

# Manager's Report on Submissions to the Proposed Amendments to the Draft Kilkenny County and City & Environs Development Plans 2014-2020

Date: 11<sup>th</sup> April 2014



## Contents

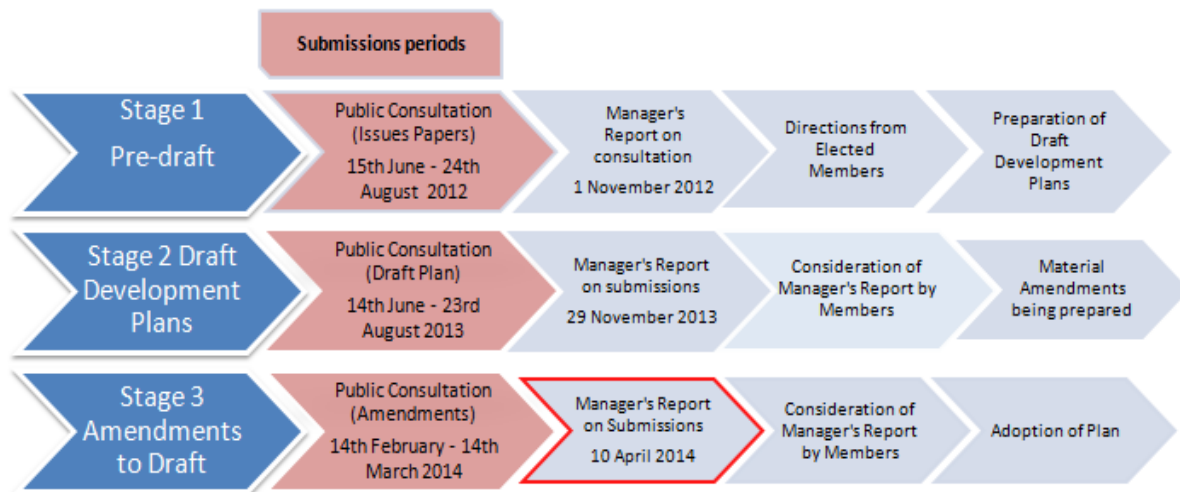
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## 1. Introduction

This Report forms part of the statutory procedure for the preparation of a Development Plan, as required by the Planning and Development Act, 2000, as amended. The procedure for making a Development Plan is a 2 year programme which commenced in June 2012. The publication of this Report forms part of the final stage (see diagram below).

This is the third and final Manager's Report being presented to the Elected Representatives prior to the adoption of the Development Plans in May this year. Following consideration of the previous Manager's Report, dated the 29<sup>th</sup> November 2013, the Elected Representatives of Kilkenny Borough and County Councils resolved to publish Proposed Amendments to the Draft County and City & Environs Development Plans at the joint Council Meeting held on the 28<sup>th</sup> of January 2014.

**Table 1: Development Plan Process**



Accordingly, the proposed amendments to the Draft Development Plans were put on public display from Friday the 14<sup>th</sup> of February to Friday the 14<sup>th</sup> of March 2014.

The proposed amendments were available at the following locations:

- The Planning Office of Kilkenny County Council, County Hall, John Street.
- The Offices of Kilkenny Borough Council, City Hall, High Street.
- The Council's Area Offices in Thomastown, Callan, Castlecomer and Ferrybank.
- The City and County Library at Johns Quay, Kilkenny and the branch Libraries at Loughboy, Ferrybank, Urlingford and Graiguenamanagh.
- The Council's dedicated Development Plan website [www.ourplan.kilkenny.ie](http://www.ourplan.kilkenny.ie)

An update on the Development Plan process was also given at the Heritage Forum in March.

## 2. Statutory Content of the Manager's Report

Section 12(8) of the Planning and Development Acts 2000-2013 requires that the County Manager prepare a report on the submissions and observations received during the consultation period for the proposed amendments to the Draft Development Plans and submit same to the elected members of the Borough and County Councils for their consideration.

The Act requires that the Manager's Report shall:

- (a) List the persons or bodies who made submissions or observations.
- (b) Summarise the issues raised by other bodies and people.
- (c) Give the response of the Manager to the issues raised taking account of:
  - Any directions issued by the members of Kilkenny Borough and County Councils under Section 11(4),
  - The proper planning and sustainable development of the area,
  - The statutory obligations of any local authority in the area,
  - Any relevant policies or objectives for the time being of the Government or of any Minister of the Government.

## 3. Procedure following Manager's Report

The Manager's Report is prepared and submitted to the members of the Borough and County Councils not later than 8 weeks from the date of publication of the proposed amendments to the Draft Development Plan, i.e. 8 weeks from the 14<sup>th</sup> of February 2014. This report is being issued to the members on the 11<sup>th</sup> of April 2014.

In accordance with section 12(9)(b) of the Planning and Development Act, as amended, the members must complete their consideration of the Manager's Report and the Draft Development Plan within 6 weeks of receiving the Manager's Report, i.e. the 23<sup>rd</sup> of May.

Following this, the members must resolve to make the Development Plan, either with or without the proposed amendments. A further modification to an amendment may be made but **only where it is minor in nature** and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European Site. **A further modification to an amendment cannot be made where it relates to an increase in the area of land zoned for any purpose or an addition to or deletion from the Record of Protected Structures.**

In making the Development Plans the Councils shall be restricted to considering the proper planning and sustainable development of the area to which the Development Plans relate, the statutory obligations of any Local Authority in the area and any relevant policies or objectives of the Government or any Ministers of the Government.

**The adopted Development Plans shall come into effect 4 weeks from the day that they are made.**

## 4. Submissions Received

In total, 41 submissions were received during the 4 week public consultation period and these are listed as PA 1 to PA 41 in the table below.

- 24 submissions were received in relation to the Proposed Amendments to the County Plan.
- 13 submissions were received in relation to the Proposed Amendments to the City & Environs Plan.
- 4 submissions were received in relation to the Proposed Amendments to both Plans.

Of the submissions received in relation to the County Proposed Amendments, 11 refer to Grid Development and 4 to the Wind Development Strategy.

Of the submissions received in relation to the City & Environs Proposed Amendments, 4 refer to Zoning and 2 to Phasing.

Submissions received in relation to City & Environs Plan are highlighted in green and submissions received in relation to both Plans are highlighted in yellow.

**Table 2: Submissions Received**

<b>Ministerial Submissions</b>				
<b>Ref. No</b>	<b>Name/Group</b>	<b>Summary</b>	<b>AREA</b>	<b>Page Number</b>
PA 1 DECLG	Department of Environment, Community and Local Government	Various	City	8
PA 2 DECLG	Department of Environment, Community and Local Government	Various	County	8
PA3 DAHG	Department of Arts, Heritage and the Gaeltacht	Various	Both	9
<b>Regional Authority Submissions</b>				
<b>Ref. No</b>	<b>Name/Group</b>	<b>Summary</b>	<b>AREA</b>	<b>Page Number</b>
PA 4 SERA	South East Regional Authority	Various	City	11
PA 5 SERA	South East Regional Authority	Various	County	11

<b>General Submissions (listed alphabetically)</b>				
<b>Ref. No</b>	<b>Name/Group</b>	<b>Summary</b>	<b>AREA</b>	<b>Page Number</b>
PA 6	An Taisce (Local Branch)	Various	City	12
PA 7	An Taisce (Local Branch)	Various	County	13
PA 8	An Taisce (National Branch)	Various	Both	13
PA 9	Anne Beubry	Wind Development Strategy	County	14
PA 10	Dawn and Sean Canning	Wind Development Strategy	County	15
PA 11	Dr. Graham Roberts	Grid Development	County	15
PA 12	Environmental Protection Agency	Various	City	18
PA 13	Environmental Protection Agency	Various	County	19
PA 14	ESB Networks	Grid Development	Both	20
PA 15	Gianni Alen-Buckley	Grid Development	County	21
PA 16	GSI (Geological Survey of Ireland)	Heritage	Both	22
PA 17	Helen Connolly	Grid Development	County	22
PA 18	Inland Fisheries Ireland	Heritage	County	24
PA 19	Irish Wind Energy Association	Wind Development Strategy	County	25
PA 20	Jeto Properties	Zoning	City	26
PA 21	Jonathan Battell	Grid Development	County	26
PA 22	Kath O'Brien	Grid Development	County	27
PA 23	Kells, Ennisnag, Stoneyford, Knocktopher Says No to Eirgrid Pylons Group	Grid Development	County	29
PA 24	Kevin Dunphy	Grid Development	County	30
PA 25	Kevin Moore	Zoning	City	31
PA 26	Liam Walsh	Phasing/Loughmacask	City	32

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PA 27	National Roads Authority	Roads	City	32
PA 28	National Roads Authority	Roads	County	33
PA 29	Office of Public Works	Flooding	City	33
PA 30	Office of Public Works	Flooding	County	34
PA 31	Patrick Dunphy	Grid Development	County	35
PA 32	Pembroke Hotel	Zoning	City	36
PA 33	Piltown Parish Against Pylons	Grid Development	County	37
PA 34	PM Cantwell	Phasing/Loughmacask	City	38
PA 35	Port of Waterford Company	Belview	County	39
PA 36	Qpark	Zoning	City	40
PA 37	Roger Garland Keep Ireland Open	Various	County	41
PA 38	Ronnie O'Neill	Wind Energy	County	41
PA 39	Siobhan Delahunty	Grid Development	County	42
PA 40	South Tipperary County Council	Rural Housing	County	43
PA 41	Tesco	Retail	City	44

## 5. Summary of the Issues Raised, Manager's Response and Recommendations

### 5.1 Ministerial Submissions

<b>Name: Department of Environment, Community and Local Government</b> <b>Ref. No.: PA 1 DECLG</b> <b>City/County: City</b>	
<b>Summary:</b>	<b>Manager's Response:</b>
<p>1) The dates in the Core Strategy tables may need to be checked to ensure they are accurate. A single Core Strategy Table including existing residential, phase 1, phase 2 and strategic reserve would be useful.</p> <p>2) It would be helpful to clarify that it is not anticipated that Phase 2 lands will be released for development until the next Plan 2020-2026.</p> <p>3) Appendix H should include Design Manual for Urban Roads and Streets, and Local Area Plan Guidelines.</p> <p>4) The Council may wish to consider the inclusion of an effective monitoring system in the Plan for review of plan objectives.</p> <p>5) The Council should provide for the possibility of amending the Plan when the OPW Catchment Flood Risk Assessment and Management (CFRAM) study is complete. The CFRAM studies will identify the fluvial flood zones for areas at significant risk and deliver draft flood maps appropriate to a Stage 2 Flood Risk Assessment (FRA) by the end of 2014.</p>	<p>1) The timeframe in Table 3.3 (Final Land Allocations) is incorrectly stated as 2011-2012 and should be 2011-2020. A single Core Strategy table will be included in the Final Plan.</p> <p>2) Development will be permitted on Phase 2 lands during the Plan period only if the criteria set out in Section 3.3.2.1 (Proposed Housing Land and Phasing) are met.</p> <p>3) Appendix H will be revised to include the DMURS and LAP Guidelines.</p> <p>4) The process for Monitoring and Review is stated in Section 1.9 of the Plan. It is intended to review development plan objectives annually.</p> <p>5) This is already committed to in Section 8.2.4 (Flooding) of the Plan and Section 2.2.2 of the Strategic Flood Risk Assessment (See pg 28 of Proposed Amendments Volume 2: SEA and AA).</p>
<b>Manager's Recommendation:</b>	
<p>1) Change 2012 to 2020 in Table 3.3. A single Core Strategy Table will be provided.</p> <p>2) No change recommended.</p> <p>3) Include DMURS and LAP Guidelines in Appendix H.</p> <p>4-5) No change recommended.</p>	

<b>Name/Group: Department of Environment, Community and Local Government</b> <b>Ref. No.: PA 2 DECLG</b> <b>City/County: County</b>	
<b>Summary:</b>	<b>Manager's Response:</b>
<p>1. In order to provide the necessary framework to guide the future development of settlements which have now been incorporated into the County Development Plan (but where a previous LAP existed and has now expired) it is advised that the Council</p>	<p>1. Noted. The submission refers to Section 3.3.5.1 (Expired LAPs). A statement will be included in Section 3.3.5.1 as follows: 'The Council will review the development objectives</p>



<p>includes a statement in the Plan that commits to the replacement of generic policies and objectives for such towns with appropriate policies and objectives (based on the LAP) specific to each town. In addition the statement should also provide a clear process and timeline by which this will be achieved.</p> <p>2. It would be helpful to clarify that it is not anticipated that Phase 2 lands will be released for development until the next Plan 2020-2026.</p> <p>3. Appendix K should include Design Manual for Urban Roads and Streets, and Local Area Plan Guidelines.</p> <p>4. The Plan should include a methodology for monitoring and managing the revised Rural Housing Policy with particular regard to (i) compliance with Section 28 Guidelines and (ii) a sustainable balance between rural community development and managing pressure for overspill development from the city.</p> <p>5. The Council may wish to consider the inclusion of an effective monitoring system in the Plan for review of plan objectives.</p> <p>6. The Council should provide for the possibility of amending the Plan when the OPW Catchment Flood Risk Assessment and Management (CFRAM) study is complete. (CFRAM) studies will identify the fluvial flood zones for areas at significant risk and deliver draft flood maps appropriate to a Stage 2 Flood Risk Assessment (FRA) by the end of 2014.</p>	<p>and development management requirements for villages with expired LAP's during the life of the Plan'.</p> <p>2. Development will be permitted on Phase 2 lands during the Plan period only if the criteria set out in Section 12.11.8 (Phase 2) are met.</p> <p>3. Appendix K will be amended to include DMURS and LAP Guidelines.</p> <p>4. It is already an objective in Section 3.6 (Implementation of Settlement Strategy) of the Draft plan to 'Monitor the trends in rural housing and population during the lifetime of the plan to ascertain if further rural housing policy responses are required during the plan period'.</p> <p>5. The process for Monitoring and Review is stated in Section 1.8 of the Plan. It is intended to review development plan objectives annually.</p> <p>6. This is already committed to in Section 9.2.9 (Flooding) of the Plan and Section 2.2.2 of the Strategic Flood Risk Assessment (see page 40 of Proposed Amendment Volume 2: SEA and AA).</p>
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**Manager's Recommendation:**

- 1) Include new statement at the end of Section 3.3.5.1 (Expired LAP's): *The Council will review the development objectives and development management requirements for villages with expired LAP's during the life of the Plan.*
- 2) No change recommended.
- 3) Include DMURS and LAP Guidelines in Appendix K.
- 4-6) No change recommended.

