

Graigenamanagh-Tinnahinch Draft Joint Local Area Plan 2021-2027

Chief Executive's Report – Kilkenny County Council
February 2021





Kilkenny County Council

Colette Byrne,
Chief Executive

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1. Introduction

This report forms part of the statutory procedure for the making of a Local Area Plan (LAP). It addresses the submissions received during the 6-week public consultation period, from the 20th of November 2020 to the 25th of January 2021, in relation to the Draft Joint LAP.

The purpose of the report is to:

- (a) Report on the written submissions/observations received in relation to the Draft Joint LAP during the public consultation period.
- (b) Set out the Chief Executive's response to the issues raised in the submissions/observations and;
- (a) 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 in accordance with Section 20(3)(c) of the Planning and Development Act 2000 (as amended), for their consideration. A similar report will be submitted to the members of Carlow County Council addressing issues on the Tinnahinch side in County Carlow. The Carlow Chief Executive's report is attached for information.

1.1 Details of Public Display

The documents put on public display for the Draft Local Area Plan were:

- Draft Joint Local Area Plan
- Public Notice
- Natura Impact Report in support of the Appropriate Assessment
- Strategic Environmental Assessment Report
- Strategic Flood Risk Assessment

All of the above documents were placed on the consult.kilkenny.ie consultation website and the consult.carlow.ie consultation website and on each Council's own website. Hard copies of the documents were on public display in the following locations:

- Planning Office, Kilkenny County Council, County Hall, John Street, Kilkenny
- Planning Office, Carlow County Council, County Buildings, Athy Road, Carlow

Submissions could be made from the **20th of November to 5pm on 25th of January 2021** by:

- Email to ourplan@kilkennycoco.ie
- Email to jointLAP@carlowcoco.ie
- Online at consult.kilkenny.ie
- Online at consult.carlow.ie
- Written submissions to Senior Planner, Planning Department, Kilkenny County Council, County Hall, John Street, Kilkenny.
- Written submissions to Senior Planner, Planning Department, Carlow County Council, County Buildings, Athy Road, Carlow

Due to Covid-19 restrictions an online information evening took place via MS Teams on the 11th January 2021 from 7-9pm, where the content of the Draft Plan was discussed with interested parties.

2. Submissions Received

In total, 17 submissions were received by Kilkenny County Council to the Draft Local Area Plan, as set out below¹.

Ref	Name
KKC148-1	Denis Logan
KKC148-2	Francis Logan
KKC148-3	Transport Infrastructure Ireland (TII)
KKC148-4	Environmental Protection Agency (EPA)
KKC148-5	Office Public Works (OPW)
KKC148-6	Department of Climate and Communications
KKC148-7	Frances Logan
KKC148-9	Office Public Works (OPW)
KKC148-10	Highview Athletic FC
KKC148-11	Brian Roberts
KKC148-12	Gas Network Ireland
KKC148-13	Matt Bookle
KKC148-14	Irish Water
KKC148-15	Department of Education
KKC148-16	Cllr Michael Doyle
KKC148-17	Dept of Tourism, Culture, Arts, Gaeltacht, Sport and Media (Development Applications Unit)
KKC148-18	Office of the Planning Regulator (OPR)

¹ The full text of the submissions received are available to view at the following link:
<https://consult.kilkenny.ie/en/node/2531/submissions>

2.1 Submissions from Statutory Bodies

In the recommendations, the deletion of text is indicated with a ~~strikethrough~~ and the addition of text is indicated in *red italics*.

Ref No.	Name
KKC148-3	Transport Infrastructure Ireland (TII)
Submission Summary: <ol style="list-style-type: none"> 1. TII states as there are no national road issues to address in the Joint Local Area Plan Transport Infrastructure Ireland has no specific observations to make. 	
Chief Executive's Response & Recommendations <ol style="list-style-type: none"> 1. Noted. No change 	

Ref No.	Name
KKC148-4	Environmental Protection Agency (EPA)
Submission Summary: <ol style="list-style-type: none"> 1. The EPA attached a guidance document 'SEA of Local Authority Land Use Plans – EPA Recommendations and Resources'. This document sets out their key recommendations for integrating environmental considerations into Local Authority land use plans 2. The EPA note that Kilkenny and Carlow County Council must ensure the Plan aligns with key relevant higher-level plans and programmes and is consistent with the relevant objectives and policy commitments of the National Planning Framework and the Regional Spatial Economic Strategy for the Southern Region 	
Chief Executive's Response & Recommendation <ol style="list-style-type: none"> 1. Noted. No Change 2. Noted. No Change 	

Ref No.	Name
KKC148-5	Office of Public Works (OPW)
Submission Summary: <ol style="list-style-type: none"> 1. The OPW notes a separate correspondence in the form of a full review of the Draft LAP will be provided from the OPW Planning Advisory Service (PAS) 2. The OPW provides an update on the progress of the Graiguenamanagh-Tinnahinch Flood Relief Scheme 	
Chief Executive's Response & Recommendation <ol style="list-style-type: none"> 1. Noted No Change 2. Noted No Change 	

Ref No.	Name
KKC148-6	Department of Climate and Communications (DECC)
Submission Summary:	
<ol style="list-style-type: none"> 1. Local authority to consult directly with their respective Regional Waste Management Planning Office regarding development of their final plans 	
Chief Executive's Response & Recommendation	
<ol style="list-style-type: none"> 1. Kilkenny and Carlow County Council notified the Southern Waste Region on the 26th November 2020 – no correspondence was received. No change recommended 	

Ref No.	Name
KKC148-9	Office of Public Works (OPW)
Submission Summary:	
<ol style="list-style-type: none"> 1. The OPW welcomes the commitment to address surface water flooding issues and the need for SuDS (Objectives INFO 1.2 and INFO 2.2) 2. The commitment to managing flood risk in line with the Guidelines and the measures set out in the FRMPs (Objectives INFO 3.1 and 3.4) 3. The OPW suggests reference may be made under INFO 3.2 to the consideration of the potential impacts of climate change as part of the application of the Guidelines 4. The Guidelines recommend that the SFRA provide guidance on the likely applicability of different SuDS techniques for managing surface water run-off at key development sites 	
Specific sites within the SFRA	
<ol style="list-style-type: none"> 5. Area 9: Duiske Abbey Graiguenamanagh – The commitment in the SFRA to provide a provision within the Plan that Highly Vulnerable development will not be permitted could not be found 6. Area 11: Existing Residential West of R703 - The commitment in the SFRA to provide a provision within the Plan that no additional housing should be provided at this location could not be found 7. Area 13: Mixed Use West of Fairview Graiguenamanagh – No separate FRA has been supplied to further assess the flood risk and the potential effects of flooding on the site and in surrounding areas due to the development of the area. A site-specific FRA in itself is not considered to be a mitigation measure. The OPW suggests Kilkenny and Carlow County Council might consider providing further guidance on the measures considered acceptable in the area. 8. Area 15: Existing Residential North of R703 - The commitment in the SFRA to provide a provision within the Plan that no additional housing should be provided at this location could not be found 9. Area 16: Existing Residential East of R705 - The commitment in the SFRA to provide a provision within the Plan that no additional housing should be provided at this location could not be found 10. Area 17: Existing Residential Fairview -The commitment in the SFRA to provide a proviso within the Plan that no additional housing should be provided at this location could not be found 	

