



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

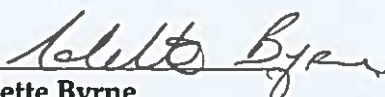
**RE: SUBMISSIONS TO PROPOSED MATERIAL ALTERATIONS TO THE
GRAIGUENAMANAGH-TINNAHINCH DRAFT JOINT
LOCAL AREA PLAN 2021**

DATE: 13TH JULY, 2021.

Dear Councillor,

I attach herewith Report on Submissions to Proposed Material Alterations to the Graiguenamanagh-Tinnahinch Draft Joint Local Area Plan 2021.

I recommend that the Local Area Plan be adopted, with the Proposed Material Alterations in accordance with this Report and the requirements of the Planning & Development Acts 2000 as amended.


Colette Byrne
Chief Executive

Chief Executive's Report

Submissions to Proposed Material Alterations to the
Graigueanamanagh-Tinnahinch Draft Joint Local Area Plan 2021





Kilkenny County Council

**Colette Byrne,
Chief Executive**

**Sean McKeown,
Director of Services**

**Denis Malone,
Senior Planner**

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1. Introduction

This report forms part of the statutory procedure for the making of a Local Area Plan (LAP). It addresses the submissions received during the 4 week public consultation period, from the 9th of April to the 7th of May 2021, in relation to the Proposed Material Alterations to the Draft LAP.

The purpose of the report is to:

- (a) report on the written submissions/observations received during the public consultation period.
- (b) set out the Chief Executive's response to the issues raised in the submissions/observations and;
- (a) make recommendations to the Elected Members on the issues arising from the consultation process.

This report is being furnished to the Elected Members of Kilkenny County Council and will be attached to the Carlow Chief Executive's report for information in accordance with Section 20(3) (l) of the Planning and Development Act 2000, as amended, for their consideration.

1.1 Details of Public Display

The documents put on public display for the Proposed Material Alterations to the Draft Joint Local Area Plan were:

- Public Notice
- Proposed Material Alterations
- Appropriate Assessment Screening report
- Strategic Environmental Assessment Screening report
- Strategic Flood Risk Assessment Material Alterations
- Infrastructure Assessment

The documents were available for viewing on Kilkenny and Carlow County Councils online public consultation portal. Hard copied of the documents were on public display in the following locations:

- Planning Office, Kilkenny County Council, County Hall, John Street, Kilkenny
- Planning, Office, Carlow County Council, County Buildings, Athy Road, Carlow
- Graigueamanagh Library subject to Covid-19 restrictions

Submissions could be made by:

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

2. Submissions Received

In total, 8 submissions were received to the Proposed Material Alterations to the Draft Joint Local Area Plan, as set out below¹.

Ref.	Name
KK-C168-1	Transport infrastructure Ireland (TII)
KK-C168-2	Environmental Protection Agency (EPA)
KK-C168-3	Byrne & McCabe
KK-C168-4	Development Applications Unit (DAU)
KK-C168-5	Office of Public Works (OPW)
KK-C168-6	Department of Education
KK-C168-7	Office of Planning Regulator (OPR)
KK-C168-8	National Transport Authority (NTA)

¹ The full text of the submissions received are available to view at the following link: <https://consult.kilkenny.ie/en/consultation/proposed-material-alterations-grauguenamanagh-tinnahinch-draft-joint-local-area-plan>

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

3.1 Submissions from Government Department

Name	Summary
KK-C162-1 Transport Infrastructure Ireland (TII)	<ol style="list-style-type: none"> 1. TII notes there are no national road issues to address in in relation to this Joint Local Area Plan, 2. Transport infrastructure Ireland has no specific observations to make.
Response:	
<ol style="list-style-type: none"> 1. Acknowledged 	
Recommendation:	
<ol style="list-style-type: none"> 1. No change recommended. 	
Name	Summary
KK-C162-2 Environmental Protection Agency (EPA)	<ol style="list-style-type: none"> 1. The EPA attached a guidance document 'SEA of Local Authority Land Use Plans – EPA Recommendation and Resources'. This document sets out their key recommendations for integrating environmental considerations into Local Authority land use plans. 2. The EPA note that Kilkenny and Carlow County Council must ensure the Plan aligns with key relevant higher-level plans and programmes and is consistent with the relevant objectives and policy commitments of the National Planning Framework and the Regional Spatial Economic Strategy for the Southern Region.
Response:	
<ol style="list-style-type: none"> 1. Noted, the Plan complies with all relevant requirements. 2. Noted, the plan is consistent with higher level plans, including the NPF, the RSES and the draft Kilkenny City and County Development Plan. 	
Recommendation:	
<ol style="list-style-type: none"> 1. No change recommended. 2. No change recommended. 	
Name	Summary
KK-C162-4 Development Applications Unit (DAU)	<ol style="list-style-type: none"> 1. The Department considers the Graiguenamanagh-Tinnahinch Tourism and Recreational Project Concept Study should have been subject to screening for Appropriate Assessment and if required, Appropriate Assessment, and that consideration should have been given to the need for SEA in respect of the Study also. 2. The Department considers that the assessment in Section 4 of the Natura Impact Report is insufficient as it does not assess the impacts of all projects outlined in the Concept Study in sufficient detail and does not propose mitigation specific to these projects. 3. It is suggested Objective GIO1.1 is prioritised for action by the Councils. 4. The Department recommends the inclusion of an objective to enhance the connectivity of isolated woodlands through tree planting 5. In relation to Objective INFO3.4 the Department considers the cumulative impacts on the River Barrow and River Nore SAC can only be adequately