**Name: Department of Arts, Heritage and the Gaeltacht**

**Ref. No.: PA 3**

**City/County: Both**

**Summary:**

1) There is insufficient information in the proposed amendment to highlight underwater archaeology or to highlight sources of underwater cultural heritage. It is advised that the plans be updated to specifically state that any proposed development near watercourses, be they freshwater or in marine/coastal areas, should take

**Manager's Response:**

1) Underwater archaeology is referred to in Section 8.3.1 of the County plan and 7.3.1 of the City Plan. This section can be expanded to include a further statement indicating that any proposed

<p>into account the potential to encounter underwater cultural heritage.</p> <p>2) Such sites may include shipwrecks but also as previously highlighted, fishtraps, fording points, bridges, intertidal kelp grids, etc. as well as artefactual material from an underwater context. Due regard to the Shipwreck Inventory of Ireland database and Ports and Harbours Archive, as held by the Underwater Archaeology Unit in the National Monuments Service, should be consulted as part of informing on this aspect of our archaeological heritage.</p> <p>3) Planning applications should be referred to the DAU to ensure preservation of underwater archaeology. Conditions may be attached to planning permissions.</p> <p>4) Any development either above or below water, including to river banks or coastal edges, within the vicinity of a site of archaeological interest shall not be detrimental to the character of the archaeological site or its setting.</p>	<p>development near watercourses should take into account the potential to encounter underwater cultural heritage.</p> <p>2) Noted.</p> <p>3) Planning applications affecting designated areas will be referred to the DAU for consultation.</p> <p>4) Noted.</p>
<p><b>Manager's Recommendation</b></p> <p>1) Include new Section 8.3.1.2 (Underwater Archaeology) in the County Plan and 7.3.1.2 in the City Plan: <i>Any development near watercourses, be they freshwater or in marine/coastal areas, should take into account the potential to encounter underwater cultural heritage. Such sites may include sources of underwater cultural heritage such as shipwrecks, fishtraps, fording points, bridges, intertidal kelp grids etc. as well as artefactual material from an underwater context. Due regard to the Shipwreck Inventory of Ireland database and Ports and Harbours Archive, as held by the Underwater Archaeology Unit in the National Monuments Service, should be consulted as part of this aspect of archaeological heritage. Any development either above or below water, including to river banks or coastal edges, within the vicinity of a site of archaeological interest shall not be detrimental to the character of the archaeological site or its setting. Planning applications will be referred to the Department of Arts, Heritage and the Gaeltacht in this regard where relevant.</i></p>	

## 5.2 Regional Authority Submissions

<b>Name: South East Regional Authority</b> <b>Ref. No.: PA 4 SERA</b> <b>City/County: City</b>	
<b>Summary:</b>	<b>Manager's Response:</b>
<p>1) The South-East Regional Authority acknowledge the efforts made to co-ordinate the amended objectives and policies of the Draft Plans 2014-2020 so that they are consistent as far as practicable with the South-East Regional Planning Guidelines 2010-2022.</p> <p>2) The overall population targets proposed in the Core Strategy and the policies and objectives contained within the Proposed Amendments are consistent as far as is practicable with the South-East Regional Planning Guidelines.</p> <p>3) Chapters 1, 3, 4, 6, 7, 8, 9, 10 &amp; 11: No further alterations to the text are considered necessary.</p> <p>4) The Regional Authority is satisfied that the population figures used in the Core Strategy are aligned with the framework of principles outlined in Section 3 of the Regional Planning Guidelines 2010-2022 and that the policies and objectives contained within the amended draft plan are consistent as far as is practicable with the South-East Regional Planning Guidelines.</p>	1-4) Noted.
<b>Manager's Recommendation:</b> No change recommended.	

<b>Name/Group: South East Regional Authority</b> <b>Ref. No.: PA 5 SERA</b> <b>City/County: County</b>	
<b>Summary:</b>	<b>Manager's Response:</b>
<p>1) The Regional Authority consider that the overall population targets proposed in the Core Strategy and the policies and objectives contained within the Proposed Amendments are consistent as far as is practicable with the South-East Regional Planning Guidelines.</p> <p>2) Chapters 1-12 and AA: No further alterations to text required.</p> <p>3) The Regional Authority is satisfied that the population figures used in the Core Strategy are aligned with the framework of principles outlined in Section 3 of the Regional Planning Guidelines 2010-2022 and that the policies and objectives contained within the amended draft plan are consistent as far as is practicable with the South-East Regional Planning Guidelines.</p> <p>4) The proposed amendments are considered to be consistent as far as is practicable with the South-East Regional Planning Guidelines 2010-2022.</p>	1-4) Noted.
<b>Manager's Recommendation:</b> No change recommended.	

### 5.3 General Submissions

<b>Name/Group: An Taisce (local branch)</b> <b>Ref. No.: PA 6</b> <b>City/County: City</b>	
<b>Summary:</b>	<b>Manager's Response:</b>
<p>1. Section 4.7.1.2 (Phasing of City Centre Expansion): the inclusion of 'major new retail expansion' on the brewery site is surprising as this is not referred to in the Draft Masterplan for the site. A retail area of 1000sqm for the brewery site is excessive. This amount of retail space should only be allowed if spread over 4 levels with a limit of 250sqm per retailer.</p> <p>2. Section 6.4.2 (Walking and Cycling) should include an objective to complete the two cycleways linking the city to Carlow and Clonmel within the lifetime of the Plan.</p> <p>3. Section 8.1.3 (Water Conservation) should be amended to reflect the DMS in Section 8.2.5.1 by including the same text.</p> <p>4. Section 10.4.2.1 (The Central Access Scheme): It is recommended that the Council drop plans for construction of the bridge, invest in completion of the northern ring road and provide a pedestrian and cycle bridge close to Green's bridge instead.</p>	<p>1) Sequentially, the Smithwick's site is best located in terms of providing additional new retail expansion in the city centre. The '1000sqm' is the threshold for assessment of retail proposals and their potential impact on the core area. It is not a threshold or a cap on retail development. This is in accordance with the principles set out in the Retail Planning Guidelines.</p> <p>2) The Kilkenny to Carlow route is almost complete. There are difficulties with the existing road from Kilkenny to Clonmel, such as poor alignment, lack of hard shoulders etc. and further funding is required to design and progress this route (which predominantly affects the County Area).</p> <p>3) Agreed. Amend Section 8.1.3 accordingly, and amend Section 9.1.3 in the County Plan also.</p> <p>4) Planning permission and the Compulsory Purchase Order have been approved by An Bord Pleanála. The bridge will include pedestrian and cycle facilities. An EIS for the Northern Ring Road Extension was submitted to An Bord Pleanála on the 13<sup>th</sup> of December 2013 and this is currently being considered under the Strategic Infrastructure Act.</p>
<b>Manager's Recommendation:</b> <p>1) No change recommended.</p> <p>2) Include new sentence at the end of Section 6.4.2 (Walking and Cycling) in the City Plan and in Section 7.3.2 of the County Plan as follows: <i>The Council will seek central funding to design and progress the cycleway network along the N76 from Kilkenny to Clonmel, as part of Corridor 10 (Naas to Mallow) of the National Cycle Network Scoping Study published by the NR Ain 2010.</i></p> <p>3) Amend last sentence in Section 8.1.3 (and 9.1.3 in the County Plan) to state: The Planning Authority will <del>encourage</del> normally require rainwater harvesting and grey water recycling in new large scale developments and in smaller schemes <i>except where not practical or feasible.</i></p> <p>4) No change recommended.</p>	

<b>Name/Group: An Taisce (local branch)</b> <b>Ref. No.: PA 7</b> <b>City/County: County</b>	
<b>Summary:</b>	<b>Manager's Response:</b>
<p>1. Section 3.5 (Rural Housing Policy): No reason is given as to why the 'rural area' has been increased from 7km to 10km. This undermines the earlier statement in the policy: <i>'rural generated housing need should be facilitated as close as possible to its origin...'</i>.</p> <p>2. Section 6.2.1 (Food Harvest 2020): the following should be added to the end of the first sentence: <i>'...and having regard to the protection of habitats and wildlife under EU Habitats and Birds Directives, and national legislation.'</i></p> <p>3. Section 7.3.2 (Walking and Cycling): Include 'and cycle ways' in first sentence of fourth paragraph.</p>	<p>1) The 'rural area' was increased from 7km to 10km by resolution of Kilkenny County Council, voted on at a public meeting held on the 13<sup>th</sup> of January 2014. The increase was proposed so the policy would not exclude people from applying for planning permission to build a house in the Parish they are from.</p> <p>2) The protection of habitats and wildlife is referred to in Chapter 1 (1.3 Appropriate Assessment) and Chapter 8 Heritage, specifically in Section 8.2.1.3 (Rare or Protected Species and their Habitats). Reference to Section 8.2.1.3 can be included at the end of Section 6.2.1.</p> <p>3) Agreed.</p>
<b>Manager's Recommendation:</b> <p>1) No change recommended.</p> <p>2) Insert following at end of Section 6.2.1 (Food Harvest): <i>See also Section 8.2.1.3 Rare or Protected Species and their Habitats.</i></p> <p>3) Amend Section 7.3.2 (Walking and Cycling) as follows: 'In addition the Council may seek to incorporate the provision of pedestrian <i>and cycle</i> ways as a condition of planning permission to link amenities, facilities and points of interest'. And furthermore (as per PA 5 above), insert new sentence at end of Section 7.3.2 as follows: <i>The Council will seek central funding to design and progress the cycleway network along the N76 from Kilkenny to Clonmel, as part of Corridor 10 (Naas to Mallow) of the National Cycle Network Scoping Study published by the NR Ain 2010.</i></p>	

<b>Name/Group: An Taisce (National Branch)</b> <b>Ref. No.: PA 8</b> <b>City/County: Both</b>	
<b>Summary:</b>	<b>Manager's Response:</b>
<p>1) It is submitted that both plans fail to provide for appropriate climate mitigation and adaptation, land use and transport measures as legally required under Section 10(2)(n) of the Planning &amp; Development Acts.</p> <p>2) Chapter 11 (Transport) of the County Plan does not address the overriding policy objectives of the Smarter Travel Policy for Ireland 2009-2020. There is no</p>	<p>1) This is incorrect. The County Plan in Chapter 1, Section 1.6.1 refers to National Climate Change Strategy and contains an objective to prepare a climate change adaptation plan as well as having regard to the National Climate Change Adaptation Framework. In addition, Chapter 11 Transport contains policies and objectives for the integration of land use and transportation. The same applies to the City &amp; Environs Plan. The entire plan is based on the principles of</p>

<p>commitment in the Plan to targets.          3) Section 11.1.11 (Cycling): 'where possible' should be removed.          4) Section 11.2 (Workplace Travel Plans): there is no provision to achieve national targets.          5) Section 11.7.9 (Car Parking): This is not reconciled with Smarter Travel.          6) City Plan: Section 10.4.2.1 (The Central Access Scheme) is inconsistent with Section 7.4.1 (Urban Structure).          7) Both plans are deficient in implementing targets set out in the Smarter Travel and National Cycling Policy Framework and should be withdrawn.</p>	<p>sustainability.          2) Not only does Chapter 11 address the overriding policy objectives of smarter travel but the entire plan is based around the integration of land use and transportation. It is considered inappropriate to place national targets in a county plan. It should be recognised also that the targets are reviewed regularly having regard to national population and economic trends.          3) The wording of the objective allows the Council flexibility so that when funding or an opportunity arises, such as a planning application, the framework can be implemented accordingly.          4) As per 2 above.          5) Provision must be made for car parking facilities in new developments. This is in addition to bicycle parking standards as set out in Section 11.1.1.2. To ignore the dominant mode of transport in the County would be contrary to proper planning and would give rise to traffic hazard caused by haphazard off-street parking.          6) The Central Access Scheme was approved by An Bord Pleanála under the provisions of the Strategic Infrastructure Act.          7) These issues do not relate to proposed amendments.</p>
<p><b>Manager's Recommendation:</b>          1-7) No change recommended.</p>	

<p><b>Name/Group: Anne Beubry</b>  <b>Ref. No.: PA 9</b>  <b>City/County: County</b></p>	
<p><b>Summary:</b></p>	<p><b>Manager's Response:</b></p>
<p>1) Areas 9 and 10 (Cruttenclough and Coolcullen) on Figure 10.2 (Wind Energy Development Strategy) are unsuitable for turbines due to the visual impact on the landscape, disruption during construction, noise, flicker, impact on groundwater etc.</p>	<p>1) Figure 10.2 of the Wind Energy Development Strategy was compiled using the methodology recommended by Government in the Wind Energy Development Guidelines. The formulation of the Strategy is set out in Appendix J of the Draft Plan. This process resulted in Areas 9 and 10 being designated as 'preferred locations' for Wind Energy development on the basis of wind speed &amp; viability and evaluation of landscape. Issues in relation to impact of construction, noise, flicker etc. are relevant to all planning applications for wind energy developments. These issues are assessed at planning application stage in accordance with the Wind Energy Development Guidelines.</p>
<p><b>Manager's Recommendation:</b>          No change recommended.</p>	

<b>Name/Group: Dawn and Sean Canning</b> <b>Ref. No.: PA 10</b> <b>City/County: County</b>	
<b>Summary:</b>	<b>Manager's Response:</b>
<p>1) Areas 9 and 10 (Cruttenclough and Coolcullen) on Figure 10.2 (Wind Energy Development Strategy) are unsuitable for turbines, due to impact of noise, flicker/impacts on health, on groundwater, disruption during construction, visual impact on scenery/landscape, ecology, environmental impact of transportation and erection of turbines, maintenance, compliance with EU stipulations (1500m from a house)* and financial implications on property values in the area.</p>	<p>1) Figure 10.2 of the Wind Energy Development Strategy was compiled using the methodology recommended by the Department of Environment, Community Local Government in the Wind Energy Development Guidelines. This is set out in Appendix J of the Draft Plan. This process resulted in Areas 9 and 10 being designated as 'preferred locations' for Wind Energy development on the basis of wind speed &amp; viability and evaluation of landscape. Issues in relation to impact of construction, noise, flicker etc. are relevant to all applications for wind energy developments. These issues are assessed at planning application stage in accordance with the Wind Energy Development Guidelines.</p> <p>*There is no EU Directive requiring turbines to the 1500m from a house. The Draft 'Revisions to the Wind Energy Guidelines (2006)' published in 2013 state: <i>'Note - there should be a minimum separation of 500m between any commercial scale wind turbine and the nearest point of the curtilage of any property in the vicinity in order to provide for other amenity considerations e.g. visual obtrusion. This separation distance does not apply to small scale wind energy developments generating energy primarily for onsite usage.'</i></p>
<b>Manager's Recommendation:</b> No change recommended.	

