



**Comhairle Chontae Chill Chainnigh
Kilkenny County Council**

**Chief Executive's Report on Submissions received to
Proposed Variation no. 4**

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Director of Services**

March 2025

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1 Introduction

This report addresses the submissions received during the 4-week public consultation period from **Friday 7th February 2025 to Friday 7th March 2025** in relation to Proposed Variation no. 4 to the Kilkenny City and County Development Plan 2021 – 2027.

The purpose of the report is to:

(a) Report on the written submissions/observations received in relation to Proposed Variation no. 4 during the public consultation period.

(b) Set out the Chief Executive's response to the issues raised in the submissions/observations and;

(c) Make recommendations to the Elected Members on the issues arising from the consultation process.

This report is being furnished to the Elected Members of Kilkenny County Council, for their consideration.

1.1 Proposed Variation

The purpose of this variation is to provide for two distinct measures to the Kilkenny City & County Development Plan 2021 – 2027.

The first of these is Variation 4A which is to incorporate into the Kilkenny City and County Development Plan 2021 – 2027 the essential elements of the Loughmacask Masterplan to give it a statutory basis for its implementation.

The second, Variation 4B, is to amend Section 10.1.7 of the Kilkenny City & County Development Plan 2021 – 2027. Variation 4B will allow for private waste water treatment systems in circumstances where the Council is satisfied that the ongoing management and maintenance of any on-site wastewater treatment system, can be maintained in the context of the proposed development as a going concern, in compliance with EPA standards and subject to a Waste Water Discharge Licence / Certificate of Authorisation as may be issued by Kilkenny County Council. Variation 4B however will not be applicable to housing developments.

The Proposed Variation 4 was subject to Strategic Environmental Assessment (SEA) Screening and Appropriate Assessment (AA) Screening.

1.2 Planning Context

Section 13(4)(a) of the Planning and Development Act 2000 (as amended) states that, not later than 8 weeks after giving notice of a proposed variation to the development plan under subsection (2)(b), the Chief Executive of a planning authority shall prepare a report on any submissions or observations received under that subsection and shall submit the report to the members of the authority for their consideration.

This Chief Executive's Report has been prepared for consideration by the members of Kilkenny County Council to fulfil this requirement under Section 13(4)(a).

The required content of this Chief Executive's Report is set out under Section 13(4) of the Planning and Development Act 2000 (as amended). A report under Section 13(4)(a) shall:

- (i) List the persons or bodies who made submissions or observations under this section,
- (ii) Provide a summary of –
 - (I) the recommendations, submissions and observations made by the Minister, where the notice under paragraph (a) of subsection (2) was sent before the establishment of the Office of the Planning Regulator,
 - (II) the recommendations, submissions and observations made by the Office of the Planning Regulator and other statutory bodies, and
 - (III) the submissions and observations made by any other persons in relation to the proposed variation
- (iii) Give the response of the Chief Executive to the issues raised, taking account of 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.

Furthermore, a report under paragraph (a) shall summarise the issues raised and recommendations made by the relevant regional assembly in its written submission and outline

the recommendations of the Chief Executive in relation to the manner in which those issues and recommendations should be addressed in the development plan.

1.3 Documents on Public Display

The documents placed on public display for the Proposed Variation no. 4 were:

- The proposed Variation
- The Public Notice
- An Appropriate Assessment Screening Report
- A Strategic Environmental Assessment Screening Report

All of the above documents were placed on the consult.kilkenny.ie consultation website and on the Council's own website.

Hard copies of the documents were on public display in the Planning Office, Kilkenny County Council, County Hall, John Street, Kilkenny

The public consultation period was from **7th February 2025 – Friday 7th March 2025** (both dates inclusive) and submissions could be made by the following means:

- **By Email** to ourplan@kilkennycoco.ie
- **Online** at <http://consult.kilkenny.ie/>
- **By Written submission** to the Senior Planner, Planning Department, Kilkenny County Council, County Hall, John Street, Kilkenny.

1.4 Consideration of Variation

The members of the planning authority are required to consider the proposed variation and this Chief Executive's Report.

If the Planning Authority, after considering a submission, observation or recommendation from the Minister, Office of the Planning Regulator or Regional Authority, decides not to comply with a recommendation made by such, it shall so inform the Minister, OPR or Regional Authority as relevant as soon as practicable by written notice and shall include the reasons for the decision.

In making a variation to a development plan, the members are restricted to considering the proper planning and sustainable development of the area, the statutory obligations of a local authority and any relevant policies or objectives of the Government or any Minister of the Government.

