

# KILCULLEN

## *Material Alterations Report* on the Draft Kilcullen Local Area Plan 2014-2020



August 2014



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## **Section 1 Introduction**

### **1.0 Introduction**

This report focuses on the proposed material alterations made by the elected members of Kildare County Council following consideration of Draft Kilcullen LAP and the Chief Executive's Report on submissions received during the initial public consultation process. It consists of a number of material alterations to the written statement and associated maps.

In accordance with Section 20(f) of the Planning and Development Act 2000 as amended, the Planning Authority has determined (with regard to the provisions of the Planning and Development (SEA) Regulations 2004), that an SEA is not required. An AA is also not required under the EU Habitats Directive (92/43/EEC). The details of these determinations are set out in Appendix 1 and 2 to this document.

There are 2 stages in the LAP process. These are detailed below:

#### **Stage 1 – Preparation of Draft Kilcullen LAP**

- Sending notice and a copy of Draft LAP to specified bodies
- Public display of Draft LAP and environmental reports, and invitation of submissions.

#### **Stage 2 – Making of the Draft LAP**

- Preparation by the Manager of a report on submissions received.
- Consideration by members of the Draft LAP and Chief Executive's Report.
- Making of the LAP by accepting or amending the Draft, *except* where an amendment(s) represents a material alteration of the Draft LAP. In this case material amendments go on public display including amending the environmental reports if necessary.
- Preparation of Chief Executive's Report on submissions received.
- Consideration of the amendment and Chief Executive's report by elected members.
- Members make the Plan.
- Publish notice of making of the LAP.

The Planning Authority is now at Stage 2. This report relates to proposed amendments which represent a material alteration of the Draft LAP.

These proposed alterations are required to go on public display. They are on display from **Monday 18<sup>th</sup> August 2014 to Monday 15<sup>th</sup> September 2014 inclusive.**

### **1.1 Legislative Requirements**

Having considered the Draft LAP and the Chief Executive's Report on submissions received as a result of the public display period, it was resolved by the members at Council meeting on Monday 28<sup>th</sup> July 2014 to amend the Draft Kilcullen LAP. At the meeting the Council resolved that these amendments constitute a material alteration to the Draft LAP. In accordance with Section 18 (e) of the Planning and Development Acts, 2000 – 2014, the proposed material alterations are published for public consultation for a period of not less than 4 weeks.

## 1.2 Purpose of this Report

The purpose of this report is to inform and assist the public and other interested parties/bodies in their consideration of the proposed material alterations to the proposed Draft Plan.

Written observations or submissions regarding the material alterations are invited from members of the public and other interested parties. Written submissions or observations must be received between **Monday 18<sup>th</sup> August 2014 to Monday 15<sup>th</sup> September inclusive**.

When making a submission, the following points should be noted:

- All submissions should include the following information:
  - (a) name
  - (b) contact address
  - (c) the Proposed Amendment number as referenced in this document
  - (d) where relevant, details of any organisation, community group or company etc., represented
  - (e) a map, where appropriate
- Submissions should be made by one medium only, i.e. hard copy or e-mail
- In accordance with Section 18 (e) of the Planning and Development Acts, 2000-2014, **only submissions in relation to the proposed amendments and/ or the Environmental Screening Reports (Addendums) will be taken into consideration**. Submissions not adhering to these criteria will be considered invalid.
- In accordance with Section 20 (3)(q) of the Planning and Development Acts (2000-2014), an increase in the area of land zoned for any purpose or an addition to or deletion from the record of protected structures may not be considered following the amendments stage of the Plan process.
- The closing date for submissions is 5pm on **Monday 15<sup>th</sup> September 2014**
- Late submissions will not be accepted
- This report is available on the Council's website [www.kildare.ie/countycouncil](http://www.kildare.ie/countycouncil)

## 1.3 Outline of Report

The material alterations consists of amendments to the written statement of the Plan and to the land use zoning maps where relevant.

- Proposed amendments involving additional text are shown in **green**
- Proposed amendments involving deletion of text are shown in **red-strikethrough**
- Proposed mapping changes are outlined in Map no. 5

## 1.4 Next Steps

Following the public consultation period a further Chief Executive's Report is prepared and the elected members must consider the proposed amendments, the alterations to the proposed

amendment any environmental reports and the Chief Executive's Report on any submissions received and decide whether to make the plan with or without the proposed alterations.

