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Planning Department,
Kilkenny County Council,
County Hall,
John Street,
Kilkenny,
Co. Kilkenny R95 A39T

9th March 2021

My Ref: 1892/Ardscradaun

DRAFT CITY AND COUNTY DEVELOPMENT PLAN 2021-2027

Dear Sir/Madam,

Introduction

1. I act on behalf of Mary FitzGerald and Jacinta FitzGerald, Orchardton, Callan Road, Kilkenny who have a legal interest in an area of land, c.3.6ha (9 acres) in extent, hereinafter referred to as 'the site', in the townland of Ardsradaun, immediately to the south- west of the Kilkenny Ring Road (National Secondary Road (NSR) No. N76) in the south/south-western environs of Kilkenny City. It is currently in agricultural use, being engaged for occasional grazing. I refer to the attached 'Site Location Map' upon which the subject land is shaded in blue. There is a right of way to the land from the Callan Road, which is shown in yellow on the aforementioned map (Refer: Appendix 1).
2. 'The site' is located within the Development Boundary for Kilkenny City as designated in the current Kilkenny City and Environs Development Plan 2014-2020. Figure 3.3. Zoning Objectives in the Plan indicates that all of it, except for a strip contiguous to its south-western/southern boundary is subject to the Zoning Objective 'Agriculture' – *"To conserve and protect agricultural land from interference from non-agricultural uses. To prevent premature development of agricultural land adjacent to development areas"*. The above-mentioned strip is subject to the Zoning Objective 'Amenity/Green Links/ Biodiversity conservation/Open Space/ Recreation' – *"To allow for green links and biodiversity conservation and to preserve, provide and improve recreational open space"* (Refer: Appendix 2). The land immediately to the north/north west is subject to Zoning

Objective 'Phase 1 Residential' – *"To protect, provide and improve residential amenities"*. Planning permission was granted by Kilkenny County Council on 29th September 2017 for a residential development on this land comprising 30 no. residential units, consisting of 22 no. four bedroom two-storey detached houses with optional habitable accommodation in the attic space, and 8 no. four bedroom two-storey semi-detached houses with optional habitable accommodation in the attic space; the construction of a new vehicular access onto Callan Road to the south-west of the existing gateway which will be closed; the construction of a new foul sewage pumping station and a new stone wall boundary to the Callan Road and all associated site works (Kilkenny County Council Planning Register Reference No: 16/593).

3. The lands to the west and south of 'the site' are subject to the Zoning Objective 'Agriculture'. The Ring Road (N.S.R. No: N76) lies to the immediate north-east of 'the site', beyond which is the riparian corridor for the River Breagach, which is subject to the Zoning Objective 'Amenity, Green Links, Biodiversity conservation/Open Space/Recreation'. The land to the north-east of this corridor is subject to the Zoning Objective 'Existing Residential'. It is noted that the subject land and the adjacent lands within the City's Development Boundary to the south-west of the Ring Road are designated as 'Strategic Reserve'.
4. Turning to the new Kilkenny City and County Draft Development Plan 2021-2027, 'the site' remains within the Development Boundary for Kilkenny City as defined in the Draft Plan. It is also within the 2016 CSO Settlement Boundary for Kilkenny City, as delineated on 'Figure CS5 Kilkenny City Zoning' in the Draft Plan, which demarcates the built-up area of the City. The zoning objectives for 'the site' have remained unchanged except that the wording of the Zoning Objective for 'Agriculture' has been modified from that presented in the current Development Plan with the omission of the word "premature". It now reads in the Draft Development Plan as *"To conserve and protect agricultural land from interference from non-agricultural uses. To prevent development of agricultural land adjacent to development areas"*. The Zoning Objectives for the lands, referred to above, surrounding 'the site' also remain unchanged (Refer: Appendix 3). It should be noted that no area of the subject land, except for the strip zoned for amenity purposes, is within Flood Zone 'A' or Flood Zone 'B' as represented on 'Fig. 23(b) Kilkenny – Areas of flood risk on Proposed Draft Zoning Map' as presented in the Strategic Flood Assessment in Appendix 1 of the Strategic Environmental Assessment of the Draft Plan.
5. In light of the above, I have been instructed by my clients to request on their behalf that, having regard to the reasons and considerations set out in this submission, 'the site' as

identified in the map included in Appendix 1, with the exception of the strip subject to Zoning Objective 'Amenity/Green Links/Biodiversity conservation/Open Space/ Recreation' in both the current Kilkenny City and Environs Development Plan and in the Draft Plan, be rezoned by the Council from Zoning Objective 'Agriculture' to 'Existing Residential' – *"To protect, provide and improve residential amenities"* in the new Kilkenny City and County Development Plan 2021-2027.

