



Appendix A

Kilkenny City & Environs Development Plan 2014-2020
Environmental and Sustainable Development Provisions



Appendix A: Kilkenny City & Environs Development Plan 2014-2020 Provisions

As detailed in the Masterplan, proposals for development within the Masterplan area must comply as appropriate with the relevant provisions included within the Kilkenny City & Environs Development Plan 2014-2020. A number of City Plan provisions which contribute towards environmental protection and sustainable development are reproduced on the table below.

Proposals for development should ensure that they are consistent with all the provisions contained within the City Plan.

Environmental/ Sustainable Development Component	Kilkenny City & Environs Development Plan Provision (policy/objective/development management standard)
Biodiversity and Flora and Fauna	<ul style="list-style-type: none"> • To implement the provisions of Articles 6(3) and 6(4) of the EU Habitats Directive • To ensure that any plan or project within the functional area of the Planning Authority is subject to appropriate assessment in accordance with the Guidance Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, 2009 and is assessed in accordance with Article 6 of the Habitats Directive in order to avoid adverse impacts on the integrity and conservation objectives of the site. • To protect and where possible enhance the natural heritage sites designated in National legislation (the Wildlife Acts and the Flora Protection Order). This protection will extend to any additions or alterations to sites that may arise during the lifetime of this plan. • To protect and, where possible, enhance wildlife habitats and landscape features which act as ecological corridors/networks and stepping stones, such as river corridors, hedgerows, gardens and road verges, and to minimise the loss of habitats and features of the wider countryside (such as ponds, wetlands, trees) which are not within designated sites. Where the loss of habitats and features of the wider countryside is unavoidable as part of a development, to ensure that appropriate mitigation and/or compensation measures are put in place, to conserve and enhance biodiversity and landscape character and green infrastructure networks. The Council will promote the planting of native tree and shrub species, by committing to using native species (of local provenance wherever possible) in its landscaping work and on Council property • To implement, in partnership with the Kilkenny Heritage Forum and all relevant stakeholders, a County Heritage Plan and County Biodiversity Plan • To allow for green links and biodiversity conservation and to preserve, provide and improve recreational open space. • Ensure that an ecological impact assessment is carried out for any proposed development likely to have a significant impact on rare and threatened species including those species protected by law and their habitats. Ensure appropriate avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment. • Proposals must demonstrate that they will not adversely affect any habitats and/or species of interest or compromise the river's function as a green infrastructure corridor • To consult with Inland Fisheries Ireland and the National Parks and Wildlife Service prior to undertaking, approving or authorising any works or development which may have an impact on rivers, streams and waterways. • To protect existing woodlands, trees and hedgerows which are of amenity or biodiversity value and/or contribute to the landscape character of the city and environs, and to ensure that proper provision is made for their protection and management, when undertaking, approving or authorising development. • To ensure that when undertaking, approving or authorising development that sufficient information is provided to enable an assessment of impacts on woodlands, trees, and hedgerows. • Retain hedgerows, and other distinctive boundary treatment such as stone walls, when undertaking, authorising or approving development; where the loss of the existing boundary is unavoidable as part of development, to ensure that a new hedgerow is planted using native species, and species of local provenance to replace the existing hedgerow and/or that the wall is rebuilt using local stone and local vernacular design. • Ensure, as far as is possible, that the potential for spread of invasive species is examined as part of any application. • To promote the use of native plants and seeds from indigenous seed sources in all landscape projects • To ensure the protection of the special character and setting of protected structures, ACAs and Recorded Monuments, and protected species when considering proposals for floodlighting. • See also measures on this table under Soil, Water, Flood Risk Management and Drainage and Water Services
Human Health and Provision Sustainable Planning and Development for People	<ul style="list-style-type: none"> • To ensure the highest standards of environmental protection in the assessment of planning applications for all development proposals. • To integrate the planning and sustainable development of the county with regard to the social, community and cultural requirements of the county and its population. • See also measures on this table under Soil, Water, Water Services, Air and Climatic Factors and Flood Risk Management and Drainage.
Soil/Geology	<ul style="list-style-type: none"> • Development will be encouraged and facilitated where it can be demonstrated that the development of the potentially contaminated site will result in a recreational and social benefit to the local area/community provided that identified remediation measures for the lands are carried out. The Council will require that a detailed investigation is carried out and appropriate measures are taken to ensure that the land is treated properly before development takes place. • The Council will consult the Geological Survey of Ireland when considering undertaking, approving or authorising developments which are likely to affect Geological Sites. • See also measures on this table under Biodiversity, Flora and Fauna, Water, Water Services and Flood Risk Management and Drainage
Water	<ul style="list-style-type: none"> • Meet in full the requirements of the E.U. Urban Waste Water Treatment and Water Framework Directives. • To have regard to the Groundwater Protection Scheme and the Water Services Acts 2007 & 2012 in decision making on the location, nature and control of developments and activities in order to protect groundwater. • To promote compliance with environmental standards and objectives established: <ul style="list-style-type: none"> ○ for bodies of surface water, by the European Communities (Surface Waters) Regulations 2009; ○ for groundwater, by the European Communities (Groundwater) Regulations 2010; ○ which standards and objectives are included in the South East River Basin Management Plan.