	assessed at a strategic level. It is considered this matter needs to be addressed as part of the Appropriate Assessment of the Plan
<p>Response:</p>	<ol style="list-style-type: none"> 1. The Graiguenamanagh-Tinnahinch Tourism and Recreational Project Concept Study is a separate document to the Graiguenamanagh- Tinnahinch Local Area Plan. Proposals contained in the concept study which also appears in the Local Area Plan were subjected to full SEA and AA in the Graiguenamangh/Tinnahinch as part of the Local Area Plan process. The Local Area Plan therefore stands separate and any requirement regarding the undertaking of an AA for the Concept Study is not an issue that can be considered as part of the Local Area Plan process. 2. To remove reference to the Graiguenamanagh-Tinnahinch Tourism and Recreational Project Concept Study. 3. <i>"GIO 1.1: To carry out, as resources allow, Habitat and Green Infrastructure Mapping for Graiguenamanagh-Tinnahinch in order to reduce and avoid fragmentation or deterioration of the Green Infrastructure network and strengthen ecological links within Graiguenamanagh-Tinnahinch and to the wider regional network."</i> The Planning Authority does consider the mapping a priority, subject to both financial and staffing resources available over the period of the Plan (2021-2027). 4. Connections to isolated woodlands beyond the boundary of the Plan would be more appropriately addressed as part of the Development Plan process. The Plan does provide for indicative cycleway/pedestrian improvements within the settlement boundary to improve connectivity to Silaire Wood. 5. <i>INFO3.4: To require the preparation of Drainage Impact Assessments, in line with the SFRA for this Draft Joint LAP, for all development proposals within the plan area.</i> This objective provides further detail on issues to be considered in any Drainage Impact Assessment going forward.
<p>Recommendation:</p>	<ol style="list-style-type: none"> 1. No Change Recommended 2. Delete reference to the Graiguenamangh-Tinnahinch Tourism and Recreational Concept Study form text in Section 2.9.3.1 as follows: TO2.1: To support the implementation of the Graiguenamanagh-Tinnahinch Tourism and Recreational Project Concept Study, and the development of tourism infrastructure (in particular at The Hub), overnight accommodation (in particular Brandondale House), attractions and facilities at appropriate locations subject to the appropriate protection of architectural heritage and natural amenities. TO2.2: To support the implementation of the Graiguenamanagh-Tinnahinch Tourism and Recreational Project Concept Study, and the development of outdoor leisure activities and a River Park and associated uses on lands that are designated as open space, subject to the protection of landscape character and natural heritage (Natura 2000 conservation objectives) and inclusion of construction management plans. 3. No Change Recommended 4. No Change Recommended 5. No Change Recommended
<p>Name</p>	<p>Summary</p>
<p>KK-C162-5</p>	<ol style="list-style-type: none"> 1. The SFRA has not addressed how climate change has been considered in the production of this development plan

<p>Office of Public Works (OPW)</p>	<ol style="list-style-type: none"> 2. Planning authorities can consider climate change impacts in the Plan making stage by avoiding development in areas potentially prone to flooding in the future, providing space for future flood defences, and setting specific development management objectives. 3. It should be noted flood maps prepared under the CFRAM Programme include maps for two potential future scenarios taking account of different degrees of climate impact 4. If both County Development Plans must be consulted in relation to policy on flood risk management and climate change on site specific FRAs, then this should be clearly stated in the relevant sections in the SFRA and draft plan. 5. The Guidelines recommend that the SFRA provide guidance on the likely applicability of different SuDS techniques for managing surface water run-off at key development sites 6. The Guidelines recommend that the SFRA identifies where integrated and areas-based provision of SuDS and green infrastructure are appropriate in order to avoid reliance on individual site by site solutions 7. The planning authority should specify the structural or non-structural measures as prerequisites to development and provide information on the residual risks that would remain and how they might be managed. 8. A site-specific FRA is not considered in itself to be a mitigation measure, and Kilkenny and Carlow County Council might consider providing further guidance on the measures considered acceptable in the area. 9. For sites that are intended to be zoned for development following the application of a Justification Test, where only a small proportion of the site is at risk of flooding, a policy objective might be attached to such zoning. 10. Plan making Justification Test must be completed by the Local Authority for the MPO1.1 and glamping site along The Quay area in Graiguenamanagh
<p>Response:</p> <ol style="list-style-type: none"> 1. SFRA will be amended to take the mid-range and high-end Climate Change impact scenarios into consideration 2. Noted. The Plan does anticipate climate change impacts and Kilkenny County Council in partnership with Carlow County Council and the Office of Public Works are advancing a flood relief scheme for the settlement. Objective INFO3.1 supports the implementation of this scheme and will work with stakeholders in delivering this scheme. 3. Noted. The SFRA will be amended to take these scenarios into consideration 4. Noted. The text of the SFRA will be updated to include the following text: <i>"Please refer to the respective County Development Plan and SFRA of Kilkenny or Carlow for policy on flood risk management and climate change on site specific FRAs as these Plans provide the appropriate overarching policy framework for the approach to site specific FRAs."</i> 5. The text of the SFRA will be updated to include the following text: <i>"When a site-specific flood risk assessment is being prepared for a parcel of land within the settlement boundary, the respective County Development Plan of Kilkenny or Carlow County</i> 	

Council must be consulted as regards the best sustainable urban drainage solution, which must form part of the Site-specific Flood Risk Assessment. These Plans provide the appropriate overarching policy framework for the approach to site specific FRAs."

