



Comhairle Chontae Chill Chainnigh

Halla an Chontae Sraid Eoin Cill Chainnigh
R95 A39T

Pobail agus Áiteanna Inbhuanaithe a Chruthú

Kilkenny County Council

County Hall John Street Kilkenny
R95 A39T



Creating Sustainable Communities and Places

Date: 11th February, 2025.

**TO: AN CATHAOIRLEACH
& EACH MEMBER OF KILKENNY COUNTY COUNCIL**

**RE: PROPOSED VARIATION NO. 3
TO THE KILKENNY CITY AND COUNTY DEVELOPMENT PLAN 2021 - 2027**

Dear Councillor,

Please find attached Chief Executive's Report in relation to proposed Variation No. 3 to the Kilkenny City and County Development Plan 2021 - 2027

I recommend that the Members of Kilkenny County Council adopt Variation No. 3. It is recommended that the Members of Kilkenny County Council adopt Variation no. 3 to the Kilkenny City and County Development Plan 2021 - 2027 with no change, as set out in this report.

Yours Sincerely,

**Lar Power,
Chief Executive.**

Encl.



**Comhairle Chontae Chill Chainnigh
Kilkenny County Council**

**Chief Executive's Report on Submissions received to
Proposed Variation no. 3, Loughboy Green Area**

**Lar Power
Chief Executive**

February 2025

Contents

1	Introduction	2
1.1	Proposed Variation	2
1.2	Planning Context.....	4
1.3	Documents on Public Display.....	5
1.4	Consideration of Variation	6
2	Submissions received during Public Consultation	7
3	Summary of Issues Raised, Chief Executive’s Response and Recommendations.....	8
4	Next Steps	29
5	Recommendation of the Chief Executive.....	29

1 Introduction

This report addresses the submissions received during the 6-week public consultation period from **Friday 6th December 2024 to Friday 16th January 2025** in relation to Proposed Variation no. 3 Loughboy Green Area 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. 3 Loughboy Green Area 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

This Variation, specifically known as Variation no. 3, is proposed to change the zoning of 0.18 hectares (0.45 acres) of lands within an existing green space / neighbourhood park in Loughboy, Kilkenny City and County Development Plan 2021 (KCCDP).

This variation entails the following:

To change the zoning of an area of green space, covering approx. 0.18 hectares (0.45 acres), at Loughboy in Kilkenny City from 'Open Space' to 'Existing Residential', in order to accommodate housing suitable for older persons / persons with disabilities on the lands highlighted (See Figure 1).



Figure 1: Extract of Figure CS4 in the Kilkenny City and County Development Plan 2021 – 2027. Land outlined in red is the area subject to Variation no. 3.

The Proposed Variation 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 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 **Friday 6th December 2024 to Friday 17th January 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-C295-1	Sean Direen
KK-C295-2	OPR
KK-C295-3	Bryan Duggan
KK-C295-4	EPA
KK-C295-5	Elma Duggan c/o June Brett
KK-C295-6	Margo Kovarova
KK-C295-7	Isabelle Pennec
KK-C295-8	Richard Dwyer
KK-C295-9	Bryan Duggan
KK-C295-10	Edward Murphy
KK-C295-11	Southern Regional Assembly
KK-C295-12	OPW
KK-C295-13	Uisce Eireann
KK-C295-14	Emma Staunton
KK-C295-15	An Taisce, Kilkenny Association

The full text of all submissions is available at <https://consult.kilkenny.ie/en/node/6882/submissions>

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

Sub. No.	From	Summary of Issues	Chief Executive's Response & Recommendation
KK-C295-2	Office of the Planning Regulator	<p>The Office of the Planning Regulator considers that this proposed Variation will assist the Planning Authority in implementing compact growth and sustainable development in accordance with policy objectives of the National Planning Framework and the Regional Spatial and Economic Strategy.</p> <p>The Office concludes that no recommendations or observations are warranted since the proposed Variation will not undermine the Kilkenny City and County Development Plan in delivering on its core strategy in a compact and a sequential manner.</p>	<p>Chief Executive's Response:</p>
			<p>The content of this submission is noted.</p>
			<p>Chief Executive's Recommendation:</p>
			<p>No change recommended.</p>
KK-C295-1	Sean Direen	<p>The proposed houses will take green space from children's play area.</p> <p>Suggest the Council should engage a dog warden to patrol green space instead of building houses.</p> <p>Further states that the traffic management from the presentation secondary school needs to be addressed.</p>	<p>Chief Executive's Response:</p>
			<p>The content of this submission is noted.</p> <p>The area proposed for re zoning has suffered from under utilization and anti social behaviour. There is no impact or loss of play area anticipated as a result of the Variation.</p> <p>In relation to dog wardens, there is one currently employed within the county and recently, additional funding has been allocated to the Council for another dog warden and it is anticipated that this post will be filled in the coming weeks.</p>