In making a LAP, the elected representatives, 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' 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 (13(7)) 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 Material Alterations

2.0 The following Amendments are considered to be material alterations to the Draft Kilcullen LAP.

| AMENDMENT 1<br>(Arising from submission 3) |                                  |
|--|----------------------------------|
| Section of Kilcullen LAP                   | Page Ref. of Draft Kilcullen LAP |
| Section 6.6 Movement and Transport         | 45                               |

### Text Change

Insert the following new policy under section 6.6 Movement and Transport:

*MT8: To ensure that the strategic function of the M9 and the associated junction no. 12 is safeguarded through adherence to the provisions of section 6.4.2. of the Kildare County Development Plan (or as maybe amended) and to the provisions of the policy outlined in the DoECLG document 'Spatial Planning and National Roads- Guidelines for Planning Authorities'.*

| AMENDMENT 2<br>(Arising from submission 5) |                                  |
|--|----------------------------------|
| Section of Kilcullen LAP                   | Page Ref. of Draft Kilcullen LAP |
| Section 6.5.4.1                            | 35                               |

### Text change

Amend text in section 6.5.4.1 to include reference to Eurospar supermarket

The character area contains the mart building, *Eurospar supermarket to the east of the site area*, a car repairs unit to the rear of the site and agricultural land to the west of the Mart.

| AMENDMENT 3<br>(Arising from submission 5)                   |                                  |
|--|----------------------------------|
| Section of Kilcullen LAP                                     | Page Ref. of Draft Kilcullen LAP |
| Section 6.5.4.1 Expansion Area- The mart and adjoining lands | 35                               |

### Text Change

Insert the following in bullet point one at the end of 'Vision' Section pg 36.

