17/737). Work on this development will commence in spring 2019.

It is apparent therefore that Kevin Moore (Building Contractors) Limited has developed most of the housing in the town over the years and intends continuing to contribute to the town's future housing supply.

Draft Thomastown Local Area Plan 2019-2025

In the Draft Plan the subject site is to be retained within the town boundary, but the zoning is to change from "Phase 2 Residential" zoning to "Agricultural" zoning.

"New Residential" land in the Draft Plan is confined to 3 sites which it is estimated have the potential to deliver 134 houses over the life time of the Plan. This includes the 42 permitted to my client under permission ref: P17/739.

Two further sites are identified for low density housing which it is estimated have the potential to deliver a further 26 houses.

The Draft Plan anticipates 100 houses will be required in accordance with the Core Strategy, with an estimated 62 houses being required to address social housing requirements.

It is advised in the Draft Plan that the residential land zoning adopted a sequential approach to site identification.

The National Planning Framework, at Appendix 2, provides guidance on the methodology to a tiered approach to residential land zoning. Tier 1 zoned lands are those lands which are able to connect to existing services. These lands will generally be positioned within the existing built-up footprint of a settlement or contiguous to existing developed lands. Inclusion in Tier 1 generally requires the lands to be within the footprint of, or spatially sequential within, the identified settlement.

Tier 2 zoned lands comprises lands that are not currently sufficiently serviced to support new development, but have potential to become fully serviced within the life of the plan; i.e. the lands are currently constrained due to the need to deliver some or all development services required to support new development; i.e. road or footpath access including lighting, foul sewer drainage, surface water drainage, water supply and/or additional service capacity.

The 3 “New Residential” zoned sites are as follows:

1. Ladyswell Street – This is a 3.7 ha site with an estimated capacity for 74 residential units.

The site is currently land-locked. Access is dependent on the development of an access road off Ladyswell Street which will also serve a proposed primary healthcare centre. Planning permission was granted for this primary healthcare centre development under planning permission P18/107.

This land, and adjoining land, has been zoned for residential and mixed-use development since 2002. Part of the site was identified and acquired for Civil Service office development under the National Decentralisation programme dating back to 2003, but never realised as the programme never materialised, as proposed. An application for an access road to open up the lands for such development was granted permission in 2005, but never implemented (application ref: P05/592).

Draft LAP Objective MTO1.5 is an objective to provide an enhanced pedestrian and cycle network in Thomastown including the provision of footpath improvements to ensure ease of access to public transport, the town centre, heritage sites and other recreational facilities including a green link from Ladyswell Street, via the 3.7ha residential zoning, to the train station. It is proposed the residential land, the adjoining mixed-use development lands and the section of green link will be the subject of a future masterplan.

It is understood the residential zoned land at Ladyswell forms part of a working farm enterprise and cannot be subject to the Vacant Land Levy. The availability of this land for housing within the lifetime of the LAP is unclear. If it is not released, the planning authority cannot guarantee delivering on its obligation to provide sufficient housing land over the Plan period.

The site is 90m from the town centre zoning and 700m from the nearest supermarket on the periphery of the town centre.

2. Grennan/ Newtown – This is a 1ha site with an estimated capacity for 20 residential units.

The site appears to be in 3 separate ownerships, with the Council owning the northmost portion. Site assembly would be required to fully develop the land.

This land was zoned for “Community Facilities” in Volume 2 of the 2002 to 2008 County Development Plan. It was zoned “New Residential” in the Thomastown LAP 2009 – 2015 (as extended).

Planning permission was refused on two occasions for housing on two sections of the site. Both involved taking access off Ladyswell Street to the east. Reasons for refusal included poor layout and design and loss of privacy to adjoining properties (application ref: P96/1098 and P03/2031, ABP ref: PL10.2086330).

Access to the portion understood to belong to the Council, unless being developed along with the other parcels of land, will be from the local road to the north. This road is extremely narrow with limited scope for widening and would require the existing speed limit to be moved.

The LAP notes this site is to provide for persons already resident in Thomastown. If site assembly cannot be achieved by agreement and CPO is required, it is unclear how the short-term needs of those persons in the town with an identified housing need will be met.

The site is 300m from the nearest part of the town centre zoning and 300m from the nearest supermarket on the periphery of the town centre.

3. Dublin Road - This is the 2ha site which my client owns and has permission for 42 residential units (application ref: P17/739). Work on this development will commence in spring 2019.