2 Submissions received during Public Consultation

A list of the people/bodies from whom submissions were received is included below:

Reference	Name
KK-C307-1	Environmental Protection Agency (EPA)
KK-C307-2	Inland Fisheries Ireland (IFI)
KK-C307-3	Health Service Executive (HSE)
KK-C307-4	Uisce Eireann
KK-C307-5	An Taisce
KK-C307-6	Office of the Planning Regulator (OPR)
KK-C307-7	Clancy Homes
KK-C307-8	Office of Public Works (OPW)
KK-C307-9	Southern Regional Assembly
KK-C307-10	Health Service Authority (HSA)
KK-C307-11	Department of Education

The full text of all submissions is available at ;

[Proposed Variation 4 to the Kilkenny City and County Development Plan 2021 - Submissions | Kilkenny County Council Consultation Portal](#)

3 Summary of Issues Raised, Chief Executive's Response and Recommendations

Sub. No.	From	Summary of Issues	Chief Executive's Response & Recommendation
KK-C307-6	Office of the Planning Regulator	<p>The OPR has made 3 recommendations and 3 observations to the proposed variation. Recommendations relate to potential breaches of National or Regional Policy and the Planning Authority is required to implement or address the recommendations. Observations take the form of a request for further information or justification of a particular matter and the Planning authority is requested to action an observation.</p> <p>Variation 4B</p> <p>1. Recommendation 1</p> <p>Having regard to the co-ordination of development & infrastructure and in particular national policy objectives NPO57, NPO63 and NPO75 of the National Planning Framework relating to enhancement and management of water resources, environmental assessment and objectives RPO 1, 11k, and 212 of the Regional Spatial and Economic Strategy (RSES). the Planning authority is recommended to make the variation without the proposed 4B</p> <p>2. The OPR advise that the Draft Water Services Guidelines for Planning Authorities advise that solutions such as private wastewater treatment plants should not be considered by local authorities as the management, maintenance and decommissioning of these facilities cannot be assured and also have associated risks to water quality and public health. It is also unclear what</p>	Chief Executive's Response:
			<p>The Chief Executive welcomes the submission by the OPR to proposed Variation no. 4.</p> <p>1 and 2</p> <p>The intention of this variation was to facilitate a limited scale of development in settlements where there are deficiencies in public waste water treatment facilities provided it would not impact on the Council's ability to meet the requirements of the Water Framework Directive and the Habitats Directive and complies with EPA standards and any Waste Water Discharge Licence / Certificate of Authorisation. In light of this submission, further analysis on the proposed wording of the amendment and environmental assessments is required to ensure full consistency with national, regional and local objectives with regards impact of wastewater treatment</p>

		<p>provisions are in place if developments enter financial difficulties or cease operation.</p> <p>Variation 4A</p> <p>In relation to 4A, the OPR welcomes the two new zoning objectives and three land use zoning changes and these result in no impact on the Core Strategy.</p> <p>The OPR also welcomes the prioritization and integration of the active travel provision in the Loughmacask masterplan. It is recommended, (recommendation 2) following engagement with the National Transport Authority, that a new objective is provided for the requirements of a public transport services as part of the build out of lands in the new Neighbourhood area in this plan. It is also recommended (recommendation 3)</p> <p>3. Recommendation2 It is also recommended that a further objective be inserted into the Masterplan to integrate the key provisions of the forthcoming Local Transport Plan / Sustainable Urban Mobility Plan for Kilkenny City as they relate to the masterplan lands.</p>	<p>plant provision and Natura 2000 sites. It is recommended not to proceed with variation 4B.</p> <p>3. The lands subject to the masterplan have been earmarked for development since 2008. There have been two iterations of the County Plans since 2008. The current SUMP process (Local Transport Plan (LTP)) is an extensive consultative process that has taken into account the development area of Loughmacask including with the NTA. The process will examine the extension of bus routes to developing areas. Objectives C5A and C5B currently reference completion and implementation of an LTP.</p>
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		<p>4. The masterplan should also be reviewed to confirm its policies and objectives are fully aligned to the policies and objectives of the Kilkenny City and County Development Plan, prior to its adoption.</p> <p>5. The last line of the amended Z8 Zoning Objective of the City and County Development Plan should be omitted to avoid a scenario where there is potential conflict with the adopted Development Plan.</p> <p>6. Observation 1 The Planning authority is advised to strengthen the wording of Objective R12 proposed in this variation to ensure the necessary road infrastructure is in place to support the release of the Phase 2 lands.</p> <p>7. Observation 2 The masterplan would benefit from providing a table setting out the site areas, quantum of housing units, servicing requirements and phasing arrangements for the different residential sites / character areas. This information will also assist the forthcoming preparation of the new City and County Development Plan. Reference of an example of such a table is provided in the form of the draft Joint Maynooth Local Area Plan 2025-2031 (Table 11.5).</p>	<p>Recommendation of the CE is to insert <i>the SUMP</i> into the existing objectives C5A and C5B .</p> <p>4. The masterplan was prepared post the adoption of the 2021 City & County Development Plan. Since the publication of the proposed variation the Planning Authority has reviewed the masterplan document and the proposed variation and can state that masterplan and variation are fully aligned with the policies and objectives of the 2021 to 2027 City & County Development Plan.</p> <p>5. Agreed the last line of objective Z8 can be removed having regard to point 4 above. The Z8 Zoning Objective will be reviewed during the upcoming review of the Development Plan.</p> <p>6. The Road Objective R12 will be strengthened by the omission of the words a clear timeframe and the insertion of the following text <i>all necessary planning consents and funding are and commencement date are in place</i>. This will ensure the necessary infrastructure is delivered in advance or in tandem with the housing.</p>
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			<p>Chief Executive's Recommendation:</p> <p>It is recommended that Variation 4b is not adopted by the Elected Members.</p> <p>It is recommended to reword Objective C5A & C5B with the insertion of red text as follows:</p> <p>C5A To prepare a comprehensive Local Transport Plan , (the <i>SUMP</i>) for Kilkenny City in accordance with the Area Based Transport Assessment Guidelines (TII, 2018) within the concept of a 10-minute City addressing:</p> <ul style="list-style-type: none"> o Walking, o Cycling, o Public transport o Motorised transport