The Submission

6. 'The site', the subject of this submission, is relatively unique in the context of the new Draft Development Plan in that it represents one of the very few areas of land i.e. zoned for agriculture, within the 2016 CSO boundary for the City, which is identified in section 2.2.1 of the Draft Plan as representing its *"existing built up footprint"*. It is also noted in this context that under the National Policy Objective (NPO) 3c in 'Project Ireland 2040 National Planning Framework', that at least 30% of all new homes in the City must be delivered within this area. In the Draft Development Plan a number of areas have been identified – lands subject to the vacant site levy; land within the Abbey Quarter and mixed zoned lands – within the CSO boundary within which the anticipated demand can be satisfied. I note, however, that the above-mentioned NPO refers to the delivery of *"at least 30% of all new houses"*. The inclusion of the words *"at least"* indicates, in my submission, that this represents a minimum figure. Having regard to that consideration and the focus on the achievement of a compact urban development growth model for the City and its Environs, and the avoidance of urban sprawl, I would contend, therefore, that, prior to looking at greenfield sites outside the CSO boundary, the Council should seek to identify any sites within the CSO boundary that would, through being rezoned for residential development, present an opportunity to facilitate an increase in that percentage. I would submit in this context that my clients' site represents such an opportunity. It is eminently suitable for residential development having regard, inter alia, to the principles identified in Section 2.2 of the Draft Development Plan as having informed the formulation of the Core Strategy for Kilkenny City, which are elaborated on below in this submission, and, as I have already indicated, its rezoning for that purpose would be consistent with the proper planning and development of the area and should be adopted as a material alteration to the Draft Development Plan.
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7. It is noted that the Council, in formulating the Development Strategy for the City, is committed to the principle of the 10 minute city whereby a range of community facilities and services are accessible in short walking and cycling timeframes from homes or are

accessible by high quality public transport services. This, I would suggest, should be one of the critical spatial criteria to be applied in assessing the suitability of land to be developed for residential purposes. It is my submission on behalf of my clients that 'the site' at Ardsradaun meets this criteria, both in relation to the proposed provision of such facilities in its proximity and in relation to those which already exist within the built-up area of the city. I would refer you to the attached maps which identify the catchment area within 1km (10 minutes walking distance) and 2km (20 minutes walking distance) of the site (Refer: Appendices 4 and 5). It should be noted that both catchment areas would be within a much lesser time distance for cyclists. Within the built up area of the city contained within these catchment areas, there is a wide range of community, commercial and social facilities, services and amenities which would be easily accessible to residents of any new development on 'the site'. Its development for residential purposes would, therefore, be wholly consistent with the concept of the '10 minute city' and would assist in the delivery of that concept, as indicated in the Draft Plan's Zoning Strategy. It should also be noted that 'the site' is within 10 minutes walking distance of the sites designated for community facilities and a Neighbourhood Centre in Fig. 3 'Breagach Valley Development Parcels' as published in the Draft Development Plan.

8. Another factor which will enhance the accessibility from my clients' site of the facilities/services within the above-mentioned catchment areas, is the recent upgrading of the Callan Road the primary accessway from this location to the built up area of the City, with the provision of a new signal controlled pedestrian crossing and a pedestrian/cycleway in close proximity to it.

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9. Another critical factor which I submit is a very significant consideration in giving weight, in a planning context, to my clients' request for rezoning relates to the existing grant of planning permission for residential development on the land to the north-west of my clients' site, to which I have referred previously (**Planning Register Reference No: 16/593**). It is particularly significant, in a development context, with regard to the provision of access and services to the subject land. I understand that development on the site's service infrastructure is to commence shortly (Refer: Appendix 6).

10. Access to the authorised development is from the Callan Road. The access, as permitted, has adequate sight lines in both directions and the capacity to accommodate any likely increase in traffic at the junction which may arise from the development of 'the site' for residential purposes. The primary access road serving the development has an extended cul-de-sac spur which terminates at the party boundary with the western

corner of 'the site'. It was laid out purposely to facilitate access to my clients' land, provision being made for a right of way from the access on the Callan Road over the new road to the boundary (Refer: Appendix 1). 'The site' is, therefore, readily accessible without any additional investment in public road infrastructure being necessary for this purpose.

11. The water, wastewater and drainage infrastructure to be provided to service the authorised development, as referred to above, has also been designed to allow for additional development such as that which might arise on my clients' land. For example, one of the key elements in the foul water infrastructure is a pumping station with emergency overflow facilities which by reason of its location and design has the potential in terms of its capacity to service any residential development on 'the site'. No additional public investment would be necessary, therefore, to facilitate its servicing for development.

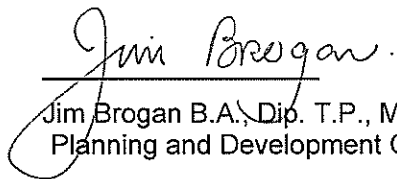
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12. The sequential approach to zoning, as set out in the published Guidelines on the making of Plans, the object of which is to secure a coordinated approach to development to avoid a haphazard and costly approach to the provision of social and physical infrastructure, specifies that areas to be zoned shall be contiguous to existing zoned development land. 'The site' meets that requirement in that it immediately adjoins lands zoned for residential purposes upon which there is an extant planning permission for residential development. The available linkages to its physical/service infrastructure, as indicated above, will eliminate the need for any additional expenditure on public investment to facilitate its development.