11. West of R703 Tinnahinch – There is an area of Mixed Use zoning, adjoining the Open Space/Biodiversity lands, which is located in Flood Zone A. Highly Vulnerable and Vulnerable development is considered inappropriate in Flood Zone A, unless the criteria for a plan-making Justification Test can be satisfied and the flood risk mitigated.
12. The Quay Graiguenamanagh – There is a vacant site at the road junction between Barrow Lane and The Quay. The site is zoned for Mixed Use and is located in Flood Zone A. Highly Vulnerable and Vulnerable development is considered inappropriate in Flood Zone A, unless the criteria for a plan-making Justification Test can be satisfied and the flood risk mitigated.

Chief Executive's Response & Recommendation:

1. Noted. No Change
2. Noted. No Change
3. The consideration of climate change has been incorporated into the Flood Risk Guidelines, and is addressed in the County Development Plan which provides the appropriate overarching policy framework for the approach to site specific FRAs. No change
4. The approach to SuDS is set out in the County Development Plan which provides the appropriate overarching policy framework for the approach to site specific FRAs. No change.
5. A provision is to ensure no highly vulnerable uses in Flood Zone A or B will be added to the Community/Education zone in Appendix A of the Plan
6. This provision to ensure no new highly vulnerable in Flood Zone A or B will be added to the Existing Residential zone in appendix A of the Plan.
7. This site passed the Development Plan making Justification Test, and any vulnerable development proposed on this site will have to satisfy the development management Justification test. Requirements for mitigation measures at site design are set out in the County Development Plan which provides the appropriate overarching policy framework for the approach to site specific FRAs. No change recommended.
8. A provision to ensure no new highly vulnerable development in Flood Zone A or B will be added to the Existing residential zone in Appendix A of the Plan
9. A provision to ensure no new highly vulnerable development in Flood Zone A or B will be added to the Existing residential zone in Appendix A of the Plan
10. The SFRA will be amended to include a discussion of "Mixed use" zoning either side of the R703. The zoning in this area for mixed use passed the Development Plan making Justification Test, and any vulnerable development proposed for this site will have to satisfy the Development Management Justification test.
11. This site is included in the SFRA as part of Area 7. The zoning in this area for Mixed Use passed the Development Plan making Justification test, and any vulnerable development proposed for this site will have to satisfy the development management Justification Test.

Ref No.	Name
KKC148-12	Gas Networks Ireland (GNI)
<p>Submission Summary:</p> <ol style="list-style-type: none"> 1. GNI welcomes the inclusion of policy objective INFO4.2 <i>“To promote and encourage the use of renewable energy technologies in existing and proposed building stock within the Draft Joint LAP area subject to consideration of environmental, conservation and visual requirements”</i> in the local area plan. 2. Renewable gas can help Graiguenamanagh - Tinnahinch reduce its carbon emissions. 3. GNI also welcomes the inclusion of section 10.6, Natural Heritage, of the local area plan. GNI is cognisant of the natural environment. 	
<p>Chief Executive's Response & Recommendation</p> <ol style="list-style-type: none"> 1. Noted. No change Recommended 2. Noted. No change Recommended 3. Noted. No change Recommended 	

Ref No.	Name
KKC148-14	Irish Water
<p>Submission Summary:</p> <ol style="list-style-type: none"> 1. Irish Water welcomes the opportunity to review the Draft Joint LAP. The submission notes there is a deficit in the Graiguenamanagh Water Resource Zone (WRZ) and it will require further investigative studies and interventions to facilitate new connections/developments to the network. The submission also advises the plan to address the deficit for the Graiguenamanagh WRZ is currently being developed through the National Water Resources Plan Full Options Assessment process, with an outcome anticipated in mid-2021. Following that process, it is possible that significant upgrades/interventions may be needed. Irish Water will keep Carlow and Kilkenny County Councils informed on this process. 2. The submission also advises that there is sufficient capacity in the Graiguenamanagh-Tinnahinch WWTP to cater for the level of growth proposed in the Draft Joint LAP. 3. Irish Water also encourages the use of the inclusion of policies and objectives on the use of Sustainable Urban Drainage Systems and Green Infrastructure in new developments and retrofitted in existing developed areas 	
<p>Chief Executive's Response & Recommendation:</p> <ol style="list-style-type: none"> 1. Kilkenny County Council will work alongside Irish Water to address the deficit of water supply in Graiguenamanagh. No change recommended. 2. Noted. No change recommended 3. Noted. No change recommended 	

Ref No.	Name
KKC148-15	Department of Education
<p>Submission Summary:</p> <ol style="list-style-type: none"> 1. The Department of Education notes the proposal to zone an alternative site for Duiske College. The Department does not object to this proposal. However, the Department notes this should not be interpreted as a commitment to acquire the site or provide a new school. 2. The Department of Education points out the main focus of available resources over the last decade and for the coming period is on provision of additional capacity to cater for increasing demographics. 3. It is stated there is no significant demographic demand identified in Graiguenamanagh. Nevertheless, it is accepted that the zoning of this alternative site potentially offers an option to address long-term development needs for the area should this be required. 	
<p>Chief Executive's Response & Recommendation</p> <ol style="list-style-type: none"> 1. Noted. No change recommended 2. Noted. No change recommended 3. Noted. No change recommended 	