			<p>In relation to Traffic Management from the Presentation Secondary School, a Mobility Management Plan was agreed with the Planning and Roads Sections of the Council as part of planning application P.21/245 (ABP reference 311089-21) along with a Stage 3 Road Safety Audit. All traffic related to the school will be monitored under the Mobility Management Plan produced and managed by the school and if appropriate changes are required to any traffic related issues, these will be implemented by the school, as the Mobility Management Plan is not a fixed document, rather an evolving mechanism.</p>
			<p>Chief Executive’s Recommendation:</p>
			<p>No change recommended.</p>
<p>KK-C295-3</p>	<p>Bryan Duggan</p>	<p>1. The construction of houses on Green Space in an already densely populated part of Kilkenny is contrary to the Strategic Aim set out in Chapter 8 Open Space and Recreation, Volume 1 of the Kilkenny City and County Development Plan, which states;</p> <p><i>‘Strategic Aim: To ensure the provision of open space and recreational facilities in order to maintain, and improve open spaces that contribute to the well-being and making of place for the benefit of residents, workers and visitors</i></p>	<p>Chief Executive’s Response:</p> <p>The content of this submission is noted.</p> <p>1. This area of Kilkenny city is not considered densely populated in the context of compact development. In Cedarwood Park, current housing density is 17.52 units per hectare,(7 per acre) and if in the future 6 houses for example were built on this area subject to</p>

