



Kilkenny County Council

Proposed Amendment No. 1 to Castlecomer LAP - Core Strategy

To make a submission to this Proposed Amendment you can either:

- Write to: Director of Services, Planning, County Hall, John St., Kilkenny
- Email localareaplans@kilkennycoco.ie or
- Make a submission online at <http://lap.kilkennycoco.ie>

Proposed Amendment 1 to Castlecomer Local Area Plan December 2011

Introduction

Section 7 of the Planning and Development (Amendment) Act 2010, sets out that the written statement of a Development Plan must contain a Core Strategy which shows that the development objectives in the development plan are consistent, as far as practicable, with national and regional development objectives set out in the National Spatial Strategy and Regional Planning Guidelines. A planning authority shall prepare a core strategy not later than one year after the making of the Regional Planning Guidelines and shall accordingly vary the development plan. The Regional Planning Guidelines for the South East Region (RPGs) were adopted on the 26th July 2010. Variation 2 which provides for the inclusion of the core strategy in the County Development Plan 2008-2014, was adopted on the 19th September 2011.

That Variation includes a policy PS7, 'To amend the LAPs for Callan, Castlecomer, Graiguenamanagh and Thomastown adopted in 2009 to take account of the Core Strategy for the County'.

As at October 2011, the Castlecomer Local Area Plan (LAP) contained a total of 28 hectares of undeveloped land, zoned for residential uses, or for a mix of residential and other uses.

The RPGs set out a projected population expansion for each county in the region and to accommodate this, determined that in the order of 254 hectares will be required over the period 2010-2016 for Kilkenny city and county. The RPGs have divided the county allocation between the gateway (Waterford Environs in County Kilkenny, which is covered by the Ferrybank/Belview LAP), the hub (Kilkenny City) and the remainder of the county. The Core Strategy Table, on page 18 of Variation 2, set out that the housing land requirement for Castlecomer was 3.5 hectares. Therefore this amendment involves a significant level of change through phasing of development land, in order to meet the objectives of the RPGs and the County Core Strategy.

A Flood Risk Assessment was carried out as part of the Strategic Environmental Assessment screening for this amendment, and this resulted in proposed changes to the Infrastructure/ Flood policies.

This amendment should be read in conjunction with the Castlecomer LAP 2009.

Proposed deletions to the LAP are displayed in ~~strike through~~ and proposed insertions are presented in *italics*.

Section 2 Strategic Context

Section 2.3 replace heading Guidelines on Sustainable Residential Development in Urban Areas (~~Dec 2008~~) (May 2009)

Section 2.5 (~~Draft~~) Planning Guidelines 'The Planning System and Flood Risk Management'

Section 2.6 delete entire section (2.6.1-.2.6.8) and replace with the following

2.6 Regional Planning Guidelines for the South East Regional Authority 2010-2022

2.6.1 Castlecomer is identified as a district town in the Regional Planning Guidelines. 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. These centres have well developed services and community facilities and have the capacity to accommodate additional growth (subject to certain physical infrastructural investments)

Section 3 General Context

Section 3.8. Water Supply and Wastewater treatment

Delete section 3.8 and replace with

3.8.2 Current wastewater treatment capacity stands at 2500 population equivalent (PE). The treatment Works is located at the southern end of town which discharges effluent to the River. Proposals are ongoing to improve the effluent quality as required by the Water Framework Directive. To mitigate against any further deterioration on the effluent quality Any significant additional development in Castlecomer will not be permitted pending the upgrade of the necessary water services infrastructure.

Section 3.9 Drinking Water Quality

3.9.3. The Clogh- Castlecomer WS ~~has~~ had been placed on the Remedial Action List due to elevated levels of Trihalomethanes (THM) above the current standard in the drinking water Regulations. ~~THM are..... and inorganic matter in water.~~, Work was undertaken to address this and the scheme has since been removed from the Remedial Action List.

3.11 Flooding, delete section in its entirety and delete figure 3.3.

Section4 Development Strategy

Section 4.2 Population Trends and Projections

Delete entire section and replace with as follows

4.2 Core Strategy

Section 7 of the Planning and Development (Amendment) Act 2010, sets out that the written statement of a Development Plan must contain a Core Strategy which sws that the development objectives in the development plan are consistent, as far as practicable, with national and regional development objectives set out in the National Spatial Strategy and Regional Planning Guidelines. A planning authority shall prepare a core strategy not later than one year after the making of the

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Regional Planning Guidelines and shall accordingly vary the development plan. The Regional Planning Guidelines for the South East Region (RPGs) were adopted on the 26th July 2010. Variation 2 which provides for the inclusion of the core strategy in the County Development Plan 2008-2014, was adopted on the 19th September 2011.