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13. The Draft Development Plan's Development Strategy indicates that it is proposed to zone greenfield lands for residential development outside of the CSO defined built-up area. I would submit that the development for residential purposes of 'the site', the subject of this submission, although it is within the above-mentioned boundary, is compatible with the essential principles which underly that Strategy, as defined in the Plan, having regard to the considerations outlined above in relation to, inter alia, 'the site', being within the City's built-up area as defined by the above-mentioned boundary; its proximity to a wide range of community, commercial and social facilities, services and amenities; the availability of access and services from the adjoining permitted residential development and the consequential absence of any need for additional public infrastructural investment to service its development; and the level of accessibility it would enjoy, in terms of sustainable transport modes, to the built-up area of the City.

Having regard to the above, it is my submission, therefore, that it would be reasonable to re-zone 'the site' for residential purposes, as requested in this submission.

Conclusion

14. To conclude it is my submission on behalf of my clients that, in light of the reasons and considerations outlined above, there is, as I have already stated, a compelling case to be made for the rezoning of the subject land at Ardscradaun from 'Agriculture' to 'Existing Residential'. I request, therefore, on behalf of my clients, that, having regard to this submission, the Kilkenny City and Council Draft Development Plan 2021-2027 be amended to allow for the rezoning of my clients land as identified on the map in Appendix 1, save from the area zoned for 'Amenity/Green Links/Biodiversity conservation/Open Space/ Recreation', from 'Agriculture' – *"To conserve and protect agricultural land from interference from non-agricultural uses. To prevent premature development of agricultural land adjacent to development areas"* to 'Existing Residential' – *"To protect, provide and improve residential amenities"* in the new Kilkenny City and County Development Plan 2021-2027.



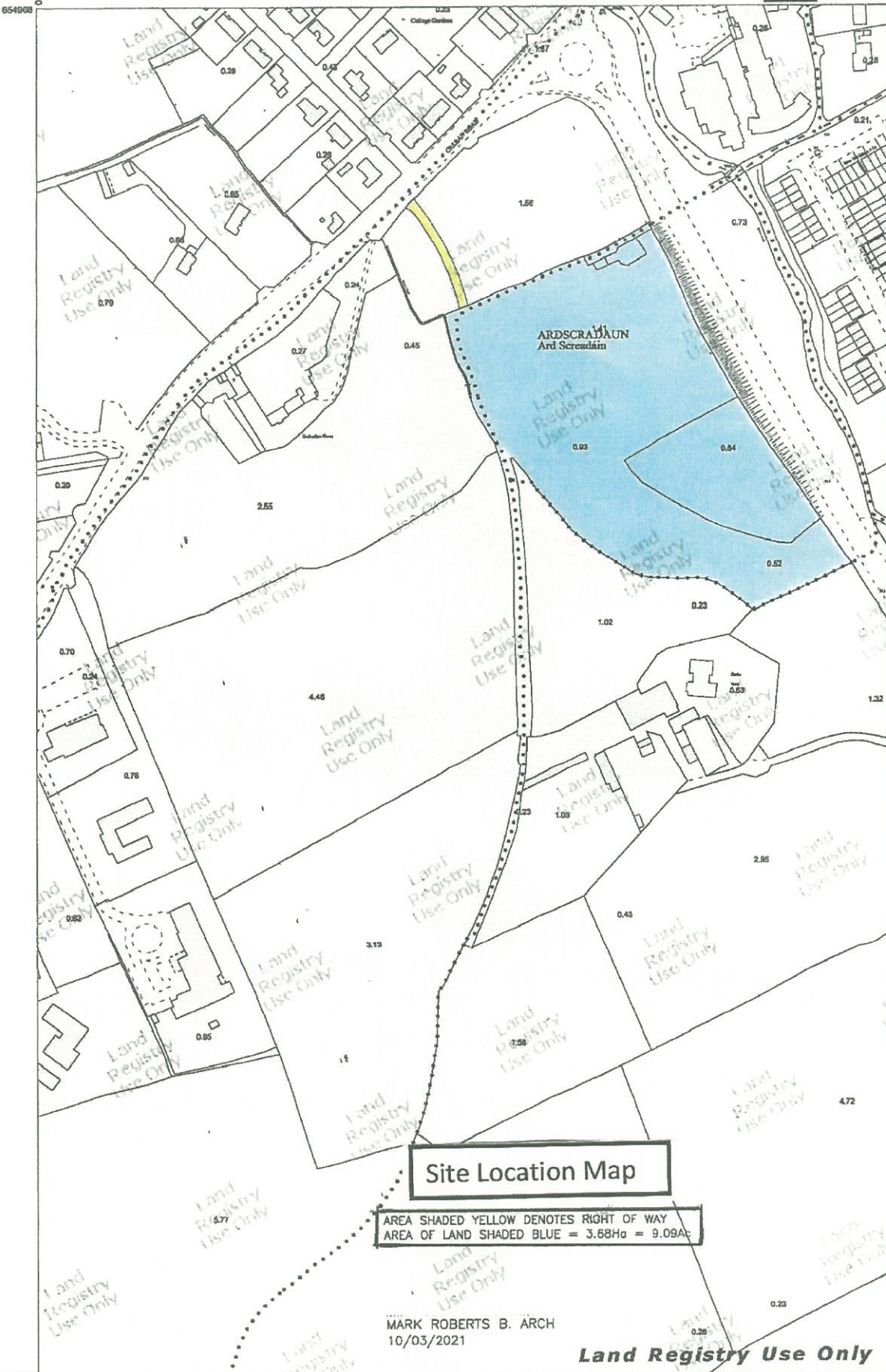
Jim Brogan B.A., Dip. T.P., M.I.P.I., Dip. L.S., Dip. Arb., B.L.
Planning and Development Consultant

Appendix 1.