		<p><i>to the County while protecting and enhancing biodiversity.’</i></p> <ol style="list-style-type: none"> 2. Car parking for the site is questioned and whether further green space will be removed to provide further car parking spaces. 3. Separation distances from opposing rear windows are raised and the potential impact this will have on existing residents. 4. Concerns are expressed about traffic associated with these houses and their potential impact on pedestrians and schoolchildren. 5. Submission notes that on page 10 of the SEA Screening Report Document, “2.3 Schedule 2A: Part 2”, the following is written in response to point 1. <p><i>“The Proposed Variation would not be likely to result in significant environmental effects, as it concerns a rezoning of a small portion of land (see Section 2.2).”</i></p> <p>Mr Duggan disagrees with this sentence as he sees this rezoning of a significant portion of land. Thus, it is asked that this sentence be removed from document and more time provided to the public to review this proposal.</p>	<p>this variation, density would increase minimally to is 17.84 units per hectare. (7.2 per acre)</p> <p>Notwithstanding the removal of 0.18 hectares of open space from the existing green space area in Loughboy, the remaining 2.65 hectares will retain its desired functions without loss of performance.</p> <ol style="list-style-type: none"> 2. No further open space is proposed to be removed for future car parking. 3. Due to existing ground levels, any future proposed houses will be built at a lower level to those they back onto, so no overlooking of existing houses would be anticipated. This will be dealt with in detail at any future Part 8 or associated process. 4. The design and layout of any housing on the land subject to this variation will be such that pedestrian and cycle movements will be prioritised. This will be dealt with in detail at any future Part 8 or associated process.
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		<p>6. Submission notes that the Strategic Environmental Assessment Screening Report Document states on page 10, point 2, section 2.3;</p> <p><i>'The Proposed Variation would not be likely to result in significant environmental effects (see Section 2.2).'</i></p> <p>States that this is a vague statement and is not satisfactory. Further states that no details have been provided in regards to Kilkenny County Council's decision process, it refers back to the Kilkenny City and County Development Plan 2021, and that a SEA was conducted when this was put in place.</p> <p>Requests that a full Strategic Environmental Assessment be conducted in relation to this variation and share same for review.</p> <p>7. It is claimed that this area is a habitat for hedgehogs, a protected species and this needs to be considered in the Strategic Environmental Assessment.</p> <p>8. Housing should be provided desirable areas, while also being careful to preserve green space that has such a valuable role to play to those people in nearby communities. Suggests the houses would be better provided elsewhere such as the Abbey Quarter.</p>	<p>5. The associated SEA Screening report has assessed the potential adverse effects arising from this Variation on the current Kilkenny City and County Development Plan, arising at this conclusion that no significant environmental impact will arise. Also the timeline associated with this variation is as per statutory procedure, outlined in Part II, Section 13 of the Planning and Development Act 2000, as amended.</p> <p>6. The SEA Screening process assesses a proposed Variation to determine its's potential environmental impacts. In this variation, a full Strategic Environmental Assessment has been screened out in accordance with the required criteria.</p> <p>The direct environmental impacts of any proposed housing development will be addressed at Part 8 or associated planning process in the future.</p> <p>7. With regards the area being a habitat for hedgehogs, this can be</p>
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		<p>9. States that the access road to the entrance of the proposed car park for these houses is on a dangerous bend. Adding more houses will increase risk of endangerment to all road users in the area.</p> <p>10. A sizeable amount of space on the green at Loughboy Park has already been lost over the last few months after the installation of new paths.</p> <p>11. The green space at Loughboy and enjoyed by many people in the community. The loss of any portion of the green will represent diminished enjoyment, and have a negative impact on the wellbeing of its users.</p> <p>Development of this land will result in trees being removed which have been in situ for decades and others planted by local schoolchildren.</p> <p>12. Some of the immediately adjacent residents to this plot of land, subject of this variation, are elderly and have been living here for over 40 years and they would expect the adjoining greenspace to remain undeveloped.</p> <p>13. Expresses concern with the lack of engagement with local residents in this rezoning process and that of the path installation in 2024.</p>	<p>assessed as part of an Appropriate Assessment Screening process carried out under the relevant planning process, if housing is applied for on this site.</p> <p>8. The area proposed for re zoning has suffered from under utilization and anti social behaviour. There is no impact or loss of play area anticipated as a result of the Variation.</p> <p>9. The design detail of any access road to housing on these lands into the future, will be addressed at the relevant planning process stage.</p> <p>10. Paths are for the enjoyment of this green space, as both walking and cycling routes (installed by Council's Active Travel section) and do not detract from the recreational activities within or usage of this green space.</p> <p>11. This proposed Variation will not result in a diminished enjoyment of the green parkland in Loughboy. A total of 40 new trees were planted last year in this green area in Loughboy and the majority of these will be maintained and are not</p>
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		<p>This Variation should be withdrawn and re-applied for, only after engagement with the entire community, which would include a public meeting.</p>	<p>impacted on by this proposed variation.</p> <p>12. It is acknowledged that locals expect the green space to remain undeveloped, however a total of 2.65 hectares remain to be enjoyed as a parkland by local residents. The proposal will not reduce the functionality of the overall open space area.</p> <p>13. In relation to this rezoning proposal, the relevant public display period was adhered to, as laid out in Part 2, Section 13 of the Planning and Development Act 2000, as amended.</p> <p>In addition, the Housing Section contacted residents in 1-6 Cedarwood Park and 36 Patricks Gate by letter, advising them to contact the housing section to discuss the variation if they had queries. 4 residents did contact housing as a result of these letters. Staff of housing also met in person residents of 5, 6 and 7 Cedarwood park.</p>
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			<p>Chief Executive's Recommendation:</p> <p>No change recommended.</p>
KK-C295-4	EPA	<p>This submission suggests that EPA Guidance and resources, and various policies relating to climate change and sustainability, are taken into account.</p> <p>The submission notes that where changes are made prior to finalisation, they should be screened for potential for likely significant effects in accordance with the SEA Regulations.</p> <p>The submission notes that the plan or programme should comply with the requirements of the Habitats Directive where relevant.</p>	<p>Chief Executive's Response:</p> <p>The contents of the submission are noted and the Variation complies with the Habitats Directive.</p>
			<p>Chief Executive's Recommendation:</p> <p>No change recommended.</p>
KK-C295-5	Elma Duggan on behalf of her mother June Brett.	<ol style="list-style-type: none"> 1. Mrs Brett's house was bought in 1988 with reassurance that the amenity of Loughboy park was the correct size for the amount of housing / population in the area and the view from the back garden across the green area will now be eroded by the proposed development. The population of Loughboy has increased since then so using the park area for housing is a contradiction. 2. States that the letter to inform her mother of this proposal was left outside which is unacceptable. 3. That the rear wall of the property which adjoins the land to be rezoned is in a state of disrepair and will create a hazard for any houses to the rear. 	<p>Chief Executive's Response</p> <p>The contents of this submission are noted.</p> <p>1.This area of Kilkenny city is not considered densely populated in the context of compact development. In Cedarwood Park, current housing density is 17.52 units per hectare, and if in the future 6 houses for example were built on this area subject to this variation, density would increase minimally to is 17.84 units per hectare.</p> <p>Notwithstanding the removal of 0.18 hectares of open space from the existing green space area in Loughboy, the remaining 2.65 hectares will retain its desired functions without loss of performance.</p>