			<p>o Carparking strategy/Car parking demand management</p> <p>C5B To implement the recommendations of the Local Transport Plan (<i>the SUMP</i>) for Kilkenny city once adopted.</p> <p>It is recommended to insert a map and schedule illustrating progress to date. See map on page 27 below.</p>
KK-C307-1	EPA	<ol style="list-style-type: none"> 1. This submission suggests that EPA Guidance in relation to the Strategic Environmental Assessment process associated with this variation, as well as various objectives and policies relating to climate change and sustainability at national, regional and local level, are considered. 2. The submission notes that where changes are made prior to finalisation, they should be screened for potential likely significant effects in accordance with the SEA Regulations. 3. The submission notes also that the Variation should comply with the requirements of the Habitats Directive, where relevant. 	<p>Chief Executive's Response:</p>
			<p>The Chief Executive notes the submission from the Environmental Protection Agency.</p> <ol style="list-style-type: none"> 1. SEA Screening of the Proposed Variation No. 4 to the Kilkenny City and County Development Plan 2021-2027 has been carried out in consultation with the Environmental Authorities, including the Environmental Protection Agency and took account of varying national, regional and local objectives and policies relating to the climate change. It was determined that Proposed Variation No. 4 will not give rise to likely significant effects on the environment in a Screening Determination for Strategic Environmental Assessment.

			<p>The prepared Strategic Environmental Assessment Screening Report (including Screening Determination) accompanied Proposed Variation No. 4 during the display period.</p> <p>2. It is noted and acknowledged that if changes are made to the text prior to finalisation that such changes will be screened in accordance with SEA Regulations.</p> <p>3. The Variation as presented to the Elected Members for adoption following the assessment and consideration of all submissions, will be compliant with the Habitats Directive.</p>
			<p>Chief Executive's Recommendation:</p> <p>No change recommended.</p>
KK-C307-2	Inland Fisheries Ireland	<p>1. The Loughmacask Masterplan area falls within the Breagagh (Kilkenny)_030 catchment. The current Ecological Status of the Bregagh_030 is Moderate, and it is At Risk of not reaching its Water Framework Directive (WFD) objectives by 2027.</p>	<p>Chief Executive's Response:</p> <p>The Chief Executive notes the submission by Inland Fisheries Ireland.</p> <p>Points 1 to 10 are duly noted.</p>

		<ol style="list-style-type: none"> 2. Proposed developer-provided wastewater treatment plants and their associated infrastructure must demonstrate sufficient capacity, this being a prerequisite of any planning application in the masterplan area. 3. Developers must enter into service level agreements for the maintenance of the treatment plant and associated infrastructure and this agreement maintained for the lifetime of any proposed development. 4. Developers must be legally bound to make financial provision for the long-term maintenance and upkeep of treatment systems should the original development company cease to exist. 5. Developers should be required to fit on-site treatment plants with visual and audible alarms to indicate any failure of plant components or impaired treatment efficiency, these alarms monitored such that outside normal working hours management and maintenance staff can be alerted. 6. Inspection chambers for discharge effluent immediately upstream of the discharge point should be made mandatory, to allow for independent monitoring and oversight of the efficacy of such systems installed. 7. On-site wastewater treatment plants should provide access for the use of a portable pump or vacuum tanker in the emptying of the treatment plant and in the removal 	<p>In relation to private wastewater treatment systems, these are all assessed for compliance with the Environmental Protection Agency (EPA) Code of Practice, other related regulations and the points raised are duly noted but are more specific to a development at planning application stage, rather than being imposed as an objective as part of this proposed variation.</p> <p>Chief Executive's Recommendation:</p> <p>It is recommended that Variation 4b is not adopted by the Elected Members, so as to allow a more in-depth assessment be carried out in line with the potential impact this variation would have on Natura 2000 sites and groundwater as well as its compliance with associated objectives in the National Planning Framework, the Regional Economic Strategy and the current Kilkenny City and County Development Plan.</p>
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		<p>off-site of effluent in the case of extended breakdown or emergency.</p> <p>8. All infrastructure associated with private wastewater treatment plants should be sited at least above the 1% AEP fluvial flood level, and preferably above the 0.1% AEP level.</p> <p>9. Consideration should be given to increase permeable surfaces and providing sustainable drainage systems (SuDS) within development areas to minimise run-off from hard surfaces and roads.</p> <p>10. Monitoring and recording of discharges should be made available upon request.</p>	
KK-C307-3	Health Service Executive	<p>1. Consideration of public health was not directly found in the documents reviewed with respect to the proposed variation, nor was there any reference to public health under Table 2.4 of Appropriate Assessment Screening Report.</p> <p>2. The proposed variation does not adequately assess the potential implications for public health. There is no assessment of the potential effects on public health set out in the documents reviewed on the consultation portal.</p>	<p>Chief Executive's Response:</p> <p>The content of the Health Service Executive submission is noted by the Chief Executive.</p> <p>1. The environmental implications for public health have been assessed in the SEA process for the variation.</p> <p>2. The implications for public health are covered under Section 2.3, point 4 in the SEA Screening Report.</p> <p>3. Section 2.2 of the SEA Screening Report includes a table with a</p>