Ref No.	Name
KKC148-17	Dept of Tourism, Culture, Arts, Gaeltacht, Sport and Media (Development Applications Unit)
<p>Submission Summary:</p> <p>Archaeology</p> <ol style="list-style-type: none"> 1. The submission welcomes the dedicated section to Architectural and Archaeological Heritage in the area. It recommends that the individual Recorded Monuments (RMPs) are also marked on Map 2. 2. It is recommended to replace the following statement in Section 2.2.1 that Graiguenamanagh 'itself has remains of settlement dating from <u>thousands</u> of years earlier' than Duiske Abbey (dated 1204AD) – there is currently no evidence of prehistoric activity/settlement within the area of the JLAP. It is recommended that that the statement is replaced with 'may have yet unidentified sites/features of earlier archaeological activity associated with the settlement of the Graiguenamanagh-Tinnahinch area.' 3. The submission recommends the inclusion of a statement on archaeological heritage for a clear understanding of the nature of archaeology and the archaeological heritage. 4. It is also recommended to include an objective for the protection of the archaeological heritage in Section 3.3 'Strategic Objectives'. 5. With regard to Section 8.3 the following should be considered for inclusion: <ol style="list-style-type: none"> a) National monuments subject to Preservation Orders under the National Monuments Acts 1930 to 2014 and national monuments which are in the ownership or guardianship of the Minister for Housing, Local Government and Heritage or a local authority e.g. Duiske Abbey. b) Archaeological objects within the meaning of the National Monuments Acts. <p>Additional Objectives for inclusion:</p>	

6. The Department recommends the inclusion of additional objectives in Section 8.3.2 to protect the archaeological heritage and development control objectives including climate change

Information for inclusion in appendices.

7. In Appendix B of the Draft Joint LAP it is recommended to include reference to www.archaeology.ie and the historic wreck records at <https://www.archaeology.ie/underwater-archaeology/wreck-viewer>
8. The Department recommends the inclusion of the following legislation in relation to the protection of the archaeological heritage
 - The National Monuments Act 1930-2014
 - The Planning and Development Act 2000 and the Planning and Development Regulations 2001
 - The Environmental Impact Assessment (EIA) Directive
 - International Conventions
 - National Policy on the Protection of the Archaeological Heritage in the course of development – Framework and Principles for the Protection of the Archaeological Heritage

Chapter 5 Economic Development & Tourism:

9. The Department considers the Tourism and Recreational Project Concept Study to be a plan as defined by Article 2(A) of the Strategic Environmental Assessment (SEA) Directive (Directive 2001/42/EC), and to be a plan or project for the purposes of Article 6(3) of the Habitats Directive. The Department therefore considers that the Concept Study should have been subject to screening for Appropriate Assessment and if required, Appropriate Assessment (AA), and that consideration should have been given to the need for Strategic Environmental Assessment (SEA) also.
10. The Department is concerned that the specific proposals in the Concept Study which will directly impact on the River Barrow and River Nore SAC have not been assessed in sufficient detail in the Natura Impact Report (NIR) for the Draft Local Area Plan, particularly as the Study has not been subject to AA or SEA.
11. The Department welcomes the addition of a new zone 'Open Space/Biodiversity' to protect the river and its banks as a green corridor for wildlife and biodiversity and supports objective GIO 1.1 *'To carry out, as resources allow, Habitat and Green Infrastructure Mapping for Graiguenamanagh-Tinnahinch in order to reduce and avoid fragmentation or deterioration of the Green Infrastructure network and strengthen ecological links within Graiguenamanagh- Tinnahinch and to the wider regional network'*.
12. In relation to Objective GIO 1.2 the Department recommends the LAP should consider tree planting to enhance green infrastructure
13. The Department is concerned that Objective OSO2.25 has not been subject to sufficiently detailed assessment in the NIR, given that specific routes have been identified as indicated in Map 1 (Landuse Zoning Objective) which include significant lengths of riverbank areas along the River Barrow and Duiske River, both inside and outside the plan area.

Chapter 8 Built & Natural Heritage:

14. The Department would encourage the Councils to include an objective to conduct a bat survey as part of any planning permission required to redevelop historic buildings. The Department also advises that a bat survey and mitigation measures will be required in

relation to proposals for lighting around the George Semple bridge and the Quay Graiguenamanagh and Tinnahinch (MTO 1.2 and MTO 1.10).

15. The Department suggests that an objective is included in the Plan to promote awareness of the rich biodiversity assets within Graiguenamanagh and Tinnahinch.

16. For the purpose of clarity, the Department suggests amalgamating Section 8.4 and 10.6

Chapter 9 Movement & Transport:

17. The Department considers the Mobility Management Plans outlined in Objective MTO 1.2 and MTO 1.8 will require screening for Appropriate Assessment

Infrastructure & Environment

18. The Department considers that cumulative impacts of the stated policy (of allowing private water supplies within the plan area in order to achieve the population growth targets and whether these impacts will affect the hydrological regime of the River Barrow and River Nore SAC) is something which can only be adequately assessed at plan level, and therefore considers that this matter needs to be addressed as part of the appropriate assessment for the Plan.

19. The Department notes that Section 10.3 requires amendment referring to water quality of River Barrow

20. The Department has requested for the inclusion of the potential role of natural water retention measures to be mentioned in relation to Objective INF3.

21. The Department suggests the inclusion of an objective in the Plan to work with Inland Fisheries Ireland and the OPW to remove barriers to fish movement as part of any instream development works in the Duiske river

22. It is considered by the Department the masterplan areas prepared under Objective MPO1.1 and MPO 1.2 will require screening for Appropriate Assessment

23. Section 1.6 Planning Policy 'Ireland's National Biodiversity Plan 2011-2016' should be changed to 'Ireland's National Biodiversity Plan 2017-2021'.

24. In relation to all objectives for development within the riparian zone of the River Barrow and Duiske River, the Department recommends that reference should be made to the recently updated guidance by Inland Fisheries Ireland on planning for watercourses in the urban environment, particularly in relation to riparian buffer zones.

Matters relating to the Strategic Environmental Assessment

1. The Department considers that tourism and recreation provision objectives within and adjacent to the River Barrow and River Nore SAC and the stated policy of allowing private water supplies within the Plan area in order to achieve the population growth targets should be identified as potential significant environmental effects on biodiversity SEO's, which require assessment and for which appropriate plan-level mitigation measures may need to be identified.

2. The Department advises the Council that in line with EPA Guidance monitoring should focus on measures to monitor the identified potential significant environmental effects and the effective implementation of mitigation measures, not the full range of environmental criteria used to assess the Plan.

3. The Department suggests that the phrase 'enhance biodiversity' is changed to 'conserve and restore' biodiversity.

4. The Department advises that Table 3.3 should be omitted and that the National Biodiversity Data Centre and NPWS Biodiversity records are consulted to ascertain a more accurate picture of such species within the Plan area.