Site Location Map.

Surveyed 1983-1989
 Revised 2016
 Levelled 1982

Land Registry Compliant Map



ITM CENTRE PT COORDS

649808,654446

DESCRIPTION

MAP SHEETS

1:1000
4766-18

1:2500
4766-C 4766-D
4826-A 4826-B



Arca léimneil agus ama Beilbhú ag Suidhíreacht Ordánais Éireann, Fóir an Fhionnlaice, Baile Átha Cliath 4, Éire.
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Ní háireamú bhéilbhú, béalbhú nó creann a bhéilbhú ar an léimneil seo agus féideil ar chuid eil. The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

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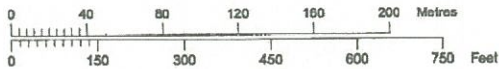
Site Location Map

AREA SHADED YELLOW DENOTES RIGHT OF WAY
 AREA OF LAND SHADED BLUE = 3.68Ha = 9.09Ac

MARK ROBERTS B. ARCH
 10/03/2021

Land Registry Use Only

Scale:- 1:2,500
 Scála:- 1:2,500



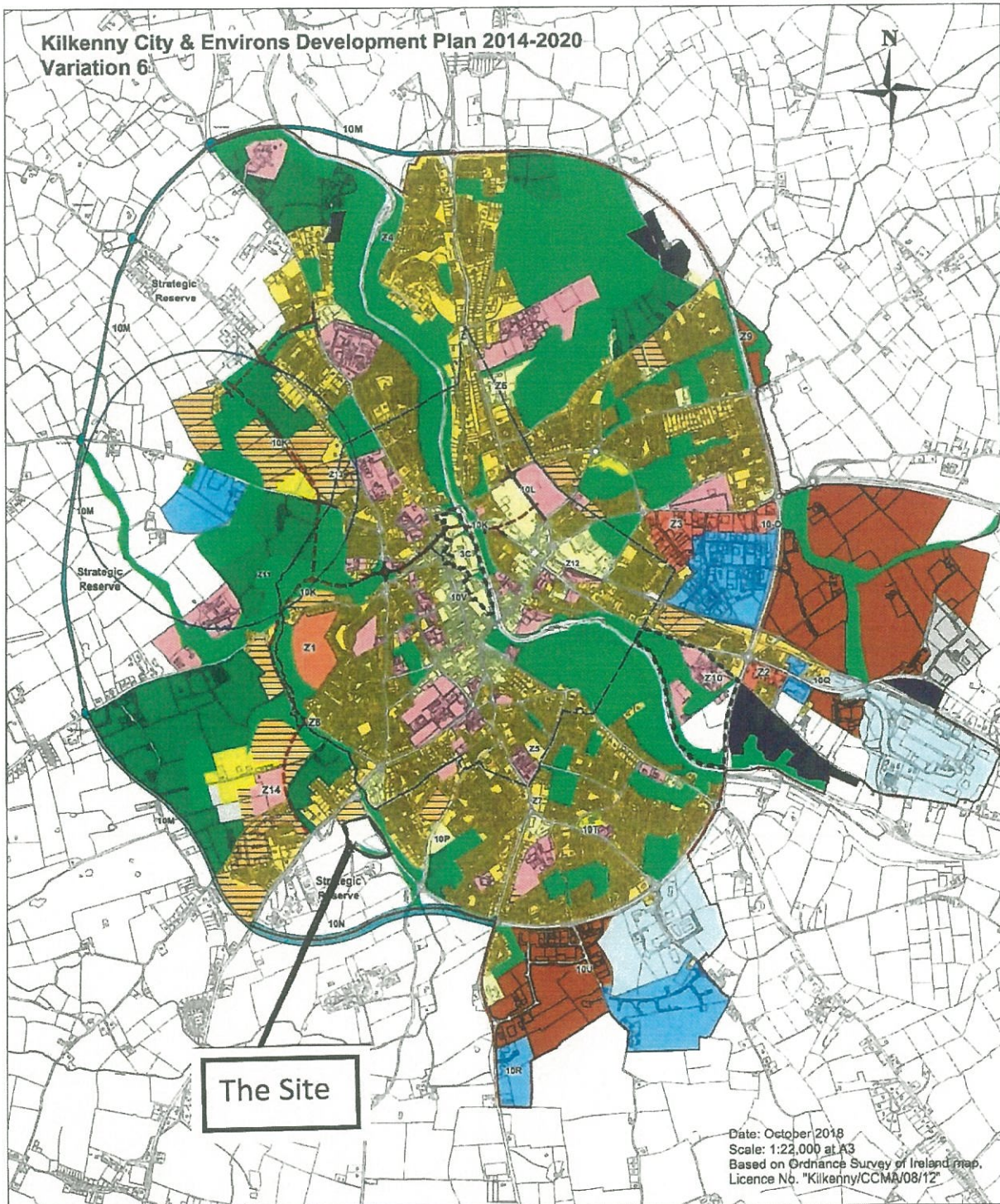
Plot Ref. No. 19771284_1_1
 Plot Date 05-FEB-2018



Appendix 2.