<b>Name/Group: Dr. Graham Roberts</b> <b>Ref. No.: PA 11</b> <b>City/County: County</b>	
<b>Summary:</b>	<b>Manager's Response:</b>
<p>1) EirGrid and Kilkenny County Council appear not to have had any medically qualified advice regarding the safety and placement of overhead power lines and appear not to have taken adequate cognisance of significant documents demonstrating known significant risks of high voltage overhead power lines, most notably the "Health Effects of Electromagnetic Fields" as issued by the Department of Communications, Marine and Natural Resources 2007.</p> <p>2) Section 9.3.2 (Grid Development Management)</p>	<p>1) The Development Plan does not contain any statements as to the likely or unlikely medical affects from high voltage overhead power lines nor is it appropriate to do so. Section 9.3.2 of the Plan requires that such infrastructure <i>'complies with... new accepted research on the impacts on health'</i>. The Planning Authority is statutorily obliged to include objectives for the provision of infrastructure including energy and</p>

<p>should be amended as follows:  <i>Kilkenny County Council will facilitate the provision of energy networks in principle, provided that it can be demonstrated that –</i></p> <p>2a) • <i>The route proposed is in compliance with the expert advice stated in the government document “Health Effects of Electromagnetic Fields” as issued by the Department of Communications, Marine and Natural Resources 2007. This compliance will include compliance with all aspects of advice within the document including that ‘as a precautionary measure future power lines and power installations should be sited away from heavily populated areas to keep exposures to people low. The evidence for 50Hz magnetic fields causing childhood leukaemia is too weak to require re-routing of existing lines, and so these measures should only apply to new lines.’ Heavily populated areas are defined using Kilkenny County Council High population definitions for the Kilkenny County development plan (greater 50 persons per sq KM) at any point within a one kilometre distance of the line.</i></p> <p>2b) • <i>The route proposed has been identified in compliance with any literature issued by the developer or its agents in consultation in a fair and honest manner. This will include compliance the Holford rules, the Horlock rules and CIGRE documents where mentioned by the developer. Copies of Holford Rules, the Horlock rules, CIGRE documents and any other source or reference materials mentioned by the developer in consultation will be required to be freely available at the commencement of and throughout any consultation period.</i></p> <p>2c) • <i>The route proposed has been identified in a manner where undergrounding must be the first option in densely populated areas and/or near schools and if over ground lines subsequently selected in a densely populated area and/or near schools then the developer must demonstrate an overriding technical reason why it cannot be undergrounded. The Department of Communications, Marine and Natural Resources report entitled Health Effects of Electromagnetic Fields published in March 2007 stated that: ‘As a precautionary measure future power lines and power installations should be sited away from heavily populated areas to keep exposures to people low’.</i></p> <p>2d) • <i>The route proposed has been identified with</i></p>	<p>communication facilities in the Development Plan. A Development Plan must also be consistent with the National Spatial Strategy and Regional Planning Guidelines, which both support national grid development. It is considered that the DMS in Section 9.3.2 as amended has sufficient safeguards included in the Plan. See also response to 2a below.</p> <p>2) Noted.</p> <p>2a) Section 9.3.2 already states that the Council will facilitate the provision of energy networks provided it can be demonstrated that <i>‘the proposed infrastructure complies with all internationally recognised standards with regard to proximity to dwellings and other inhabited structures including best practice and new accepted research on the impacts of health’</i>. The Plan could however include a new statement: <i>‘New power lines and power installations should be sited in accordance with the requirements of “Health Effects of Electromagnetic Fields” Report issued by the Department of Communications, Marine and Natural Resources in 2007.’</i></p> <p>2b) Consultation in the planning process is provided for in the Planning Acts and Strategic Infrastructure Acts.</p> <p>2c) The 5<sup>th</sup> bullet point of Section 9.3.2 states <i>‘Preference should be given to undergrounding services where appropriate’</i>. See response to 2a above also.</p> <p>2d) Noted. See response to 2a above also.</p> <p>2e) The 2<sup>nd</sup> bullet point of Section 9.3.2 adequately addresses this issue. Under the Aarhus Convention, the public has a right to participate in decision-making in environmental matters. Arrangements should be made by public authorities to enable the public to comment on proposals for projects, plans and programmes affecting the environment. Any subsequent comments are to be taken into consideration in the decision-making process. Information must be provided on the final decisions and the reasons for it. In the European Union, this part of the Aarhus Convention has been</p>
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due consideration that in urban areas preference should be given to undergrounding services and the route must be in compliance with all aspects of expert advice stated in the government document "Health Effects of Electromagnetic Fields" as issued by the Department of Communications, Marine and Natural Resources 2007. The developer must clearly demonstrate that they have comprehensively ensured and done all that is possible to avoid heavily populated areas for all new lines.

2e)• The route proposed has been identified with due consideration for social, environmental and cultural impacts; and whereby it has been demonstrated that a full and comprehensive consultation process with the affected communities has been conducted under the terms of the legally binding Aarhus Convention

2f)• The route proposed has been identified by a consultation process in which the developer has due regard to and offers medical assistance for any stress and other medical effects of the consultation process.

2g)• The route proposed has been identified with compliance to the Council of Europe's recommendation for precautionary measures including the statement that "The Assembly regrets that, despite calls for the respect of the precautionary principle and despite all the recommendations, declarations and a number of statutory and legislative advances, there is still a lack of reaction to known or emerging environmental and health risks and virtually systematic delays in adopting and implementing effective preventive measures. Waiting for high levels of scientific and clinical proof before taking action to prevent well-known risks can lead to very high health and economic costs, as was the case with asbestos, leaded petrol and tobacco"

3) In Section 9.4.2.1 (Telecommunications Antennae Development Management Standards), a new item should be listed stating 'The Council will discourage proposals for telecommunications masts, antennae and ancillary equipment within 1km of school(s), preschool(s), crèche(s) and heavily populated areas. Heavily populated areas are defined using Kilkenny County Council High population definitions for the Kilkenny County development plan (greater 50 persons per sq KM) at any point within a one kilometre distance of the line. The Council will determine the sites of any

implemented by Directive 2003/35/EC on public participation (The Public Participation Directive). Several pieces of legislation have been used to transpose the Public Participation Directive into Irish law, including the integration of its requirements into Irish planning law and into legislation governing other environmental consents. For example, in the planning system, members of the public may submit observations on planning applications and may appeal planning decisions to An Bord Pleanála. Therefore, no further change is recommended in this instance.

2f) This is not a Development Plan issue and could not be regulated under current planning law.

2g) The Council has set out the planning issues to be considered in the Development Plan. Section 9.3.2 has sufficient safe guards in place that require the consideration of the best practice siting guidelines and the most recent medical research available.

3) Section 9.4.2.1 already includes the following as a location in which the Council will discourage proposals for telecommunications masts, antennae and ancillary equipment: '(ii) In close proximity to schools, churches, crèches, community buildings, other public and amenity/Conservation areas; and (iii) In close proximity to residential areas.' The proposed amendment referred only to point (i) of Section 9.4.2.1, hence points (ii) and (iii) were not published as they remain unchanged. The Development Plan does not contain a definition of 'high population' as referred to in the submission as being greater than 50 persons per sq km. It is not a function of the Planning Authority to determine sites for new telecommunications antennae in the first instance. The Local Authority is not the service provider in his regard. The market determines the need for such infrastructure. The Planning Authority ultimately assesses each proposal on its own merits subject to the planning application process which also provides

<p><i>new GSM, UMTS, WiFi or WIMAX antennas not solely according to the operators' interests but in consultation with local and regional government officials, local residents and associations of concerned citizens.</i></p> <p>4) In relation to the Grid Development and Telecommunications, Kilkenny County Council should adopt the Council of Europe strong recommendation for Precautionary measures to be adopted (as quoted in point 2 above)</p> <p>5) Section 3.5 (Rural Settlement Strategy) should include an additional bullet point stating '<i>Protect the character of the landscape against the threat from the construction of energy transmission infrastructure</i>'.</p> <p>6) In Section 8.2.10.4 (Landscape Character Values) the reference to 'significant visual amenity value' (when describing Brandon Hill Uplands and the River Valley Areas of the Nore, Barrow and Suir) should not be deleted.</p> <p>7) In Section 8.3.8.1 (Farm Villages) the term 'where possible' should be deleted.</p>	<p>for public participation and the right of appeal.</p> <p>4) The Council has set out the planning issues to be considered in the Development Plan. Section 9.3.2 has sufficient safe guards in place that require the consideration of the best practice siting guidelines and the most recent medical research available.</p> <p>5) Section 3.5 refers specifically to rural housing and therefore the proposed additional bullet point would not be appropriate at this location. Protection of landscape character is dealt with in Chapter 8 Heritage.</p> <p>6) Agreed.</p> <p>7) This deletion is considered unnecessary.</p>
<p><b>Manager's Recommendation:</b></p> <p>1) No change recommended.</p> <p>2a-2g) Include a new bullet point in Section 9.3.2. as follows:</p> <ul style="list-style-type: none"> <li>• <i>New power lines and power installations should be sited in accordance with the requirements of the "Health Effects of Electromagnetic Fields" Report issued by the Department of Communications, Marine and Natural Resources in 2007.</i></li> </ul> <p>3-5) No change recommended.</p> <p>6) Reinstate 'significant visual amenity value' in last sentence of Section 8.2.10.4 (Landscape Character Values).</p> <p>7) No change recommended.</p>	

<p><b>Name/Group:</b> Environmental Protection Agency  <b>Ref. No.:</b> PA 12  <b>City/County:</b> City</p>	
<p><b>Summary:</b></p>	<p><b>Manager's Response:</b></p>
<p>1) The Agency welcomes that many of the points made in their previous submission on the Draft City Development Plan and associated SEA Environmental Report have been taken into account.</p> <p>2) In <i>Chapter 6 – Recreation, Tourism &amp; Arts</i>, the inclusion of a new objective to establish an environmental management plan for the River Nore Linear Park is acknowledged. The Agency also welcomes the commitment that the South East CFRAM will be integrated into the Plan upon its adoption.</p>	<p>1) Noted.</p> <p>2) Noted.</p> <p>3) The Plan contains objectives to implement the Habitats Directive in Sections 1.6 and 7.2.1.3, the Water Framework Directive in Section 8.1.4.1 and the Floods Directive in the SFRA and Section 8.2.4. All new bridge crossings or road infrastructure will have regard to said</p>

<p>3) In <i>Section 10–Transport</i>, it should be ensured, that in considering proposals for additional bridge and road infrastructure, the requirements of the EIA and Habitats, Water Framework and Floods Directives are taken into account as appropriate. Consideration should be given to clarifying whether the proposed additional bridge crossings or road infrastructure has been assessed.</p> <p>4) DoECLG Circulars (Circular PL 6 of 2011) '<i>Further Transposition of EU Directive 2001/42/EC on Strategic Environmental Assessment (SEA)</i>' should be taken into account.</p> <p>5) Following adoption of the amended Plan, an SEA Statement should summarise the following:</p> <ul style="list-style-type: none"> <li>• How environmental considerations have been integrated into the Plan;</li> <li>• How the Environmental Report, submissions, observations and consultations have been taken into account during the preparation of the Plan;</li> <li>• The reasons for choosing the Plan adopted in the light of other reasonable alternatives dealt with; and,</li> <li>• The measures decided upon to monitor the significant environmental effects of implementation of the Plan.</li> </ul>	<p>Directives. In relation to the proposed Northern Ring Road Extension, for example, an EIS has been submitted to An Bord Pleanála in December 2013 for consideration under the Strategic Infrastructure Acts.</p> <p>4) All relevant Circulars (including PL 9/2013 &amp; PSSP 6/2011) have been - and will be - taken into account throughout the Plan-preparation/SEA processes as relevant.</p> <p>5) This will be done following adoption of the amended Plan.</p>
<p><b>Manager's Recommendation:</b> 1-5) No change recommended.</p>	

<p><b>Name/Group:</b> Environmental Protection Agency <b>Ref. No.:</b> PA 13 <b>City/County:</b> County</p>	
<p><b>Summary:</b></p>	<p><b>Manager's Response:</b></p>
<p>1) In <i>Chapter 6 – Rural Development</i>, in relation to the strategic aim for managing and developing rural areas in a sustainable way, there would be merit in also making reference to the following key Plans/Programmes/Strategies currently under preparation:</p> <ul style="list-style-type: none"> <li>- Draft National Peatland Strategy</li> <li>- National Raised Bog SAC Management Plan</li> <li>- Forest Policy Review</li> </ul> <p>2) DoECLG Circulars (Circular PL 9 of 2013) '<i>Article 8 (Decision Making) of EU Directive 2001/42/EC on Strategic Environmental Assessment (SEA) as amended</i>' which should be taken into account.</p> <p>3) Following adoption of the amended Plan, an SEA Statement, should summarise the following: How environmental considerations have been integrated into the Plan;</p>	<p>1) Reference can be made to these documents in Chapter 6 Rural Development and Chapter 8 Heritage.</p> <p>2) All relevant Circulars (including PL 9/2013 &amp; PSSP 6/2011) have been - and will be - taken into account throughout the Plan-preparation/SEA processes as relevant.</p> <p>3) This will be done following adoption of the amended Plan.</p>

<p>How the Environmental Report, submissions, observations and consultations have been taken into account during the preparation of the Plan; The reasons for choosing the Plan adopted in the light of other reasonable alternatives dealt with; and, The measures decided upon to monitor the significant environmental effects of implementation of the Plan.</p>	
<p><b>Manager's Recommendation:</b> 1) Include reference to the Draft National Peatland Strategy in Section 8.2.7, the National Raised Bog SAC Management Plan in Section 8.2.1 and the Forest Policy Review in Section 6.5. 2-3) No change recommended.</p>	

<p><b>Name/Group: ESB Networks</b> <b>Ref. No.: PA 14</b> <b>City/County: Both</b></p>	
<p><b>Summary:</b></p>	<p><b>Manager's Response:</b></p>
<p>1) Electricity is one of the key infrastructure components necessary to achieve growth in any area and it is welcomed that the Plan makes provision for this. 2) There are a number of ESB projects that are envisaged to proceed during the Plan period:</p> <ul style="list-style-type: none"> <li>• Kilkenny 38kV inner and outer Loop</li> <li>• New 38kV/20kV station in Urlingford</li> <li>• New 38kV Line from Thurles to Urlingford (Some of Line going through Kilkenny)</li> <li>• Several voltage up rates from 10 to 20kV on MV (megavolt) feeders in Kilkenny County</li> <li>• Some new MV routes around Kilkenny City.</li> </ul> <p>Where new stations or lines are required, it is requested that these could be specifically stated in the plan. Overhead lines are the preferred means of distributing electricity in this regard. 3) Section 8.3.6 is of concern, specifically the requirement that all electricity cables in these areas would be undergrounded as this would have major cost implications, resulting in increased cost to the customer. We request that this be omitted as a DMS. 4) An individual development may require a connection from ESB Networks that would precipitate additional work. We would request that zoning and planning permission would be granted subject to there being adequate provision for electricity supply being made. 5) Eirgrid plan and operate the transmission</p>	<p>1) Noted. 2) Section 9.3.2 of the Plan states that the Council will facilitate the provision of energy networks in principle provided that it can satisfy certain criteria. Planning applications for ESB projects will be considered in accordance with these criteria. It is not considered necessary to list the projects as the list may be subject to change during the life of the plan and the policy is predicated on facilitating network development where appropriate. 3) The Plan does not contain a statement requiring all electricity cables to be undergrounded. Section 9.3.2 (Grid Development Management Standards) states: <i>'Preference should be given to undergrounding services where appropriate'</i>. 4) This development plan does not contain any additional zoned land over that which is already zoned in the 2008 Plan. It would be prudent to consider the electricity network when zoning new lands in the future. It is not considered appropriate to grant planning permission subject to a condition requiring adequate provision for electricity supply being made as the delivery of the electricity network is beyond the control of the Planning Authority and individual applicants. 5) Eirgrid has been consulted in relation to the draft plans and the proposed amendments.</p>

network in the county and it is advisable to liaise with them in this regard.	
<b>Manager's Recommendation:</b> 1-5) No change recommended.	