*Uses permitted in the area include:*

*Commercial/Retail*

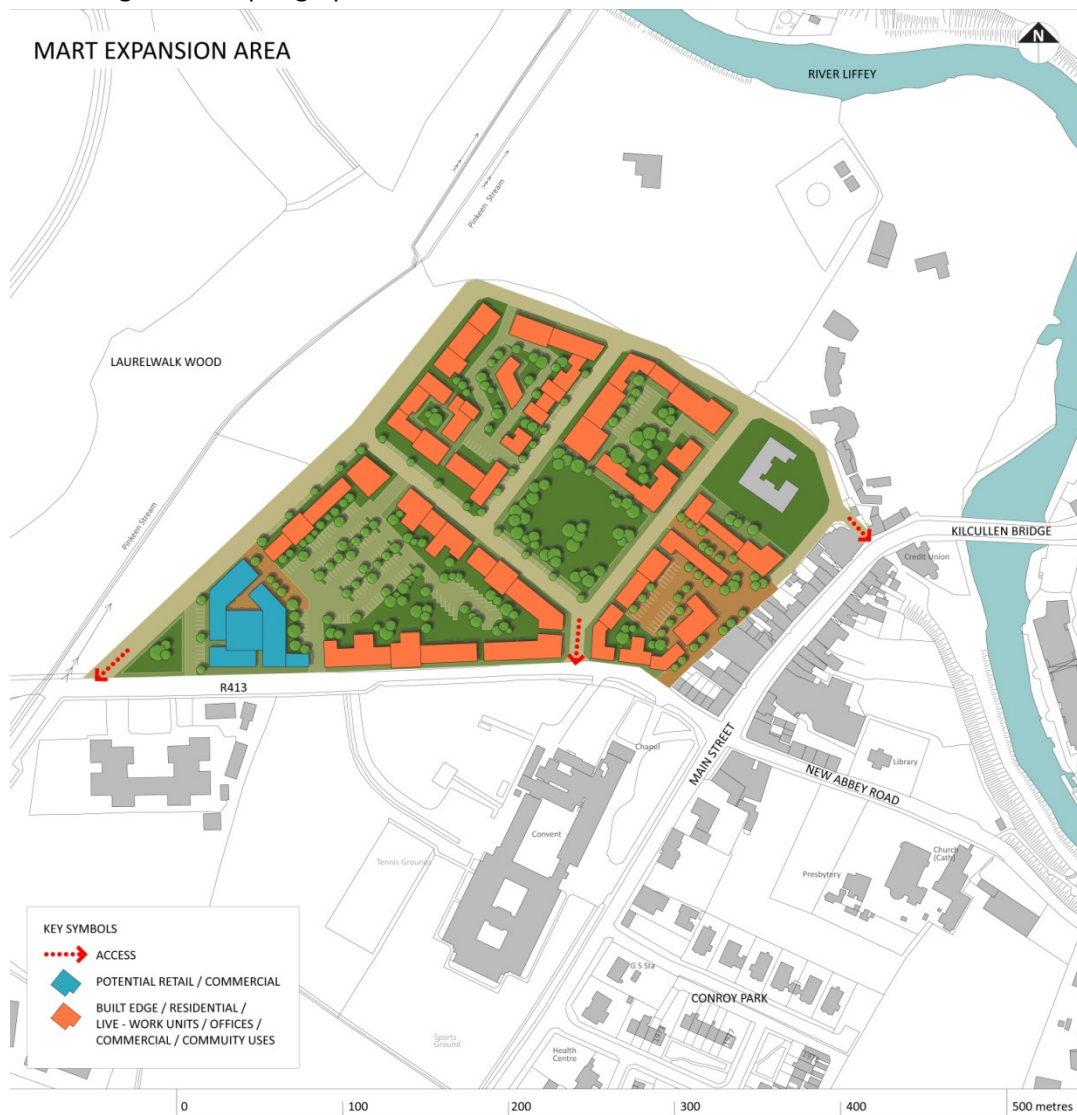


Offices and small business units  
 Residential/Live/work units  
 Community Facilities

| AMENDMENT 4<br>(Arising from submission 9) |                                  |
|--|----------------------------------|
| Section of Kilcullen LAP                   | Page Ref. of Draft Kilcullen LAP |
| Section 6.5.4.1                            | 37                               |

**Graphics change**

Amend Figure 12 as per graphic below.



| AMENDMENT 5<br>(Arising from submission 5) |                                  |
|--|----------------------------------|
| Section of Kilcullen LAP                   | Page Ref. of Draft Kilcullen LAP |
| Land Use Zoning Objectives Map no. 5       | 79                               |

**Zoning/Map change**

Amend Land Use Zoning Objectives map as follows:  
 Zone 0.5ha from D: Neighbourhood Centre to J: Transport and Utilities

See Appendix 3 attached below.

| AMENDMENT 6<br>(Arising from submission 4) |                                  |
|--|----------------------------------|
| Section of Kilcullen LAP                   | Page Ref. of Draft Kilcullen LAP |
| Land Use Zoning Objectives Map no. 5       | 79                               |

**Zoning/Map change**

Amend Map no. 5 Land Use Zoning Objectives as follows:  
 Zone 3ha from I: Agricultural to C: New Residential

See Appendix 3 attached below.

| AMENDMENT 7<br>(Arising from submission 14) |                                  |
|---|----------------------------------|
| Section of Kilcullen LAP                    | Page Ref. of Draft Kilcullen LAP |
| Land Use Zoning Objectives Map no.5         | 79                               |

**Zoning/Map change**

Amend Land Use Zoning Objectives map as follows:  
 Zone 3.35ha from I: Agricultural to C: New Residential

See Appendix 3 attached below.



| AMENDMENT 8<br>(Arising from submissions 4 and 5)  |                                  |
|--|----------------------------------|
| Section of Kilcullen LAP   | Page Ref. of Draft Kilcullen LAP |
| Section 6.1.3 Housing Location and Density,<br>Table 11: Sites identified for Residential<br>Development | 19                               |