6. Area Based solutions generally cover a large area of new development and would be appropriate for very large housing estates and Masterplanning exercises for significant lands. These are not appropriate to towns like Graiguenamanagh and Tinnahinch where development will take place in small pockets with site specific drainage solutions.
7. Specify the structural or non-structural measures as prerequisites to development and provide information on the residual risks that would remain and how they might be managed.
8. Update SFRA to include mitigation measures considered acceptable in the area
9. Include a policy for zoned lands that are at risk of flooding and have been zoned following a justification test.
10. A Justification Test will be completed for lands MPO 1.1 and site along The Quay Graiguenamanagh

Recommendation:

1. Insert Section 2.2.2 titled 'Climate Change' to discuss how climate change has been considered in SFRA with particular reference to the mid-range and high-end Climate Change impact scenarios. See attached SFRA update.
2. No Change Recommended
3. Include the two scenarios in the SFRA. See Section 2.2.2 of attached SFRA update
4. The following text will be included in Section 2.2.2 'Climate Change':
"When a site-specific flood risk assessment is being prepared for a parcel of land within the settlement boundary, the respective County Development Plan and SFRA of Kilkenny or Carlow County Council must be consulted as these Plans provide the appropriate overarching policy framework for the approach to site specific FRAs."
5. The following text will be included in Section 3.1 of the SFRA:
"When a site-specific flood risk assessment is being prepared for a parcel of land within the settlement boundary, the respective County Development Plan of Kilkenny or Carlow County Council must be consulted as regards the best sustainable urban drainage solution, which must form part of the Site-specific Flood Risk Assessment. These Plans provide the appropriate overarching policy framework for the approach to site specific FRAs."
6. No change
7. The SFRA will be amended to identify where integrated and areas-based provision of SuDS and green infrastructure are appropriate in order to avoid reliance on individual site by site solutions
8. Update SFRA include additional mitigation measures. See attached SFRA.
9. Include following wording in Section 4.4 'Zoning' the written statement. See attachment
"For sites that were zoned following the application of a Justification Test, where only a small proportion of the site is at risk of flooding, a sequential approach shall be applied in future site planning, whereby to ensure no encroachment onto, or loss of, the flood plain, only water compatible development such as Open Space would be permitted for the lands which are identified as being at risk of flooding within that site. Planning permission for these sites might then be subject to the sequential approach having been adopted and applied as above, following a detailed Flood Risk Assessment."

10. Update Section 2.26 of the SFRA to include justification test for lands MPO 1.1 and site along The Quay Graiguenamanagh. See attached SFRA.	
Name	Summary
KK-C162-6 Department of Education	<ol style="list-style-type: none"> The Department notes the amendments to the projected 2027 population for Graiguenamanagh and Tinnahinch. These amendments do not affect the Department's original submission to the draft joint plan last January The Department acknowledges and supports the preparation of a Social Infrastructure Assessment (Objective COM 1.4)
Response: <ol style="list-style-type: none"> Noted Noted 	
Recommendation: <ol style="list-style-type: none"> No Change Recommended No Change Recommended 	
Name	Summary
KK-C162-7 Office of Planning Regulator (OPR)	<ol style="list-style-type: none"> Need for the Strategic Flood Risk Assessment (SFRA) to address how climate change has been considered in the production of statutory plans, and the requirement for a flood risk assessment to an appropriate level of detail to be carried out as part of the SFRA, and not solely left to the planning application stage.
Response: <ol style="list-style-type: none"> See response to Submission ref. KK-C162-5 Office of Public Works (OPW) 	
Recommendation: <ol style="list-style-type: none"> See response to Submission ref. KK-C162-5 Office of Public Works (OPW) 	
Name	Summary
KK-C162-8 National Transport Authority (NTA)	<ol style="list-style-type: none"> The NTA has no specific observations to make in relation to the proposed material alterations.
Response: <ol style="list-style-type: none"> Noted 	
Recommendation: <ol style="list-style-type: none"> No Change Recommended 	

3.2 Other submissions

Ref	Name	Summary
KK-C162-3	Byrne & McCabe	<ol style="list-style-type: none"> Request to revert zoning from recreational to mixed use at site located on The Quay Graiguenamanagh
Response: <ol style="list-style-type: none"> No submission was received to the draft on this matter and hence a submission on rezoning cannot be considered at Material Alterations stage. It is acknowledged the site is located within Flood Zone A and B. The plan does however acknowledge the existing use and in the SFRA the position will be clarified to permit the currently permitted use of glamping whilst zoned as 'Open Space/Recreation' 		
Recommendation: <ol style="list-style-type: none"> Identify subject site with '*' to permit the permitted use on the subject site as shown below. 		

