

***Manager's Report on submissions received to
Material Alterations to Draft Fiddown
& Piltown Local Area Plans 2010***

***Kilkenny County Council
Forward Planning***



January 2011

1.0 Introduction

This report presents the submissions and observations made following the display period (17th November to 17th December 2010) of the proposed Material Alterations to the Draft Fiddown and Piltown Local Area Plans, and sets out the Manager's response to the issues raised. The report forms part of the statutory procedure for preparing a Local Area Plan (LAP) which is set out in Section 20 of the Planning and Development Acts, 2000-2010.

A total of 6 written submissions and observations were received. A full list of the individuals or groups who made submissions is contained in this report.

2.0 Contents of Manager's Report

Part A of this Manager's Report:

- Lists the persons who made submissions or observations;
- Summarises the issues raised in the submissions or observation;
- Contains the opinion of the Manager in relation to the issues raised and his recommendations in relation to the proposed local area plan, taking account of:
 - The proper planning and sustainable development of the area,
 - The statutory obligations of any local authority in the area,
 - Any relevant policies or objectives of the Government or of any Minister of the Government.

Under the heading of 'Matters Arising', Part B responds to comments and observations raised through internal circulation of the proposed Material Alterations to the Draft LAPs within the County Council.

Any paragraph, policy or objective to be amended in the LAPs is reproduced in full, with deleted text (~~with strikethrough~~) and additional text in ***bold italics***.

Where an amendment is proposed to the Draft LAP, the proposed amendment is preceded by '**Recommend Amendment:**'

3.0 Progress to Date and Next Steps

To date, the process of preparing the Draft LAP for Piltown has been as follows:

6 th Nov – 15 th Jan 2009	Formal notification in <i>Kilkenny People</i> of intention to prepare LAPs, preparation of Draft LAPs, and receipt of public submissions.
10 th November 2009	Public consultation workshop held in Piltown Parish Community Centre for Fiddown & Piltown LAPs.
December – July 2010	Preparation of Draft LAPs.
7 th July – 20 th Aug 2010	Draft LAPs placed on Public Display for a period for 6 weeks, and receipt of written submissions/ observations from the public and other bodies/organisations.
29 th July 2010	Public consultation information evening in Piltown Parish Community Centre as part of the consultation process for the Fiddown & Piltown LAPs.
October 2010	Circulation of Manager's Reports on Submissions received to the Draft LAPs.
1 st November 2010	Consideration of Manager's Reports on Submissions received to the Fiddown & Piltown Draft LAPs at a Special Meeting of the Council, at which the Members of Kilkenny County Council considered that the Fiddown and Piltown LAPs should be altered in accordance with the recommendations of the afore-mentioned Manager's Reports.
17 th Nov-17 th Dec 2010	Proposed Material Alterations placed on public display and receipt of written submissions/ observations from the public and other bodies/ organisations.
Current Stage	Manager's Report on submissions to the proposed Material Alterations to the Draft Fiddown & Piltown LAPs prepared and submitted to the Members for their consideration.

Following consideration of this Manager's Report, the local area plans shall be made by resolution, with all, some or none of the material alterations as published. Where the Planning Authority decides to make the plans or change the material alterations of the plans by resolution, it shall be necessary to be passed by not less than half the members of the Planning Authority. A further modification to the material alteration may be made where it is minor in nature and therefore not likely to have significant effects on the environment and shall not be made where it refers to an increase in the area of land zoned for any purpose, or an addition to or deletion from the record of protected structures. Where performing their functions, the members of the Planning Authority shall be restricted to considering the proper planning and sustainable development of the area, the statutory obligations of any Local Authority in the area and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.

List of Submissions Received:

Reference	Name/ Group
P-MA-1/ F-MA-1	An Bord Pleanala
P-MA-2/ F-MA-2	Minister's Office, Department of the Environment, Heritage and Local Government
P-MA-3	Keep Piltown Tidy
P-MA-4/ F-MA-3	Environmental Protection Agency
P-MA-5/ F-MA-4	Department of Communications, Energy and Natural Resources
P-MA-6/ F-MA-5	Planning System & Spatial Policy, Department of Environment, Heritage and Local Government.

Note: Five of the six submissions received relate to both the Fiddown and Piltown Draft Local Area Plans; this Manager's Report therefore addresses the issues relating to both local area plans.