### Text change

Amend relevant section of Table 11: Sites identified for Residential Development as follows:

|    | Location               | Zoning | Site Area<br>(ha) | Units Permitted (p) or<br>Estimate<br><small>(based on <del>25</del> 15 -30 units/ha)</small> |
|----|------------------------|--------|-------------------|---|
| 1  | Logstown Road north    | C      | 1.2               | 30  |
| 2  | Logstown road south    | C      | 5.5               | 110   |
| 3  | Logstown               | C      | 2.5               | 50  |
| 4  | Market Square road     | C      | 4.8               | 110 (p)   |
| 5  | Main Street            | C      | 1.3               | 33  |
| 6  | Newbridge road         | A      | 6.6               | <del>198</del> 80   |
| 7  | Naas road              | A      | 0.82              | 41(p)   |
| 8  | Naas road <sup>1</sup> | C      | 3                 | 45  |
| 9  | Naas Road <sup>2</sup> | C      | 3.4               | 51  |
| 10 | Nicholastown           | C      | 4.4               | 88  |
| 11 | New Abbey Road         | A      | 1.9               | 57  |
|    | Total                  |        | 29.02             | <del>717</del> 695  |

<sup>1</sup> Note: Given gradient of site and location on edge of settlement, lower densities are applied. Proposed dwellings shall have regard to pattern of development in the immediate vicinity and gradient of site. In this regard dwellings shall be restricted to single storey dwellings only.

<sup>2</sup> . As per footnote 1 above.

## **Appendix 1 SEA Screening of Material Amendments to the Draft Plan**

**Strategic Environmental Assessment Screening in accordance with Schedule 2A of the proposed Material Alterations to the draft Kilcullen Local Area Plan 2014-2020**

### **Criteria for Determining the Likely Significance of Environmental Effects**

#### **1. Characteristics of the proposed "Material Alterations" having regard in particular to:**

**(i) The degree to which the proposed "Material Alterations" sets a framework with regard to the location, nature, size and operating conditions or by allocating resources.**

Each 'material alteration' sets out either a policy or landuse planning framework which will inform future development management decisions in accordance with the principles of proper planning and sustainable development.

#### **Material Amendment no. 1**

This proposed 'material alteration' proposes to include a new policy to safeguard the carrying capacity of the motorway junction south of the town in accordance with the principles of the County Development Plan and the provisions outlined in the DoECLG document "Spatial Planning and National Roads-Guidelines for Planning Authorities' which is in accordance with best practice.

#### **Material Amendment no. 2**

This proposed 'material alteration' proposes the addition of text to refer to the existence of a particular retail use in the design brief area.

#### **Material Amendment no. 3**

This proposed 'material alteration' recommends the inclusion of the word 'Retail' in uses permitted in the mart expansion area. This area is zoned town centre and retail both comparison and convenience is permitted in principle in this zone (refer land use planning matrix table 16).

#### **Material Amendment no. 4**

This proposed 'material alteration' proposes to amend the Mart Area Design Brief to include reference to an indicative location for retail/commercial unit within an area zoned town centre and accepted in principle in the landuse zoning matrix.

#### **Material Amendment no. 5**

This proposed 'material alteration' recommends a zoning change from Neighbourhood Centre to Transport and Utilities to reflect the established use on site i.e petrol station and car showrooms on site.

#### **Material Amendment No's 6 &7 - Residential Landuse Zoning Changes**

Arising from a reduction in number of units deliverable on the mart site which is to accommodate a mixed use development on a town centre site, it is recommended that an area of 6.4ha comprising two sites be rezoned from agriculture in the draft LAP to new residential to achieve the required core strategy targets. Both sites were previously zoned for residential purposes in the Kilcullen Local Area Plan 2008-2014.

### **Material Amendment no. 8**

This proposed 'material alteration' outlines the proposed amendments to Table 11 to reflect changes to units deliverable on the Mart Site and the rezoning of two sites previously zoned in the 2008 LAP (material alterations 6 and 7) to comply with the Core Strategy of the Kildare County Development Plan.

#### **(ii) The degree to which the proposed 'Material Alterations' influences other plans and programmes including those in a hierarchy:**

The proposed 'Material Alterations' do not influence any other plans but provides the landuse planning framework for future planning applications within the town.

#### **(iii) The relevance of the proposed 'Material Alterations' for the integration of environmental considerations in particular with a view to promoting sustainable development.**

The Kilcullen Draft LAP and subsequent material alterations have been drafted in accordance with the specific objectives of the CDP 2011-2017, Government policy and the provisions of the proper planning and sustainable development of the area.