	<ul style="list-style-type: none"> • See also measures on this table under Biodiversity, Flora and Fauna, Soil, Water Services and Flood Risk Management and Drainage
Flood Risk Management and Drainage	<ul style="list-style-type: none"> • To adopt a comprehensive risk-based planning approach to flood management to prevent or minimise future flood risk. In accordance with the Guidelines, the avoidance of development in areas where flood risk has been identified shall be the primary response • To promote compliance with environmental standards and objectives established: for bodies of surface water, by the European Communities (Surface Waters) Regulations 2009 and for groundwater, by the European Communities (Groundwater) Regulations 2010; which standards and objectives are included in the South East River Basin Management Plan. • To complete the mapping of source protection areas and to map Source Protection Areas for any new public water supply schemes as appropriate. • Where flood risk may be an issue for any proposed development, a flood risk assessment shall be carried out that is appropriate to the scale and nature of the development and the risks arising. This FRA shall be undertaken in accordance with the Flood Risk Management Guidelines. • All new development must be designed and constructed to meet the following minimum flood design standards: Where streams open drains or other watercourses are being culverted ! the minimum permissible culvert diameter is 900mm. (Access should be provided for maintenance as appropriate.); To give adequate allowance for climate change in designing surface water proposals a multiplication factor of 1.2 shall be applied to all river return periods up to 100 years except in circumstances where the OPW have provided advice specifying the particular multiplication factor for return periods up to 100 years.; In the case of rainfall a multiplication factor of 1.1 shall be applied to rainfall intensities to make allowance for climate change requirements.; In the design of surface water systems, regard shall be had to the Greater Dublin Regional Code of Practice for Drainage Works¹¹⁴ and associated GSDS technical documents. • Development must, so far as is reasonably practicable, incorporate the maximum provision to reduce the rate and quantity of runoff e.g.: Hard surface areas (car parks, etc.), should be constructed in permeable or semi-permeable materials, On site storm water ponds to store and/or attenuate additional runoff from the development should be provided, Soakaways or french drains should be provided to increase infiltration and minimise additional runoff. • Individual developments shall be obliged, in all cases where surface water drainage measures are required, to provide a surface water drainage system separated from the foul drainage system. • In the case of single dwellings or extensions, except in circumstances where an existing surface water drainage system is available to the proposed site for development and which, in the opinion of the planning authority has adequate capacity to accommodate the identified surface water loading, surface water shall be disposed of, in its entirety within the curtilage of the development site by way of suitably sized soak holes. • In the case of brownfield development, while existing surface water drainage measures will be taken into account, some attenuation measures for surface water may be required at the discretion of the planning authority in the interests of balanced and sustainable development • In line with the above Kilkenny Local Authorities will consider all drainage proposals consistent with SuDS (Sustainable Drainage Systems). • For developments adjacent to watercourses of a significant conveyance capacity any structures (including hard landscaping) must be set back from the edge of the watercourse to allow access for channel clearing/maintenance. A setback of 5m!10m is required depending on the width of the watercourse. Development consisting of construction of embankments, wide bridge piers, or similar structures will not normally be permitted in or across flood plains or river channels. • See also measures on this table under Human Health