- Alter text of 'Open Space/Recreation' in Appendix A to facilitate the permitted use on the subject site.



4. Next Steps

The members shall consider the Chief Executive's Report, and following this consideration the Local Area Plan shall be deemed to be made or amended by resolution, with all, some or none of the material alterations as published.

If the Members decide to change the material alteration of the plan by resolution, it shall be necessary that the resolution be passed by not less than half of the members of the planning authority.

A further modification to the material alteration:

- may be made where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site,
- Shall not be made where it refers to – an increase in the area of land zoned for any purpose, or an addition to or deletion from the record of protected structures.

A Screening Report for Strategic Environmental Assessment and a Screening report for Appropriate Assessment accompanies the Proposed Material Alterations to the Draft Joint LAP.

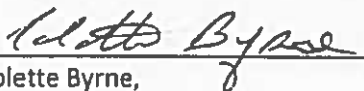
5. Summary of Recommendations of the Chief Executive

In total 8 submissions were received by Kilkenny County Council on the Proposed Material Alterations to the Draft Joint Graiguenamanagh-Tinnahinch LAP from a range of consultees.

The submissions from state bodies are dealt with separately at the start of the report.

This report has assessed all submissions in detail.

I recommend that the LAP be adopted, with the Proposed Material Alterations in accordance with this Report and the requirements of the Planning and Development Acts 2000 to 2017.


Colette Byrne,
Chief Executive

**Chief Executive's
Report on Submissions
on the proposed
Material Alterations to
the Draft
Graiguenamanagh-
Tinnahinch Joint Local
Area Plan 2021-2027**



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Section 1 Introduction

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Section 1 Introduction

1.1 Introduction

This report focuses on the submissions and observations received from the public and prescribed bodies following the publication of the proposed Material Alterations to the draft Graiguenamanagh – Tinnahinch Joint Local Area Plan 2021 -2027 under Sections 18-20 of the Planning and Development Acts 2000, as amended.

1.2 Legislative Requirements

Under the Planning and Development Act 2000, as amended, the Chief Executive is required to prepare a report on the submissions and observations received in respect of the proposed material alterations and to make recommendations in relation to the material alterations to the draft Local Area Plan. Only submissions in relation to the proposed amendments will be taken into consideration. In accordance with Section 20(3)(q)(ii) of the Planning and Development Act 2000, as amended, a further modification to the material alterations may be made where it is minor in nature and not likely to have significant effects on the environment, but a further modification shall not be made where it refers to an increase in the area of land zoned for any purpose or an addition to or deletion from the record of protected structures.

1.3 Public Consultation

The proposed Material Alterations to the draft Graiguenamanagh – Tinnahinch Joint Local Area Plan 2021 – 2027 were placed on public display from Friday 9th April to 7th May 2021. Documents were placed on the consult.kilkenny.ie consultation website and the consult.carlow.ie consultation website. Hard copies of the documents were on public display in the following locations:

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

Copies of the Material Amendments to the draft Joint Local Area Plan and associated documents were also sent to prescribed statutory bodies including government departments and other agencies as required by the Planning and Development Act 2000, as amended. A submission was received from the Office of the Planning Regulator, the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (Development Applications Unit), Department of Education and Skills and Transport Infrastructure Ireland.

In total 5 submissions were received by Carlow Co Co on the Material Amendments to the draft Joint LAP during the statutory period. All written submissions received were acknowledged. They are summarised individually in this report. The opinion and recommendation of the Chief Executive is given on the issues raised.

Submissions and observations received by Kilkenny Co. Co. which are of relevance to Tinnahinch are also referenced in this report.

1.4 Content of the Chief Executive's Report

The Chief Executive's Report must:

1. List the persons or bodies who made submissions.
2. Summarise the issues raised by the persons or bodies in the submission or observations, including submissions from the Minister of Housing, Planning, Community and Local Government, the Southern Regional Assembly and the National Transport Authority.
3. Give the opinion of the Chief Executive to the issues raised and recommendations in relation to the proposed material alterations to the draft Local Area Plan. In this regard the Chief Executive's opinion must take into account:
 - a) The proper planning and sustainable development of the area;
 - b) The statutory obligations of any local authority in the area; and
 - c) Any relevant policies or objectives of the Government or of any Minister of the Government.

The material alterations consist of amendments to the written statement of the Draft Graiguenamanagh – Tinnahinch Joint Local Area Plan 2021 – 2027 and to the land use zonings where relevant.

1.5 Next Steps

The Elected Members of both Carlow and Kilkenny County Councils have a period of up to 6 weeks to consider the Chief Executive's Reports on the Material Amendments to the draft LAP. Following consideration of the Chief Executive's reports, the Graiguenamanagh – Tinnahinch Joint Local Area Plan 2021 – 2027 shall be made or amended as appropriate by resolution, with all, some or none of the material alterations.