#### **(iv) Environmental problems relevant to the proposed Material Alterations**

It is not envisaged that the following proposed material alterations will give rise to environmental problems. In summary:

- Proposed material alteration no. 1 references national policy regarding safeguarding the strategic function of national roads which will contribute to the proper planning and sustainable development of the town.
- Proposed material alterations no. 2-4 provide clarity in relation to the Mart Design Brief Area referencing an existing uses in the area or provide clarity in relation to other uses permitted in the area.
- Proposed material alteration no. 5 proposed landuse zoning changes to reflect the existing established use on the site.
- Proposed material alteration no. 8 clarifies units deliverable on various sites throughout the town. The overall target envisaged is lower than provided for in the draft Kilcullen LAP.

Proposed material alterations (6 and 7) which give rise to landuse zoning changes are addressed hereunder. Appropriate mitigation measures are contained in policies and objectives throughout the CDP / LAP to mitigate any potential environmental concerns:

##### **(a) Water Quality / Water framework Directive**

Policies in relation to the maintenance and improvement of water quality are set out in Section 7.6.2 of the CDP 2011-2017 and will inform development management in this area.

##### **(b) Water Supply**

The proposed material alteration's and development that arises therefrom, would not result in any increased demand on water supply to meet the needs of the projected population growth.

No development shall be permitted to proceed if the local services are insufficient to cater for future growth. All proposed development will be screened for Appropriate Assessment for its potential to impact on the Natura 2000 network, in accordance with Article 6 of the Habitats Directive.

**(c) Wastewater Facilities**

Development that may occur on foot of the proposed material alterations will be served by the Osberstown waste water treatment plant .The upgrade of the Osberstown treatment plant (to 130,000 P.E.) is planned as part of next phase of the Upper Liffey Valley Regional Sewerage Scheme. It is envisaged that the upgrade will be completed in the second half of 2016.

**(d) Groundwater Protection**

Kilcullen is located on a Locally Important aquifer with groundwater vulnerability in the area classified as moderate. The chemical and quantitative status of the groundwater around Kilcullen is generally “Good”. bedrock. It is not considered that any of the proposed Material Alterations would give rise to risks to ground water.

**(e) Flood Protection and Management**

With respect to flood risk, a strategic flood risk assessment has been carried out for the proposed plan which identifies and addresses any possible impacts from flooding. None of the proposed material alteration lands are located within areas identified as being at flood risk and therefore it is not considered that the proposed material alterations will have any impacts on flooding within the plan area.

**(v) The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water programme).**

Issues relating to EU legislation on the environment are generally considered under the Kildare County Development Plan 2011-2017 which also apply to the Kilcullen LAP. The Kilcullen Local Area Plan will be guided and informed by waste management, water protection policies and objectives etc set out within the County Development plan 2011-2017, together with national government policy in this area.

**2. Characteristics of the Effects and of the Area Likely to be affected**

**(i) The probability, duration, frequency and reversibility of the effects**

Any development proposal resulting from the proposed material alterations must accord with the environmental protection policies of the CDP and the Kilcullen LAP, as well as demonstrate the availability of adequate infrastructure to service new development. It is considered that the proposed amendments will not have adverse environmental effects.

**(ii) The overall nature of the effects**

Cumulative negative environmental effects are not expected. A key objective of the LAP is to attain a balance between growth aspirations and the need to protect the specific natural and built heritage

characteristics of the town. It is considered that the proposed material alterations alongside the provisions of the draft Kilcullen Local Area Plan will overall have a positive environmental effect, as it will enable the development of the town to proceed in an orderly and sustainable manner, whereby potential adverse environmental effects can be avoided, reduced or offset through the implementation of mitigation measures.

**(iii) The transboundary nature of the effects**

The proposed material amendments has no national, regional or inter-county transboundary effects.

**(iv) The risks to human health or the environment (e.g. due to accidents)**

There are no designated Seveso Sites within the Plan area.

**(v) The size and spatial extent of the effects (geographical area and size of the population likely to be affected)**

The proposed material alterations will result in an increase of lands zoned for residential purposes by 6.4ha. These sites were subject to residential landuse zonings in the Kilcullen LAP 2008. However arising from the proposed material alterations there is a reduction in the number of units deliverable in the town over and above that previously provided for in the Draft LAP. The proposed amendments are therefore not considered to place an additional loading on existing/proposed infrastructure in the town.