<b>Name/Group: Gianni Alen-Buckley</b> <b>Ref. No.: PA 15</b> <b>City/County: County</b>	
<b>Summary:</b>	<b>Manager's Response:</b>
<p>1) Section 3.5 (Rural Settlement Strategy) should include an additional bullet point stating <i>'Protect the character of the landscape against the threat from the construction of energy transmission infrastructure'</i>.</p> <p>2) The text to be removed from Section 8.2.7 (Peatlands) should be retained.</p> <p>3) In Section 8.2.10.4 (Landscape Character Values) the reference to 'significant visual amenity value' (when describing Brandon Hill Uplands and the River Valley Areas of the Nore, Barrow and Suir) should not be deleted.</p> <p>4) In Section 8.3.8.1 (Farm Villages) the term 'where possible' should be deleted.</p> <p>5) In Section 9.3.2 (Grid Development Management Standards), the second bullet point should be amended to include the following new text: <i>'... and whereby it has been demonstrated that a full and comprehensive consultation process with the affected communities has been conducted under the terms of the legally binding Aarhus Convention'</i>.</p> <p>6) In Section 9.3.2 (Grid Development Management Standards), the fifth bullet point should be amended to include the following new text: <i>'...Undergrounding must be the first option in densely populated areas and/or near schools and if over ground lines are subsequently selected in a densely populated area and/or near schools then the developer must demonstrate an overriding technical reason why it cannot be</i></p>	<p>1) Section 3.5 refers specifically to rural housing and therefore the proposed additional bullet point would not be appropriate at this location. Protection of landscape character is dealt with in Chapter 8 Heritage.</p> <p>2) Agreed.</p> <p>3) Agreed.</p> <p>4) The deletion is considered unnecessary.</p> <p>5) Under the Aarhus Convention, the public has a right to participate in decision-making in environmental matters. Arrangements should be made by public authorities to enable the public to comment on proposals for projects, plans and programmes affecting the environment. Any subsequent comments are to be taken into consideration in the decision-making process. Information must be provided on the final decisions and the reasons for it. In the European Union, this part of the Aarhus Convention has been implemented by Directive 2003/35/EC on public participation (The Public Participation Directive). Several pieces of legislation have been used to transpose the Public Participation Directive into Irish law, including the integration of its requirements into Irish planning law and into legislation governing other environmental consents. For example, in the planning system, members of the public may submit observations on planning applications and may appeal planning decisions to An Bord Pleanála. Consultation is a process and is not a Development Plan issue. No further change recommended.</p> <p>6) Bullet point 6 of Section 9.3.2 provides for power line development to comply with 'all internationally recognised standards... including best practice and new accepted research on the impacts on health'. A comprehensive review of the various options is being carried out by the Government Review set up by the Department of Communications &amp; Natural</p>

<p><i>undergrounded.</i> 7) In Section 9.4.2.1 (Telecommunications Antennae Development Management Standards), a new item should be listed stating '<i>The Council will discourage proposals for telecommunications masts, antennae and ancillary equipment near or adjacent to schools, pre-schools or crèches and heavily populated areas.</i>'</p>	<p>Resources. The combination of bullet points 5 &amp; 6 together is considered adequate. 7) Section 9.4.2.1 already includes the following as a location in which the Council will discourage proposals for telecommunications masts, antennae and ancillary equipment: '(ii) In close proximity to schools, churches, crèches, community buildings, other public and amenity/Conservation areas; and (iii) In close proximity to residential areas.' NOTE: The proposed amendment referred only to point (i) of Section 9.4.2.1, hence points (ii) and (iii) were not published as they remain unchanged.</p>
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**Manager's Recommendation:**

- 1) No change recommended.
- 2) Reinstate Section 8.2.7 (Peatlands) as follows: Peatlands are important ecosystems sustaining a range of animal and plant species. The distribution of peatland in Kilkenny is shown on Figure 8.3. This amounted to approximately 1.3% of the total land area of Co. Kilkenny in 2006. ~~There is no industrial extraction of peat for energy and horticulture in Kilkenny, however.~~ *Industrial extraction of peat for energy and horticulture in Kilkenny is limited to a small area in the northwest of the county, adjacent to the Tipperary county boundary.* Damage to peatland can occur from domestic peat extraction, afforestation, wind farms, recreational activities and invasive species. *Peatlands may contain archaeological artefacts (Refer to Chapter 8).* Development Management Standard: To protect peatlands from inappropriate development having regard to their amenity and biodiversity value and their visual sensitivity.
- 3) Reinstate 'significant visual amenity value' in last sentence of Section 8.2.10.4 (Landscape Character Values).
- 4-7) No change recommended.

**Name/Group: GSI (Geological Survey of Ireland)**

**Ref. No.: PA 16**

**City/County: Both**

**Summary:**

**Manager's Response:**

1) There are extensive geological data sets available online on the GSI Public Data Viewer.

1) Noted.

**Manager's Recommendation:**

No change recommended.

**Name/Group: Helen Connolly**

**Ref. No.: PA 17**

**City/County: County**

**Summary:**

**Manager's Response:**

1) Section 3.5 (Rural Settlement Strategy) should include an additional bullet point stating '*Protect the character of the*

1) Section 3.5 refers specifically to rural housing and therefore the proposed additional bullet point would not be appropriate at this location.

<p><i>landscape against the threat from the construction of energy transmission infrastructure'.</i></p> <p>2) In Section 8.2.10.4 (Landscape Character Values) the reference to 'significant visual amenity value' (when describing Brandon Hill Uplands and the River Valley Areas of the Nore, Barrow and Suir) should not be deleted.</p> <p>3) In Section 8.3.8.1 (Farm Villages) the term 'where possible' should be deleted.</p> <p>4) In Section 9.3.2 (Grid Development Management Standards), the second bullet point should be amended to include the following new text: '... and whereby it has been demonstrated that a full and comprehensive consultation process with the affected communities has been conducted under the terms of the legally binding Aarhus Convention'.</p> <p>5) In Section 9.3.2 (Grid Development Management Standards), the fifth bullet point should be amended to include the following new text: '<i>...Undergrounding must be the first option in densely populated areas and/or near schools and if over ground lines are subsequently selected in a densely populated area and/or near schools then the developer must demonstrate an overriding technical reason why it cannot be undergrounded.</i></p> <p>6) Developers should clearly demonstrate that they have avoided heavily populated areas when applying for new power lines. A 'heavily populated area' is defined as greater than 50 persons than 1 square kilometre.</p> <p>7) In Section 9.4.2.1 (Telecommunications Antennae Development Management Standards), a new item should be listed stating '<i>The Council will discourage proposals for telecommunications masts, antennae and ancillary equipment near or adjacent to schools, pre-schools or crèches and heavily populated areas' and ' The Council will determine the sites of any new GSM, UMTS, WiFi or WIMAX antennas not solely according to the operators' interests but in consultation with local and regional government officials, local residents and associations of concerned citizens'.</i></p>	<p>Protection of landscape character is dealt with in Chapter 8 Heritage.</p> <p>2) Agreed.</p> <p>3) The deletion is considered unnecessary. No change to the amendment is recommended.</p> <p>4) Under the Aarhus Convention, the public has a right to participate in decision-making in environmental matters. In the European Union, this part of the Aarhus Convention has been implemented by Directive 2003/35/EC on public participation ('the Public Participation Directive'). Several pieces of legislation have been used to transpose the Public Participation Directive into Irish law, including the integration of its requirements into Irish planning law and into legislation governing other environmental consents. In the planning system, members of the public may submit observations on planning applications and may appeal planning decisions to An Bord Pleanála. Public participation is inherent in the planning process.</p> <p>5) Bullet point 6 provides for power line development to comply with 'all internationally recognised standards... including best practice and new accepted research on the impacts on health'. A comprehensive review of the various options is being carried out by the Government Review set up by the Department of Communications &amp; Natural Resources. The combination of bullet points 5 &amp; 6 together is considered adequate.</p> <p>6) The Development Plan does not contain a definition of 'high population' as referred to in the submission as being greater than 50 persons per sq km.</p> <p>7) Section 9.4.2.1 already includes the following as a location in which the Council will discourage proposals for telecommunications masts, antennae and ancillary equipment: '(ii) In close proximity to schools, churches, crèches, community buildings, other public and amenity/Conservation areas; and (iii) In close proximity to residential areas.' NOTE: The proposed amendment referred only to point (i) of Section 9.4.2.1, hence points (ii) and (iii) were not published as they remain unchanged. It is not a function of the Planning Authority to determine sites for new telecommunications antennae in the first instance. The Local Authority is not the service provider in his regard. The market determines the need for such</p>
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<p>8) In relation to the Grid Development and Telecommunications, Kilkenny County Council should adopt the Council of Europe's strong recommendation for Precautionary measures to be adopted.</p>	<p>infrastructure. Each proposal is considered on its own merits subject to the planning application process which also provides for public participation. 8) Section 9.3.2 has sufficient safe guards in place that require the proposed infrastructure to comply with all internationally recognised standards and the most recent medical research available.</p>
<p><b>Manager's Recommendation:</b> 1) No change recommended. 2) Reinstate 'significant visual amenity value' in last sentence of Section 8.2.10.4 (Landscape Character Values). 3-8) No change recommended.</p>	

<p><b>Name/Group: Inland Fisheries Ireland</b> <b>Ref. No.: PA 18</b> <b>City/County: County</b></p>	
<p><b>Summary:</b></p>	<p><b>Manager's Response:</b></p>
<p>1) The IFI is concerned that the removal of 'enhance' and 'enhancement' from the Development Plan and Strategic Environmental Assessment will dilute protection of the aquatic environment, as required under the Water Frameworks Directive. Of particular concern is the amended Strategic Aim in Chapter 8 (Heritage) and the removal of the final paragraph in Section 8.2 (Natural Heritage). 2) The proposed amendments to Section 8.2.1.3 (Rare or Protected Species and their Habitats) is insufficient. The Water Frameworks Directive requires the protection and enhancement of all aquatic ecosystems. 3) The proposed amendment to 8.2.3 (Nature Conservation) is insufficient in terms of compliance with the Water Frameworks Directive. 'Enhance' should not be omitted from the objective. 4) The amendment to the DMS in Section 9.2.11 is welcomed. However channel clearing/ maintenance/ in-stream works must only be carried out following consultation with the IFI.</p>	<p>1) It is not the intention of the Council to dilute protection of the aquatic environment in this regard. The Water Frameworks Directive is addressed specifically in Section 9.2.8.1 of the Plan. A cross reference can be inserted into the Heritage Chapter to reinforce this. The term 'enhancement' is referred to in the Water Frameworks Directive, but is not stated in the Planning &amp; Development or Heritage Acts. Therefore, the term 'enhancement' is more appropriate to natural heritage than it is to built or cultural heritage. It is considered prudent to re-instate the term as it relates to natural heritage by reinstating the final paragraph in Section 8.2 (Natural Heritage). 2) This proposed amendment came directly from the Department of Arts, Heritage and the Gaeltacht's submission to the Draft Plan (D23- See Manager's Report 29 Nov 2013). A cross reference with Section 9.2.8.1 (Water Frameworks Directive) can be inserted at this point. 3) The term 'enhance' can be reinstated into Section 8.2.3 as it relates to natural heritage. 4) It is already a Development Management Standard in Section 8.2.6 (Inland Waters, Rivers, Streams, Wetlands and Groundwater) to consult with Inland Fisheries Ireland and the NPWS prior to undertaking, approving or authorising any works or development which may have an impact on rivers, streams and waterways.</p>



**Manager's Recommendation:**

- 1) Reinstate final paragraph in Section 8.2 (Natural Heritage): *It is the aim of the Council to conserve, enhance and manage the County's natural heritage including its biodiversity, landscapes and geological heritage and to promote understanding of and sustainable access to it.* Furthermore, a cross reference with Section 9.2.8.1 (Water Framework Directive) shall be inserted in Chapter 8 in Sections 8.2.3 and 8.2.6 accordingly.
  - 2) Include new sentence at end of Section 8.2.1.3 (Rare or Protected Species and their Habitats): *See also Section 9.2.8.1 Water Frameworks Directive.*
  - 3) Reinstate 'and where possible enhance' in Section 8.2.3 (Nature Conservation Outside of International and National Protected Areas).
  - 4) No change recommended.
- In the interests of clarity, these changes will be made to the City Plan also.

**Name/Group: Irish Wind Energy Association**

**Ref. No.: PA 19**

**City/County: County**

**Summary:**


- 1) IWEA would like to welcome the revised reference to the *Sustainable Energy Authority of Ireland, Methodology for Local Authority Renewable Energy Strategies* under Chapter 10 and the updating of the plan to reflect the current number of wind farm developments in the County.
- 2) The areas marked 'Open for Consideration' in Figure 10.2 (Wind Development Strategy) are substantially reduced from the 2008 Development Plan, and this will impede wind energy development in the county.
- 3) In areas adjacent to 'Preferred' and 'Open for Consideration' areas in Figure 10.2 applications for wind farms should be considered on their own merits. The Plan should contain a policy to support this.
- 4) By restricting the available area for wind development during the lifetime of this Plan, this jeopardises Ireland's potential obligations for 2030 EU Climate Framework Package.

**Manager's Response:**

- 1) Noted.
- 2) A comprehensive review of the wind energy strategy was undertaken in this Plan. The strategy is based on highest wind speed availability and evaluation of landscape, as recommended in accordance with the Wind Energy development Guidelines. This strategy is set out in Appendix J of the Plan. This will ensure a more sustainable and viable wind energy infrastructure.
- 3) This would undermine the strategic nature of the approach adopted to wind energy development. Although wind farms will not be considered outside these areas, other categories of wind energy producer such as auto producers or individual turbines, would be considered on their merits.
- 4) The strategy will be subject to review in 2018, which will be timely for any 2030 EU obligations.

**Manager's Recommendation:**

- 1-4) No change recommended.

<b>Name/Group: Jeto Properties</b> <b>Ref. No.: PA 20</b> <b>City/County: City</b>	
<b>Summary:</b>	<b>Manager's Response:</b>
<p>1) Object to the re-zoning of 1.49 hectares of land on the Ballyfoyle Road from 'Residential Low-Density' to 'Phase 2'.</p>  <p>2) The site could accommodate 10-15 houses on large sites which would address a current demand for a particular type of housing and/or serviced sites in the city. It is argued that such a development would be in accordance with the proper planning and development of the area which is close to existing amenities and services with an established residential character.</p> <p>3) It is requested that the low-density residential zoning objective as set out in the originally published Draft Plan be retained and the proposed amendment to remove this low-density residential zoning from these lands be rejected.</p>	<p>1)Noted.</p> <p>2-3) The development of this land during the lifetime of the Plan is possible should the provisions of Section 3.3.2.1 (Proposed Housing land and Phasing) of the Plan be complied with. The 'Phase 2' zoning is consistent with the current zoning in the 2008-2014 Development Plan.</p>
<b>Manager's Recommendation:</b> 1-3) No change recommended.	