Section 3.3.8 of the County Development Plan (as varied) sets out a population and housing land requirement for each of the District Towns, including Castlecomer. The estimated population in 2010 was obtained by applying its percentage share of the County's population in 2006 (2%) to estimated figure for the County's population under the RPG's in 2010 (96,872). The figure for 2016 is obtained by applying its percentage share (2.1%) of the growth in the County's population to 2016 (8,726) and adding that to the 2010 estimated figure. The projected population for Castlecomer is shown in Table 4.1.

Table 4.1

Town	YEAR			
	2002	2006	2010	2016
Castlecomer	1,482	1,531	1,646	2,794 (148 additional)

Variation no 2 to the County Development Plan, Core Strategy set out that a total of 3.5 ha of land would be required in Castlecomer to cater for its expansion to 2016. This was determined based on an average household size of 3 and an average density of 15 dwelling per hectare.

As of October 2011, the total amount of undeveloped residentially or mixed use zoned lands within the plan area totalled 28 hectares.

Table 4.2 below sets out the undeveloped land and the total amount of land with extant permissions in Castlecomer.

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Table 3.1: Undeveloped residential/mixed use zoned land in Castlecomer as at October 2011

	Undeveloped land in hectares	Land with extant permission
Phase 1 land	12.38	9.3
Phase 2 land	15.5	0
Total	27.8	

Source: OS mapping and Planning Department information, 2011

The population allocation for Castlecomer as stated in the Core Strategy, is an additional 148 people to 2016. It is clear that the land currently zoned for residential development (28ha) could far exceed this demand. Therefore, it is recommended that a significant proportion of the land is phased for development. Development will be permitted in principle on Phase 1 lands during the period of this Plan (to 2015). Development will not be permitted on Phase 2 lands during the lifetime of this plan.

The principles underlying the phasing approach are as follows:

- *National/Regional/Local Policy Context (i.e. the NSS, RPGs, County core strategy etc.)*
- *Demographic and socio-economic trends*
- *Assessment of need for housing*
- *Water, drainage and road infrastructure (existing and planned)*
- *Flood Risk Assessment*
- *Supporting infrastructure. (social, community and commercial, both existing and planned)*
- *Physical suitability*

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- *Environmental policy (ground and surface water quality, flooding, etc.)*
- *Heritage policy*
- *Sequential approach (zoning should extend outwards from the core of an urban area, with undeveloped lands closest to the core and public transport routes being given preference. In addition, areas to be zoned should be contiguous to existing zoned development lands)*

The proposed phasing is based on the principles of sustainable development as outlined above, in addition to the planning histories and the potential of sites coming forward for development. The areas of phasing are set out below in Table 4.3.

Table 4.3: Amount of undeveloped zoned land in Castlecomer by Proposed phase

Zone	Phase 1 land (ha)	Phase 2 land (ha)	Total (ha)
Residential	9	15.5	
Mixed	3.38	0	
Total	12.38	15.5	27.8

Phase 1 land

Phase 1 land will be considered for development during the lifetime of this Plan. However, it is clear that the total amount of zoned land in Phase 1 – 12.5 hectares – could cater for a greater expansion than that envisaged by the Core Strategy. Therefore, any application for residential development, either a new application or application for extension of duration of permission on Phase 1 lands (where substantial works have not been completed), shall be subject to a Core Strategy Justification Test. This Core Strategy Justification Test shall consider the demand for the development, the availability of services, the transport infrastructure and the contribution of the development to the plan objectives for the area.

Any such application shall be accompanied by a Core Strategy Justification statement, which will examine:

- *How the development is consistent with the Development Plan Core Strategy*
- *The demand for the proposed development based on an assessment of existing housing vacancy, unfinished estates and the unit types in the area*
- *The capacity of services in the area to cater for the proposed development, including childcare, schools, other community services, open space, retail and commercial services*
- *The provision of transport infrastructure in the area, and how the proposed development will contribute across all modes (vehicular, cycle and pedestrian linkages)*
- *The contribution of the proposed development to the achievement of objectives outlined in the LAP*
- *In the case of applications for extensions of duration, an assessment of how the development is in accordance with the current LAP, the Guidelines on Sustainable Residential Development in Urban Areas, and (where necessary) the Guidelines on Sustainable Urban Housing, Design Standards for New Apartments.*

Phase 1 development objective:

In addition to each zone's individual development objective, the following objective will apply on all land identified on the Zoning Map as Phase 1:

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The Council will only consider development on Phase 1 lands where the Core Strategy justification statement demonstrates that the proposed development is consistent with the County Core Strategy, having regard to all of the criteria outlined above.