**(vi)The value and vulnerability of the area likely to be affected due to**

***a. Special natural characteristics or cultural heritage;***

Natural Heritage

Kilcullen is located on the River Liffey. There is a diversity of natural and semi-natural habitats within the Kilcullen environs including woodland, river and grassland habitats. The River Liffey which flows through the town is a designated salmonid river . The River Liffey flows into the Poulaphouca Reservoir which is a candidate Special Protection Area (SPA ). This is approximately 8km upstream of the town. There are policies and objectives in the CDP and the Draft Kilcullen Local Area Plan 2014-2020 governing the protection of the river and associated habitats. The Local Area Plan and material alterations alone and in combination with other plans and projects have been assessed in accordance with Article 6 of the Habitats Directive and screened for appropriate assessment.

Archaeological Heritage

Archaeological heritage is legally protected from unauthorised damage or interference through the powers and functions of the National Monuments Acts 1930-2004. There are 5 items of archaeological interest listed on the Records of Monuments and Places. A Zone of Archaeological Potential has also been identified for Kilcullen. Planning applications will be assessed with reference to Chapter 12 Architectural and Archaeological Heritage of the CDP which seeks to protect, conserve and manage the archaeological heritage of the county and to encourage sensitive sustainable development so as to ensure its survival and maintenance for future generations.

### Architectural Heritage

The National Inventory of Architectural heritage identifies 36 structures within the town of Kilcullen. The current Record of Protected Structures contained in the CDP 2011-2017 identifies 5 structures within the development boundary of Kilcullen. These will not be affected as a result of the proposed material alterations.

The LAP, together with Chapter 12 Architectural and Archaeological Heritage of the CDP will continue to seek protection, conservation and management of the architectural and archaeological heritage of the county and to encourage the sensitive sustainable development so as to ensure its survival and maintenance for future generations

### Protected views and scenic routes

The draft LAP includes policies/objectives to ensure that future development does not adversely affect protected views, items or structures. The LAP will seek to enhance these items through promotion and protection.

**b. Exceeded environmental quality standards or limit values.**

None identified.

**c. Intensive land use**

It is a key objective of the LAP to ensure that the future development of Kilcullen and any intensification of land use does not undermine the environmental qualities of the town, its character and physical qualities. Any proposals to intensify land use will be also considered in the context of the CDP and the proper planning and sustainable development of the area.

**(vii) The effects on areas or landscapes that have a recognised national, community or international protection status.**

There are no SACs within the town boundary. The nearest SAC is Pollardstown Fen while the nearest SPA is Poulaphouca Reservoir, located approximately 10km and 8km respectively from the development boundary. Any potential impacts on the Natura 2000 Network will be considered as part of the Appropriate Assessment report. It is not anticipated that the provisions and policies within the plan will have any negative impacts on the monuments or protected structures in the town.