		<p>3. Variation 4A makes explicit reference to both zoning changes and road objectives with no reference to the potential effect these changes would have on local air quality.</p> <p>4. This variation does not assess how it fits objectives related to a reduction in Green House Gases as a climate mitigation measure nor how active and sustainable travel objectives in line with the transport hierarchy are to be affected.</p> <p>5. The proposed variation could benefit from stronger alignment to national and local policy objectives with regard to air quality and climate action, most notably the Strategic Goals of the Kilkenny County Climate Action Plan 2024 -2029.</p>	<p>Section included under the heading <i>'Air and Climatic Factors and Sustainable Transport'</i> which addresses air quality.</p> <p>4. The proposed Variation is envisaged to promote sustainable travel and reduce traffic impacts by providing safe pedestrian and cycle access from the Loughmacask Area to the wider City, thereby reducing traffic emissions, which will contribute to a reduction in green house gases.</p> <p>5. This proposed variation includes for the Loughmacask Masterplan being incorporated into the current City and County Development Plan and this masterplan promotes sustainable forms of transport such as walking, cycling and public transport which will have significant positive impact on air quality / climate action. This in turn contributes to the strategic goal of the Kilkenny County Climate Action Plan to influence, co-ordinate, facilitate and advocate the reduction of emissions in an effort to meet greenhouse gas emissions targets at local and national level.</p>
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			Chief Executive's Recommendation:
			No change recommended.
KK-C307-4	Uisce Eireann	<p>1. This submission provides an outline of the existing sewer and watermain capacity in relation to the areas of proposed zoning changes and states that all developments intending to connect to a Uisce Éireann network must be assessed on a case-by-case basis, to determine the exact requirements in relation to network and treatment capacity.</p> <p>2. In relation to Variation 4B, and with regards development in lands with no public water services infrastructure, as outlined in the Draft Water Services Guidelines for Planning Authorities (January 2018), Section 5.3: <i>'There is a general presumption that development will be focused into areas that are serviced by public water supply and wastewater collection networks. Alternative solutions such as private wells or wastewater treatment plants should not generally be considered by planning authorities. Irish Water [Uisce Éireann] will not retrospectively take over responsibility for developer provided treatment facilities or associated networks, unless agreed in advance'</i></p> <p>The opportunity may arise for the development to connect into the network in the future, however, the</p>	Chief Executive's Response
			<p>The Chief Executive notes the content of this submission from Uisce Eireann.</p> <p>1. Point no. 1 is noted and all developments intending to connect to the Uisce Eireann network must submit a Pre-Connection Enquiry form to determine feasibility of such a connection.</p> <p>2. In relation to Variation 4B, Uisce Eireann's position in not taking over private wells or treatment facilities is acknowledged. However, the purpose of Variation 4B is to allow for private waste water treatment systems only in circumstances where the Council is satisfied that the ongoing management and maintenance of any on-site wastewater treatment system, can be maintained sufficiently, in compliance with EPA standards and subject to a Waste Water Discharge Licence / Certificate of Authorisation as</p>