Kilkenny City and Environs Development Plan 2014-2020
Fig. 3.3 Zoning Objectives.

**Kilkenny City & Environs Development Plan 2014-2020
Variation 6**



Date: October 2018
Scale: 1:22,000 at A3
Based on Ordnance Survey of Ireland map.
Licence No. "Kilkenny/CCMA/08/12"

Figure 3.3 Zoning Objectives

Agricultural Trade	Industrial/Technology Park	700m Consultation distance for Grasslands Fertiliser (Seveso II) Site
Agriculture	Industrial/Warehousing	Proposed Ring Road
Amenity/Green links/Biodiversity	Mixed use	10K-10V Road Objective (Chapter 10, p.172)
Business Park	Neighbourhood Centre	Z1 Zoning Objective (Chapter 3, p.38)
Community Facilities	Phase 1 Low Density Residential	3C Master Plan Objective (Chapter 3, p. 29)
Existing low density residential	Phase 1 Residential	Borough Boundary
Existing Residential	Phase 2 Residential	
General Business	Reserved Site	
	Development boundary	
	Proposed Master Plan area	
	Indicative line of Central Access Scheme	

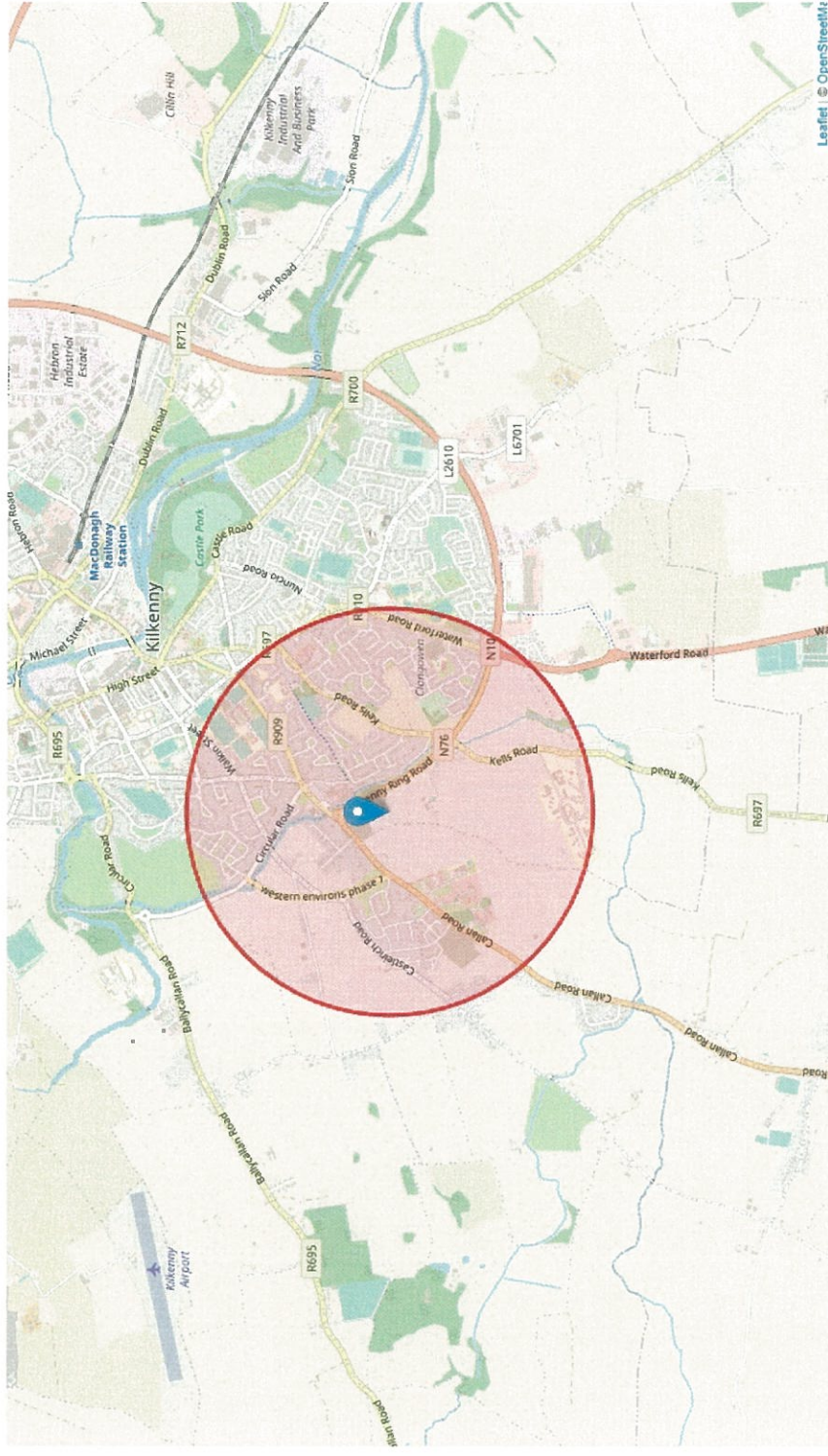
Appendix 3.