Matters relating to the Natura Impact Report

1. The Natura Impact Report (NIR) (Stage 2 AA) of the Plan, dated March 2020, prepared by Forward Planning, Kilkenny County Council & Carlow County Council has not confined potential effects to the effects arising from the Plan as stated.
2. The Department advises that mitigation measures should be specifically related to potential adverse effects identified in relation to each qualifying interest habitats and species identified within the Plan's zone of influence.

Chief Executive's Response & Recommendation:

1. The RMP are indicated on the Map 2 as presented with the Draft Plan. No change required
2. Noted. Change the text as follows: *'The town has a rich heritage and may have yet unidentified sites/features of earlier archaeological activity associated with the settlement of the Graiguenamanagh-Tinnahinch area.'*
3. Archaeological Heritage is set out clearly in the Kilkenny County Development plan 2014-2020 and the Draft Kilkenny City and County Development Plan 2021-2027. No change recommended.
4. Strategic Objective covered in County Plan. No change recommended.
5. Noted, Objective ARCO1.1 will be amended as follows: ARCO1.1 *'To protect and preserve all Archaeological objects within the meaning of the National Monuments Acts ~~items of archaeological interest~~ from inappropriate development that would adversely affect and/or detract from the interpretation and setting of these historic sites.'*
6. These Strategic Objectives are more appropriate for inclusion in the County Development Plan which contains the Development Management Requirements for the County in general. No change recommended.
7. Noted. In Appendix B of the Draft Joint LAP will include reference to www.archaeology.ie and the historic wreck records at <https://www.archaeology.ie/underwater-archaeology/wreck-viewer>
8. These references are more appropriate for inclusion in the higher-level County Development plan. No change recommended.
9. The Tourism and Recreational Project study was a Concept Study and the spatial objectives to support the recommendations from the Study have been subject to the SEA (pg. 56) and the NIS (Section 4) for the LAP. It is considered that if the zoning classification of the LAP and mitigation measures proposed are implemented fully it is considered that adverse effects on the integrity of the SAC and SPA can be avoided.

Recommendation: To reinforce that avoidance objective TO2.1 and TO2.2 will be reworded as follows:

TO2.1: *To support the implementation of the Graiguenamanagh-Tinnahinch Tourism and Recreational Project Concept Study, and the development of tourism infrastructure (in particular at The Hub), overnight accommodation (in particular Brandondale House), attractions and facilities at appropriate locations subject to the appropriate protection of architectural heritage and natural amenities and appropriate statutory processes required by the European Habitats Directive.*

TO2.2: *To support the implementation of the Graiguenamanagh-Tinnahinch Tourism and Recreational Project Concept Study, and the development of outdoor leisure activities and a River Park and associated uses on lands that are designated as open space, subject to the protection of landscape character and natural heritage and appropriate statutory processes required by the European Habitats Directive*

10. The Joint Plan has regard to the proposals contained in the Concept study. The particular project proposals from the Concept Study that are contained in the Local Area Plan will be further analysed at project level appropriate assessment screening and Natura Impact statement if required in accordance with Article 6 Habitats Directive. No Change recommended.
11. Support of GIO1.1 noted. No Change Recommended
12. Policy GIO 1.2 implies tree planting but it will be more explicitly stated as follows: GIO 1.2 to: To preserve, protect and augment trees, groups of trees, woodlands and hedgerows within the settlement by increasing, where appropriate, tree canopy coverage *and tree planting* using locally native species by incorporating them within design proposals and supporting their integration into the existing Green Infrastructure network.
13. The location of the path along the riverside is indicative only. The River Barrow has an existing tow path which comprises part of an existing long-distance walking route. The objective OSO 2.25 seeks to enhance the use of strategic open spaces in the town and promote a network of paths and cycle routes as indicative routes throughout the town. Any upgrades or new proposals will be subject to the requirements of the Habitats Directives as maybe required.
Recommendation: Include 'indicative' on Map 1. Specific proposals for development adjoining the River Barrow, will need to consider the designation of the River as a Special Area of Conservation (cSAC), and will be subject to project level AA in the preparation of the detailed design of any scheme. No development which may lead to adverse impacts on the River Barrow will be permitted as part of the JLAP. Sufficient mitigation is included in the Plan in this regard.
14. Bat Surveys are a Development Management Requirement/prerequisite and are best included in that process and should be provided for in the County Development Plan. No change recommended.
15. It is not the function of the spatial plan for Graiguenamanagh/Tinnahinch to promote awareness. Sufficient mitigations are included in the Plan to protect biodiversity. No Change
16. The Sections will be amalgamated as suggested for easier reference. Amalgamate Section 10.6 Natural Heritage with Section 8.4 Natural Heritage and Biodiversity
17. Noted. This however does not require a statement in the Plan as all Mobility plans and the work arising from same are screened in accordance with the Habitats Directive. No change recommended.
18. As indicated in The Irish Water submission the objective is to address public water supply issues and therefore not require reliance on private water supplies. As outlined investigations are on-going in order to address the deficit for Graiguenamanagh Water Resource Zone. To protect the hydrological regime of the River Barrow SAC, an additional objective INFO 1.2 will be inserted as follows: *INFO 1.2 Where a private water supply is proposed for development the Council will require the cumulative impacts of a private water supply on the hydrological regime of the River Barrow SAC to be addressed as part of any project assessment.*
19. Noted. The correct water quality reference as moderate will be inserted in 10.3 as follows: *The status of the River Barrow in Graiguenamanagh is moderate.*
20. Comments noted in relation to natural water retention measures. It is recommended to include reference to the potential role of natural water retention measures in Objective INF3 as follows:

INFO3.4: To require the preparation of Drainage Impact Assessments, in line with the SFRA for this Draft Joint LAP, for all development proposals within the plan area and to consider sustainable drainage and natural water retention measures. ‘To identify any measures, such as natural water retention measures, that can have benefits for Water Framework Directive, flood risk management and biodiversity objectives’

21. Comments in relation to blockages in the Duiske River are noted. It is recommended that an objective be included as follows: *NHO1.6 “To work with Inland Fisheries Ireland and the OPW to remove barriers to fish movement as part of any instream development works in the Duiske River”*
22. Noted, the requirement for appropriate assessment screening of Objective MPO1.1 and MPO 1.2 is already included in the text of the JLAP in Section 11.3.1.
23. Comment noted, reference to Ireland’s ‘National Biodiversity Plan 2011-2016’ will be changed to *‘Ireland’s National Biodiversity Plan 2017-2021’* in Section 1.6
24. Noted. It is recommended to include the following new objective under *NHO1.7 ‘It is an objective to consider guidance by Inland Fisheries Ireland on planning for watercourses in the urban environment, particularly in relation to riparian buffer zones.’*

Matters relating to the Strategic Environmental Assessment

1. The objectives in relation to tourism and recreation facilities, have been identified as having potential significant effects (Section 3 pg. 33 of NIS). Mitigations are contained in the Plan in the form of zoning objective for Open Space/Biodiversity in addition to objectives NHO1.1, NHO1.2, NHO1.3 and NHO1.4 as mitigation. The provision of private water supply is the subject of a new objective *INFO1.2 to protect against the impact on the hydrology of the River Barrow SAC. This objective will be screened for inclusion in the AA and SEA for the material alterations.*
2. Chapter 8 of the SEA sets out the monitoring proposals. This will be revisited to ensure, that monitoring focuses on measures to monitor the identified potential significant environmental effects and the implementation of mitigation measures.
3. References to enhance biodiversity will be amended to ‘conserve and restore’ biodiversity.
4. Table 3.3 will be omitted and the National Biodiversity Data Centre and NPWS Biodiversity records will be consulted to ascertain a picture of species within the Plan area.