In making the LAP, the Elected Members, acting in the interests of the common good and the proper planning and sustainable development of the area, must, in accordance with the 'Code of Conduct for Councillors' (June 2004) prepared under the Local Government Act 2001, carry out their duties in a transparent manner, must follow due process and must make their decisions based on relevant considerations.

Section 20(3)(r) of the Planning and Development Act 2000, as amended, states that the Members of the Council are restricted to:

- considering the proper planning and sustainable development of the area to which the development plan relates;
- the statutory obligations of the local authority; and
- any relevant policies or objectives for the time being of the Government or any Minister of the Government.

Section 2 List of Persons and/or Bodies who made submissions/ observations

Carlow County Council Submissions (5. No.)		Kilkenny County Council Submissions (8no.)	
CLW-C8-1	Transport Infrastructure Ireland	KKC162-1	Transport Infrastructure Ireland
CLW-C8-2	Byrne and McCabe on behalf of Edmond Teehan	KKC162-3	Byrne and McCabe on behalf of Edmond Teehan
CLW-C8-3	Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (Development Applications Unit)	KKC162-4	Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (Development Applications Unit)
CLW-C8-4	Department of Education and Skills	KKC162-6	Department of Education and Skills
CLW-C8-5	Office of the Planning Regulator	KKC162-7	Office of the Planning Regulator
Note: Submission no. KKC 162-2 and KKC 162-5 contain specific observations relating to Tinnahinch and are addressed in this report in the interest of completeness.		KKC162-2	Environmental Protection Agency
		KKC162-5	Office of Public Works
		KKC128-8	National Transport Agency

Section 3 Detailed Consideration of Submissions Received by Carlow Co. Co.			
Sub No	Name	Issues raised	Chief Executive's Opinion and Recommendation
CLW-CB-1	Transport Infrastructure Ireland	TII have no observations to make.	Chief Executive's Opinion Noted Chief Executive's Recommendation No change
CLW-CB-3	Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (Development Applications Unit)	(i) Department remains concerned about the stated support for the implementation of the Graiguenamanagh-Tinnahinch Tourism and Recreational Project Concept Study by means of amended planning objectives TO 2.1 and TO 2.2. (masterplan areas along the River Barrow)	Chief Executive's Opinion (i) The Graiguenamanagh-Tinnahinch Tourism and Recreational Project Concept Study is a separate document to the Graiguenamanagh- Tinnahinch Local Area Plan. Proposals contained in the concept study which are referenced in the Local Area Plan were subjected to full SEA and AA in Graiguenamangh /Tinnahinch as part of the Local Area Plan process. The Local Area Plan therefore stands separate and any requirement regarding the undertaking of an AA for the Concept Study is not an issue that can be considered as part of the Local Area Plan process.

		<p>(ii) The department remains of the view that the Concept Study should have been subject to screening for AA and if Required AA.</p> <p>(iii) Requests that Objective GIO 1.1 <i>"To carry out as resources allow, Habitat and Green Infrastructure Mapping for Graiguenamanagh-Tinnahinch in order to reduce and avoid fragmentation or deterioration of the Green Infrastructure network and strengthen ecological links with Graiguenamanagh-Tinnahinch and to the wider regional network"</i> is prioritised for action.</p> <p>(iv) Reference is made to GIO 1.2 which included reference to tree planting. The department recommends the inclusion of an objective to enhance the connectivity of Isolated woodlands through tree planting.</p>	<p>(ii) It is recommended to remove reference to the concept study. Landuse proposals regarding TO2.1 and TO 2.2 have been subject to SEA and AA.</p> <p>(iii) The Planning Authority considers the mapping a priority, subject to both financial and staffing resources available over the period of the Plan (2021-2027).</p> <p>(iv) Connections to isolated woodlands beyond the boundary of the Plan would be more appropriately addressed as part of the Development Plan Process. The Plan provides for indicative cycleway /pedestrian improvements within the settlement boundary to improve connectivity to Silaire Wood.</p>
		<p>(v) Department considers that in relation to Objective INFO 3.4 cumulative impacts on the River Barrow and River Nore SAC can only be adequately assessed at a strategic level and that same needs to be addressed as part of the Appropriate Assessment of the Plan.</p>	<p>(v) <i>INFO3.4: To require the preparation of Drainage Impact Assessments, in line with the SFRA for this Draft Joint LAP, for all development proposals within the plan area. This objective provides further detail on issues to be considered in any Drainage Impact Assessment going forward.</i></p>