The site is 460m from the nearest part of the town centre zoning and directly opposite the two town supermarkets on the periphery of the town centre. There is the post office and banking facilities in one supermarket and a pharmacy attached.

4. Cloughabrody (Low Density 1) – This is a 1.8ha site with an estimated capacity for 18 residential units. It is located to the rear of the housing my client built at Maudlin Court and is understood to be in the ownership of a Religious Order.

There is no history of planning applications on the site and it is unclear whether the owners have shown any interest in developing the land.

The site was zoned “Residential” in Volume 2 of the 2002 to 2008 County Development Plan. It was zoned “New Residential” in the Thomastown LAP 2009 – 2015 (as extended) and later changed to “Phase 2 Residential”.

Assuming access from via Maudlin Court, the site is 550m from the nearest part of the town centre zoning and 420m from the two town supermarkets on the periphery of the town centre.

5. Cloughabrody (Low Density 2) – This is a 0.8ha site with an estimated capacity for 8 residential units. The site fronts onto Dublin Road adjacent to Berkley Lawns.

There is no history of planning applications on the site and it is unclear whether the owners have shown any interest in developing the land.

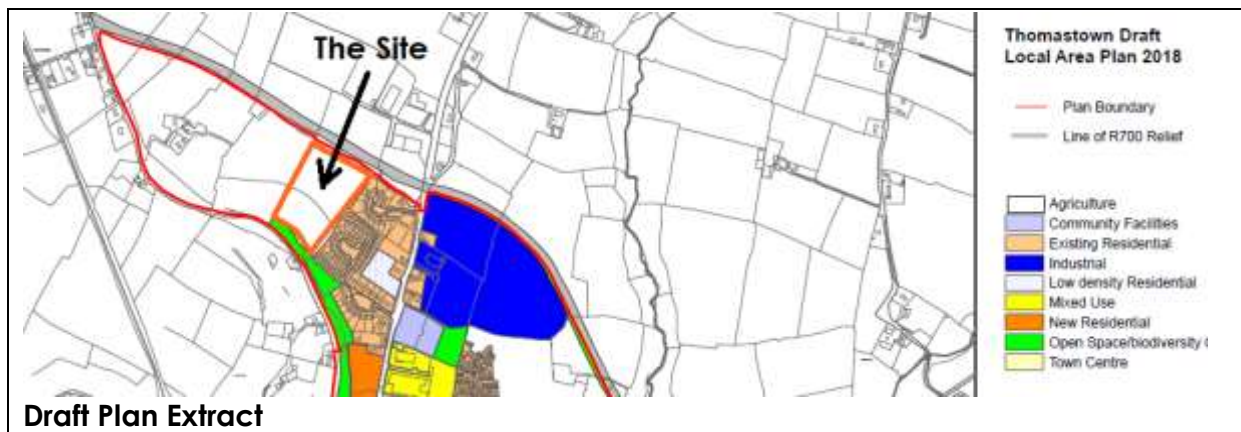
The site was zoned "Residential" in Volume 2 of the 2002 to 2008 County Development Plan. It was zoned "New Residential" in the Thomastown LAP 2009 – 2015 (as extended) and later changed to "Phase 2 Residential".

The site is 930m from the nearest part of the town centre zoning and 150m from the nearest town supermarkets on the periphery of the town centre.

Subject Site

My client is seeking "New Residential" zoning on part of his landholding at Cloughabrody. As noted above, the land in question extends to around 5ha and has been zoned residential since the first Development Plan for Thomastown in 2002 (Volume 2 of the County Development Plan 2002). It currently has "Phase 2 Residential" zoning.

In the Draft LAP the land is within the town boundary but zoned "Agricultural".



There are two access points into the site from the Berkley Lawns development. These accesses were retained by my client.





Access 2

The site can be fully serviced from the Berkley Lawn estate.

Having regard to The National Planning Framework guidance on the methodology to a tiered approach to land zoning, the site would be Tier 1 zoned land as it can be connected to existing services and it is contiguous to existing developed lands within the town boundary.

Tier 2 zoned lands comprises lands that are not currently sufficiently serviced to support new development, but have potential to become fully serviced within the life of the plan; i.e. the lands are currently constrained due to the need to deliver some or all development services required to support new development; i.e. road or footpath access including lighting, foul sewer drainage, surface water drainage, water supply and/or additional service capacity. Arguably the sites at Ladyswell Street, Grennan/ Newtown and the 1.7ha site at Cloughabrody are Tier 2 sites as they have access constraints. In the case of the Grennan/ Newtown site, this may require site assembly for it to be developed out and the planning history suggests it may be difficult to design to avoid adversely impacting on neighbours.