		<p>4. The proposed development area will probably be prone to flooding due to its low lying area in the park.</p> <p>5. Notes that the parking proposed is inadequate and will lead to further erosion of green space to facilitate this over time.</p> <p>6. The proposal is a poorly thought out and will present a with lack of privacy, safety and inadequate parking facilities for the elderly and disabled in the area.</p>	<p>2. It is noted that the letter housing issued with regards this variation was left outside, however this was in addition to the public engagement process for a variation, as advertised, to which Ms. Brett has a submission made on her behalf and her daughter also engaged with the Housing Section on behalf of her mother.</p> <p>3. The rear wall will be an entity examined as part of the design proposal, if and when this site is proposed for development.</p> <p>4. Drainage and flooding risks will form part of the design proposal, if and when this site is proposed for development.</p> <p>5.The design detail of any parking associated with housing on these lands into the future, will be addressed at the relevant planning process stage.</p> <p>6.Impact on adjoining properties from any future housing on these lands will be addressed at the relevant planning process stage.</p> <p>Chief Executive's Recommendation:</p> <p>No change recommended.</p> <p>Chief Executive's Response:</p>

	<p>Margo Kovarova</p>	<ol style="list-style-type: none"> 1. The green space is currently enjoyed by many and it should be retained at all costs. 2. The area for proposed housing is very busy and is used by parents as a drop-off and collection point for the local schools and the new HSE facility. Students also walk through the green area regularly throughout school term to attend swimming and PE classes in the Watershed sports facility. 3. Kilkenny County Council encourage and promote re-wilding in Loughboy Park specifically in the area of the proposed houses and parking spaces. The hedgerow to the rear of Cedarwood Park is a natural habitat for many bird and animal species including hedgehogs. 4. Queries why proposals for outdoor exercise equipment in the green area as indicated in a letter in 2017 did not go ahead. 	<ol style="list-style-type: none"> 1. The area proposed for re zoning has suffered from under utilization and anti social behaviour. There is no impact or loss of play area anticipated as a result of the Variation. 2. This variation will have no impact on students walking to school or the Watershed through this green area in Loughboy. 3. In relation to the rewilding, this can be addresses irrespective of the proposed rezoning, within the remaining 2.65 hectares of green space in Loughboy. Also in relation to the area being a hedgehog habitat, this will be assessed through the relevant planning process, if and when this site is proposed for housing. 4. In relation to the exercise equipment not being installed in this green space, this was due to local opposition and the outdoor exercise equipment
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			<p>was placed in a different location within the city.</p>
			<p>Chief Executive's Recommendation:</p>
			<p>No change recommended.</p>
<p>KK-C295-7</p>	<p>Isabelle Pennec</p>	<ol style="list-style-type: none"> 1. States that it is extraordinary that the residents in the vicinity only heard of the rezoning plans through word of mouth. 2. Queries whether the Council in the recent 'Proposed Tree Planting' notice for 30 new trees to be added to the Park is a way to distract from the plan or is presented as some kind of a trade-off. 3. Questions why Council cannot find more suitable areas for proposed housing in the city. 	<p style="background-color: #e0f0e0;">Chief Executive Response:</p> <ol style="list-style-type: none"> 1. In relation to this rezoning proposal, the relevant public display period was adhered to, as laid out in Part 2, Section 13 of the Planning and Development Act 2000, as amended. In addition, the Housing Section contacted residents in 1-6 Cedarwood Park and 36 Patrick's Gate by letter, advising them to contact the housing section to discuss the variation if they had queries. 4 residents did contact housing as a result of these letters. Staff of housing also met in person residents of 5, 6 and 7 Cedarwood park. 2. This proposed Variation will not result in a diminished enjoyment of the green parkland in Loughboy. A total of 40 new trees were planted last year in this green area in Loughboy and the majority of these