		developer provided treatment facility would not be taken over by Uisce Eireann.	issued by Kilkenny County Council. The purpose of this variation is to only allow such systems, under strict guidance and stipulations, to ensure the installation, operation, management and maintenance of these systems.
			Chief Executive's Recommendation:
			It is recommended that Variation 4b is not adopted by the Elected Members, so as to allow a more in-depth assessment be carried out in line with the potential impact this variation would have on Natura 2000 sites and groundwater as well as its compliance with associated objectives in the National Planning Framework, the Regional Economic Strategy and the current Kilkenny City and County Development Plan.
KK-C307-5	An Taisce	<ol style="list-style-type: none"> 1. In relation to Variation 4B, An Taisce state that it would be preferable to invest with Irish Water in the extension and upgrading of wastewater treatment facilities and provide sites serviced by public water and wastewater treatment infrastructure, rather than allowing private wastewater treatment plants for certain developments. 2. Private wells also may be prone to drying up in certain months due to climate change and soil that can percolate waste water may also become water logged at certain 	Chief Executive's Response:
			<p>The Chief Executive notes the submission by An Taisce.</p> <ol style="list-style-type: none"> 1. It is noted that An Taisce are encouraging the use of public water and waste water infrastructure over that of private, developer led infrastructure. However in rural Ireland, these public services are not available so private systems are

		<p>times of the year, thus providing more of a reason for public water and wastewater infrastructure over private systems.</p> <p>3. It is also stated that no measures be considered that risk increased water enrichment to the rivers in the south east.</p>	<p>necessary to allow rural development in a controlled manner. These private systems must adhere to EPA guidance as well as local policies / relevant licences and are considered on a case by case basis.</p> <p>2. Going forward the Council will ensure to follow any new guidance from the EPA or other regulatory authorities where guidance is provided on climate change provisions for such infrastructure.</p> <p>3. The Council endeavour to protect the rivers in the south east and the Appropriate Assessment and Strategic Environmental Assessment Screening processes associated with this Variation provided an outcome of no impact on the rivers in this area or within the Zone of Impact.</p>
			<p>Chief Executive's Recommendation:</p> <p>It is recommended that Variation 4b is not adopted by the Elected Members, so as to allow a more in-depth assessment be carried out in line with the potential impact this variation would have on Natura 2000 sites and groundwater as well as its compliance with associated objectives in the National Planning Framework, the</p>

			Regional Economic Strategy and the current Kilkenny City and County Development Plan.
KK-C307-7	Clancy Homes	<p>1. It is requested that the wording of Objective R12 be clarified as part of its transposition into the Kilkenny City and County Development Plan so as to allow additional development in the masterplan area, subject to the favourable findings of a Traffic Impact Assessment or other infrastructural improvements.</p> <p>The suggested text is as follows;</p> <p>Objective R12: Subject to the appropriate Zoning being in place and a Traffic Impact Assessment, additional developments (over and above 335 housing units permitted at the time of making the masterplan 2023) with access off the Tullaroan Road will not be permitted unless be considered on their merits subject to a clear timeframe for delivery of the necessary support road infrastructure, either Objective R7 (or appropriate part of R7) or other satisfactory road infrastructure (being either Kilmanagh Road to Tullaroan Road) or (the Tullaroan Road to Freshford Road) in the City and County Development Plan is in place. The valuable contribution of active travel infrastructure and supporting initiatives are also recognised.</p> <p>2. It is also requested that the following clause be inserted in the Loughmacask Masterplan to be subsumed in the Kilkenny City and County Development Plan;</p>	<p>Chief Executive Response:</p> <p>The content of this submission by Clancy Homes is noted.</p> <p>1. The suggested text amendment to Objective R12 requesting less stringent requirements for future housing in the Loughmacask Area, off the Tullaroan Road, in line with Road Objective R7, is not acceptable. Considering the number of houses catered for in the Loughmacask Masterplan area, it would be preferable that the necessary supporting road infrastructure be in place or have a delivery timeframe, before these lands be developed. Objective R12 to be strengthened c.f. OPR submission C307-6 above.</p> <p>2. In relation to the request for a new clause in the masterplan regarding the phased releasing of land zoned for Strategic Residential Reserve for development, it is considered that a sufficient quantum of land has been allocated for residential purposes within the Masterplan area. No additional quantum over</p>

		Following progress made in the development of Loughmacask neighbourhood, the Council will consider the phased release for development of land zoned Strategic Residential Reserve subject to demonstration of servicing and general compliance with the provisions of the Loughmacask Masterplan 2023. Any such development will be considered in the context of environmental as well as traffic impact assessment.	and above that already granted permission will be allowed within the Masterplan area until the requirements associated with the delivery of objective R7 has been achieved.
			Chief Executive's Recommendation:
			No change recommended.
KK-C307-8	Office of Public Works	<ol style="list-style-type: none"> 1. The OPW notes the continued commitment as set out in the Strategic Environmental Assessment Screening Report to adhere to the appropriate application of the Planning System and Flood Risk Management Guidelines (2009) and Circular PL02/2014. 2. It is advised that should any changes to zoning designations in areas of flood risk be implemented in future, it is important that a flood risk assessment to an appropriate level of detail is carried out and that there is appropriate justification for any decisions made as set out in the Guidelines on the Planning System and Flood Risk Management, 2009. 	Chief Executive Response:
			The Chief Executive notes this submission by the OPW.
			<ol style="list-style-type: none"> 1. The Council welcome that the OPW acknowledges its continued commitment to adhering to the appropriate application of the Planning System and Flood Risk Management Guidelines (2009) and Circular PL02/2014. 2. The Council acknowledges that any changes to zoning in areas of flood risk going forward will be subject to the above-mentioned guidelines.
			Chief Executive's Recommendation:
			No change recommended.