Phase 2 land

In general, Phase 2 land will act as a strategic reserve.

Significant residential development will not be permitted on Phase 2 lands, but new land uses other than significant residential development will be considered on their merits having regard to the strategic nature of the phase 2 lands and general planning considerations.

Applications for single houses on the phase 2 lands will be considered on the same basis as lands zoned as Agriculture as outlined in Table 5.5 Land Use Zoning Objectives Agriculture of the LAP.

Expansion of existing land uses within the Phase 2 lands will be considered on a case by case having regard to the potential impacts on the strategic nature of the phase 2 lands and general planning considerations.

Phase 2 development objective:

Phase 2 lands will allow for a sequential approach to development. Any application for development will be assessed against the strategic nature of the Phase 2 lands and the principles set out above.

Section 4.5 Strategic Vision

By 2020 , Castlecomer will be a compact , sustainable vibrant town of ~~between 3,000 and 4,000~~ ~~persons~~ supported by a growth in retail services, jobs, tourism and community facilities.

Delete : section 4.6.2 Reassessment of existing zoning: section 4.6.2

Existing Zoning

Delete: 4.6.3

Proposed Zoning

Delete 4.6.4

Delete Table 4.3

Mixed Use

Delete 4.6.6

Delete figure 4.1

Delete residential 4.6.10

Replace figure 4.2 Zoning Map with new Zoning Map

Section 5 Plan Policies and Controls

Delete section 5.12 Flood Risk and replace with

Planning System and Flood Risk Management – Guidelines for Planning Authorities 2009.

Flood risk in the Plan area will be managed through compliance with the Planning System and Flood Risk Management – Guidelines for Planning Authorities 2009.

The Guidelines outline three key principles that should be adopted by regional authorities, local authorities, developers and their agents when considering flood risk. These are:

- *Avoid the risk, where possible,*
- *Substitute less vulnerable uses, where avoidance is not possible, and*
- *Mitigate and manage the risk, where avoidance and substitution are not possible*

Flood Management Strategy

The Council shall adopt a comprehensive risk-based planning approach to flood management to prevent or minimise future flood risk. In accordance with the Guidelines, the avoidance of development in areas where flood risk has been identified shall be the primary response.

Proposals for mitigation and management of flood risk will only be considered where avoidance is not possible and where development can be clearly justified with the guidelines' Justification Test.

Avoidance of development in flood risk areas

Flood zones are geographical areas within which the likelihood of flooding is in a particular range and they are a key tool in flood risk management within the planning process as well as in flood warning and emergency planning. There are three types or levels of flood zones defined for the purposes of the guidelines:

- *Flood zone A – where the probability of flooding is highest (greater than 1% or 1 in 100 for river flooding or 0.5% or 1 in 200 for coastal flooding) and where a wide range of receptors would be vulnerable;*
- *Flood zone B – where the probability of flooding is moderate (between 0.1% or 1 in 1000 and 1% or 1 in 100 for river flooding and between 0.1% or 1 in 1000 year and 0.5% or 1 in 200 for coastal flooding); and*
- *Flood zone C – where the probability of flooding is low (less than 0.1% or 1 in 1000 for both river and coastal flooding).*

As part of the Strategic Environmental Assessment Screening for Amendment No. 1, a Flood Risk Assessment was carried out. This has identified an area within which development proposals shall be the subject of a site-specific Flood Risk Assessment. This FRA shall be appropriate to the type and scale of the development being proposed and shall be carried out in line with the Guidelines.

F1 Policy: Applications for development in lands identified as being located in an area of flood risk sites adjoining an area of flood risk on the FRA map, shall be the subject of a site-specific Flood Risk Assessment appropriate to the type and scale of the development being proposed, in line with the DoEHLG Guidelines "The Planning System and Flood Risk Management" November 2009. A site specific FRA may be required for sites adjoining an area of flood risk.

F2 Policy: For any development, where flood risk may be an issue, a flood risk assessment should be carried out that is appropriate to the scale and nature of the development and the risks arising. The applicant is primarily responsible in the first instance for assessing whether there is a flood risk issue and how it will be addressed in the development they propose.