<b>Name/Group: Jonathan Battell</b> <b>Ref. No.: PA 21</b> <b>City/County: County</b>	
<b>Summary:</b>	<b>Manager's Response:</b>
<p>1) Section 3.5 (Rural Settlement Policy) should include an additional bullet point stating <i>'Protect the character of the landscape against the threat from the construction of</i></p>	<p>1) Section 3.5 refers specifically to rural housing and therefore the proposed additional bullet point would not be appropriate at this location. Protection of landscape character is dealt with in Chapter 8 Heritage.</p> <p>2) The deletion is considered unnecessary. No change to</p>

<p><i>energy transmission infrastructure</i>’.</p> <p>2) In Section 8.3.8.1 (Farm Villages) the term ‘where possible’ should be deleted.</p> <p>3) In Section 9.3.2 (Grid Development Management Standards), the second bullet point should be amended to include the following new text: ‘... and whereby it has been demonstrated that a full and comprehensive consultation process with the affected communities has been conducted under the terms of the legally binding Aarhus Convention’.</p> <p>4) In relation to the Grid link Project, the Council should only allow construction after verifying that public consultation and due legal process has been followed.</p>	<p>the proposed amendment is recommended.</p> <p>3) In the European Union, this part of the Aarhus Convention has been implemented by Directive 2003/35/EC on public participation (‘the Public Participation Directive’). Several pieces of legislation have been used to transpose the Public Participation Directive into Irish law, including the integration of its requirements into Irish planning law and into legislation governing other environmental consents. In the planning system, members of the public may submit observations on planning applications and may appeal planning decisions to An Bord Pleanála. Public participation is inherent in the planning process and is adequate in this instance.</p> <p>4) The consenting Authority for the Gridlink project is An Bord Pleanála, and not Kilkenny County Council. When considering planning applications for Strategic Infrastructure, such as Gridlink, An Bord Pleanála shall consider the provisions of the relevant Development Plans. However, the Board may decide to grant permission for a development even if it, or part of it, contravenes the development plan relating to any area in which it is proposed to situate the development (Section 37G of Strategic Infrastructure Act 2006). Conditions in relation to construction will be a matter for An Bord Pleanála.</p>
<p><b>Manager’s Recommendation:</b> 1-4) No change recommended.</p>	

<p><b>Name/Group:</b> Kath O’Brien <b>Ref. No.:</b> PA 22 <b>City/County:</b> County</p>	
<p><b>Summary:</b></p>	<p><b>Manager’s Response:</b></p>
<p>1) Section 3.5 (Rural Settlement Strategy) should include an additional bullet point stating ‘<i>Protect the character of the landscape against the threat from the construction of energy transmission infrastructure</i>’.</p> <p>2) In Section 8.2.10.4 (Landscape Character Values) the reference to ‘significant visual amenity value’ (when describing Brandon Hill Uplands and the River Valley Areas of the Nore, Barrow and Suir) should not be deleted.</p> <p>3) In Section 8.3.8.1 (Farm Villages) the term ‘where possible’ should be deleted.</p> <p>4) In Section 9.3.2 (Grid Development</p>	<p>1) Section 3.5 refers specifically to rural housing and therefore the proposed additional bullet point would not be appropriate at this location. Protection of landscape character is dealt with in Chapter 8 Heritage.</p> <p>2) Agreed.</p> <p>3) The deletion is considered unnecessary. No change to the proposed amendment is recommended.</p> <p>4) Under the Aarhus Convention, the public has a right to participate in decision-making in environmental matters. In the European Union, this part of the Aarhus Convention has been implemented by Directive 2003/35/EC on public participation (‘the Public Participation</p>

<p>Management Standards), the second bullet point should be amended to include the following new text: '... and whereby it has been demonstrated that a full and comprehensive consultation process with the affected communities has been conducted under the terms of the legally binding Aarhus Convention'.</p> <p>5) In Section 9.3.2 (Grid Development Management Standards), the fifth bullet point should be amended to include the following new text: '<i>...Undergrounding must be the first option in densely populated areas and/or near schools and if over ground lines are subsequently selected in a densely populated area and/or near schools then the developer must demonstrate an overriding technical reason why it cannot be undergrounded.</i></p> <p>6) Developers should clearly demonstrate that they have avoided heavily populated areas when applying for new power lines. A 'heavily populated area' is defined as greater than 50 persons than 1 square kilometre.</p> <p>7) In Section 9.4.2.1 (Telecommunications Antennae Development Management Standards), a new item should be listed stating '<i>The Council will discourage proposals for telecommunications masts, antennae and ancillary equipment near or adjacent to schools, pre-schools or crèches and heavily populated areas</i>' and '<i>The Council will determine the sites of any new GSM, UMTS, WiFi or WIMAX antennas not solely according to the operators' interests but in consultation with local and regional government officials, local residents and associations of concerned citizens</i>'.</p> <p>8) In relation to the Grid Development and Telecommunications, Kilkenny County Council should adopt the Council of Europe's strong recommendation for Precautionary measures to be adopted.</p>	<p>Directive'). Several pieces of legislation have been used to transpose the Public Participation Directive into Irish law, including the integration of its requirements into Irish planning law and into legislation governing other environmental consents. In the planning system, members of the public may submit observations on planning applications and may appeal planning decisions to An Bord Pleanála. Public participation is inherent in the planning process and is adequate in this instance.</p> <p>5) Bullet point 6 of Section 9.3.2 provides for power line development to comply with 'all internationally recognised standards... including best practice and new accepted research on the impacts on health'. A comprehensive review of the various options is being carried out by the Government Review set up by the Department of Communications &amp; Natural Resources. The combination of bullet points 5 &amp; 6 together is considered adequate.</p> <p>6) The Development Plan does not contain a definition of 'high population' as referred to in the submission as being greater than 50 persons per sq km.</p> <p>7) Section 9.4.2.1 already includes the following as a location in which the Council will discourage proposals for telecommunications masts, antennae and ancillary equipment: '(ii) In close proximity to schools, churches, crèches, community buildings, other public and amenity/Conservation areas; and (iii) In close proximity to residential areas.'</p> <p>NOTE: The proposed amendment referred only to point (i) of Section 9.4.2.1, hence points (ii) and (iii) were not published as they remain unchanged.</p> <p>It is not a function of the Planning Authority to determine sites for new telecommunications antennae in the first instance. The Local Authority is not the service provider in his regard. The market determines the need for such infrastructure. Each proposal is considered on its own merits subject to the planning application process which also provides for public participation.</p> <p>8) Sections 9.3.2 and 9.4.2.1 have sufficient safe guards in place that require the proposed infrastructure to comply with all internationally recognised standards and the most recent medical research available.</p>
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**Manager's Recommendation:**

- 1) No change recommended.
- 2) Reinstate 'significant visual amenity value' in last sentence of Section 8.2.10.4 (Landscape Character Values).
- 3-8) No change recommended.

**Name/Group: Kells, Ennisnag, Stoneyford, Knocktopher Says No to Eirgrid Pylons Group**  
**Ref. No.: PA 23**  
**City/County: County**

**Summary:**

1) It is requested that Section 9.3.2 (Grid Development Management Standards) be amended to clearly highlight a presumption in favour of undergrounding over pylons and power lines.

2) The term "*areas of high landscape sensitivity*" is vague and is not defined in the Plan. Areas in the County which are particularly sensitive to visual impacts are designated "*Areas of High Amenity*". The text of the Plan should reflect this.

3) It is recommended that the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> bullet points of Section 9.3.2 be amended as follows:

- *The design is such that will achieve least environmental impact consistent with not incurring excessive cost;*
- *That the lines should be planned to avoid areas of high landscape sensitivity including designated Areas of High Amenity;*
- *There will be a general presumption in favour undergrounding services.*

~~*Preference should be given to undergrounding services only where appropriate*~~

**Manager's Response:**

1) Section 9.3.2 already states that 'Preference should be given to undergrounding services where appropriate'.

2) The term 'Areas of High Amenity' was used in the 2002 and 2008 County Development Plans, but was subsequently superseded when the Landscape Character Assessment was undertaken in 2003. The 2014 Plan includes the Landscape Character Assessment in Section 8.2.10.1 which divides the County into 4 landscape categories: Upland Areas, Lowland Areas, River Valleys and Transitional Areas. Landscape Character Sensitivity is defined in Section 8.2.10.5 as 'its overall resilience to sustain its character in the face of change and its ability to recover from loss or damage to its components'. Figure 8.2 shows the location of Highly scenic/Visually pleasing areas in relation to the 4 landscape character categories.

3) The removal of '*consistent with not incurring excessive cost*' was agreed by Council at the public meeting held on the 13<sup>th</sup> January 2013 and will therefore be deleted. The term 'Area of high Amenity' is no longer used, and has been replaced with the landscape character assessment as set out in Section 8.2.10.1. The policy already states a preference for undergrounding services.

**Manager's Recommendation:**

- 1-2) No change recommended.
- 3) Amend Section 9.3.2 as follows:
  - *The design is such that will achieve least environmental impact consistent with not incurring excessive cost;*

<b>Name/Group: Kevin Dunphy</b> <b>Ref. No.: PA 24</b> <b>City/County: County</b>	
<b>Summary:</b>	<b>Manager's Response:</b>
<p>1) Section 3.5 (Rural Settlement Strategy) should include an additional bullet point stating <i>'Protect the character of the landscape against the threat from the construction of energy transmission infrastructure'</i>.</p> <p>2) In Section 8.2.10.4 (Landscape Character Values) the reference to 'significant visual amenity value' (when describing Brandon Hill Uplands and the River Valley Areas of the Nore, Barrow and Suir) should not be deleted.</p> <p>3) In Section 8.3.8.1 (Farm Villages) the term 'where possible' should be deleted.</p> <p>4) In Section 9.3.2 (Grid Development Management Standards), the second bullet point should be amended to include the following new text: '... and whereby it has been demonstrated that a full and comprehensive consultation process with the affected communities has been conducted under the terms of the legally binding Aarhus Convention'.</p> <p>5) In Section 9.3.2 (Grid Development Management Standards), the fifth bullet point should be amended to include the following new text: <i>'...Undergrounding must be the first option in densely populated areas and/or near schools and if over ground lines are subsequently selected in a densely populated area and/or near schools then the developer must demonstrate an overriding technical reason why it cannot be undergrounded.'</i></p> <p>6) In Section 9.4.2.1 (Telecommunications Antennae Development Management Standards), a new item should be listed stating <i>'The Council will discourage proposals for telecommunications masts, antennae and ancillary equipment near or adjacent to schools, pre-schools or crèches and heavily populated areas'</i>.</p>	<p>1) Section 3.5 refers specifically to rural housing and therefore the proposed additional bullet point would not be appropriate at this location. Protection of landscape character is dealt with in Chapter 8 Heritage.</p> <p>2) Agreed.</p> <p>3) The deletion is considered unnecessary. No change to the proposed amendment is recommended.</p> <p>4) Under the Aarhus Convention, the public has a right to participate in decision-making in environmental matters. In the European Union, this part of the Aarhus Convention has been implemented by Directive 2003/35/EC on public participation ('the Public Participation Directive'). Several pieces of legislation have been used to transpose the Public Participation Directive into Irish law, including Irish planning law and into legislation governing other environmental consents. In the planning system, members of the public may submit observations on planning applications and may appeal planning decisions to An Bord Pleanála. Public participation is inherent in the planning process. No further change is recommended.</p> <p>5) Bullet point 6 provides for power line development to comply with 'all internationally recognised standards... including best practice and new accepted research on the impacts on health'. A comprehensive review of the various options is being carried out by the Government Review set up by the Department of Communications &amp; Natural Resources. The combination of bullet points 5 &amp; 6 together is considered adequate.</p> <p>6) Section 9.4.2.1 already includes the following as a location in which the Council will discourage proposals for telecommunications masts, antennae and ancillary equipment: '(ii) In close proximity to schools, churches, crèches, community buildings, other public and amenity/Conservation areas; and (iii) In close proximity to residential areas.' NOTE: The proposed amendment referred only to point (i) of Section 9.4.2.1, hence points (ii) and (iii) were not published as they remain unchanged.</p>

**Manager's Recommendation:**

- 1) No change recommended.
- 2) Reinstate 'significant visual amenity value' in last sentence of Section 8.2.10.4 (Landscape Character Values).
- 3-6) No change recommended.

**Name/Group: Kevin Moore**

**Ref. No.: PA 25**

**City/County: City**

**Summary:**

- 1) Object to the re-zoning of 3.7 hectares of land on the New Orchard Road from 'Residential Low-Density' to 'Phase 2'.



2) The site could accommodate 35 houses on large sites which would address a current demand for a particular type of housing and/or serviced sites in the city. It is argued that such a development would be in accordance with the proper planning and development of the area which is close to existing amenities and services with an established residential character.

3) It is requested that the low-density residential zoning objective as set out in the originally published Draft Plan be retained and the proposed amendment to remove this low-density residential zoning from these lands be rejected.

**Manager's Response:**

- 1) Noted.
- 2) The development of Phase 2 lands is not precluded by the zoning objective and can be developed during the Plan period if proposals satisfy the criteria set out in Section 3.3.2.1 (Proposed Housing Land and Phasing).
- 3) This land is currently zoned 'Phase 2' in the 2008-2014 Development Plan and therefore the zoning remains the same.

**Manager's Recommendation:**

- 1-3) No change recommended.

<b>Name/Group: Liam Walsh</b> <b>Ref. No.: PA 26</b> <b>City/County: City</b>	
<b>Summary:</b>	<b>Manager's Response:</b>
<p>1) The submission refers to the new objective in Section 3.4.3 (City Centre Area), i.e. <i>'fresh analysis of the development strategy for the City &amp; Environs'</i>. The proposal to develop the Smithwick's site is welcome. However any change to the Core Strategy, which is based on the 4 neighbourhood model, would be a backward step.</p> <p>2) An objection is raised to any news lands being brought forward for residential development which are not already included in Phase 1 and Phase 2 zoning.</p> <p>3) Investment has already been made in infrastructure and a Local Area Plan for lands at Loughmacask, which is 1 of the 4 planned neighbourhoods in the city.</p> <p>4) It is recommended that the wording of this objective be changed to: <i>'In order to facilitate the successful development of the Smithwick's lands and cater for the resultant demand in housing, the Planning Authority prioritises the immediate provision of infrastructure to allow development to occur in the designated neighbourhoods for the logical and sustainable extension of Kilkenny City &amp; Environs'</i>.</p>	<p>1) Noted.</p> <p>2) Any proposals to include new zoned land will require a Variation to the Plan.</p> <p>3) Noted. The Loughmacask Local Area Plan is still a statutory plan which means that the policies and objectives are to be achieved by the Council.</p> <p>4) The Local Authority has a limited capital programme and the inclusion of the proposed objective is to examine how housing units can be delivered in a manner which will reduce the requirement of infrastructure investment in the short term.</p>
<b>Manager's Recommendation:</b> No change recommended.	