KK-C307-9	Southern Regional Assembly	<ol style="list-style-type: none"> 1. The Southern Regional Assembly considers that the proposed variation 4A is consistent with the Regional Social and Economic Strategy (RSES) by incorporating the Loughmacask Masterplan into the Kilkenny City and County Development Plan. This proposed Variation sets out a number of objectives and zoning changes which arose from the consultation and preparation of the Masterplan and give rise to the implementation of the detailed plan making approach. It is considered that the proposed variation (Variation 4A) is consistent with RPO 12: Kilkenny City of the RSES and aligns with the core principles in relation to strengthening the role of Kilkenny City as a self-sustaining regional economic driver. 2. It is not clear that proposed Variation No. 4B would be consistent with the Regional Spatial and Economic Strategy, in particular RPO 1, RPO 11, RPO 26 and RPO 211-216 which all relate to sustainable wastewater solutions for rural villages and settlements, prioritising public investment, rather than a reliance on private systems as well as the impact on the Natura 2000 network. This variation may also lead to a weakened approach to a coordinated, public-led strategy to wastewater infrastructure provision and could lead to challenges in effective wastewater management. 3. There is a concern that the current variation proposed under Variation 4B may not adequately address how developer provided infrastructure would support the need for coordination and phasing of such infrastructure and requirements to ensure wastewater discharge from future developments does not pose a risk to water quality. This gives rise to a concern for the potential lack of oversight in the development and management of 	<p>Chief Executive Response:</p> <p>The Chief Executive notes the submission by the Southern Regional Assembly.</p> <ol style="list-style-type: none"> 1. The Council welcome the comments by the Southern Regional Assembly that they consider the proposed variation 4A to be consistent with objectives in the Regional Social and Economic Strategy (RSES) and core principles in strengthening the role of Kilkenny city as a self-sustaining regional economic driver. 2. The Council acknowledge the concerns of the Regional Assembly in relation to Variation no. 4B and how consistent it is with several objectives in the RSES as well as their concern that the variation could lead to challenges in effective wastewater management. However, the purpose of Variation 4B is to allow for private waste water treatment systems only in circumstances where the Council is satisfied that the ongoing management and maintenance of any on-site wastewater treatment system, can be maintained sufficiently, in compliance with EPA standards and subject to a Waste Water Discharge Licence /
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		<p>wastewater treatment solutions to manage projected growth. By virtue of allowing developers to provide their own private solutions (developer provided infrastructure), there is a potential risk arising in terms of the management and maintenance of such infrastructure, with examples in the past which have given rise to legacy issues for Uisce Éireann and local authorities in respect of wastewater treatment systems requiring upgrading and/or remediation to address serious deficiencies and detrimental impact on the environment and water quality arising from such infrastructure. Therefore, the Regional Assembly consider it unclear how proposed Variation 4B is consistent with the RSES.</p>	<p>Certificate of Authorisation as issued by Kilkenny County Council. The purpose of this variation is to only allow such systems, under strict guidance and stipulations, to ensure the installation, operation, management and maintenance of these systems, which would not create a weakened approach allowing public led waste water infrastructure.</p> <p>3. As stated in point 2 above, the purpose of Variation 4B is to allow private wastewater infrastructure where the Council is satisfied it will be managed and maintained in compliance with EPA Code of Practice and any relevant licence or authorization issued by the council. The Council continue to promote public infrastructure, which allows for projected growth in the County, however in certain instances where such public infrastructure has no capacity or doesn't exist, public wastewater systems could be facilities, but only subject to strict adherence to national and local guidance.</p> <p>Chief Executive's Recommendation:</p>
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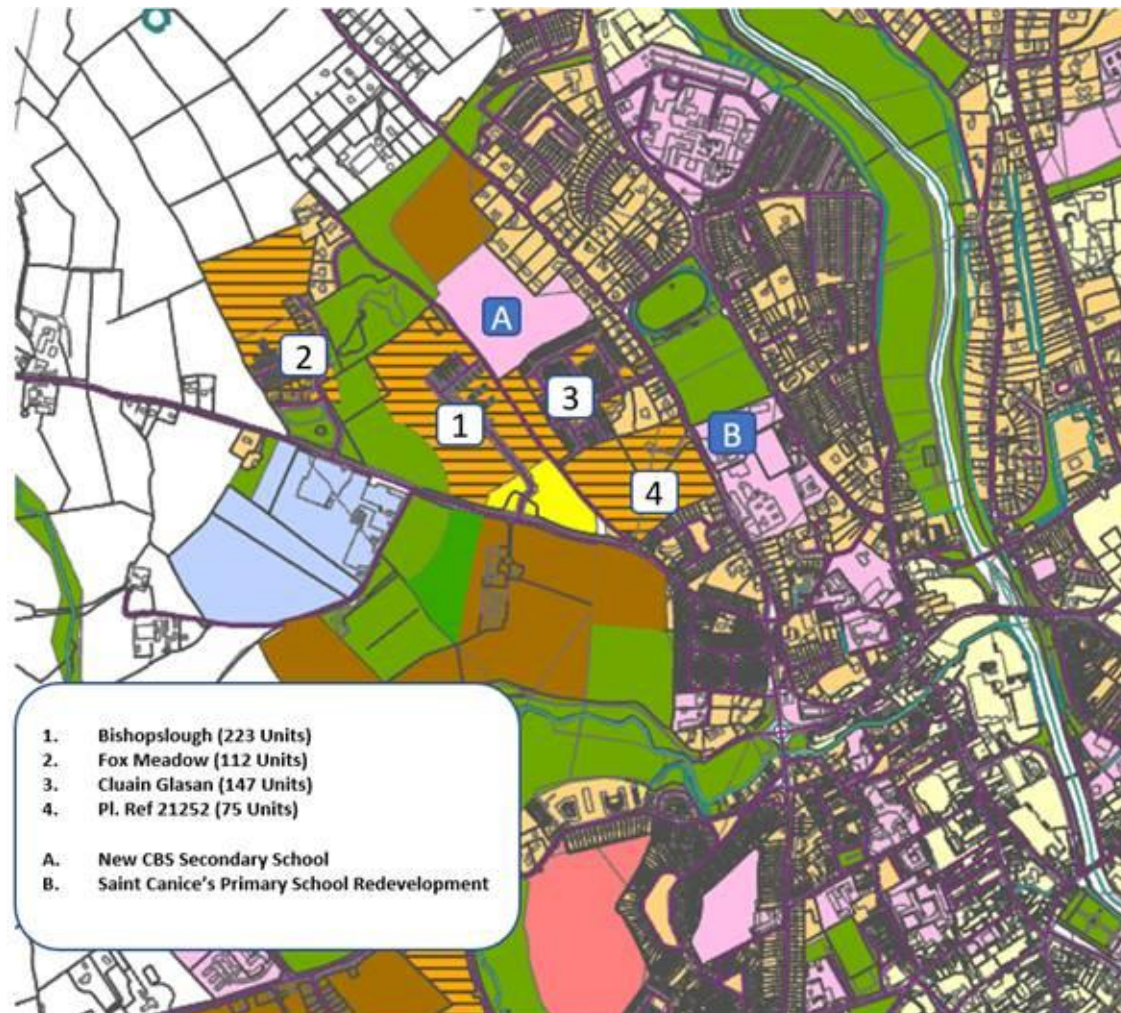
			It is recommended that Variation 4b is not adopted by the Elected Members, so as to allow a more in depth assessment be carried out in line with the potential impact this variation would have on Natura 2000 sites and groundwater as well as its compliance with associated objectives in the National Planning Framework, the Regional Economic Strategy and the current Kilkenny City and County Development Plan.
KK-C307-10	National Transport Authority	<ol style="list-style-type: none"> 1. The National Transport Authority (NTA) is supportive in principle of plan-led development as it represents the most suitable means of assessing, <i>inter alia</i>, the appropriate quantum of development, mix of uses and associated infrastructure requirements within a given area. While the Loughmacask Masterplan does address such matters, the rationale for preparing a Masterplan rather than a Local Area Plan (LAP) is not clear. The NTA would have welcomed the opportunity to engage with the planning authority regarding public transport and active travel measures to serve the masterplan area. 2. It is noted that the Council is currently preparing a Sustainable Urban Mobility Plan (SUMP) for Kilkenny City as a whole, funded by the NTA. This SUMP builds on previous work done on a Local Transport Plan (LTP) that used the Area Based Transport Assessment (ABTA) process developed by the NTA and Transport Infrastructure Ireland. While LTPs and SUMP are non- 	<p>Chief Executive Response:</p> <p>The Chief Executive welcomes the submission by the NTA.</p> <ol style="list-style-type: none"> 1. The Loughmacask area had a governing Local Area Plan from 2008 – 2014, which was extended until 2018 and then expired. Whilst reviewing the City and County Development Plan in 2020, it was decided to carry out a masterplan for the area which would replace the LAP as the principle guiding document for the area within the overall framework set out in the overarching City and County Plan. This masterplan had several public display periods where engagement could have occurred and their work on the Local Transport Plan would