Matters relating to the Natura Impact Report

1. The Natura Impact report (NIR) includes a comprehensive assessment of the potential effects arising from the Plan, but it will be amended to ensure that mitigation measures are specifically related to conservation objectives of the Natura 2000 sites and how they address the potential adverse effects identified.
2. Noted

Ref	Name
KKC148-18	Office of Planning Regulator (OPR)
Submission Summary:	
1. LAP Core Strategy: Observation 1	

"The OPR advises for an objective to be included in the LAP to ensure its objectives, including land use zoning objectives are consistent with the development plan and its Core Strategy no later than 6 months after the making of the new development plan".

2. County Development Plan Core Strategy Recommendation 1

"The planning authorities are required to review and revise as necessary the proposed Core Strategy allocation(s) to both Graiguenamanagh and Tinnahinch to ensure consistency with the Section 28 Guidelines: Housing Supply Target Methodology for Development Planning and Appendix 1 of the accompanying Ministerial Circular"

3. Quantity of Zoned Land Recommendation 2

"The planning authorities are required to review, in an evidence-based approach, the quantity of land zoned for residential purposes to ensure consistency with any revisions arising from Recommendation 1 above, and to remove any additional requirements arising from the inclusion of additional lands over and above the Core strategy requirements relating to housing tenure or types of housing".

4. Compact Growth Recommendation

Having regard to the NPF's objectives for compact growth, the planning authorities are required to remove proposed zonings NR5 and COM1.1 on the western side of the Graiguenamanagh Relief Road.

5. Servicing of Zoned Land- Observation

The planning authorities are advised to demonstrate that the tiered approach to zoning required under the NPF (policies NPO72a, NPO72b and NPO72c refer) has been applied which should have regard to the provisions of an Infrastructural Assessment in accordance with the methodology set out in Appendix 3 of the NPF. Where infrastructure constraints are identified, the plan should make clear the implications for the timing and sequencing of future development.

6. Climate Change Observation

Given the importance attributed to climate action by Government, as evidenced by, inter alia, the publishing of the Climate Action Plan 2019, the planning authorities are advised to include an objective to consider a variation of the Local Area Plan within a reasonable period of time, or to include such other mechanism, as may be appropriate, to ensure the local area plan will be consistent with the approach to climate action following the publication of the respective county development plans.

7. Flooding - Observation 4

The planning authorities are advised, in consultation with the OPW, to revisit the Strategic Flood Risk Assessment for the Draft Joint LAP. This should include the preparation of a justification test for sites MPO1 and MPO2.

8. Environment Heritage & Amenity

The OPR suggests the preparation of architectural briefs in respect of the opportunity sites within the town centre and that the 5 priority sites for regeneration listed in the draft plan be shown on a map.

9. Economy & Employment

The Planning Authorities are requested to define on a LAP map the extent of the retail core of the town centre, as recommended in the Retail Planning Guidelines, and to extend the range of uses that might be allowed on the proposed mixed-use zoning in Tinnahinch to include retailing, given the lack of sites for space-extensive retailing elsewhere in the town.

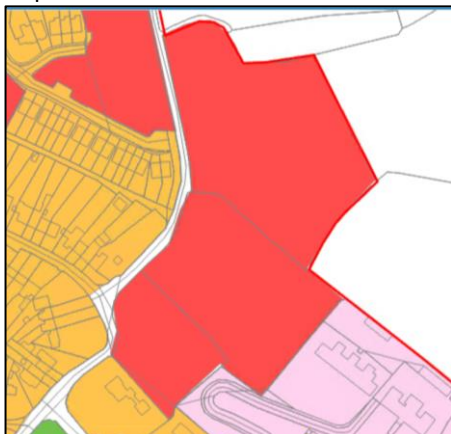
Chief Executive’s Response and Recommendation:

1. The amendment to the timeframe as requested is noted. However, given the varying timeframe for the Development Plan Process applicable to both authorities it is likely that it would not be possible to implement a joint variation within the six-month timeframe given the differing dates of adoption for each respective County Development Plan. (Kilkenny County Development Plan due for adoption either late Q2, early Q3 2021 while Carlow County Development Plan due for adoption June 2022). In order to facilitate compliance with the objective in the Joint LAP it is recommended that the reference to one year to facilitate the review process be maintained in the draft plan. No Change.
2. The Core Strategy has been revised in accordance with the Section 28 guidance issued by the Department after the publication of the draft Graiguenamanagh/Tinnahinch Local Area Plan. The Core strategy revision has implications for residential zoning, revising the housing figures downwards. The Core Strategy for Graiguenamanagh will be reviewed accordingly (See 3 below for detail). In addition to this, Low Density housing (LD1) is proposed in accordance with objective 18b of the National Planning Framework. This low density allocation under objective 18b will be accounted for in the under the rural housing allocation in the City and County Development Plan’s Core Strategy and amounts to a potential for 20 serviced sites at 10 units per ha.
3. Following a review of the proposed housing numbers in accordance with the Section 28 Guidance from the Minister, is recommended that the following evidence-based changes be made to the draft plan:

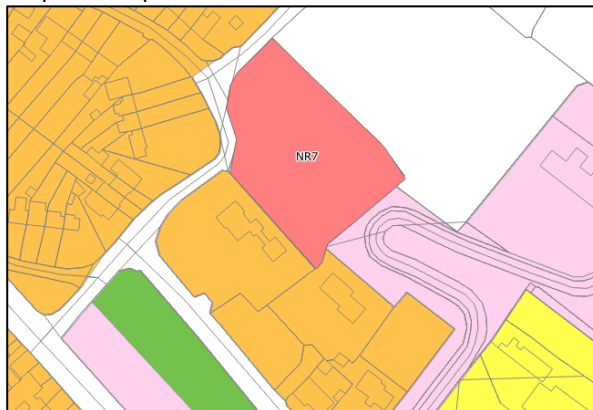
The proportional Housing target is 1.5% of the County total for Graiguenamanagh, amounting to 1.5% of 4,725² units to end of 2027 = 71 units. At a density of 20 units to the Ha, the total land required will be 3.5Ha. Also see Infrastructure Assessment attached for the extents.