Inclusion in Tier 1 generally require the lands to be within the footprint of, or spatially sequential within, the identified settlement.

In Volume 2 of the 2002 to 2008 County Development Plan the town centre and the site of the SuperValu supermarket, post office, bank facilities and pharmacy on Dublin Road were zoned "General Business".

The town centre and the sites of the town's two supermarkets are zoned Mixed Use in the current the Thomastown LAP 2009 – 2015 (as extended).

In the Draft Plan, at paragraph 5.3 ("Town Centre") it is noted the town has evolved since the early 18th century and remains the focus for a broad range of commercial and community activities. It is further noted that in recent years new retail developments of Lidl and SuperValu, which also now accommodates the Post Office

and a pharmacy, on the periphery of the town centre have altered the dynamic of the town centre and drawn activity away from Main Street. Therefore, notwithstanding the introduction of the specific "Town Centre" zoning to the historic town centre, the mixed-use zonings along the Dublin Road are considered to be on the periphery of the town centre.

From the point of view of sequentially selecting sites for future housing, it is submitted that access to the town's supermarkets and post office on the "Mixed-Use" zoned lands on the Dublin Road should be given equal consideration to proximity to the historic town centre which no longer has a supermarket or post office.

Arguably, most residents in Thomastown would have more regular cause to visit the supermarkets and post office that they would to avail of the now more specialist retail and retail service offer of the historic town centre.

The site in question at Cloughabrody is within 380m of the Lidl supermarket and 600m of SuperValu, the post office and banking facilities. That is closer to these facilities than the site on 3.7ha site off Ladyswell Street or the 1.7ha site at Cloughabrody. Therefore, my client's site at Cloughabrody is sequentially superior to both of these sites.

Finally, I would repeat that my client, who has a significant track record delivering housing in Thomastown, proposes to commence building the 42 houses he has planning permission for in the spring of 2019. He expects these houses will be developed and sold within the lifetime of the LAP and that he will be hoping to build further houses on his Cloughabrody site.

General Observation

Thomastown is to be allocated a proportionate volume of housing land to all of the other District Towns in the County.

Thomastown has one unique feature over all other District Towns in the County; a railway station on the Waterford to Dublin rail line, with stops at Kilkenny and Carlow. [It also benefits from hourly bus connections to and from Waterford and Dublin City Centre/ Dublin Airport].

While it is accepted that access to the railway station is not currently convenient for walkers and cyclists, the LAP seeks to change this and to provide improved and convenient access.

It was mentioned at a recent meeting with planning officials that an aim of the planning authority in respect of District Town development is towards self-sustaining communities and not to develop them as dormitory towns. While that may be desirable in terms of convenience retailing, first and second level education, community health facilities etc, the major centres of population will always be depended upon for aspects of major employment, high street shopping, third level education, A&E and specialist hospitals etc.

The rail service which Thomastown benefits from, and which has the potential to improve, allows ease of access to these opportunities and facilities by a sustainable mode of transport and reduces the need for residents to travel by car.

It is considered that, under these circumstances, there is a strong case for Thomastown to be allocated a greater proportion of the housing land allocation than other District towns in the County to allow it to expand.

Request

It is requested that some or all of my client's site at Cloughabrody be zoned "New Residential". This may be justified on the basis that Thomastown should be allocated a greater proportion of the housing land allocation than other District towns to allow it to expand. In any event it is considered justified on the basis the site is clearly a Tier 1 site having regard to The National Planning Framework guidance on the methodology to a tiered approach to land zoning, while other zoned sites are not Tier 1 and may never be released for development.

The 3.7ha site at Ladyswell, which has been zoned residential since 2002 and never been the subject of any housing proposal and is part of an active farm enterprise, is planned to provide for over 50% of the proposed housing land supply during the lifetime of the LAP. The land is understood not to be the subject of the Vacant Land Levy, therefore there is no incentive to the farmer and owner to release it for housing. If it is not released, the planning authority may not be able to deliver on its commitment to provide sufficient housing in the town over the Plan period. Even if only half of this land allocation was redirected to Cloughabrody, my client would be able to guarantee all of the houses required in the town (save for serviced sites) would be delivered, even if no other sites became available, subject to market demand.

The planning authority is requested to amend the Draft LAP and allocate my client's land at Cloughabrody for housing.

Yours faithfully,

A handwritten signature in blue ink that reads "Peter Thomson". The signature is written in a cursive, flowing style.

Peter Thomson, MSc, MIPI