F3 Policy: Development that is vulnerable to flooding will not be permitted in an area identified as subject to flood risk, without a site specific flood risk assessment. Any development will not be permitted unless the criteria as set out in the Justification Test are satisfied.

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Section 5.1.3

Wastewater Treatment Works

Delete IN2 and replace with

Any significant additional development in Castlecomer will not be permitted pending the upgrade of the necessary water services infrastructure.

Section 5.16 Natural Heritage

The River Barrow and River Nore SAC

NH2..... natural amenity potential of this site subject to

- ~~• Protection of this site in accordance with National and European legislation ensuring that any development in or near the SAC will avoid any significant adverse impact on the features for which site has been designated.~~
- ~~• Consultation with the prescribed bodies and relevant government agencies when assessing developments which are likely to impact on designated natural heritage sites or those sites proposed to be designate; and~~
- ~~• The requirement for an appropriate assessment in respect of any proposed development likely to have an impact on a designated natural heritage site, or those sites proposed to be designated.~~

Policy: Ensure that any plan or project which has the potential to directly, indirectly or cumulatively impact on a site protected under European legislation (SAC or SPA) is accessed in accordance with Article 6 of the habitats Directive in order to avoid adverse impacts on the integrity and conservation objectives of the site. Any such plans or projects shall be referred to the Department of Arts, Heritage and the Gaeltacht for comments. Potential threats to a designated site may arise from developments such as water abstraction, or discharges from wastewater treatment plants, surface water or surface water attenuation at locations which are geographically remote from the site, through hydrological links with the designated site (tributaries, streams, drainage ditches and drains) .

The Appropriate Assessment of the Castlecomer Local Area Plan carried out in October 2008 identified one habitat in Castlecomer, located outside the cSAC boundary, as being of 'high value, locally important'¹. This habitat will be identified on a revised Figure 5.2: Castlecomer Environmental Constraints in the LAP. Policies for nature conservation outside of designated areas are found in Section 8.2.3 of the CDP, policies H13-17.

Insert SAC Map as Figure 5.2.A

¹ *Appropriate Assessment of the Castlecomer Local Area Plan in relation to the River Barrow and River Nore, Special Areas of Conservation prepared by Colin Buchanan in association with Openfield Ecological Services, September 2008.*

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Land Use Zoning Objectives

Insert Agriculture Zoning into Table 5.5

<i>Land Use</i>	<i>Objective</i>	<i>Permitted Uses</i>	<i>Open for Consideration</i>
<i>Agriculture</i>	<i>To provide for agriculture and related uses while protecting these lands for potential future development</i>	<i>Agriculture, horticulture, public service installations, housing for immediate members of farmers' families (sons and Daughters) and or persons whose primary employment is in agriculture, horticulture, forestry or bloodstock, or other rural based activity in the area which they wish to build.</i>	<i>Public Open Space, guesthouse, restaurant, Nursing home, halting site, private open space, other uses not contrary to the proper planning and sustainable development of the area.</i>

Section 7: Development Briefs

7.6 Ballyhimmin Located in Phase 2

7.7 Athy Road Located in Phase 2

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Core Strategy Table

Castlecomer	Core Strategy Population Allocation (2010) to (2016)	Housing land requirement (ha)	Existing Zoning (ha)	Proposed Zoning phase 1 (ha)	Housing Yield (Residential Lands - units) ²	Housing Yield (Other Lands - units) ³	Excess (ha)
Total	148	3.5 ⁴	28	12.5			9 ⁵
Residential zoning				9.12	137		
Mixed use zoning				3.38		0	

List of Maps:

Map 1: Land Use Zoning
Introduce Phase 2 zoning, and new residential

Natural Heritage
Figure 5.2.A- Map of *Castlecomer Environmental Constraints*

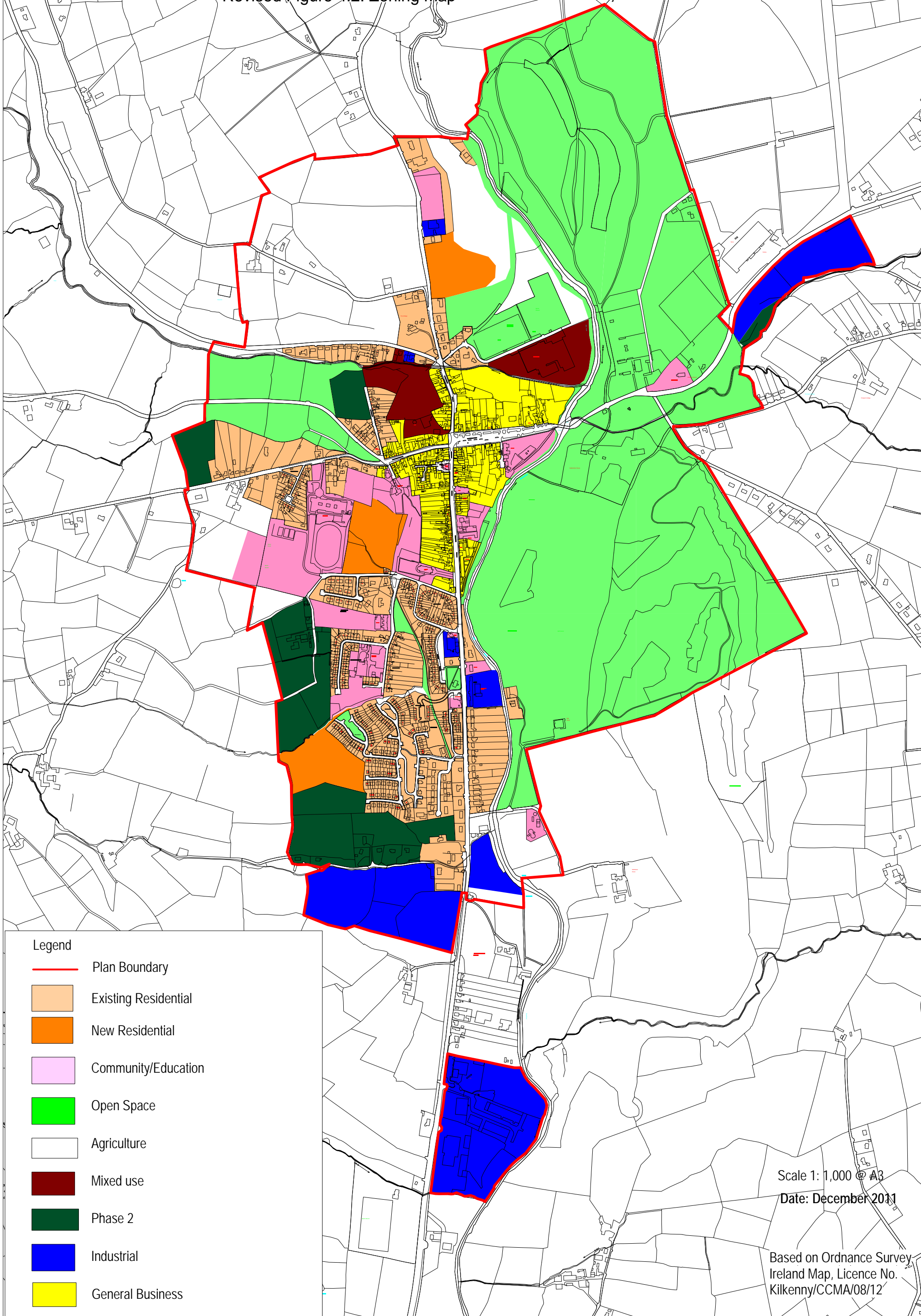
² An average density of 15 units per hectare has been applied.

³ An analysis of each site zoned for mixed use has been conducted, examining whether it is likely that a significant number of residential units will be developed during the plan period. This analysis found that none of the sites were likely to undergo significant residential development during this period, therefore no units have been allocated here.

⁴ This was determined based on an average household size of 3 and an average density of 15 dwelling per hectare, on the basis of an increase of 148 in population .

⁵ As outlined in section 4.2 Core Strategy, each application on Phase 1 lands shall demonstrate how it is consistent with the core strategy through the submission of a Core Strategy Justification Statement. Each application will be dealt with on its merits.

Amendment No. 1 to Castlecomer Local Area Plan 2009-2015
Revised Figure 4.2: Zoning map



Legend

- Plan Boundary
- Existing Residential
- New Residential
- Community/Education
- Open Space
- Agriculture
- Mixed use
- Phase 2
- Industrial
- General Business

Scale 1: 1,000 @ A3
Date: December 2011

Based on Ordnance Survey
Ireland Map, Licence No.
Kilkenny/CCMA/08/12

Amendment 1 to Castlecomer Local Area Plan 2009
Map 5.2A Environmental Constraints