		<p>statutory, their recommendations are typically incorporated into statutory plans.</p> <ol style="list-style-type: none"> 3. As currently proposed, if Variation no.4 is approved, the Masterplan would be incorporated into the Kilkenny City and County Development Plan prior to the finalisation of the SUMP. This sequence has the potential to constrain the scope of the SUMP and to limit the range of options that could otherwise have been considered in its preparation. The completion of the SUMP would post-date the incorporation of the Masterplan into the CCDP and the mechanism for amending the Masterplan to take account of any later proposals is not clear. 4. The Loughmacask Masterplan is a well-considered document that sets out a number of suitable measures for a sustainable urban extension, including making Lousybush Lane traffic free, developing a strong network of active travel routes, and minimising through-traffic by means of traffic calming and traffic management. However, the Masterplan's consideration of public transport is not considered to be adequate. The Masterplan notes that bus services are available on Freshford Road and at the Water Barrack Roundabout, which are both over 1 km (as the crow flies) from the western portion of the Loughmacask lands around the Dicksboro GAA club. This distance considerably exceeds the recommended catchment for bus-based public transport. The masterplan does not propose any revisions to the bus service network that would bring bus routes into the masterplan area. For a masterplan of this scale, it is considered that such matters should have been considered. 	<p>have been a basis for certain findings in the Masterplan.</p> <ol style="list-style-type: none"> 2. The NTA's recognition of the SUMP is noted and the work previously carried out on the Local Transport Plan would have been used to feed into the Loughmacask masterplan. Amendment of objective C5a and C5b recommended to ensure SUMP provisions are incorporated into statutory plan. ((See OPR C307 -6 above) 3. The SUMP is at an advanced stage such that it will not be impeded or constrained by the adoption of Variation no. 2. 3. The lands subject to the masterplan have been earmarked for development since 2008. There have been two iterations of the County Plans since 2008. The current SUMP process (Local Transport Plan (LTP)) is an extensive consultative process that has considered the development area of Loughmacask including with the NTA. 4. Extended Bus routes are a consideration of the SUMP process for the City. The lands subject to the masterplan have been earmarked for development since 2008. There have been two iterations of the County Plans since
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			2008. The current SUMP process (Local Transport Plan (LTP)) is an extensive consultative process that has considered the development area of Loughmacask including with the NTA
			Chief Executive's Recommendation:
			No change recommended.
KK-C307-11	Department of Education	<p>1. The Department note that the Loughmacask masterplan will zone 24.37 hectares of land for residential use, with capacity for 904 units, which in turn could generate a population growth in excess of 2,500 over the plan period. This population growth would impact on future school place provision but it is expected that this extra requirement could be accommodated by the planned expansion of existing school facilities in this area along with the site reserved for a future school in the Breaghagh Valley.</p> <p>Taking the above into account, a reassessment of school place provision for the masterplan area may be necessary and the Department will engage with the Planning Authority in any such review.</p>	Chief Executive Response:
			<p>The Chief Executive acknowledges the submission by the Department of Education.</p> <p>1. The projected growth allowable under the Loughmacask masterplan will see an increase in school place demands but it is anticipated that such growth will be accommodated in the expansion of existing secondary schools such as extensions to Loreto Secondary school, St. Kieran's College, Colaiste Pobail Osrai and the City Vocational School. The CBS Secondary schools' relocation to a new school site in Dunningstown / Lousybush Lane will also allow for expanding school going numbers in the Loughmacask area and there is</p>