			<p>Chief Executive's Recommendation</p> <p>(i) No change.</p> <p>(ii) Delete reference to the Graigenamagh-Tinnahinch Tourism and Recreational Concept Study form text in Section 2.9.3.1 as follows: TO2.1: To support the implementation of the Graigenamagh-Tinnahinch Tourism and Recreational Project Concept Study, and the development of tourism infrastructure (in particular at The Hub), overnight accommodation (in particular Brandondale House), attractions and facilities at appropriate locations subject to the appropriate protection of architectural heritage and natural amenities.</p> <p>TO2.2: To support the implementation of the Graigenamagh-Tinnahinch Tourism and Recreational Project Concept Study, and the development of outdoor leisure activities and a River Park and associated uses on lands that are designated as open space, subject to the protection of landscape character and natural heritage (Natura 2000</p>
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			conservation objectives) and inclusion of construction management plans. (iii) – (v) No change.
CLW-C8-4	Department of Education and Skills	Amendments do not affect the Departments original submission to the draft and acknowledges and supports the preparation of a Social Infrastructure Assessment as outlined in Objective Com 1.4	Chief Executive's Opinion Noted Chief Executive's Recommendation No change
CLW-C8-5	Office of the Planning Regulator	OPR evaluation and assessment of the proposed material alterations concludes that the OPRs draft LAP recommendations 1,2 and 3 have been satisfactorily addressed in the material alterations. Notes the need for the Strategic Flood Risk Assessment (SFRA) to address how climate change has been considered in the production of statutory plans, and the requirement for a flood risk assessment to an appropriate level of detail to be carried out as part of the SFRA, and not solely left to the planning application stage. No further recommendations are made by the OPR at this stage of the plan making process.	Chief Executive's Opinion Noted. See response to Submission ref. KK-C162-5 Office of Public Works (OPW). Chief Executive's Recommendation See response to Submission ref. KK-C162-5 Office of Public Works (OPW).
CLW-C8-2	Byrne and McCabe on behalf of Edmond Teehan	This submission relates to lands within the functional area of Kilkenny County Council.	Chief Executive's Opinion This is a matter for consideration by Kilkenny County Council. Chief Executive's Recommendation This is a matter for consideration by Kilkenny County Council.

Submission Received by Kilkenny County Council of relevance for Tinnahinch.

Sub. No.	From	Summary of Issues	Chief Executive's Opinion & Recommendation
KKC162-2	Environmental Protection Agency	The EPA attached a guidance document 'SEA of Local Authority Land Use Plans – EPA Recommendation and Resources'. This document sets out their key recommendations for integrating environmental considerations into Local Authority land use plans. The EPA note that Kilkenny and Carlow County Council must ensure the Plan aligns with key relevant higher-level plans and programmes and is consistent with the relevant objectives and policy commitments of the National Planning Framework and the Regional Spatial Economic Strategy for the Southern Region.	<p>Chief Executive's Opinion</p> <p>Noted, the Plan complies with all relevant requirements and is consistent with higher level plans, including the NPF, the RSES and the draft Kilkenny City and County Development Plans.</p> <p>Chief Executive's Recommendation</p> <p>No change.</p>
KKC162-5	Office of Public Works	<p>(i) The SFRA has not addressed how climate change has been considered in the production of this development plan.</p> <p>(ii) Planning authorities can consider climate change impacts in the Plan making stage by avoiding development in areas potentially prone to flooding in the future, providing space for future flood defences, and setting specific development management objectives.</p>	<p>Chief Executive's Opinion</p> <p>(i) SFRA will be amended to take the mid-range and high-end Climate Change impact scenarios into consideration.</p> <p>(ii) Noted. The Plan does anticipate climate change impacts and Kilkenny County Council in partnership with Carlow County Council and the Office of Public Works are advancing a flood relief scheme for the settlement. Objective INFO3.1 supports the implementation of this scheme and will work with stakeholders in delivering this scheme.</p>

		<p>(iii) It should be noted flood maps prepared under the CFRAM Programme include maps for two potential future scenarios taking account of different degrees of climate impact</p> <p>(iv) If both County Development Plans must be consulted in relation to policy on flood risk management and climate change on site specific FRAs, then this should be clearly stated in the relevant sections in the SFRA and draft plan.</p> <p>(v) The Guidelines recommend that the SFRA provide guidance on the likely applicability of different SuDS techniques for managing surface water runoff at key development sites.</p>	<p>(iii) Noted. The SFRA will be amended to take these scenarios into consideration.</p> <p>(iv) Noted. The text of the SFRA will be updated to include the following text: "Please refer to the respective County Development Plan and SFRA of Kilkenny or Carlow for policy on flood risk management and climate change on site specific FRAs as these Plans provide the appropriate overarching policy framework for the approach to site specific FRAs."</p> <p>(v) The text of the SFRA will be updated to include the following text: "When a site-specific flood risk assessment is being prepared for a parcel of land within the settlement boundary, the respective County Development Plan of Kilkenny or Carlow County Council must be consulted as regards the best sustainable urban drainage solution, which must form part of the Site-specific Flood Risk Assessment. These Plans provide the appropriate overarching policy framework for the approach to site specific FRAs."</p>
			<p>(vi) Area Based solutions generally cover a large area of new development and would be appropriate for very large housing estates and Master planning exercises for significant lands. These are not appropriate to towns like Graigueanamanagh and</p>

