

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 Niall O'Gorman and partners and am making this submission in respect of land they are in the process of acquiring at Friars Hill, Thomastown.

Background

The land in question (outlined in red) extends to around 1.4ha (3.5 acres) and has been zoned Residential since the first Development Plan for Thomastown in 2002 (Volume 2 of the County Development Plan 2002). The balance of the landholding extends to 7ha and was also zoned residential under the 2002 Plan.



Planning permission was refused on the overall site in 2007 for the development of 186 no. residential units, a child care facility and retail units (application ref: P06/778; ABP ref: PL10.221980).

While the principle of the development was acceptable, it was refused on grounds of:

1. Traffic hazard; in particular the lack of public footpath to the town centre;

2. Prematurity pending upgrading of the public water and waste water services; and
3. The layout of houses backing onto the approach road leading into Thomastown from the south west (Waterford Road).

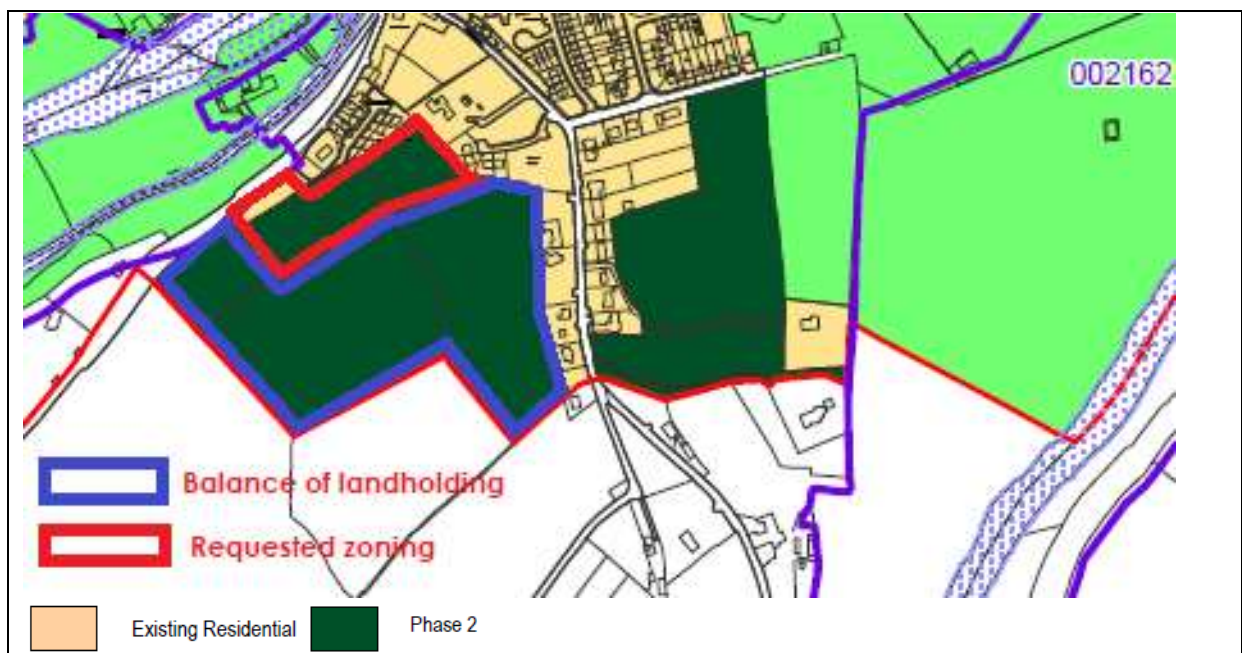
[N.B. All for these constraints have, or can be overcome, – see below]]

Most of the landholding was zoned “New Residential” in the 2009 – 2015 Thomastown Local Area Plan. A strip fronting onto the public (Waterford) road was zoned “Existing Residential” and another area “Mixed Use”; presumably to facilitate a creche and small local shops/ retail services.



2009 – 2015 LAP Plan Extract

In 2012 the LAP zoning was amended with the strip fronting the public (Waterford) road being retained “Existing Residential” with the balance of the landholding being re zoned Phase 2 Residential”.