It is proposed to accommodate the 3.5Ha on lands zoned NR1, NR2, NR3, NR4, NR6, and part of NR7. Lands zoned NR 5 in the draft will be omitted and NR7 will be reduced to the area indicated in the map below.

As presented in the Draft Plan



Proposed as part of Material Amendments



² Estimated number of households based most recent data from Dept. of Housing Planning and Local Government Dec 18th 2020. To be refined and verified through City & County Core Strategy

4. Due to the downward revision for housing numbers, NR5 has been removed. COM1.1 (Community) currently contains the new Graiguanamagh Fire Station and includes the land that was requested by Duiske College to be reserved for a new school. The Department of Education has no objection to the proposed reservation of the land although they do not project a demographic demand for this site at present. The Department however considers that the zoning of this alternative site potentially offers an option to address long-term development needs for the area should this be required.
5. A Tiered zoning approach as set out in Appendix 3 of the NPF was followed in the plan and was completed on a traffic light basis but was not included in the draft plan. An Infrastructure Assessment is now included as an Appendix to the plan and is attached to this report.
6. An objective will be included in the LAP to address climate action policies and actions. Overarching nature of climate policy and action is also addressed in the Draft Kilkenny City and County Development Plan 2021-2027 and the adaption to ongoing policy development at all levels of plan making will be enshrined in the adopted Kilkenny City and County Development Plan 2021-2027.
7. Extensive consultation has taken place with the OPW both at policy level and project level in the preparation of the LAP. MPO1.2 is a masterplan area in Tinnahinch which the Draft Plan proposed zoning is for Open Space/Biodiversity Conservation. All the permissible uses fall into the 'Water Compatible development' categories of Table 3.1, and a Justification Test at this plan-making stage is not required for SAC zoning. Similarly, for MPO1.1 the area is zoned for Open Space/Biodiversity in the Draft LAP). This zoning allows for a wide variety of uses which are water-compatible and a justification test at this plan making stage is not required. Justification test may well be required at development management stage. No change recommended.
8. The preparation of Architectural Briefs may not be appropriate at this stage in all the town centre regeneration sites for the following reason:
 1. **Abbey Hall**

Abbey Hall is a proposed recreational area over three levels. An architectural brief has been completed.
 2. **Refurbishment of the Town Library and development of a Men's Shed**

The refurbishment of the Town Library is to address water ingress. A disused toilet block is to be converted to a Men's shed. The project design is complete and was subject to architectural input.
 3. **Development of a Car Park and Public Toilets at Turf Market**

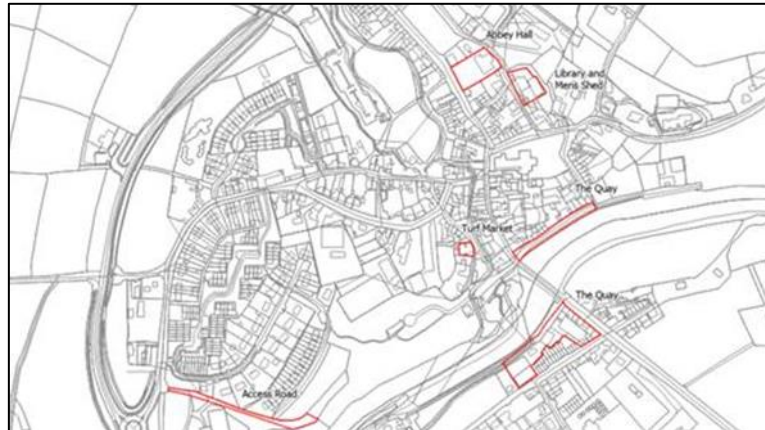
This project design has been completed and the project has received Part 8 approval. Works have subsequently commenced.
 4. **Development of an access road and car park for Outdoor Activity Centre**

This project has been designed and received planning permission but has been delayed due to the prevalence of Japanese Knot weed on the site.
 5. **The public realm associated with the Quay in both Graiguenamanagh and Tinnahinch.**

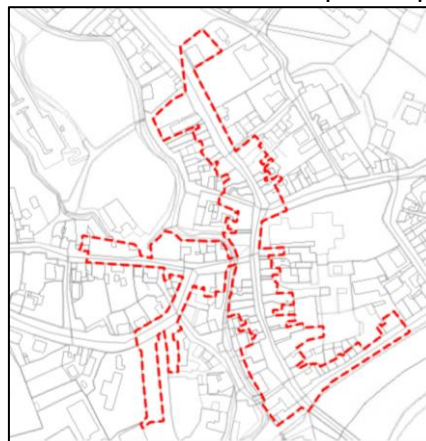
To require the preparation of an architectural design / public realm brief for the quays in Graiguenamanagh and Tinnahinch to ensure the character of the area

is maintained and that any potential flood defence proposals are appropriate to its location along the banks of the River Barrow

The areas for urban regeneration will be indicated in the plan as per map below



8. The retail core for Graiguenamanagh has been completed and is contained in the draft Kilkenny City and County Development Plan. This core retail area will be indicated in the plan as a material alteration as per map below



2.2 Other Submissions

Ref	Name
KKC148-1	Denis Logan
<p>Submission Summary:</p> <ol style="list-style-type: none"> 1. A blueway should be formed between Graiguenamanagh and St. Mullins in the form of a hard surface and accommodate both a cycle and walking path 2. Hard surface would allow the path to be used by the elderly and invalids i.e. wheelchair users 	
<p>Chief Executive’s Response & Recommendation:</p> <ol style="list-style-type: none"> 1. The content of this submission relates to Tinnahinch. Therefore, this submission is dealt with in the Chief Executive Report prepared by Carlow County Council. No change recommended 2. See Number 1 above. No change recommended 	