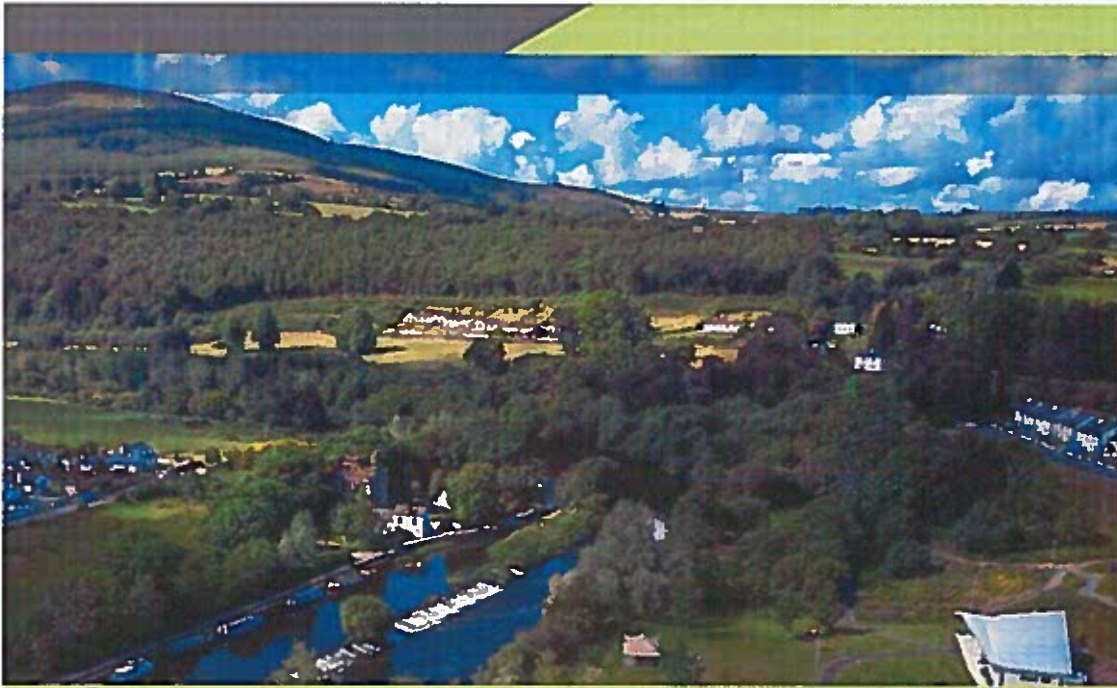
		<p>(vi) The Guidelines recommend that the SFRA identifies where integrated and areas-based provision of SuDS and green infrastructure are appropriate in order to avoid reliance on individual site by site solutions.</p> <p>(vii) The planning authority should specify the structural or non-structural measures as prerequisites to development and provide information on the residual risks that would remain and how they might be managed.</p> <p>(viii) A site-specific FRA is not considered in itself to be a mitigation measure, and Kilkenny and Carlow County Council might consider providing further guidance on the measures considered acceptable in the area.</p> <p>(ix) For sites that are intended to be zoned for development following the application of a Justification Test, where only a small proportion of the site is at risk of flooding, a policy objective might be attached to such zoning.</p> <p>(x) Plan making Justification Test must be completed by the Local Authority for the MPO1.1 and glamping site along The Quay area in Graiguenamanagh.</p>	<p>Tinnahinch where development will take place in small pockets with site specific drainage solutions.</p> <p>(vii) Specify the structural or non-structural measures as prerequisites to development and provide information on the residual risks that would remain and how they might be managed.</p> <p>(viii) Update SFRA to include mitigation measures considered acceptable in the area</p> <p>(ix) Include a policy for zoned lands that are at risk of flooding and have been zoned following a justification test.</p> <p>(x) A Justification Test will be completed for lands MPO 1.1 and site along The Quay Graiguenamanagh</p>
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			<p>Chief Executive's Recommendation</p> <p>(i) Insert Section 2.2.2 titled 'Climate Change' to discuss how climate change has been considered in SFRA with particular reference to the mid-range and high-end Climate Change impact scenarios. See attached SFRA update.</p> <p>(ii) No change</p> <p>(iii) Include the two scenarios in the SFRA. See Section 2.2.2 of attached SFRA update.</p> <p>(iv) The following text will be included in Section 2.2.2 'Climate Change':</p> <p><i>"When a site-specific flood risk assessment is being prepared for a parcel of land within the settlement boundary, the respective County Development Plan and SFRA of Kilkenny or Carlow County Council must be consulted as these Plans provide the appropriate overarching policy framework for the approach to site specific FRAs."*</i></p>
			<p>(v) The following text will be included in Section 3.1 of the SFRA:</p> <p><i>"When a site-specific flood risk assessment is being prepared for a parcel of land within the settlement boundary, the respective County Development Plan of Kilkenny or Carlow County Council must be consulted as regards the best sustainable urban drainage solution, which must form part of the Site-specific Flood Risk Assessment. These Plans provide the</i></p>

			<p><i>appropriate overarching policy framework for the approach to site specific FRAs.*</i></p> <p>(vi) No change</p> <p>(vii) The SFRA will be amended to identify where integrated and areas-based provision of SuDS and green infrastructure are appropriate in order to avoid reliance on individual site by site solutions.</p> <p>(viii) Update SFRA include additional mitigation measures. See attached SFRA.</p> <p>(ix) Include following wording in Section 4.4 'Zoning' the written statement. See attachment</p> <p><i>"For sites that were zoned following the application of a Justification Test, where only a small proportion of the site is at risk of flooding, a sequential approach shall be applied in future site planning, whereby to ensure no encroachment onto, or loss of, the flood plain, only water compatible development such as Open Space would be permitted for the lands which are identified as being at risk of flooding within that site. Planning permission for these sites might then be subject to the sequential approach having been adopted and applied as above, following a detailed Flood Risk Assessment."*</i></p>
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			(x) Update Section 2.26 of the SFRA to include justification test for lands MPO 1.1 and site along The Quay Graiguenamanagh. See attached SFRA.
KCC-C162-8	National Transport Authority	No specific observations to make.	Chief Executive's Opinion Noted Chief Executive's Recommendation No change

*Additional text proposed is not considered material.



