

**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**

### **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 9<sup>th</sup> April to 7<sup>th</sup> May 2021. Documents were placed on the [consult.kilkenny.ie](http://consult.kilkenny.ie) consultation website and the [consult.carlow.ie](http://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 Graigueanagh – 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 Graigueanagh – 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

<b>Carlow County Council Submissions (5. No.)</b>		<b>Kilkenny County Council Submissions (8no.)</b>	
<b>CLW-C8-1</b>	Transport Infrastructure Ireland	<b>KKC162-1</b>	Transport Infrastructure Ireland
<b>CLW-C8-2</b>	Byrne and McCabe on behalf of Edmond Teehan	<b>KKC162-3</b>	Byrne and McCabe on behalf of Edmond Teehan
<b>CLW-C8-3</b>	Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (Development Applications Unit)	<b>KKC162-4</b>	Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (Development Applications Unit)
<b>CLW-C8-4</b>	Department of Education and Skills	<b>KKC162-6</b>	Department of Education and Skills
<b>CLW-C8-5</b>	Office of the Planning Regulator	<b>KKC162-7</b>	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.		<b>KKC162-2</b>	Environmental Protection Agency
		<b>KKC162-5</b>	Office of Public Works
		<b>KKC128-8</b>	National Transport Agency

<b>Section 3 Detailed Consideration of Submissions Received by Carlow Co. Co.</b>			
<b>Sub No</b>	<b>Name</b>	<b>Issues raised</b>	<b>Chief Executive's Opinion and Recommendation</b>
<b>CLW-C8-1</b>	Transport Infrastructure Ireland	TII have no observations to make.	<p><b>Chief Executive's Opinion</b></p> <p>Noted</p> <p><b>Chief Executive's Recommendation</b></p> <p>No change</p>
<b>CLW-C8-3</b>	Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (Development Applications Unit)	<p>(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)</p>	<p><b>Chief Executive's Opinion</b></p> <p>(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>

		<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>(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>(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) <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>
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			<p><b>Chief Executive's Recommendation</b></p> <p>(i) No change.</p> <p>(ii) Delete reference to the Graiguenamangh-Tinnahinch Tourism and Recreational Concept Study form text in Section 2.9.3.1 as follows:</p> <p><b>TO2.1:</b> To support <del>the implementation of the Graiguenamanagh-Tinnahinch Tourism and Recreational Project Concept Study,</del> 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><b>TO2.2:</b> To support <del>the implementation of the Graiguenamanagh-Tinnahinch Tourism and Recreational Project Concept Study,</del> 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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			<p>conservation objectives) and inclusion of construction management plans.</p> <p>(iii) – (v) No change.</p>
<b>CLW-C8-4</b>	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	<p><b>Chief Executive’s Opinion</b></p> <p>Noted</p> <p><b>Chief Executive’s Recommendation</b></p> <p>No change</p>
<b>CLW-C8-5</b>	Office of the Planning Regulator	<p>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.</p> <p>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.</p> <p>No further recommendations are made by the OPR at this stage of the plan making process.</p>	<p><b>Chief Executive’s Opinion</b></p> <p>Noted. See response to Submission ref. KK-C162-5 Office of Public Works (OPW).</p> <p><b>Chief Executive’s Recommendation</b></p> <p>See response to Submission ref. KK-C162-5 Office of Public Works (OPW).</p>
<b>CLW-C8-2</b>	Byrne and McCabe on behalf of Edmond Teehan	This submission relates to lands within the functional area of Kilkenny County Council.	<p><b>Chief Executive’s Opinion</b></p> <p>This is a matter for consideration by Kilkenny County Council.</p> <p><b>Chief Executive’s Recommendation</b></p> <p>This is a matter for consideration by Kilkenny County Council.</p>

**Submission Received by Kilkenny County Council of relevance for Tinnahinch.**

<b>Sub. No.</b>	<b>From</b>	<b>Summary of Issues</b>	<b>Chief Executive's Opinion &amp; Recommendation</b>
<b>KKC162-2</b>	Environmental Protection Agency	<p>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>	<p><b>Chief Executive's Opinion</b></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><b>Chief Executive's Recommendation</b></p> <p>No change.</p>
<b>KKC162-5</b>	Office of Public Works	<ul style="list-style-type: none"> <li>(i) The SFRA has not addressed how climate change has been considered in the production of this development plan.</li> <li>(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.</li> </ul>	<p><b>Chief Executive's Opinion</b></p> <ul style="list-style-type: none"> <li>(i) SFRA will be amended to take the mid-range and high-end Climate Change impact scenarios into consideration.</li> <li>(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.</li> </ul>

		<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 run-off 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 Graiguenamanagh and</p>
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		<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><b>Chief Executive's Recommendation</b></p> <ul style="list-style-type: none"> <li>(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.</li> <li>(ii) No change</li> <li>(iii) Include the two scenarios in the SFRA. See Section 2.2.2 of attached SFRA update.</li> <li>(iv) The following text will be included in Section 2.2.2 'Climate Change': <ul style="list-style-type: none"> <li><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></li> </ul> </li> <li>(v) The following text will be included in Section 3.1 of the SFRA: <ul style="list-style-type: none"> <li><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></li> </ul> </li> </ul>
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			<p style="text-align: right;"><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 style="text-align: right;"><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.
<b>KCC-C162-8</b>	National Transport Authority	No specific observations to make.	<p><b>Chief Executive's Opinion</b></p> <p>Noted</p> <p><b>Chief Executive's Recommendation</b></p> <p>No change</p>

\*Additional text proposed is not considered material.