Ref	Name
KKC148-2 & KKC148-7	Frances Logan
<p>Submission Summary:</p> <ol style="list-style-type: none"> 1. Frances Logan would like the Flood Relief Scheme to be expedited and to be kept informed of its progress 2. Develop a state-of-the-art interpretative centre for Duiske Abbey 3. Develop a museum of local history in the context of national history 4. Substantial grants to be offered to owners of vacant buildings to bring them into use 5. Improve existing sign posting of car parking areas 6. Develop walking tours 7. Erect an information board at swimming areas 8. Reinstate high diving boards for competitions and general use 9. Restoration of old shop fronts and signage 	
<p>Chief Executive's Response & Recommendation</p> <ol style="list-style-type: none"> 1. Planning for the Flood Relief Scheme is currently underway. Newsletters and further information on the project are available on the project website (https://www.floodinfo.ie/frs/en/grauguenamanagh-tinnahinchfrs/home/). No Change 2. The development and enhancement of the tourism industry is supported throughout this Draft Joint LAP. Objective TO2.1 supports the implementation of the of the Graiguenamanagh-Tinnahinch Tourism and Recreational Project Concept Study and the development of tourism infrastructure. No Change 3. See Number 2 above. No Change 4. Objective TCO1.2 supports the re-use and regeneration of vacant and under-utilised buildings through incentives such as the Small Business Vacant Premises Scheme. Objectives VSO1.1 and VSO1.2 support both Kilkenny and Carlow County Council in the application of the Vacant Site Levy and the Derelict Sites Act. No change 5. See number 2 above. No change 6. Objective TO2.5 supports the development of linkages between historical sites within and around Graiguenamanagh-Tinnahinch. No change 7. See Number 2 above. No change 8. Objective TO2.2 of the Draft Plan supports the development of outdoor leisure activities and a River Park and associated uses on lands designated as open space. Objective TO2.4 supports the development of waterway activities. No change. 9. Objective SFO1.1 of the Draft Plan ensures new signage that may negatively impact or obscure shopfronts recognised being of special interest will be discouraged. This is further supported in Objective ACAO1.2 No change. 	

Ref	Name
KKC148-10	Highview Athletic FC
<p>Submission Summary:</p> <ol style="list-style-type: none"> 1. Highview Athletic FC would like to be included in Section 7.2.1 of the Draft Plan 	

2. There is no limited access to this facility and is open to all the community
3. Fundraising is ongoing for a full size astro turf pitch, a great addition to the local area

Chief Executive's Response & Recommendation

1. Highview Athletic FC will be included in Section 7.2.1
Amend Section 7.2.1 to *'Formal sports amenity areas of Graiguenamanagh GAA Grounds and Highview Athletic FC are located to the north west of the settlement providing significant facilities to the residents of the settlement; however pedestrian access to same can be limited.'*
2. Noted No change
3. Noted No Change

Ref	Name
KKC148-11	Brian Roberts
<ol style="list-style-type: none"> 1. To avoid congestion at the car park at the Boathouse and associated boat slip at the rowing club there needs to be separate access points and slipways established at different points and on both sides of the river that will allow the visitors to spread out for parking, launching boats etc. 2. The rowing club steps become easily congested with rowers, canoeists and swimmers this prevents rowing craft from exiting the river in a safe manner. A separate dedicated canoe slipway needs to be installed. It would also be preferable if this was a floating slipway that would rise and fall with the river. 3. The corner at the bottom of Barrow Lane needs to be widened to allow better access to and from the car park. Mr. Roberts suggests this derelict building should be acquired and developed into a car park and for the provision of public toilets which are currently non-existent in Graiguenamanagh. 4. Camper vans should be prohibited from the boathouse car park. Due to their size and instead should be directed with the aid of improved signage to dedicated camper van areas or to the campsite facility at Brandon Hill 5. Bus parking and additional car parking areas are urgently required. The most suitable area is perhaps the existing large green area in Tinnahinch and/or part of the Glanbia site for bus parking 6. Mr. Roberts suggests the removal of car parking space at the Market House as it is a pivotal focal site. It is suggested to reclaim this area as a public area and landscaped with paving, flowerbeds and seating 7. It is also suggested to remove the existing walls surrounding the graveyard to be replaced with a low wall and a traditional railing surround 8. The erection of a large stone/information point for Duiske Abbey 9. The blank wall facing Upper Main St. adjacent to the ball court below the Abbey hall should be replaced with railings although the feature gate in the centre should be retained 10. Mr. Roberts suggests the small private site beside the Duiske River is acquired as an alternative area for public toilets or used as car parking spaces lost at Market Square 11. A linked walking route could be extended from the Well Lane, over the Clapper Bridge, through Turfmarket, Peg Washingtons Lane and along the Duiske River until the point it merges with the Barrow in the Outdoor Hub area. 	

12. The stone buildings/sheds located on the back lanes of Graiguenamanagh could be considered for a cluster of artistic workshops
13. Mr. Roberts suggests the development of a pedestrian bridge located at the north end of Silaire Wood (furthest end from town) connecting with the towpath on the Carlow side would give a fabulous looped walk of approx. 2km.

Chief Executive's Response & Recommendation:

1. The development and enhancement of the tourism industry is supported throughout this Draft Joint LAP. Objective TO2.1 supports the implementation of the of the Graiguenamanagh-Tinnahinch Tourism and Recreational Project Concept Study and the development of tourism infrastructure All such proposals will however have to be subjected to Screening for impacts on the SAC. No change recommended
2. See Number 1 above. No change recommended
3. Objective CPO 1.4 supports the development of car and coach parking at the Turf Market area in Graiguenamanagh. Since the writing of the Draft Plan this project has received Part 8 approval and work has commenced on site. No change recommended
4. Kilkenny County Council granted planning permission to Pl. Ref. 2085 which permits the parking of campervans at 'The Hub' Graiguenamanagh. The Plan supports a Mobility Management Plan for Graiguenamanagh. This issue should be considered in the Mobility Management Plan. No change recommended
5. See Number 3 above. No change recommended
6. It is a strategic objective (SO11) of the LAP to improve place making and quality of life throughout the town together with providing rejuvenation of the town centre with an improved public realm. Improvements to public realm and the physical fabric and environment of the town centre is further supported in Objective TCO1.4. No change recommended
7. See Number 6 above. No change recommended
8. See Number 1 above. No change recommended
9. See Number 6 above. No change recommended
10. See Number 3 above. No change recommended
11. Objective TO2.5 supports the development of linkages between historical sites within and around Graiguenamanagh-Tinnahinch. No change recommended
12. Section 5.4.1 of the Plan supports Regeneration Opportunities. The conversion of the stone buildings/sheds located on the back lanes of Graiguenamanagh will be included in the list of opportunity sites. The stone buildings/sheds located on the back lanes of Graiguenamanagh will be listed in section 5.4.1
13. See Number 11 above. The Concept Tourism Study proposes two new pedestrian bridges, the viability of which will be investigated as a result of being included in the plan. No change recommended