Graiguenamanagh- Tinnahinch Draft Joint Local Area Plan 2021



CARLOW COUNTY COUNCIL
CUMHAILLE CHONTAI CHEATHARLEOLA



KILKENNY
COUNTY COUNCIL

1 INTRODUCTION

This report forms part of the statutory procedure for the making of a Local Area Plan (LAP). It addresses the changes required from a submission received from the Office of Public Works (OPW) during the 4-week public consultation period, from the 9th April to the 7th May 2021, in relation to the Proposed Material Alterations to the Draft LAP.

2 Assessment of Changes

2.1 Climate Change

Insert a Section 2.2.2 titled 'Climate Change' to address how climate change has been considered

The CFRAMS flood extent mapping for the current and mid-range future scenarios, as provided by the OPW (See Figure 2.1). Such scenarios were compared as part of the SFRA to establish an indication of future risk in areas using the difference between the flood extents with/without climate change. The review concluded that no proposed highly vulnerable zonings are at risk in the future, however some existing zonings and well-established areas of the settlement could come under increased flood risk.

The CFRAMS flood extent mapping concluded two areas in Tinnahinch would be at vulnerable from the mid-range and high-end future climate change scenarios. Therefore, the proposed flood relief measures will require to be designed for climate change adaptability. Adaptation would require additional height and length of hard defences and additional space for embankments, adaptations could be accommodated at moderate to significant cost and visual impact. Areas at specific risk from potential increases in flood extent due to climate change are discussed in Section 2.2.6 Justification Tests.

Site specific flood risk assessments should address climate change scenarios in relation to FFLs and potential mitigation measures in these areas. "When a site-specific flood risk assessment is being prepared for a parcel of land within the settlement boundary, the respective County Development Plan and SFRA of Kilkenny or Carlow County Council must be consulted as these Plans provide the appropriate overarching policy framework for the approach to site specific FRAs.



Figure 1.1 Mid and High Range Scenarios

2.2 Justification Tests

Amend Section 2.2.6 of SFRA titled 'Justification Tests' to include following text:

Justification Test for site zoned 'Open Space/Recreation' at 'The Quay' Graiguenamanagh

The subject site is identified for Open Space/Recreation. The land use zoning is intended to facilitate and strengthen the existing tourism industry within the core area of the settlement whilst also providing for overnight accommodation. Such facilities must be provided for adjacent to available services and amenities. As part of the planning application process this site was subjected to a site-specific flood risk assessment which included a recommendation for the operation of flood evacuation plan and also specifies the location of the camping pods on site. There are no suitable alternative lands in areas at lower risk of flooding within or adjoining the settlement core.

Justification Test for lands identified for MPO 1.1

The subject site is identified for Open Space/Biodiversity Conservation and has been designated a site-specific objective MPO1.1 to provide a high quality community based amenity area. The land use designation and site-specific objective is in accordance with an existing established use on this site. Such designations will aid the development of the tourism industry in the settlement and much

needed community facilities. There are no suitable alternative lands in areas at lower risk of flooding within or adjoining the settlement core.

In this context, this Flood Risk Assessment contains sufficient information appropriate to the scale and nature of the development potential. Mitigation measures will be included in the plan to state that any development proposal within the area of flood risk will be subject to a site-specific Flood Risk Assessment appropriate to the type and scale of the development being proposed. *Aside from the completion of a site-specific flood risk assessment additional mitigation measures may be required for the development being proposed on site. The following mitigation measures may be required minimum floor levels, flood resistant construction, flood-resilient construction, emergency response planning and access and egress during flood events.*

2.3 Sustainable Urban Drainage Systems (SUDs)

Amend Section 3.1 Incorporation into Joint LAP to include following text:

SUDS can be thought of as a move away from the conventional practice of piping all surface water directly to the nearest watercourse or river. Using SUDS techniques, water is either infiltrated or conveyed more slowly to watercourses via ponds, filter drains or other installations. This mimics natural catchment behaviour more closely where rainfall either infiltrates through the soil or runs off slowly over the ground surface to the nearest ditch or watercourse. SUDS also attempt to mimic the natural situation whereby pollutants are filtered through soils or broken down by bacteria.

When a site-specific flood risk assessment is being prepared for a parcel of land within the settlement boundary, the respective County Development Plan of Kilkenny or Carlow County Council must be consulted as regards the best sustainable urban drainage solution, which must form part of the Site-specific Flood Risk Assessment. These Plans provide the appropriate overarching policy framework for the approach to site specific FRAs.