4.0 Submissions Received and Manager's Response and Recommendation

An Bord Pleanala

Reference: P-MA-1/ F-MA-1

Comment: Acknowledge receipt of proposed material alterations. No comment made.

Response: *Noted.*

Recommend: No change.

Minister's Office, Department of the Environment, Heritage and Local Government

Reference: P-MA-2/ F-MA-2

Comment: Acknowledge receipt of proposed material alterations. No comment made.

Response: *Noted.*

Recommend: No change.

Keep Piltown Tidy

Reference: P-MA-3

Comment: (i) *'At the rear of the market house is a commodious quay erected a few years since at the expense of Viscount Duncannon, at which not less than 126 boats discharge their cargo in a given year'* (Samuel Lewis' Topographical Dictionary of Ireland 1837). The Pill River was used extensively during that century; as late as 1960, sand and gravel was drawn by barge and sold from the creamery quay. The barge used during the latter period is now a house boat. With the decline in trade the river became difficult to negotiate. In 2005 K.P.T. together with Glanbia and a group of concerned residents re-opened the area; permission was given by the O.P.W. (Joe Pat O' Donnell). The present status of the river is navigable. The owners of the house-boat plan on taking their boat back to Piltown in 2011.

KPT request wording to be inserted in the LAP to the effect, that the navigability of the tidal section of the Pill River is of equal importance as any other consideration, and cannot be interfered or tampered with, and that the boat slip east of Willmount House will not be affected by this zone.

Response: *Comments noted; the plan does not preclude works being carried out to ensure the navigability of the tidal section of the Pill River and the zoning does not propose to affect the boat slip; however due to the inclusion of this area of river within the European designation of a cSAC as part of the Lower River Suir, policies in the draft plan have been included to ensure protection of the habitat network and species contained in this area, with any works to be carried out in consultation with the relevant statutory agencies .*

Recommend: No change.

Comment: The cast iron pump on the island near Anthony's Inn was given to K.P.T. on loan in 1988. Unsure of date it was put in its present position. The donor of the pump is deceased and perhaps the pump will not have to be returned. However it may be best if it was not included on the list of protected structures.

Response: *Noted. This report relates only to comments received in relation to proposed material alterations, no proposed material alterations were made relating to*

the pump. However the process for consideration of proposed protected structures will take place as a separate public consultation process, and submissions will be received in relation to same at a future date.

Recommend: No change.

Environmental Protection Agency

Reference: P-MA-4/ F-MA-3

Comment: (i) It is a matter for Kilkenny County Council to determine whether or not any future proposed Amendments/ Material Alterations would be likely to have significant effects on the environment.

Response: *Noted. Environmental Screening Reports have been prepared in relation to the proposed Material Alterations for both draft plans.*

Recommend: No change.

Comment: (ii) In implementing the plans, adequate and appropriate infrastructure should be in place, or required to be put in place, to service any development proposed and authorised during the lifetime of the particular plans. In particular, adequate and appropriate wastewater treatment, water supply, surface and storm water drainage, transport, waste management, community services and amenities etc. should be planned and phased to address any current problems of deficits and to reflect predicted increases in population.

Response: *Noted. The plans acknowledge deficits in infrastructure and provide for sustainable growth in line with infrastructure improvements.*

Recommend: No change.

Comment: (iii) It is a matter for Kilkenny County Council to ensure that, when undertaking and fulfilling their statutory responsibilities; they are at all times compliant with the requirements of national and EU environmental legislation.

Response: *Noted. The process for preparation of both plans and their associated environmental reports has been carried out in accordance with the requirements of national and EU environmental legislation.*

Recommend: No change.

Comment: (iv) The Mooncoin RWSS is currently on the EPA's most recent Drinking Water Remedial Action List as a result of 'excessive levels of aluminium in the treated water'.

Response: *Noted; this will be addressed through the Water Services operational functions.*

Recommend: No change.

Comment: (v) The Mooncoin Waste Water Treatment Plant was found to be 'non-compliant with the overall requirements of the Urban Waste Water Treatment Regulations (2001)' in 2009.

Response: *Noted. This will be addressed in the Mooncoin draft LAP.*

Recommend: No change.

Comment: (vi) Consideration should be given into assessing existing and proposed zoning/ rezoning/ development against the potential for flood risk to ensure appropriateness of land use. In addition, any recommendations which may be forthcoming from the Suir CFRAMS, currently undertaking SEA, should be integrated as appropriate and relevant into each of the Local Area Plans.