Kilkenny City and County Draft Development Plan 2021-2027
Fig. CS5 Kilkenny City Zoning.

Appendix 4. .

Catchment Area within 1km of site (10 minutes walking distance).

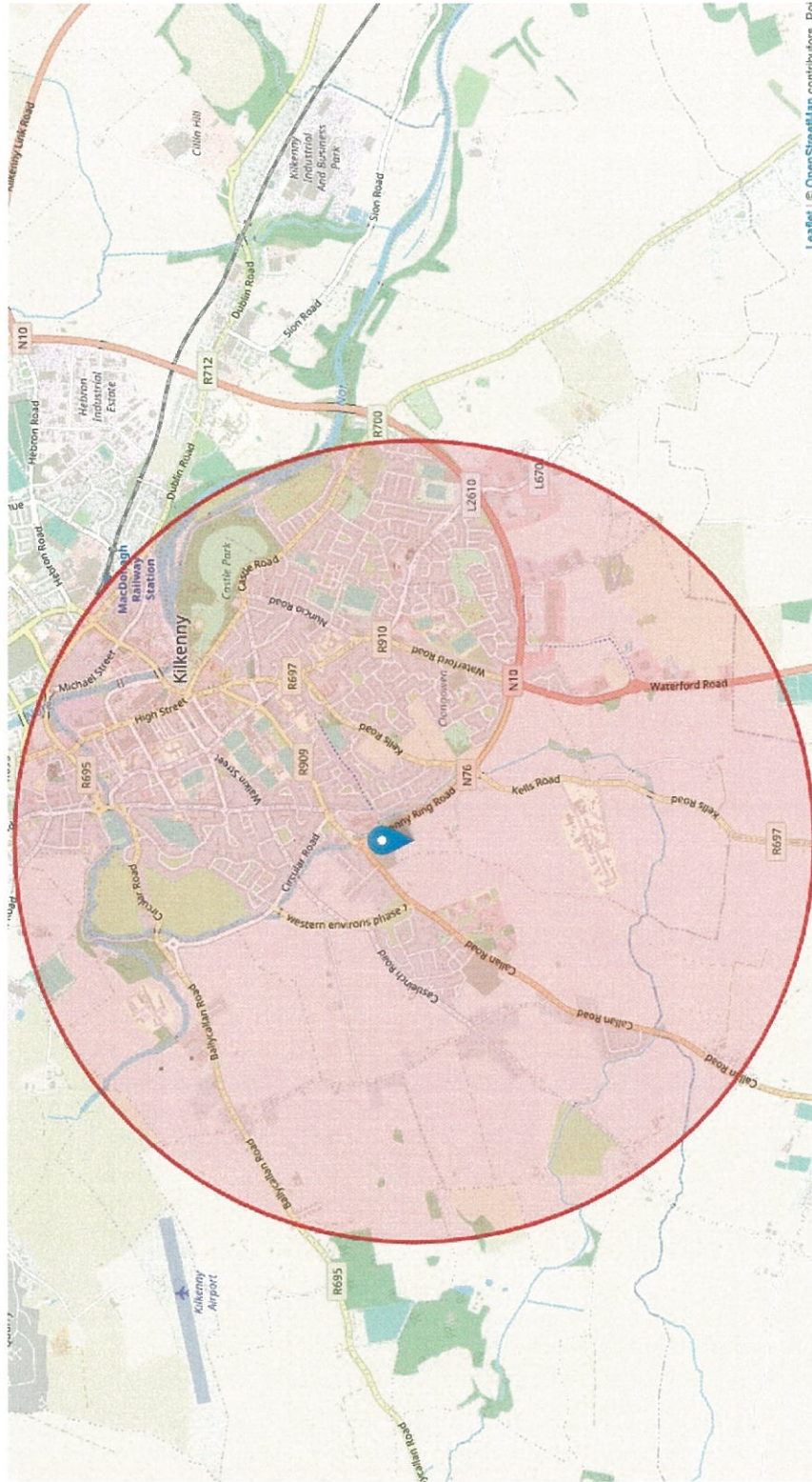
Catchment area within 1km of site (10 minutes walking distance)



Appendix 5.

Catchment Area within 2km of site (20 minutes walking distance).

Catchment area within 2km of site (20 minutes walking distance)



Appendix 6.

Proposed Layout – Planning Register Reference No: 16/593.