<b>Name/Group: National Roads Authority</b> <b>Ref. No.: PA 27</b> <b>City/County: City</b>	
<b>Summary:</b>	<b>Manager's Response:</b>
<p>1) The Authority acknowledges and welcomes the proposed amendments that have resulted from the Authority's initial submission.</p> <p>2) It is stated in Section 3.4.5 (Zoning Objectives) that in areas of Strategic Reserves, local area plans or appropriate planning framework documents will be prepared. The Authority requests that they be consulted with in relation to any such plans/frameworks.</p> <p>3) The insertion of the new objective in Section</p>	<p>1) Noted.</p> <p>2) The NRA will be consulted in relation to any Local Area Plan/Framework document where such plans would have implications for the safe and efficient operation of the national road network in the area.</p> <p>3) Noted.</p> <p>4) Noted.</p>



<p>10.4.3 is noted (Leggetsrath Roundabout and N10). 4) The Authority confirms its commitment to work with the Council on 'exceptional circumstances' in accordance with the provisions of the DoECLG Spatial Planning and National Roads Guidelines.</p>	
<p><b>Manager's Recommendation:</b> No change recommended.</p>	

<p><b>Name/Group: National Roads Authority</b> <b>Ref. No.: PA 28</b> <b>City/County: County</b></p>	
<p><b>Summary:</b></p>	<p><b>Manager's Response:</b></p>
<p>1) The Authority acknowledges and welcomes the proposed amendments that have resulted from the Authority's initial submission. 2) It is stated in Section 3.3.5.1 (Expired Local Area Plans) that local area plans or appropriate planning framework documents will be prepared. The Authority requests that they be consulted with in relation to any such plans/frameworks. 3) The Authority would recommend that Section 3.5 (Rural Housing Policy) should include an appropriate cross reference to Section 11.7.3 (Access to National Roads). 4) In relation to Section 11.7.3 (Access to National Roads) the Authority confirms its commitment to work with the Council to progress 'exceptional circumstances' where a less restrictive approach to access on national roads may apply.</p>	<p>1) Noted. 2) The NRA will be consulted in relation to any Local Area Plans where such plans would have implications for the safe and efficient operation of the national road network in the area. 3) A reference to Section 11.7.3 will be included in Section 3.5. 4) Noted.</p>
<p><b>Manager's Recommendation:</b> 1-2) No change recommended. 3) Include a reference to Section 11.7.3 (Access to National Roads) in Section 3.5 (Rural Housing). 4) No change recommended.</p>	

<p><b>Name/Group: Office of Public Works</b> <b>Ref. No.: PA 29</b> <b>City/County: City</b></p>	
<p><b>Summary:</b></p>	<p><b>Manager's Response:</b></p>
<p>1) OPW welcomes Kilkenny County Council's commitment to adhere to the Flood Risk Management Guidelines and the production of the Strategic Flood Risk Assessment. 2) The South East Catchment Flood Risk Assessment and</p>	<p>1) Noted. 2) Noted. The Plan includes provisions for appropriate development in flood risk areas. 3) The Strategic Flood Risk</p>

<p>Management (SECFRAM) study will, in improved detail, identify the fluvial flood zones for areas at significant risk and deliver draft flood maps appropriate to a Stage 2 Flood Risk Assessment (FRA) during 2014. However, it remains the responsibility of the Local Authority to assign appropriate development in flood risk areas.</p> <p>3) A Stage 2 level FRA is required for zoned lands. The document under consideration has approached the Stage 2 level FRA standard, however there is insufficient flood mapping, etc. to meet this standard. When there is zoning in the LAP included in the draft county development plan the OPW recommends that a Stage 2 level FRA is carried out as per the Guidelines for historically zoned areas, as well as those under consideration for future development, as this will establish the required three flood-zones that will, in turn, guide the Authority in its planning. Flood risk in terms of both flood extent and flood depth as well as the flood velocities and flow paths need to be considered for a detailed flood risk assessment.</p>	<p>Assessment will be reviewed when the CFRAMS are published. The Stage 2 SFRA was prepared using all available sources of information at the time.</p>
<p><b>Manager's Recommendation:</b> 1-3) No change recommended.</p>	

<p><b>Name/Group: Office of Public Works</b> <b>Ref. No.: PA 30</b> <b>City/County: County</b></p>	
<p><b>Summary:</b></p>	<p><b>Manager's Response:</b></p>
<p>1) OPW welcomes Kilkenny County Council's commitment to adhere to the Flood Risk Management Guidelines and the production of the Strategic Flood Risk Assessment.</p> <p>2) The South East Catchment Flood Risk Assessment and Management (SECFRAM) study will, in improved detail, identify the fluvial flood zones for areas at significant risk and deliver draft flood maps appropriate to a Stage 2 Flood Risk Assessment (FRA) during 2014. However, it remains the responsibility of the Local Authority to assign appropriate development in flood risk areas.</p> <p>3) A Stage 2 level FRA is required for zoned lands. The document under consideration has approached the Stage 2 level FRA standard, however there is insufficient flood mapping, etc. to meet this standard. When there is zoning in the LAP included in the draft county development plan the OPW recommends that a Stage 2 level FRA is carried out as per the Guidelines for historically zoned areas, as well as those under consideration for future development, as this will</p>	<p>1) Noted.</p> <p>2) Noted. The Plan includes provisions for appropriate development in flood risk areas.</p> <p>3) The Strategic Flood Risk Assessment will be reviewed when the CFRAMS are published. The Stage 2 SFRA was prepared using all available sources of information at the time.</p>

<p>establish the required three flood-zones that will, in turn, guide the Authority in its planning. Flood risk in terms of both flood extent and flood depth as well as the flood velocities and flow paths need to be considered for a detailed flood risk assessment.</p>	
<p><b>Manager's Recommendation:</b> 1-3) No change recommended.</p>	

<p><b>Name/Group: Patrick Dunphy</b> <b>Ref. No.: PA 31</b> <b>City/County: County</b></p>	
<b>Summary:</b>	<b>Manager's Response:</b>
<p>1) Section 3.5 (Rural Settlement Strategy) should include an additional bullet point stating <i>'Protect the character of the landscape against the threat from the construction of energy transmission infrastructure'</i>.</p> <p>2) In Section 8.2.10.4 (Landscape Character Values) the reference to 'significant visual amenity value' (when describing Brandon Hill Uplands and the River Valley Areas of the Nore, Barrow and Suir) should not be deleted.</p> <p>3) In Section 8.3.8.1 (Farm Villages) the term 'where possible' should be deleted.</p> <p>4) In Section 9.3.2 (Grid Development Management Standards), the second bullet point should be amended to include the following new text: '... and whereby it has been demonstrated that a full and comprehensive consultation process with the affected communities has been conducted under the terms of the legally binding Aarhus Convention'.</p> <p>5) In Section 9.3.2 (Grid Development Management Standards), the fifth bullet point should be amended to include the following new text: <i>'...Undergrounding must be the first option in densely populated areas and/or near schools and if over ground lines are subsequently selected in a densely populated area and/or near schools then the developer must demonstrate an overriding technical reason why it cannot be undergrounded.'</i></p> <p>6) Developers should clearly demonstrate that they have avoided heavily populated</p>	<p>1) Section 3.5 refers specifically to rural housing and therefore the proposed additional bullet point would not be appropriate at this location. Protection of landscape character is dealt with in Chapter 8 Heritage.</p> <p>2) Agreed.</p> <p>3) The deletion is considered unnecessary. No change to the proposed amendment is recommended.</p> <p>4) Under the Aarhus Convention, the public has a right to participate in decision-making in environmental matters. In the European Union, this part of the Aarhus Convention has been implemented by Directive 2003/35/EC on public participation ('the Public Participation Directive'). Several pieces of legislation have been used to transpose the Public Participation Directive into Irish law, including the integration of its requirements into Irish planning law and into legislation governing other environmental consents. In the planning system, members of the public may submit observations on planning applications and may appeal planning decisions to An Bord Pleanála. Public participation is inherent in the planning process.</p> <p>5) Bullet point 6 of 9.3.2 provides for power line development to comply with 'all internationally recognised standards... including best practice and new accepted research on the impacts on health'. A comprehensive review of the various options is being carried out by the Government Review set up by the Department of Communications &amp; Natural Resources. The combination of bullet points 5 &amp; 6 together is considered adequate.</p> <p>6) The Development Plan does not contain a</p>

<p>areas when applying for new power lines. A 'heavily populated area' is defined as greater than 50 persons than 1 square kilometre.</p> <p>7) In Section 9.4.2.1 (Telecommunications Antennae Development Management Standards), a new item should be listed stating '<i>The Council will discourage proposals for telecommunications masts, antennae and ancillary equipment near or adjacent to schools, pre-schools or crèches and heavily populated areas</i>' and '<i>The Council will determine the sites of any new GSM, UMTS, WiFi or WIMAX antennas not solely according to the operators' interests but in consultation with local and regional government officials, local residents and associations of concerned citizens</i>'.</p> <p>8) In relation to the Grid Development and Telecommunications, Kilkenny County Council should adopt the Council of Europe's strong recommendation for Precautionary measures to be adopted.</p>	<p>definition of 'high population' as referred to in the submission as being greater than 50 persons per sq km.</p> <p>7) Section 9.4.2.1 already includes the following as a location in which the Council will discourage proposals for telecommunications masts, antennae and ancillary equipment: '(ii) In close proximity to schools, churches, crèches, community buildings, other public and amenity/Conservation areas; and (iii) In close proximity to residential areas.' NOTE: The proposed amendment referred only to point (i) of Section 9.4.2.1, hence points (ii) and (iii) were not published as they remain unchanged. It is not a function of the Planning Authority to determine sites for new telecommunications antennae in the first instance. The Local Authority is not the service provider in his regard. The market determines the need for such infrastructure. Each proposal is considered on its own merits subject to the planning application process which also provides for public participation.</p> <p>8) Sections 9.3.2 and 9.4.2.1 have sufficient safeguards in place that require the proposed infrastructure to comply with all internationally recognised standards and the most recent medical research available.</p>
<p><b>Manager's Recommendation:</b></p> <p>1) No change recommended.</p> <p>2) Reinstate 'significant visual amenity value' in last sentence of Section 8.2.10.4 (Landscape Character Values).</p> <p>3-8) No change recommended.</p>	

<p><b>Name/Group: Pembroke Hotel</b>  <b>Ref. No.: PA 32</b>  <b>City/County: City</b></p>	
<p><b>Summary:</b></p> <p>1) The amendment to Section 3.4.5.3 (Existing Residential) to include temporary car parks as 'open for consideration' in residential areas is welcomed. This will provide an opportunity for vacant sites in the city to be utilised in the short term during economic stagnation and afford landowners greater flexibility in terms of the range of land uses permissible and encourage the temporary use and possible future development of underused and vacant sites with the city centre.</p>	<p><b>Manager's Response:</b></p> <p>1) Noted.</p>
<p><b>Manager's Recommendation:</b></p> <p>No change recommended.</p>	

<b>Name/Group: Piltown Parish Against Pylons</b> <b>Ref. No.: PA 33</b> <b>City/County: County</b>	
<b>Summary:</b>	<b>Manager's Response:</b>
<p>1) Section 9.3.2 (Grid Development Management Standards) should be amended to include the following:</p> <p><i>1a) • Kilkenny County Council will prepare landscape character assessment policies to provide for major infrastructural projects with a specific input from the National Parks and Wildlife Service.</i></p> <p><i>1b) • Development will only be allowed to take place at times permitted by the Council to minimise the impact on flora &amp; fauna and agricultural practices.</i></p> <p><i>1c) • Where over-grounding of infrastructure is necessary all available technology will be used to reduce noise emissions in particular "corona noise" to ensure the protection of residential amenity ('Corona noise' is the term used to describe the sound that surrounds electrical conductors of overhead power lines).</i></p> <p><i>1d) • Where pylons are necessary, alternative designs to the traditional lattice towers, including the use of colour, will be used to minimise the impact on visual amenity.</i></p> <p><i>1e) • Where pylons are necessary designs that minimise EMF will be used. (Note: EMF is electromagnetic field).</i></p> <p>2) The reference to 'excessive cost' in 9.3.2 should be clarified and the principle of what constitutes excessive cost should be determined by the Council on the basis of a comprehensive cost benefit analysis provided by the developer.</p> <p>3) Eirgrid should be requested, prior to commencement of development, to ensure that all technologies should be examined to ensure the most cost effective and low impact methods are used. A full cost benefit analysis should be conducted to support the case for using overhead pylons, against undergrounding of the system and this analysis should</p>	<p>1) Noted.</p> <p>1a) The Draft Plan has a landscape character assessment in Chapter 8 (Heritage) see Figure 8.2, and policies for the protection of views, see Section 8.2.10.6. The NPWS have been consulted in preparing the Draft Plans. The 4<sup>th</sup> bullet point of Section 9.3.2 requires that lines should be planned to avoid areas of high landscape sensitivity which is considered sufficient.</p> <p>1b) For development proposals where there is a perceived risk to an SAC, SPA or pNHA the National Parks and Wildlife Service is consulted and appropriate conditions and/or mitigation is incorporated into the Council's decision.</p> <p>1c) Section 9.3.2 provides for power line development to comply with 'all internationally recognised standards... including best practice and new accepted research on the impacts on health'. A comprehensive review of the various options is being carried out by the Government Review set up by the Department of Communications &amp; Natural Resources. The combination of bullet points 5 &amp; 6 together is considered adequate.</p> <p>1d) Landscape character assessment policies in the draft plan include for the design of any structure to such so as to minimise visual impact (see development management standard p.113-114). Whilst pylon design is a technical matter, Section 9.3.2 already requires that the design is such that will achieve least environmental impact and where impacts are inevitable, mitigation features have been included.</p> <p>1e) The development management guidelines in Section 9.3.2 require the proposed infrastructure to comply with all internationally recognised standards and the most recent medical research available. Furthermore it is recommended that the following bullet point be added to 9.3.2 in response to another submission (PA11): <i>New power lines and power installations should be sited in accordance with the requirements of the "Health Effects of Electromagnetic Fields" Report issued by the Department of Communications,</i></p>

<p>include a cost for the loss of visual amenity and community gain. A full economic justification for the project should also be provided.</p> <p>4) A policy should be included for pylons similar to that for telecommunication masts referred to in Section 9.4.2.1.</p>	<p><i>Marine and Natural Resources in 2007.</i></p> <p>2) The removal of '<i>consistent with not incurring excessive cost</i>' was agreed by Council at the public meeting held on the 13<sup>th</sup> January 2013 and will therefore be deleted.</p> <p>3) The Eirgrid project will be assessed by An Bord Pleanála. Kilkenny County Council is not in a position to require this. A Government review of the project has been initiated which is to deal with cost benefit issues.</p> <p>4) Section 9.4.2.1 is based on the provisions of Government Guidelines ('Telecommunications Antenna and Support Structures- Guidelines for Planning Authorities 1996 &amp; 2012'), which recommend that telecommunications masts be discouraged in certain areas. There is no equivalent Guidance for Planning Authorities on pylons.</p>
<p><b>Manager's Recommendation:</b></p> <p>1) No change recommended.</p> <p>2) Amend Section 9.3.2 as follows:</p> <ul style="list-style-type: none"> <li>• The design is such that will achieve least environmental impact <del><i>consistent with not incurring excessive cost;</i></del></li> </ul> <p>3-4) No change recommended.</p>	

<p><b>Name/Group: PM Cantwell Ltd.</b></p> <p><b>Ref. No.: PA 34</b></p> <p><b>City/County: City</b></p>	
<p><b>Summary:</b></p>	<p><b>Manager's Response:</b></p>
<p>1) An objection is raised to the new objective proposed in Section 3.4.3 (City Centre Area), i.e. '<i>fresh analysis of the development strategy for the City &amp; Environs</i>', as this could dilute the Council's focus on the plan-lead approach to developing lands at Loughmacask. These lands have been subject to a Local Area Plan and investment has already been made in infrastructure in the area.</p> <p>2) This objective undermines the Core Strategy and zoning objectives for Loughmacask and Western Environs.</p> <p>3) There is no need for this new objective as the Council has already committed to Loughmacask and the Western Environs satisfying the housing need of the City &amp; Environs including any demand generated by</p>	<p>1) Noted.</p> <p>2) The intention of the objective is to examine how housing units can be delivered in a manner which will reduce the requirement of infrastructure investment in the short term. Any change to land uses or phasing will be subject to a Variation of the adopted plan.</p> <p>3) The Loughmacask Local Area Plan is still a statutory plan and the Western Environs Plan has been incorporated into the Development Plan which means that the policies and objectives of these plans are to be achieved by the Council. The local authority has a limited capital programme and the delivery of lands in these areas will require significant capital investment. The inclusion of the proposed objective is to examine how housing units can be delivered in a manner which will reduce the</p>

the Smithwick's site.	requirement of infrastructure investment in the short term.
<b>Manager's Recommendation:</b> 1-3) No change recommended.	