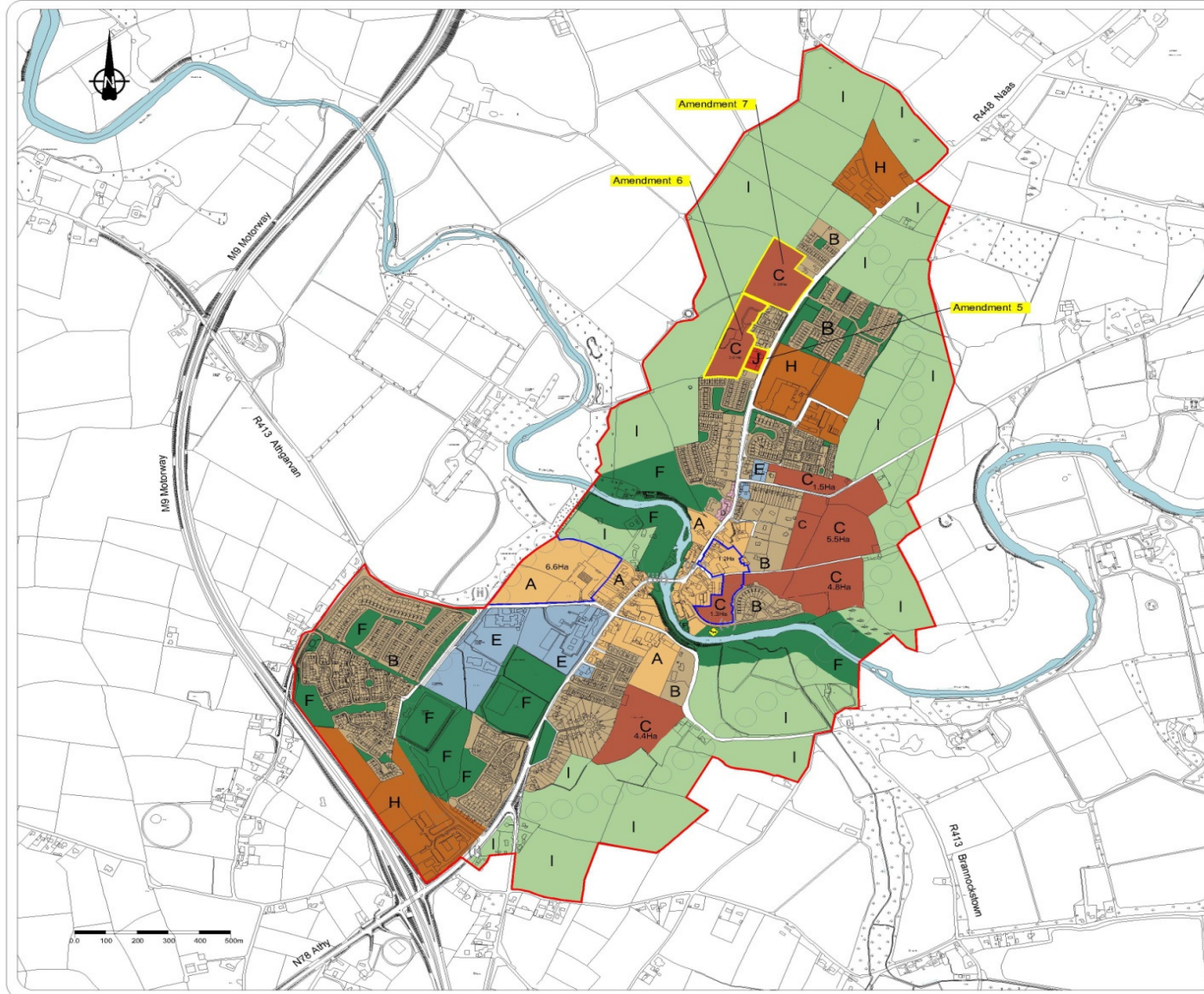
### **3 Conclusion**

It is not considered that the proposed material alterations are likely to have new significant effects on the environment not already addressed in the Draft Plan or Strategic Environmental Assessment for the adopted County Development Plan.

### **4 Recommendation**

Based on the above it is the determination of Kildare County Council that a Strategic Environmental Assessment is not required for the proposed alterations.

## Appendix 2 Land Use Zoning Objectives Map 5



Kildare County Council  
Planning & Economic  
Development Department

Draft Kildallen  
Local Area Plan 2014 - 2020

**Amendment No** : Material Amendments  
(Refer to amendments report)

Legend :

- Development Boundary
- A: Town Centre
- B: Existing Residential & Infill
- C: New Residential
- D: Neighbourhood Centre
- E: Community and Educational
- F: Open Space and Amenity
- H: Industrial and Warehousing
- I: Agricultural
- J: Transport & Utilities
- River Liffey
- Roads Objective (i)-(v) (Indicative only)
- Lands subject to indicative design briefs
- Playground Objective

### Land Use Zoning Objectives

|  |                         |
|--|-------------------------|
| Scale: N.T.S.  | Map Ref.: 5             |
| Date: June 2014<br>(Revision 29-07-2014)   | Drawing No.: 200/14/629 |
| © Ordnance Survey Ireland.<br>All rights reserved.<br>Licence No.: 2004/07CCMA<br>(Kildare County Council) | Drawn by: M.Hafayed     |

This drawing is to be read in conjunction with  
the written statement, objectives and relevant maps