Response: *Noted. A Stage 1 & Stage 2 Flood Risk Assessment has been carried out in relation to zonings for both plans, and a justification test has been carried out in relation to zonings within areas of flood risk in Piltown. The draft plans require that a stage 3 assessment may be required for proposals within areas of flood risk. The Suir CFRAMS is ongoing, and recommendations are not, as yet, available.*

Recommend: No change.

Comment: (vii) Section 2.2 of the Draft Fiddown LAP – ‘Water Supply’ - consider amending the proposed alteration as follows ‘future development in Fiddown will be considered ~~having regard~~ **subject** to the availability of an adequate supply of potable water’.

Response: *Noted; will alter wording as suggested.*

Recommend Amendment:

Fiddown Draft LAP section 2.2.1 ‘Water Supply’, amend wording as follows: Future development in Fiddown will be considered ~~having regard~~ **subject** to the availability of an adequate supply of potable water to service the development.

Comment: (viii) The de-zoning proposed as a result of assessing existing zoned lands and risk of flooding in the Piltown Local Area Plan is welcomed and acknowledged.

Response: Noted.

Recommend: No change.

Comment: (ix) It is noted that some local clearing of the Pil River has occurred to assist in reducing in part, risk of flooding, it should be ensured that existing ecological linkages are protected and protected species are not disturbed adversely. Any clearance works to be carried out should be conducted in consultation and agreement with the relevant statutory bodies and in accordance with the relevant environmental legislation.

Response: *The draft Piltown LAP contains policies for the protection of the existing ecological networks and protected species in the vicinity of the Pil River, and provides for consultation with statutory bodies in relation to any works to be carried out in the area.*

Recommend: No change.

Comment: (x) Reminder of the requirements under the SEA Regulations to give notice to the Minister for the Environment, Heritage and Local Government, and also to the Minister for Communications, Energy and Natural Resources.

Response: *Noted; notice given to the Minister of both departments in accordance with the regulations.*

Recommend: No change.

Comment: (xi) Reminder that a copy of decision regarding the determination should be made available for public inspection at your offices and should be notified to any Environmental Authorities already consulted.

Response: *Reminder is noted.*

Recommend: No change.

Department of Communications, Energy and Natural Resources
Reference: P-MA-5/ F-MA-4

Comment: No comments to make; this is without prejudice to any comments Inland Fisheries Ireland may have in this regard.
Response: *Noted.*
Recommend: No change.

Planning System & Spatial Policy, Department of the Environment, Heritage and Local Government
Reference: P-MA-6/ F-MA-5

Comment: (i) The Kilkenny County Development Plan 2008-2014 will have to incorporate a Core Strategy in accordance with 2010 Planning and Development (Amendment) Act by 26th July 2011. This may require a further review of the Fiddown and Piltown LAP.
Response: *Noted; the Council will comply with the requirements of the Planning and Development (Amendment) Act 2010 under a separate process.*
Recommend: No change.

Comment: (ii) Commend proposed amendments to the draft Fiddown and Piltown Local Area Plans which now refer to (a) the location of the settlements in an area designated as a 'Stronger Rural Area' as defined by the 'Sustainable Rural Housing Guidelines', (b) their designation as a 'smaller town and village' in the County Settlement Strategy, and (c) designated as a 'local services centre' in the County Retail Strategy.
Response: *Noted.*
Recommend: No change.

Comment: (iii) The Departments previous comments that the draft Piltown LAP would benefit from the inclusion of a policy which states that development of the village will be phased in line with the provision of potable water still applies.
Response: Propose inclusion of additional sentence in the Piltown draft LAP in section 2.2.1 'Water Supply' as set out below.

Recommend Amendment:

Future development in Piltown will be considered subject to the availability of an adequate supply of potable water to service the development.

5.0 Matters Arising

This section of the report responds to comments and observations raised through internal circulation of the Draft LAP within the County Council.

Recommend Amendment:

(i) Amend section 2.2.1 'Water Supply' as follows:

A Water Conservation Project is underway across the county at present. The first stage of this project divided the water supply schemes into different zones and installed meters. The second stage is active leakage control, which includes detecting and repairing leaks. A county-wide mains rehabilitation & replacement programme is *proposed to be carried out* ~~due to commence in 2011~~ as phase 3 of the project, thereby further reducing 'unaccounted for water'.