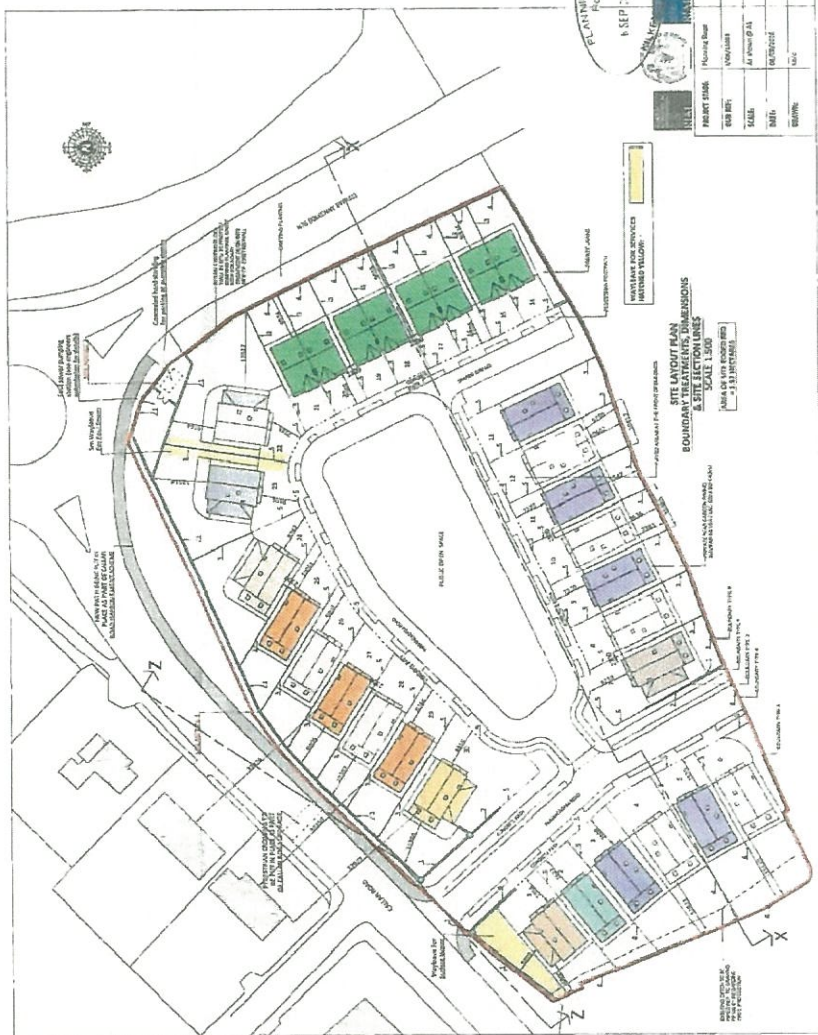
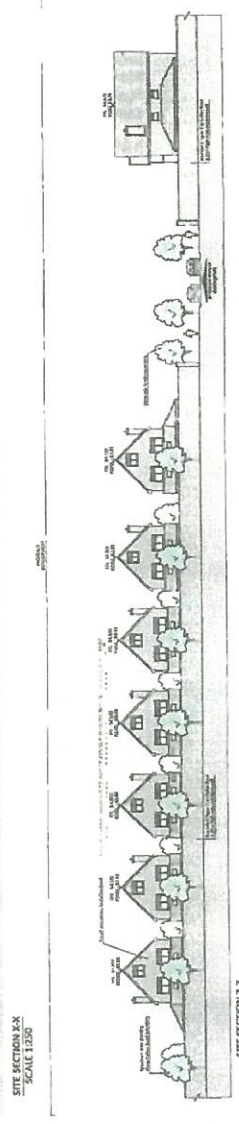
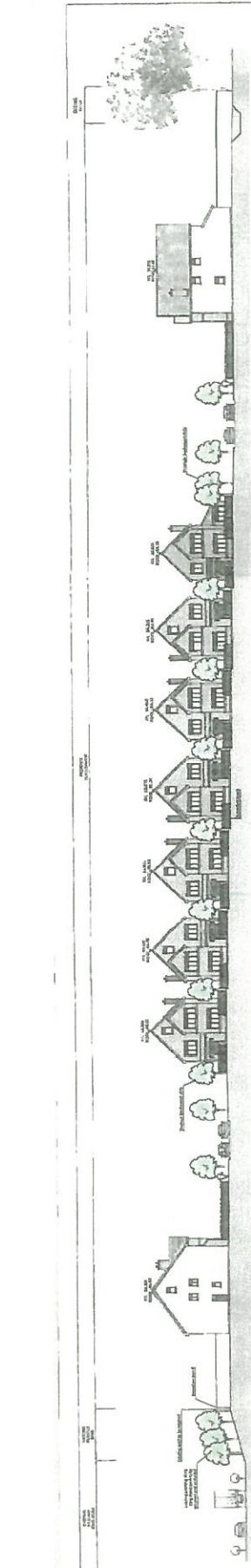
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HOUSE TYPE	DESCRIPTION
	HOUSE TYPE 1 Single level (1.5 car garage) Approx. 1000 sq. ft. with 1.5 car garage Includes landscaping and driveway
	HOUSE TYPE 2 Single level (1.5 car garage) Approx. 1000 sq. ft. with 1.5 car garage Includes landscaping and driveway
	HOUSE TYPE 3 Single level (1.5 car garage) Approx. 1000 sq. ft. with 1.5 car garage Includes landscaping and driveway
	HOUSE TYPE 4 Single level (1.5 car garage) Approx. 1000 sq. ft. with 1.5 car garage Includes landscaping and driveway
	HOUSE TYPE 5 Single level (1.5 car garage) Approx. 1000 sq. ft. with 1.5 car garage Includes landscaping and driveway
	HOUSE TYPE 6 Single level (1.5 car garage) Approx. 1000 sq. ft. with 1.5 car garage Includes landscaping and driveway
	HOUSE TYPE 7 Single level (1.5 car garage) Approx. 1000 sq. ft. with 1.5 car garage Includes landscaping and driveway
	HOUSE TYPE 8 Single level (1.5 car garage) Approx. 1000 sq. ft. with 1.5 car garage Includes landscaping and driveway
	HOUSE TYPE 9 Single level (1.5 car garage) Approx. 1000 sq. ft. with 1.5 car garage Includes landscaping and driveway
	HOUSE TYPE 10 Single level (1.5 car garage) Approx. 1000 sq. ft. with 1.5 car garage Includes landscaping and driveway
	HOUSE TYPE 11 Single level (1.5 car garage) Approx. 1000 sq. ft. with 1.5 car garage Includes landscaping and driveway
	HOUSE TYPE 12 Single level (1.5 car garage) Approx. 1000 sq. ft. with 1.5 car garage Includes landscaping and driveway
	HOUSE TYPE 13 Single level (1.5 car garage) Approx. 1000 sq. ft. with 1.5 car garage Includes landscaping and driveway
	HOUSE TYPE 14 Single level (1.5 car garage) Approx. 1000 sq. ft. with 1.5 car garage Includes landscaping and driveway
	HOUSE TYPE 15 Single level (1.5 car garage) Approx. 1000 sq. ft. with 1.5 car garage Includes landscaping and driveway
	HOUSE TYPE 16 Single level (1.5 car garage) Approx. 1000 sq. ft. with 1.5 car garage Includes landscaping and driveway
	HOUSE TYPE 17 Single level (1.5 car garage) Approx. 1000 sq. ft. with 1.5 car garage Includes landscaping and driveway
	HOUSE TYPE 18 Single level (1.5 car garage) Approx. 1000 sq. ft. with 1.5 car garage Includes landscaping and driveway
	HOUSE TYPE 19 Single level (1.5 car garage) Approx. 1000 sq. ft. with 1.5 car garage Includes landscaping and driveway
	HOUSE TYPE 20 Single level (1.5 car garage) Approx. 1000 sq. ft. with 1.5 car garage Includes landscaping and driveway