Ref	Name
KKC148-13	Matt Bookle
Submission Summary:	

1. The proposal to rezone the lands to the south west of Brandondale House to agriculture use from low density residential will have a negative impact on the feasibility of Brandondale House as an overnight accommodation provider.
2. Mr. Bookle requests such lands be zoned to support the building of structures that can facilitate an increase in guest capacity and provide accommodation for staff and owners of Brandondale House
3. Zoning of these lands to support the expansion of Brandondale House is important to feasibility of Brandondale House and its contribution to tourism and employment in Graiguenamanagh

Chief Executive’s Response & Recommendation

1. The land to the South West of Brandondale house was zones Phase 2 lands in the previous Graiguenamanagh Local Area Plan. This did not bestow any development rights under the previous plan. Section 28 guidance received from the Department of Housing restricts zoning of lands for residential use on an evidence-based approach. Capacity for further zoning is not available and zoning priority is determined by the Tiered approach required in the National Planning Framework, based on the Infrastructure Assessment. Also see points 3 and 4 and the Chief Executive’s response to the submission from the Office of the Planning Regulator in this regard.

2. The Plan supports the development of overnight facilities associated with Brandondale house and in this regard the plan contains objective TO2.1 *“To support the implementation of the Graiguenamanagh-Tinnahinch Tourism and Recreational Project Concept Study, and the development of tourism infrastructure (in particular at The Hub), overnight accommodation (in particular Brandondale House), attractions and facilities at appropriate locations subject to the appropriate protection of architectural heritage and natural amenities and appropriate statutory processes required in the European Habitats Directive.*

It is proposed to place an objective on the land to South west of Brandondale house to ensure that the lands can be developed for additional guest capacity and to provide accommodation for staff in association with the expansion of the tourism accommodation at Brandondale house.

The following objective is recommended: *TO2.7 ‘To facilitate the expansion of additional overnight tourism accommodation in association with the expansion of facilities at Brandondale house on the lands to the South West of Brandondale house subject to development management criteria.’*

3. This objective is to be shown as a site-specific objective as on the zoning map indicated below.



Ref	Name
KKC148-16	Cllr. Michael Doyle
<p>Submission Summary:</p> <ol style="list-style-type: none"> 1. Cllr. Michael Doyle suggests the rezoning of lands to the south-west of Brandondale House from low density residential to agriculture use in the Draft Plan would have a detrimental impact on the future development of Brandondale House. Such lands should remain suitable for residential development 2. It is also noted encouraging tourists to stay overnight is essential to the growth of Graiguenamanagh 3. The development of Brandondale House should be supported in every way possible 	
<p>Chief Executive’s Response & Recommendation:</p> <ol style="list-style-type: none"> 1. The Plan already supports the expansion of overnight accommodation at Brandondale House. It is however recommended that a further objective to support the expansion of overnight facilities at Brandondale house onto the lands to the South West Brandondale House be included in the Plan as follows: TO2.7 <i>‘To facilitate the expansion of additional overnight tourism accommodation in association with the expansion of facilities at Brandondale house on the lands to the South West of Brandondale house subject to development management criteria.’</i> See submission of Mr. Matt Bookle above (KKC 148 – 13) 	

2.2 Matters Arising

A number of changes to text within the Joint LAP are also required as follow:

General:

- The following text from the County Development Plan will be inserted in Appendix A under each of these land use zoning categories
 - Agriculture
 - Community/Education
 - Existing Residential
 - Open Space

Flood Risk: All proposed development within this zone which falls within flood zone A or B shall be subject to a site specific flood risk assessment. No highly vulnerable uses (as set out in the Flood Risk Management Guidelines) other than extensions to existing structures and uses, will be permitted within Flood Zone A or B. Less vulnerable uses will also not be allowed within Flood Zone A other than extensions to existing structures and uses as set out in the Flood Risk Management guidelines.

- Amend Section 10.6: *The objective of the EU Water Framework Directive (WFD) is to protect and restore water quality, which is done through the implementation of the River Basin Management Plan for Ireland 2018-2021 to protect these resources from status deterioration.*
~~The objective of the EU Water Framework Directive (WFD) is to protect and restore water quality, which is done through the implementation of River Basin Management Plans (RBMPs) and to protect these resources from status deterioration. Graiguenamanagh and Tinnahinch is located within the South Eastern River Basin District. This Water Management Unit contains the River Nore, Barrow and Suir amongst other water bodies..~~
- Amend Objective SO4 'To support the creation and enhancement of a network of pedestrian walkways, footbridges and open spaces connecting the River Barrow and other recreational and tourist attractions within the settlement *while ensuring the protection and preservation of the natural and built heritage of the area.*'

3. Next Steps

The members shall consider this Chief Executive's Report, and following consideration, the Local Area Plan shall be deemed to be made or amended, unless the Planning Authority by resolution, decides to make or amend the plan otherwise than as recommended in the Chief Executive Report, or decides not to make or amend the Plan.

If the Members decide to alter the Draft Local Area Plan, and the proposed alteration(s) would be a material alteration(s) a further period of public consultation will be required.

Any Material Alterations to the Draft Joint LAP must be screened to determine if a SEA or AA or both are required of any of the material alterations and what period is necessary for the carrying out of any SEA or AA.

This screening, and if necessary the SEA or AA, must be carried out before proceeding to the public consultation period and will be carried out as soon as possible after the Council's resolution. The public display of any material alterations is a minimum of 4 weeks during which submissions with respect to the proposed material alterations will be considered before the Joint LAP is made.

Following the public consultation period, a further Chief Executive's Report on the submissions and observations received to the Proposed Material Alterations is prepared and the members must consider the Draft LAP, the Proposed Material alterations to the Draft LAP, any environmental reports and the CE's Report on any submissions received and decide whether to make the LAP with or without the proposed alterations.

4. Summary of Recommendations of the Chief Executive

In total 17 submissions were received on the Draft Joint Graiguenamanagh-Tinnahinch LAP from a wide range of consultees including Government Departments, state agencies, local interest groups and the general public.

This report has summarised and responded to all submissions received and where appropriate recommendations for alterations to the published draft are proposed. Submissions to Carlow County Council dealing with issues in Tinnahinch and the report by the Carlow Chief Executive is attached for information.

I recommend that the material alterations outlined in the report are accepted by the Council and published for a period of further public consultation in accordance with the requirements of the Planning and Development Acts 2000 (as amended).

Colette Byrne,
Chief Executive