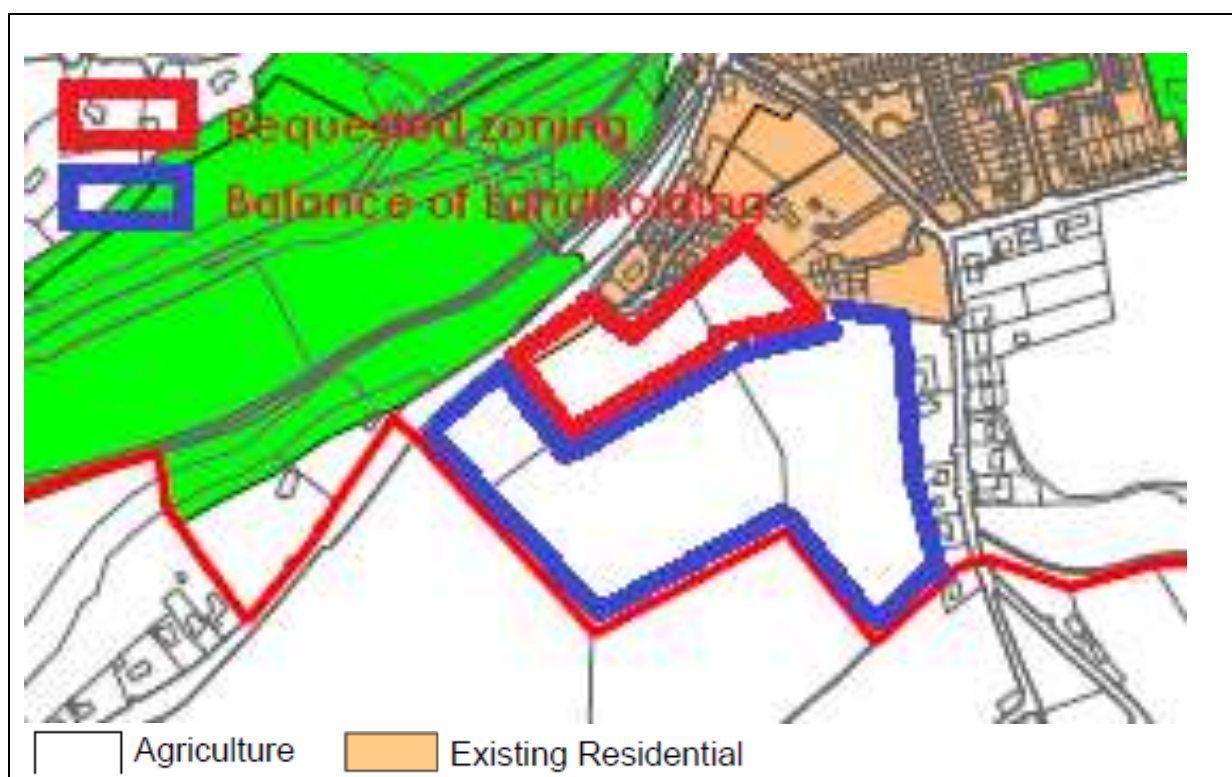
2012 LAP amendment

A local developer developed a small 10 executive house development (Friars Hill Mews) immediately to the north and east of the subject site (application ref: P04/2074). This development is complete, connected to public mains and utilities and Taken in Charge by Kilkenny County Council. This development also assisted in delivering a section of public footpath leading from the site to the town centre; the lack of which was one of the previous reasons for refusing permission for housing on the subject site in 2007.

The strip of land fronting onto the public (Waterford) road which is zoned "Existing Residential" is not taken in charge.

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 proposed to change from "Phase 2 Residential" zoning to "Agricultural" zoning. The "Existing Residential" zoning fronting the public (Waterford) road remains.



"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. All of these lands are located on that part of Thomastown to the north of the river.

Two further sites are identified for low density housing which it is estimated have the potential to deliver a further 26 houses. These sites are also on the north side of the river.

There is no "New Residential" land allocated south of the river, which is where the subject site is located.

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.

National guidance on residential land zoning does not prohibit the inclusion of "Phase 2 Residential" or "Strategic Residential Reserve" zoning. Such a zoning is a feature of the current Development Plan and the Thomastown LAP and continues to be included in other Draft County Development Plans and Draft LAP's being made around the country (e.g. the Draft Monaghan CDP 2018 - 2024 (including Town Plans) and Draft Portlaoise LAP 2018 - 2024).