			<p>will be maintained and are not impacted on by this proposed variation.</p> <p>3. The Council are constantly looking for sites for housing, and this particular site subject to this variation in Loughboy is one such site identified as suitable for housing, thus put forward for a variation to have the zoning changed to residential.</p>
			<p>Chief Executive’s Recommendation:</p>
			<p>No change recommended.</p>
<p>KK-C295-8</p>	<p>Richard Dwyer</p>	<p>1.The area is used extensively by many local residents as a valuable amenity and meeting space and plans to hive off a section for houses is misguided.</p> <p>2. It is believed that there are more appropriate locations for housing in the city.</p> <p>3. Expresses concern about lack of notice to residents about proposed Variation and the path widening in 2024.</p> <p>4. Expresses concern about the safety of schoolchildren and residents during construction of housing on this land.</p>	<p>Chief Executive Response:</p> <p>1. The proposed lands subject to this variation cover 0.18 hectares, with a total of 2.65 hectares remaining as an open green space for the enjoyment of residents in the locality.</p> <p>2. The Council are constantly looking at potential areas for housing in the city and their assessment of this site resulted in it being deemed suitable for housing, thus it is now subject to this variation process.</p>

		<p>5. Queries why the proposals for outdoor exercise equipment in the green area as indicated in a letter in 2017 did not go ahead.</p> <p>6. Development of this land would impact on Biodiversity including trees and hedgehogs in this park.</p> <p>7. Questions whether notice for 30 new trees in green area is an attempt to distract residents from this Variation proposal.</p>	<p>3. In relation to the path widening, this process was carried out by the Councils Smarter Travel Section. In relation to this variation, the relevant public display period was adhered to, as laid out in Part 2, Section 13 of the Planning and Development Act 2000, as amended.</p> <p>In addition, the Housing Section contacted residents in 1-6 Cedarwood Park and 36 Patrick's Gate by letter, advising them to contact the housing section to discuss the variation if they had queries. 4 residents did contact housing as a result of these letters. Staff of housing also met in person residents of 5, 6 and 7 Cedarwood park, whilst 1 resident phoned to say he did not wish to discuss or meet the Council on this matter.</p> <p>4. Health and Safety protocol will be outlined in a Construction Management Plan which would be required for any housing development proposed on this site and produced for any future planning process for said development.</p>
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			<p>5. In relation to the exercise equipment not being installed in this green space, this was due to local opposition and the outdoor exercise equipment was placed in a different location within the city.</p> <p>6. The impact of any future development on the biodiversity of this site would be addressed in the design process and pre development surveys required with any future planning process seeking housing on these lands.</p> <p>7. This proposed Variation will not result in a diminished enjoyment of the green parkland in Loughboy. A total of 40 new trees were planted last year in this green area in Loughboy and the majority of these will be maintained and are not impacted on by this proposed variation.</p>
<p>Chief Executive's Recommendation:</p>			
<p>No change recommended.</p>			
<p>KK-C295-9</p>	<p>Bryan Duggan</p>		<p>Chief Executive Response:</p>