<b>Name/Group: Port of Waterford Company</b> <b>Ref. No.: PA 35</b> <b>City/County: County</b>	
<b>Summary:</b>	<b>Manager's Response:</b>
<p>1) Belview Port is identified as a Tier 2 Port of National Significance in the National Ports Policy 2013. The South East Regional Planning Guidelines 2010-2022 also identify Belview Port as a significant gateway point and crucial for imports and exports, and identifies Belview as a location for the development of a nationally and regionally important industrial park.</p> <p>2) A number of aims in the Plan and proposed amendments are welcomed, most notably the provisions of Chapter 4, Economic Development and Chapter 11, Transport.</p> <p>3) The POWC wish to outline a number of additional considerations that should be identified in the Plan, as follows:</p> <ul style="list-style-type: none"> <li>• <i>To ensure that appropriate measures are identified and taken to improve traffic management within the Belview area and along the N29 from the Slieverue Roundabout.</i></li> <li>• <i>To ensure effective measures are introduced to reduce speeds on the N29, particularly along the section of road leading to the Port entrance.</i></li> <li>• <i>To create a visual gateway to the Port, in line with the proposed measures to reduce speeds – signage and lighting.</i></li> <li>• <i>To enhance the efficient operation of the Port through the identification of an appropriate site(s) for lorry parking</i></li> <li>• <i>To consider the provision of an additional lane to the secondary entrance to Port, on road to Smartply, as part improved traffic management measures to facilitate greater and safer movement of transport.</i></li> <li>• <i>To consider opportunities to protect residential amenity by creating a cul de sac at glass house road</i></li> <li>• <i>To deliver access to public water mains, within two years of adoption of the Plan.</i></li> </ul> <p>4) The POWC acknowledges and welcomes the objective in Section 11.7.3 (access from N29 to industrial zoned lands to be developed).</p>	<p>1) Noted.</p> <p>2) Noted.</p> <p>3) These issues are best suited for inclusion in the Local Area Plan. The Ferrybank – Belview Local Area Plan 2009-2020 will be reviewed this year, and hopefully adopted by early 2015. The POWC will be consulted with during this process.</p> <p>4) Noted.</p> <p>5) A statement can be added to this section giving priority to the Ferrybank – Belview Local Area Plan.</p>

<p>5) It is recommended that the objective in Section 3.3.5.1 (Expired LAPs) be extended to specify that Kilkenny County Council resources will be prioritised in order to guarantee timely completion of the Ferrybank- Belview LAP.</p>	
<p><b>Manager's Recommendation:</b>                  1-4) No change recommended.                  5) Include the following statement to the end of Section 3.3.5.2 Existing LAPs: <i>The Ferrybank-Belview Local Area Plan will be reviewed within 2 years from the adoption of the Development Plan.</i></p>	

<p><b>Name/Group: QPark</b>  <b>Ref. No.: PA 36</b>  <b>City/County: City</b></p>	
<p><b>Summary:</b></p>	<p><b>Manager's Response:</b></p>
<p>1) An objection is raised to the proposed amendment to Section 3.4.5.3 (Existing Residential) i.e. the inclusion of 'temporary car parks' as a use that is open for consideration in residential areas.                  2) The proposed amendment represents 'bad planning' in the context of Development Plan Guidelines, Development Management Guidelines, Sustainable Residential Development in Urban Areas Guidelines and the associated Best Practise Urban Design Manual and Smarter Travel.                  3) The proposed amendment is inappropriate for the following reason:</p> <ul style="list-style-type: none"> <li>• It is contrary to developing the city as a compact urban area.</li> <li>• It will undermine traffic and transportation objectives for the city centre by undermining existing car parks.</li> <li>• It undermines the planning system.</li> <li>• It is an undesirable general land use in a residential area and is contrary to the protection of residential amenity.</li> <li>• It undermines redevelopment of opportunity sites.</li> <li>• It is a policy change based on a site specific case of unauthorised development.</li> </ul>	<p>1) Noted.                  2) It would be unreasonable to ignore the need for car parking in the city as part of this Development Plan. Car based traffic is the primary mode of transport still.                  3) It is considered that the use of vacant sites for car parking is an appropriate land use in a residential area on a temporary basis. It can result in unsightly sites being 'tidied-up' in the interim. It is however important to control the temporary nature of the car park and therefore a proviso should be added to Section 3.4.5.3 accordingly.</p>
<p><b>Manager's Recommendation:</b>                  1-2) No change recommended.                  3) Include the following text in Section 3.4.5.3 after temporary car park: <i>'Temporary' is defined as no longer than 5 years from the date of permission granted unless a sustainable case can be put forward for a further extension.</i></p>	



<b>Name/Group: Roger Garland - Keep Ireland Open</b> <b>Ref. No.: PA 37</b> <b>City/County: County</b>	
<b>Summary:</b>	<b>Manager's Response:</b>
<p>1) The layout of the Plan would be improved by sub-numbering or sub-lettering lists of points and paragraphs.</p> <p>2) The DMS in Section 6.5.2 (Forestry) should include 'established walking routes', the same as in the Wind Energy DMS in Section 10.5.3.</p> <p>3) The revised Strategic Aim in Chapter 8 Heritage has seriously weakened the protection of heritage. It is felt that the terms 'seek to' and 'where possible' in the Draft should have been deleted. The Aim should read: 'Protect the sustainable management and enhancement of heritage...'</p> <p>4) The removal of 'enhancement' from the last paragraph in Section 8.1 (Introduction) is undesirable.</p> <p>5) The removal of the DMS from Section 8.2.7 (Peatlands) is undesirable.</p> <p>6) In appendix K, the Landscape and landscape Assessment Guidelines should be referred to as 'Draft'.</p>	<p>1) As stated at draft plan stage, this will be done in the final document.</p> <p>2) Agreed.</p> <p>3) The term 'enhancement' is not referred to in the Planning &amp; Development or Heritage Acts, and on the advice from the Department of Arts, Heritage &amp; the Gaeltacht was omitted from the Strategic Aim.</p> <p>4) The term 'enhancement' is referred to in the Water Frameworks Directive and therefore is particularly relevant to natural heritage. Reference to 'enhancement' should be reinstated where it refers to natural heritage.</p> <p>5) Agreed.</p> <p>6) Agreed.</p>
<b>Manager's Recommendation:</b> <p>1) The final document will include numbered paragraphs for ease of reference.</p> <p>2) Amend DMS in Section 6.5.2 (Forestry) as follows: Forestry shall not obstruct existing public rights or way <i>and established walking routes</i>.</p> <p>3) No change recommended.</p> <p>4) Reinstate final paragraph in Section 8.2 (Natural Heritage): 'It is the aim of the Council to conserve, enhance and manage the County's natural heritage including its biodiversity, landscapes and geological heritage and to promote understanding of and sustainable access to it'.</p> <p>5) Reinstate the DMS at the end of Section 8.2.7 (Peatlands): <i>To protect peatlands from inappropriate development having regard to their amenity and biodiversity value and their visual sensitivity.</i></p> <p>6) In Appendix K, <i>Draft</i> Landscape and Landscape Assessment Guidelines.</p>	

<b>Name/Group: Ronnie O'Neill</b> <b>Ref. No.: PA 38</b> <b>City/County: County</b>	
<b>Summary:</b>	<b>Manager's Response:</b>
<p>The clause that prevents any windfarm development taking</p>	<p>This clause was contained in the County Development Plan 2008-2014 (Section 9.8.3.3) in response to a submission made to the Draft Plan in 2007. The 2km buffer was not based on any recommended guideline or scientific research. This clause was omitted from the Draft Plan 2014-</p>

<p>place within 2 km of a thoroughbred stud farm should be retained</p>	<p>2020. However, it is understood that horses are particularly sensitive to noise and flicker associated with turbines as indicated in the British Horse Society document 'Advice on Wind Turbines and Horses- Guidance for Planners and Developers' (2013). The Draft Wind Energy Guidelines recommend that turbine should be located at least 500m from noise sensitive receptors. For the purposes of this development plan, it is recommended that registered thoroughbred stud farms are considered to be noise and flicker sensitive receptors.</p>
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**Manager's Recommendation:**

Include new sentence in Section 10.5.3 (Development Management Guidance) as follows: Any impact on bird or rare flora, mammals, amphibians and fish need to be assessed. *For the purposes of this Development Plan, a registered thoroughbred stud farm is considered to be a noise and flicker sensitive property as referred to in the Wind Energy Guidelines and discussed above. In particular, the provisions of the Wind Energy Guidelines in relation to noise and flicker will apply to registered thoroughbred stud farms.*

<p><b>Name/Group: Siobhan Delahunty</b>  <b>Ref. No.: PA 39</b>  <b>City/County: County</b></p>	
<p><b>Summary:</b></p>	<p><b>Manager's Response:</b></p>
<p>1) Section 3.5 (Rural Settlement Strategy) should include an additional bullet point stating '<i>Protect the character of the landscape against the threat from the construction of energy transmission infrastructure</i>'.                  2) In Section 8.2.10.4 (Landscape Character Values) the reference to 'significant visual amenity value' (when describing Brandon Hill Uplands and the River Valley Areas of the Nore, Barrow and Suir) should not be deleted.                  3) In Section 8.3.8.1 (Farm Villages) the term 'where possible' should be deleted.                  4) In Section 9.3.2 (Grid Development Management Standards), the second bullet point should be amended to include the following new text: '... and whereby it has been demonstrated that a full and comprehensive consultation process with the affected communities has been conducted under the terms of the legally binding Aarhus Convention'.                  5) In Section 9.3.2 (Grid Development Management Standards), the fifth bullet point should be amended to include the following new text: '<i>...Undergrounding</i></p>	<p>1) Section 3.5 refers specifically to rural housing and therefore the proposed additional bullet point would not be appropriate at this location. Protection of landscape character is dealt with in Chapter 8 Heritage.                  2) Agreed.                  3) The deletion is considered unnecessary. No change to the proposed amendment is recommended.                  4) Under the Aarhus Convention, the public has a right to participate in decision-making in environmental matters. In the European Union, this part of the Aarhus Convention has been implemented by Directive 2003/35/EC on public participation ('the Public Participation Directive'). Several pieces of legislation have been used to transpose the Public Participation Directive into Irish law, including Irish planning law and into legislation governing other environmental consents. In the planning system, members of the public may submit observations on planning applications and may appeal planning decisions to An Bord Pleanála. Public participation is inherent in the planning process.                  5) Bullet point 6 of Section 9.3.2 provides for power line development to comply with 'all internationally recognised standards... including best practice and</p>

<p><i>must be the first option in densely populated areas and/or near schools and if over ground lines are subsequently selected in a densely populated area and/or near schools then the developer must demonstrate an overriding technical reason why it cannot be undergrounded.</i></p> <p>6) In Section 9.4.2.1 (Telecommunications Antennae Development Management Standards), a new item should be listed stating <i>'The Council will discourage proposals for telecommunications masts, antennae and ancillary equipment near or adjacent to schools, pre-schools or crèches and heavily populated areas'</i>.</p>	<p>new accepted research on the impacts on health'. A comprehensive review of the various options is being carried out by the Government Review set up by the Department of Communications &amp; Natural Resources. The combination of bullet points 5 &amp; 6 together is considered adequate.</p> <p>6) Section 9.4.2.1 already includes the following as a location in which the Council will discourage proposals for telecommunications masts, antennae and ancillary equipment: '(ii) In close proximity to schools, churches, crèches, community buildings, other public and amenity/Conservation areas; and (iii) In close proximity to residential areas.' NOTE: The proposed amendment referred only to point (i) of Section 9.4.2.1, hence points (ii) and (iii) were not published as they remain unchanged.</p>
<p><b>Manager's Recommendation:</b></p> <p>1) No change recommended.                  2) Reinstate 'significant visual amenity value' in last sentence of Section 8.2.10.4 (Landscape Character Values).                  3-6) No change recommended.</p>	

<p><b>Name/Group: South Tipperary County Council</b>  <b>Ref. No.: PA 40</b>  <b>City/County: County</b></p>	
<p><b>Summary:</b></p> <p>1) The alignment of the N24 Carrick on Suir Bypass has been corrected on Figure 11.1 to reflect the NRA approved preferred route, as per the original submission made by South Tipperary on the Draft.                  2) The 10km 'Local Area' for rural housing is consistent with the South Tipp Development Plan. Much of the boundary with South Tipperary is designated as an area of population decline in the Draft Plan and therefore prospective applicants in this area will not need to meet the rural housing policies of the Development Plan. In South Tipperary any proposal for a rural dwelling must satisfy the provisions of Policy SS5 ('Individual Houses in the Open Countryside'), therefore this may encourage persons to seek sites in County Kilkenny rather than Tipperary in areas close to the county boundary where the applicant cannot satisfy the 'housing need' requirements of South Tipperary.                  3) Other designations and policies that abut the administrative boundary with South Tipperary are generally complimentary and it is not anticipated that any transboundary conflict would occur in this regard.</p>	<p><b>Manager's Response:</b></p> <p>1) Noted.                  2) Noted.                  3) Noted.</p>
<p><b>Manager's Recommendation:</b>                  No change recommended.</p>	

<p><b>Name/Group: Tesco</b>  <b>Ref. No.: PA 41</b>  <b>City/County: City</b></p>	
<p><b>Summary:</b></p>	<p><b>Manager's Response:</b></p>
<p>1) Tesco remains committed to seeking a presence in Kilkenny with priority for investment focused on the city centre and in particular on the Smithwick's site.</p> <p>2) Under the proposed amendment Section 4.7.1.2 (Edge of Centre) MacDonagh Junction has parity with the Smithwick's site in terms of retail policy which is undesirable for the following reason:</p> <ul style="list-style-type: none"> <li>• MacDonagh could benefit from substantial retail benefit before any retail is achieved on the Smithwick's site.</li> <li>• Phase 2 land could only be developed when significant expansion of MacDonagh Junction has taken place.</li> <li>• The proposed phasing relegates the development of the mart site to beyond the life of the Plan, if ever.</li> <li>• MacDonagh could 'bag' a permission and not implement it, this holding up the process.</li> <li>• The policy circumvents the sequential approach.</li> <li>• It contravenes past decisions to refuse further retail developments at MacDonagh Junction.</li> </ul> <p>3) It is recommended that the proposed amendment be removed in its entirety and the original text of Section 4.7.1.2 remains unchanged.</p>	<p>1) Noted.</p> <p>2) Noted. It was not the intention of the policy to place MacDonagh Junction on a par with the city centre core retail area. It is an edge of centre site. In order to further refine the understanding of the phasing in the plan, it is recommended that Section 4.7.1.2 be modified as follows: 'Phase 1: Smithwick lands the subject of the masterplan referred to in section 3,4,3 and <i>at an appropriate scale</i> MacDonagh Junction.</p> <p>3) The Council is conscious of the difficulty in managing the various sites available for retail development in accordance with the Government Guidelines on retail planning policy. The priority for investment for major retail expansion is in accordance with retail planning guidelines which is core retail area first, then edge of centre sites and then out of centre sites.</p>
<p><b>Manager's Recommendation:</b></p> <p>1) No change recommended.</p> <p>2) Modify the proposed amendment in Section 4.7.1.2 as follows:          '... It is envisaged that MacDonagh Junction will continue to play a key role in the enhancement of the city <del>centre</del> and appropriate development at the site will be supported in order to complete and consolidate the development.          Phasing of City Centre Expansion          For the purpose of city centre expansion the following phasing of development lands within the City &amp; Environs is proposed:</p> <ul style="list-style-type: none"> <li>• Phase 1: Smithwick lands the subject of the masterplan referred to in Section 3.4.3 and <i>at an appropriate scale</i> MacDonagh Junction.</li> <li>• Phase 2: The former mart site at the Castlecomer Road.' <p>3) No change recommended.</p> </li></ul>	

## 6. Errata

The Proposed Amendment documents included the deletion of text in relation to The National Survey of Native Woodlands (NSNW) and Ancient Woodlands. This was an error and should not have been contained in the documents. It is recommended that this text be reinstated in full into both the County and City & Environs Development Plans as follows:

### **City & Environs Plan: Section 7.2.5 Woodlands, Trees and Hedgerows**

The National Survey of Native Woodlands (NSNW)

The NSNW surveyed a total of 58 sites in Kilkenny as part of a National Survey (BEC consultants 2003-2008). A range of data types from both the general site survey (e.g. area, occurrence of rare species, presence of hydrological features) and a sample dataset of the trees (e.g. structural diversity, regeneration status) was used to produce a conservation score for each of the woodlands surveyed.