Generally, Phase 2 lands will not be released for development unless set criteria can be met; such as 75% of "New Residential" lands having been committed to development. However, the zoning confers the principle of residential development into the future should housing land supply circumstances change.

Proposed "New Residential" and "Low Density Housing" zoned sites in the Draft Thomastown Local Area Plan 2019-2025

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.

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.

3. Dublin Road - This is the 2ha site which has the benefit of planning permission for 40 residential units (application ref: P17/739). It is understood 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.

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 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.

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.

Subject Site

My clients are seeking “New Residential” zoning on part of their landholding at Friars Hill and “Phase 2 Residential” zoning on the balance. As noted above, the land in question has been zoned for residential purposes since the first Development Plan for Thomastown in 2002 (Volume 2 of the County Development Plan 2002). With the exception of the strip of “Existing Residential”, the landholding currently has “Phase 2 Residential” zoning.

In the Draft LAP the land is within the town boundary. The strip of land along the public (Waterford) road frontage remains “Existing Residential” but the remainder is zoned “Agricultural”.





Agriculture



Existing Residential

Draft Plan Extract

Access into the site can be taken from the Friars Hill Mews, which is a new public road serving the adjoining housing constructed under permission ref: P04/2074. This road was Taken in Charge by the Council and is within my clients' landholding/ folio.



Existing access road which can serve new housing.

The site can be fully serviced from the access road leading to Friars Hill Mews which is connected to public mains and utilities.

There is also a new footpath, paid for with special contributions from the Friars Hill Mews development, which leads from the site to the town centre. When this footpath was installed, traffic calming in the form of a short stretch of "priority road carriageway" just before the junction with the Rock Road was incorporated into the design, which has significantly improved pedestrian safety and traffic calmed the junction.

Having regard to The National Planning Framework guidance on the methodology to a tiered approach to land zoning, the landholding 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.

It is accepted that all of the land cannot be zoned for immediate residential development, as this would far exceed the Council's proposed allocation for Thomastown in accordance with the National Planning Framework and the County Development Plan Strategy.

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; e.g. 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 and CPO for it to be developed out and the planning history suggests it may be difficult to design to avoid adversely impacting on neighbours.

In terms of the sequential selection of sites, relative to the town centre zoning, the subject site is sequentially superior to both of the proposed "Low Density Residential" zoned sites at Cloughabrody, and a similar distance from the historic town centre to the Dublin Road site that the benefit of a current planning permission.

It is acknowledged the landholding is further from the town's new supermarkets on the periphery of the town centre than other proposed "New Residential" zoned sites. However, overall it is equidistant from the town centre as a whole (existing historic town centre out to the supermarkets on the Dublin Road).

The development of the subject site on the south side of the river will also assist the revitalisation of the town centre with residents passing through to reach other local amenities (super market, post office etc).

General Observation

Thomastown is to be allocated a proportionate volume of future 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 a portion of my clients' landholding at Friars Hill be zoned "New Residential" and that the balance be zoned "Phase 2 Residential".

The "New Residential" zoning 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/ or 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.

The subject landholding is in my clients' ownership, serviced and available to be developed, subject to planning permission.

In terms of the request for "Phase 2 Residential" zoning, there appears to be no restriction on the planning authority re-introducing such a zoning. Criteria for releasing such land could be, as per the current County Development Plan, on the basis that:

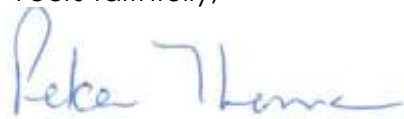
- at least 75% of phase 1 lands have been fully committed to development (i.e. where planning permission has been granted) and where construction is underway, and/or
- it can be demonstrated that "New Residential" zoned land not fully committed to development will not be made available within the life time of the LAP.

Satisfying the criteria should avoid the need to commence the cumbersome "Material Contravention" process and provide developer confidence.

Finally, the zoning of a small area of serviced land for residential development on the south side of the river, which is within walking distance of the town centre zoned lands and as accessible to the town centre as other proposed residential zoned lands, will give greater balance to the town's development.

The planning authority is requested to amend the Draft LAP and allocate my client's land at Friars Hill for a mix of "New Residential" and "Phase 2 Residential zoning.

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