		<p>1. Any development on this land subject to rezoning will impact on biodiversity.</p> <p>2. Raises concern about Kilkenny County Council's consultation process for this and other previous development in the area and feels that everyone in the area should be notified of this proposal.</p> <p>3. Requests that the submission period be extended by a couple of months.</p>	<p>The contents of this submission are noted.</p> <ol style="list-style-type: none"> 1. The impact of any future development on the biodiversity of this site would be addressed in an Appropriate Assessment Screening Report, required with any future planning process seeking housing on these lands. 2. In relation to this variation, the relevant public display period was adhered to, as laid out in Part 2, Section 13 of the Planning and Development Act 2000, as amended. In addition, the Housing Section contacted residents in 1-6 Cedarwood Park and 36 Patrick's Gate by letter, advising them to contact the housing section to discuss the variation if they had queries. 4 residents did contact housing as a result of these letters. Staff of housing also met in person residents of 5, 6 and 7 Cedarwood park, whilst 1 resident phoned to say he did not wish to discuss or meet the Council on this matter. 3. The public display period for this variation has now expired. If this variation is agreed upon and the land successfully zoned as
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			<p>residential, any future housing will be subject to its own planning process.</p>
			<p>Chief Executive's Recommendation:</p>
			<p>No change recommended.</p>
<p>KK-C295-10</p>	<p>Edward Murphy</p>	<ol style="list-style-type: none"> 1. Expresses concern that Kilkenny County Council is building on what is effectively the green lung of Kilkenny's largest suburb, and nicest park, used by many people. This proposal contradicts the Council's own doctrine. 2. The consultation with residents has been virtually non-existent, as in the case of the recent widening of the footpaths in the park, where only the schools were consulted. 3. The process of making this submission has not been user-friendly for the elderly. 	<p>Chief Executive Response:</p> <p>The contents of this submission are noted.</p> <ol style="list-style-type: none"> 1. The proposed lands subject to this variation cover 0.18 hectares, with a total of 2.65 hectares remaining as an open green space for the enjoyment of residents in the locality. 2. In relation to this variation, the relevant public display period was adhered to, as laid out in Part 2, Section 13 of the Planning and Development Act 2000, as amended. In addition, the Housing Section contacted residents in 1-6 Cedarwood Park and 36 Patrick's Gate by letter, advising them to contact the housing section to discuss the variation if they had queries. 4 residents did contact housing as a result of these letters. Staff of housing also met in person residents of 5, 6 and 7 Cedarwood park, whilst 1 resident phoned to say he did not wish to discuss or meet the Council on this matter.

			<p>The public display period for this variation has now expired. If this variation is agreed upon and the land successfully zoned as residential, any future housing will be subject to its own planning process.</p> <p>3.The public display period and means of display of the proposed variation and ways the public can submit observations are defined by Planning legislation and have been adhered to throughout this process.</p>
			<p>Chief Executive's Recommendation:</p>
			<p>No change recommended.</p>
<p>KK-C295-11</p>	<p>Southern Regional Assembly</p>	<ol style="list-style-type: none"> 1. Based on the documentation associated with the proposed variation, it is considered that the proposed variation will not have a material impact on the achievement of the core strategy of the Kilkenny City and County Development Plan 2021-2027 and will provide for additional housing to accommodate older persons / persons with disabilities at a location where housing currently backs onto open space and would, therefore, improve passive surveillance with the new housing units facing onto a large area of public open space. 2. In consideration of the small-scale nature of the proposed change to the land use zoning at Loughboy consisting of 0.18 ha, it is considered that the proposed variation will not impact negatively on any Regional Policy Objectives 	<p>Chief Executive Response:</p>
			<p>The contents of the submission by the Regional Assembly are acknowledged.</p>
			<p>Chief Executive's Recommendation:</p>
			<p>No change recommended.</p>

		<p>contained in the RSES for the Southern Region as they relate to Kilkenny City.</p> <p>3. Having regard to the observations outlined above, it is considered that proposed Variation No. 3 to the Kilkenny City and County Development Plan 2021-2027, does not materially impact on the achievement of any strategic or regional policy objectives contained in the RSES and would be consistent with the Regional Spatial and Economic Strategy (RSES) for the Southern Region.</p>	
KK-C295-12	OPW	<p>1. The OPW has carried out a review of the documents and note the continued commitment to adhere to the appropriate application of the Planning System and Flood Risk Management Guidelines (2009) and Circular PL02/2014.</p>	<p>Chief Executive Response:</p> <p>The contents of the submission are noted.</p> <p>1. In relation to any future housing development proposed on this land, such guidance as outlined by the OPW will be adhered to during the design process.</p>
			<p>Chief Executive's Recommendation:</p> <p>No change recommended.</p>
KK-C295-13	Uisce Eireann	<p>1. Available network information indicates network extensions may be required to service the subject site.</p> <p>2. Where network reinforcements are required, these shall be developer driven unless there are committed Uisce Eireann projects in place to progress such works.</p> <p>3. In order to maximise the use of existing water services, phased sequential development is encouraged in area</p>	<p>Chief Executive Response:</p> <p>The contents of the submission from Uisce Eireann are noted.</p>
			<p>Chief Executive's Recommendation:</p>