o'doly architects
PROJECT: PROJECT PROPOSAL DEVELOPMENT
LOCATION: 1411 W. 15TH ST., CALUMET, ILL. 60009
CLIENT: VILLAGE OF CALUMET
DATE: 08/20/2013
SCALE: A-F-003
DRAWN BY: [Name]
CHECKED BY: [Name]
DATE: 08/20/2013
PROJECT NO.: [Number]

PLANNING SECTION
8 SEP 2013 15:37

PROJECT SHEET
PROJECT SHEET
DRAWN BY: [Name]
CHECKED BY: [Name]
DATE: 08/20/2013
PROJECT NO.: [Number]



Proposed Boundary Treatments

- BOUNDARY TYPE 1 - 2" POLYMER CONCRETE CURB WITH 1" GRANULAR FILL AND 1" GRANULAR FILL
- BOUNDARY TYPE 2 - 4" HIGH CAPTOP JUNCTION AND 1" GRANULAR FILL
- BOUNDARY TYPE 3 - 2" POLYMER CONCRETE CURB AND 1" GRANULAR FILL
- BOUNDARY TYPE 4 - 4" GRANULAR FILL AND 1" GRANULAR FILL
- BOUNDARY TYPE 5 - 4" GRANULAR FILL AND 1" GRANULAR FILL
- BOUNDARY TYPE 6 - 4" GRANULAR FILL AND 1" GRANULAR FILL
- BOUNDARY TYPE 7 - 4" GRANULAR FILL AND 1" GRANULAR FILL
- BOUNDARY TYPE 8 - 4" GRANULAR FILL AND 1" GRANULAR FILL
- BOUNDARY TYPE 9 - 4" GRANULAR FILL AND 1" GRANULAR FILL
- BOUNDARY TYPE 10 - 4" GRANULAR FILL AND 1" GRANULAR FILL
- BOUNDARY TYPE 11 - 4" GRANULAR FILL AND 1" GRANULAR FILL
- BOUNDARY TYPE 12 - 4" GRANULAR FILL AND 1" GRANULAR FILL
- BOUNDARY TYPE 13 - 4" GRANULAR FILL AND 1" GRANULAR FILL
- BOUNDARY TYPE 14 - 4" GRANULAR FILL AND 1" GRANULAR FILL
- BOUNDARY TYPE 15 - 4" GRANULAR FILL AND 1" GRANULAR FILL
- BOUNDARY TYPE 16 - 4" GRANULAR FILL AND 1" GRANULAR FILL
- BOUNDARY TYPE 17 - 4" GRANULAR FILL AND 1" GRANULAR FILL
- BOUNDARY TYPE 18 - 4" GRANULAR FILL AND 1" GRANULAR FILL
- BOUNDARY TYPE 19 - 4" GRANULAR FILL AND 1" GRANULAR FILL
- BOUNDARY TYPE 20 - 4" GRANULAR FILL AND 1" GRANULAR FILL

SECTION CHANGING OF FROM BOUNDARY AND LEGEND

SECTION CHANGING OF FROM BOUNDARY AND LEGEND