Ancient woodlands

Ancient woodlands are defined in Ireland as areas which have been wooded since 1660. Possible ancient woodlands (PAWS) and long established woodlands (LEWS) were identified from documentary and archaeological evidence by the NPWS. A total of 28 PAWS and LEWS were identified in Co. Kilkenny.

#### **Section 7.2.5.1 Hedgerows- Development management standards (3<sup>rd</sup> bullet point)**

- Have regard to, and seek the conservation of (a) sites of significance identified in the Kilkenny Woodlands Survey 1997, (b) the trees of County Kilkenny identified in the Tree Register of Ireland, (c) Survey of mature Trees in Kilkenny City and Environs in the assessment of planning applications, and d) the National Survey of Native Woodlands and Ancient Woodlands.

### **County Development Plan: Section 8.2.5 Woodlands, Trees and Hedgerows**

The National Survey of Native Woodlands (NSNW)

The NSNW surveyed a total of 58 sites in Kilkenny as part of a National Survey (BEC consultants 2003-2008). A range of data types from both the general site survey (e.g. area, occurrence of rare species, presence of hydrological features) and a sample dataset of the trees (e.g. structural diversity, regeneration status) was used to produce a conservation score for each of the woodlands surveyed.

Ancient woodlands

Ancient woodlands are defined in Ireland as areas which have been wooded since 1660. Possible ancient woodlands (PAWS) and long established woodlands (LEWS) were identified from documentary and archaeological evidence by the NPWS. A total of 28 PAWS and LEWS were identified in Co. Kilkenny.

#### **8.2.5.1 Hedgerows**

- Have regard to, and seek the conservation of (a) sites of significance identified in the Kilkenny Woodlands Survey 1997, and (b) the trees of County Kilkenny identified in the Tree Register of Ireland, (c) Survey of mature Trees in Kilkenny City and Environs in the assessment of planning applications, and (d) the National Survey of Native Woodlands and Ancient Woodlands.

**Section 9.3.2 (Grid Development Management) in the County Development Plan**

In accordance with a direction from the Council, the 3<sup>rd</sup> bullet point should have read:

- The design is such that will achieve least environmental impact ~~consistent with not incurring excessive cost.~~

## 7. Screening of recommended modifications to proposed amendments

The following is a synopsis of the modifications recommended to the proposed amendments in response to the submissions received. This also allows for an overview of any likely environmental affects, in the context of Strategic Environmental Assessment and Appropriate Assessment. As stated in Chapter 2 above, a modification to a proposed amendment may be made but only where it is minor in nature and not likely to have significant effects on the environment or adversely affect the integrity of a European Site.

### 7.1 City & Environs Plan

#### Chapter 3 Core Strategy and Zoning

Table 3.3: Change ~~2012~~ to 2020. A single Core Strategy Table will be provided.

Include the following text in Section 3.4.5.3 after temporary car park: *'Temporary' is defined as no longer than 5 years from the date of permission granted unless a sustainable case can be put forward for a further extension.*

#### Chapter 4 Economic Development

Modify the proposed amendment in Section 4.7.1.2 (Edge of Centre) as follows:

'... It is envisaged that MacDonagh Junction will continue to play a key role in the enhancement of the city centre and appropriate development at the site will be supported in order to complete and consolidate the development.

#### Phasing of City Centre Expansion

For the purpose of city centre expansion the following phasing of development lands within the City & Environs is proposed:

- Phase 1: Smithwick lands the subject of the masterplan referred to in Section 3.4.3 and *at an appropriate scale* MacDonagh Junction.
- Phase 2: The former mart site at the Castlecomer Road.'

#### Chapter 6 Recreation, Tourism & Arts

At the end of Section 6.4.2 (Walking and Cycling) include the following new sentence: *The Council will seek central funding to design and progress the cycleway network along the N76 from Kilkenny to Clonmel, as part of Corridor 10 (Naas to Mallow) of the National Cycle Network Scoping Study published by the NR Ain 2010.*

#### Chapter 7 Heritage

Reinstate final paragraph in Section 7.2 (Natural Heritage):

*It is the aim of the Council to conserve, enhance and manage the County's natural heritage including its biodiversity, landscapes and geological heritage and to promote understanding of and sustainable access to it.*

Include new sentence at end of Sections 7.2.1.3, 7.2.3 and 7.2.6: *See also Section 8.2.3.1 Water Frameworks Directive.*

In Section 7.2.3 (Nature Conservation Outside of International and National Protected Areas) reinstate *'and where possible enhance'*.

Reinstate in Section 7.2.5 Woodlands, Trees and Hedgerows

*The National Survey of Native Woodlands (NSNW)*

*The NSNW surveyed a total of 58 sites in Kilkenny as part of a National Survey (BEC consultants 2003-2008). A range of data types from both the general site survey (e.g. area, occurrence of rare species, presence of hydrological features) and a sample dataset of the trees (e.g. structural diversity, regeneration status) was used to produce a conservation score for each of the woodlands surveyed.*

*Ancient woodlands*

*Ancient woodlands are defined in Ireland as areas which have been wooded since 1660. Possible ancient woodlands (PAWS) and long established woodlands (LEWS) were identified from documentary and archaeological evidence by the NPWS. A total of 28 PAWS and LEWS were identified in Co. Kilkenny.*

*Section 7.2.5.1 Hedgerows - Development management standards (3<sup>rd</sup> bullet point)*

- *Have regard to, and seek the conservation of (a) sites of significance identified in the Kilkenny Woodlands Survey 1997, (b) the trees of County Kilkenny identified in the Tree Register of Ireland, (c) Survey of mature Trees in Kilkenny City and Environs in the assessment of planning applications, and d) the National Survey of Native Woodlands and Ancient Woodlands.*

Include new Section 7.3.1.2 Underwater Archaeology

*Any development near watercourses, be they freshwater or in marine/coastal areas, should take into account the potential to encounter underwater cultural heritage. Such sites may include sources of underwater cultural heritage such as shipwrecks, fishtraps, fording points, bridges, intertidal kelp grids, etc. as well as artefactual material from an underwater context. Due regard to the Shipwreck Inventory of Ireland database and Ports and Harbours Archive, as held by the Underwater Archaeology Unit in the National Monuments Service, should be consulted as part of this aspect of archaeological heritage. Any development either above or below water, including to river banks or coastal edges, within the vicinity of a site of archaeological interest shall not be detrimental to the character of the archaeological site or its setting. Planning applications will be referred to the Department of Arts, Heritage and the Gaeltacht in this regard where relevant.*

## **Chapter 8 Infrastructure and Environment**

Section 8.1.3, amend last sentence to state: The Planning Authority will ~~encourage~~ normally require rainwater harvesting and grey water recycling in new large scale developments and in smaller schemes *except where not practical or feasible.*

## **Appendix H**

Include reference to DMURS and LAP Guidelines.



## SEA/AA Comment

The proposed modifications to the proposed amendments do not include any new objectives or material alteration to draft objectives. The modifications are minor in nature and are not likely to have significant effects on the environment or adversely affect the integrity of a European Site.

## 7.2 County Plan

### Chapter 3 Core Strategy

Include new statement at the end of Section 3.3.5.1 (Expired LAP's): *The Council will review the development objectives and development management requirements for villages with expired LAP's during the life of the Plan.*

In Section 3.3.5.2 Existing LAPs include the following sentence at end of paragraph: *The Ferrybank-Belview Local Area Plan will be reviewed within 2 years from the adoption of the Development Plan.*

In Section 3.5 (Rural Housing), include a reference to Section 11.7.3 (Access to National Roads)

### Chapter 6 Rural Development

In Section 6.2.1 (Food Harvest), insert the following at end: *See also Section 8.2.1.3 Rare or Protected Species and their Habitats.*

Include a reference to the Forest Policy Review in Section 6.5 (Forestry).

Amend DMS in Section 6.5.2 (Forestry) as follows: *Forestry shall not obstruct existing public rights or way and established walking routes.*

### Chapter 7 Recreation, Tourism & the Arts

Include new sentence at the end of Section 7.3.2 (Walking and Cycling) as follows: *The Council will seek central funding to design and progress the cycleway network along the N76 from Kilkenny to Clonmel, as part of Corridor 10 (Naas to Mallow) of the National Cycle Network Scoping Study published by the NR in 2010.*

### Chapter 8 Heritage

Reinstate Section 8.2.5 Woodlands, Trees and Hedgerows

*The National Survey of Native Woodlands (NSNW)*

*The NSNW surveyed a total of 58 sites in Kilkenny as part of a National Survey (BEC consultants 2003-2008). A range of data types from both the general site survey (e.g. area, occurrence of rare species, presence of hydrological features) and a sample dataset of the trees (e.g. structural diversity, regeneration status) was used to produce a conservation score for each of the woodlands surveyed.*

*Ancient woodlands*

*Ancient woodlands are defined in Ireland as areas which have been wooded since 1660. Possible ancient woodlands (PAWS) and long established woodlands (LEWS) were identified from documentary and archaeological evidence by the NPWS. A total of 28 PAWS and LEWS were identified in Co. Kilkenny.*

#### 8.2.5.1 Hedgerows

*Have regard to, and seek the conservation of (a) sites of significance identified in the Kilkenny Woodlands Survey 1997, and (b) the trees of County Kilkenny identified in the Tree Register of Ireland, (c) Survey of mature Trees in Kilkenny City and Environs in the assessment of planning applications, and (d) the National Survey of Native Woodlands and Ancient Woodlands.*

Reinstate final paragraph in Section 8.2 (Natural Heritage):

*It is the aim of the Council to conserve, enhance and manage the County's natural heritage including its biodiversity, landscapes and geological heritage and to promote understanding of and sustainable access to it.*

Include new sentence at end of Sections 8.2.1.3, 8.2.3 and 8.2.6: *See also Section 9.2.8.1 Water Frameworks Directive.*

In Section 8.2.3 (Nature Conservation Outside of International and National Protected Areas) reinstate *'and where possible enhance'*.

In Section 8.2.7 include reference to the Draft national Peatland Strategy in Section 8.2.1 include reference to the National Raised Bog SAC Management Plan.

Reinstate Section 8.2.7 (Peatlands) as follows:

Peatlands are important ecosystems sustaining a range of animal and plant species. The distribution of peatland in Kilkenny is shown on Figure 8.3. This amounted to approximately 1.3% of the total land area of Co. Kilkenny in 2006. ~~There is no industrial extraction of peat for energy and horticulture in Kilkenny, however.~~ *Industrial extraction of peat for energy and horticulture in Kilkenny is limited to a small area in the northwest of the county, adjacent to the Tipperary county boundary.* Damage to peatland can occur from domestic peat extraction, afforestation, wind farms, recreational activities and invasive species. *Peatlands may contain archaeological artefacts (Refer to Chapter 8).* Development Management Standard: To protect peatlands from inappropriate development having regard to their amenity and biodiversity value and their visual sensitivity.

Reinstate *'significant visual amenity value'* in last sentence of Section 8.2.10.4 (Landscape Character Values).

Include new Section 8.3.1.2 (Underwater Archaeology) in the County Plan: *Any development near watercourses, be they freshwater or in marine/coastal areas, should take into account the potential to encounter underwater cultural heritage. Such sites may include sources of underwater cultural heritage such as shipwrecks, fishtraps, fording points, bridges, intertidal kelp grids, etc. as well as artefactual material from an underwater context. Due regard to the Shipwreck Inventory of Ireland database and Ports and Harbours Archive, as held by the Underwater Archaeology Unit in the National Monuments Service, should be consulted as part of this aspect of archaeological heritage. Any development either above or below water, including to river banks or coastal edges, within the vicinity of a site of archaeological interest shall not be detrimental to the character of the archaeological site or its setting. Planning applications will be referred to the Department of Arts, Heritage and the Gaeltacht in this regard where relevant.*

## Chapter 9 Infrastructure and Environment

Amend last sentence in Section 9.1.3 (Water Conservation) to state: The Planning Authority will ~~encourage~~ *normally require* rainwater harvesting and grey water recycling in new large scale developments and in smaller schemes *except where not practical or feasible.*

Amend Section 9.3.2. Grid Development management Standards as follows:

Kilkenny County Council will facilitate the provision of energy networks in principle, provided that it can be demonstrated that –

- The development is required in order to facilitate the provision or retention of significant economic or social infrastructure;
- The route proposed has been identified with due consideration for social, environmental and cultural impacts;
- The design is such that will achieve least environmental impact ~~consistent with not incurring excessive cost~~;
- That the lines should be planned to avoid areas of high landscape sensitivity;
- Preference should be given to undergrounding services where appropriate;
- That the proposed infrastructure complies with all internationally recognised standards with regard to proximity to dwellings and other inhabited structures including best practice and new accepted research on the impacts on health;
- Where impacts are inevitable, mitigation features have been included.
- *New power lines and power installations should be sited in accordance with the requirements of the "Health Effects of Electromagnetic Fields" Report issued by the Department of Communications, Marine and Natural Resources in 2007.*

#### **Chapter 10 Renewable Energy Strategy**

Include new sentence in Section 10.5.3 (Development Management Guidance) as follows:

*Any impact on birds or rare flora, mammals, amphibians and fish need to be assessed. For the purposes of this Development Plan, a registered thoroughbred stud farm is considered to be a noise and flicker sensitive property as referred to in the Wind Energy Guidelines. In particular, the provisions of the Wind Energy Guidelines in relation to noise and flicker will apply to registered thoroughbred stud farms.*

#### **Appendix K**

Include DMURS and LAP Guidelines.

*Draft Landscape and Landscape Assessment Guidelines.*

#### **SEA/AA Comment**

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