		<p>with existing water services infrastructure and spare capacity. Similarly, to maximise the capacity of existing collection systems for foul water, the discharge of additional surface water to combined (foul and surface water) sewers is not permitted.</p> <p>4. In addition, it should be noted that third-party agreement would be required where it is proposed to service a new development via private property or private water services infrastructure, e.g. on some backland sites and/or housing and industrial/commercial estates with private water service networks. This may apply to the subject site. Uisce Eireann has no information on the ownership of the lands surrounding the zoned land parcels.</p>	<p>No change recommended.</p>
<p>KK-C295-14</p>	<p>Emma Staunton</p>	<ol style="list-style-type: none"> 1. This family uses the green space every day including for school access, the green is busy already with dog walkers and school children already and the addition of new housing will only add to this. 2. The road coming off Bohernatounish Rd, towards Loughboy park is already incredibly busy with no line markings, making it dangerous, even without the extra traffic that the proposed new houses will create. Concerned about traffic and noise that the building work will create. The proposed housing carpark entrance is on a dangerous bend on this road with no line markings. 3. Trees were planted in the area proposed for houses in recent years and also sections of the green space are left 	<p>Chief Executive Response:</p> <p>The contents of this submission are noted.</p> <ol style="list-style-type: none"> 1. The proposed lands subject to this variation cover 0.18 hectares, with a total of 2.65hectares remaining as an open green space for the enjoyment of residents in the locality. 2. Details of traffic / parking associated with any future housing on this site will be dealt with at the design stage for such development and available for viewing during the relevant planning process.

		<p>unmowed in order to support biodiversity in the area. The proposed works would undo much of this work.</p>	<p>3. The 40 trees planted throughout this green space will remain relatively untouched by the development of this site and rewilding can occur in this green space, regardless of this 0.18 hectares of land being proposed for housing. The impact of any future development on the biodiversity of this site would be addressed in an Appropriate Assessment Screening Report, required with any future planning process seeking housing on these lands.</p>
			<p>Chief Executive's Recommendation:</p>
			<p>No change recommended.</p>
<p>KK-C295-15</p>		<p>1. The submission states that An Taisce share a desire to provide housing suitable for older persons and persons</p>	<p>Chief Executive Response: The contents of the submission are noted.</p>

	<p>An Taisce, Kilkenny Association</p>	<p>with disabilities near to their relatives and neighbours and within easy reach of amenities expressed in ‘Kilkenny County Council Housing Delivery Action Plan 2022 –2026’. This is easily planned for in new estates but in existing estates development should be on brownfield sites and infill sites as recommended in Sustainable Residential and Development Compact Settlements – Guidelines for Planning Authorities. It is undesirable to have house building on green space / parkland.</p> <p>2. The park at Loughboy is a long standing public amenity space over 40 years and in Council documentation it should be referred to as a green space/parkland and not just as ‘open’ space. There is ample land available for development in Kilkenny City and the Abbey Quarter would be an ideal location for provision of sheltered housing for the elderly and disabled given its proximity to all the city’s amenities.</p> <p>3. It is not appropriate to apply retrospectively a policy for provision of universal accessible house types expressed in the 2021 City & County Development Plan unless there is brownfield or infill sites to deliver them in established estates. Whatever the outcome in this specific case it must not set a precedent that can be used in an argument for building on other established green spaces.</p>	<ol style="list-style-type: none"> 1. The proposed lands subject to this variation cover 0.18 hectares, with a total of 2.65 hectares remaining as an open green space for the enjoyment of residents in the locality. 2. The Council are constantly looking at potential areas for housing in the city and their assessment of this site resulted in it being deemed suitable for housing, thus it is now subject to this variation process. 3. Universal access principles are applied across all forms of development, infill or otherwise and this site was put forward for a change in zoning as it was fulfilled criteria for the provision of housing needed to meet demand in this area. It is not the case that this variation sets a precedence for all other green spaces to be developed into the future. The decision to proceed was evidenced based.
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			Chief Executive's Recommendation:
			No change recommended.

4 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.

5 Recommendation of the Chief Executive

It is recommended that the Members of Kilkenny County Council adopt Variation no. 3 to the Kilkenny City and County Development Plan 2021 – 2027 with no change, as set out in this report.



**Lar Power,
Chief Executive
Kilkenny County Council**