			<p>also the site reserved for a school in the Breaghagh Valley.</p> <p>This variation is to incorporate the Loughmacask Masterplan into the current City and County Development Plan, however the review of this plan is due to commence in the third quarter of 2025 and a reassessment of school place provisions will be carried out during this review, along with engagement with the Department of Education.</p>
			<p>Chief Executive's Recommendation:</p>
			<p>No change recommended.</p>

Map and Schedule to be inserted as recommended under OPR submission C3-6



2 Next Steps

The Members are required to consider the proposed Variation and Report of the Chief Executive within 6 weeks from the date of submission of the Report to the members. After considering the proposed Variation and Chief Executive's report, the Elected Members may by resolution make the variation with or without further modifications or may refuse to make it.

If the Elected Members make a material modification to the proposed variation then it will be necessary to determine if that modification requires appropriate assessment or Strategic Environmental Assessment and that material modification will require further public display and comment, all to be considered by the Planning authority before the Variation is made.

Once made, the Variation comes into effect from the day the variation is made.

3 Recommendation of the Chief Executive

It is recommended that the Members of Kilkenny County Council adopt Variation no. 4A to the Kilkenny City and County Development Plan 2021 – 2027 with no change, as set out in this report.

It is also recommended that Members of Kilkenny County Council do not adopt Variation no. 4B to the Kilkenny City and County Development Plan 2021 – 2027, for reasons as set out in this report.



Tim Butler,
Director of Services,
Kilkenny County Council