Air and Climatic Factors and Sustainable Transport	<ul style="list-style-type: none"> • To prepare a Climate Change Adaptation plan following the adoption of the Development Plan • To review the progress of the Climate Change Strategy, report on the progress to date and thereafter develop a Climate Change Adaptation strategy and action plan in line with national policy • Prepare and implement traffic management and calming schemes for the City & Environs in line with the 3 year Roads Programmes. • To review the Mobility Management Plan (2009) and adopt a new MMP for the period 2015!2020 • Complete the demarcation of the Gateways as depicted on the map and prioritise pedestrian and cyclist movement within the Gateways. • To prepare and support the implementation of a Green Infrastructure Strategy for Kilkenny city and environs, as resources allow. • Complete the River Nore Linear Park within the lifetime of the Plan. • Plan for the provision of the Greensbridge Way and the Ossory Bridge connection. • To ensure that developments which are subject to the requirements of the Air Pollution Act 1987 and Air Pollution (Licensing of Industrial Plant) Regulations 1988 or any subsequent regulations meet appropriate emission standards and other relevant national and international standards. • To seek to minimise noise and dust through the planning process by ensuring that the design of developments incorporate measures to prevent or mitigate the transmission of dust, noise and vibration, where appropriate • Ensure traffic noise levels are considered as part of all new developments along the N77 and N10, or other roads as identified in the Noise Action Plan. • Require planning applications to demonstrate the development proposal's accessibility for pedestrians and cyclists. Planning applications for residential/commercial or mixed use developments need to: <ul style="list-style-type: none"> ○ Demonstrate detailed layouts and design which reflect the importance of walking and cycling by providing safe and direct access to local services and public transport nodes. ○ Demonstrate how walking and cycling is integrated with open space provision. ○ Demonstrate that the proposal is easily accessible to pedestrians and cyclists alike with the layouts displaying high internal pedestrian and cyclist permeability. ○ Show a high quality of internal routes which are safe, secure and convenient for users. ○ Require that adequate covered facilities for the secure parking of bicycles are provided at convenient locations close to building entrances in order to encourage cycling. The number of bicycle parking spaces required will be in accordance with Table T1 below. • See also measures on this table under Human Health
Water Services	<ul style="list-style-type: none"> • Prioritise the upgrading of the Purcellsinch wastewater treatment plant. • Investigate the feasibility of installing anaerobic digestion facilities at the Purcellsinch wastewater treatment plant • Implement the programme as outlined in the Water Services Investment Programme. • See also measures on this table under Human Health

Waste Management	<ul style="list-style-type: none"> • To implement the Joint Waste Management Plan for the South East Region • To have regard to the waste produced by proposed developments including the nature and amount of waste produced and proposed method of disposal. • Proposed apartment and housing developments must be appropriately laid out to enable the implementation of three bin collection systems. • Proposed apartment, housing and commercial developments must be either serviced by existing infrastructure or make appropriate provision for bring sites in their layout. The sites shall be made available to the Council at the developer's own expense and will be maintained by the Council or its agents. Adequate access must be provided in developments to service proposed bring sites. • For significant construction/demolition projects, the developer shall include construction and demolition waste management plans, to be prepared in accordance with the Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects. These plans should seek to focus on waste minimisation in general and optimise waste prevention, reuse and recycling opportunities, and shall provide for the segregation of all construction wastes into recyclable, biodegradable and residual wastes. • For any development, the developer shall ensure that all operations at the site during the construction and demolition phase shall be managed and programmed in such a manner as to minimise waste production and that procedures are in place to deal with any litter arising.
Archaeological Heritage	<ul style="list-style-type: none"> • Protect archaeological sites and monuments (including their setting), underwater archaeology, and archaeological objects, including those that are listed in the Record of Monuments and Places, and in the Urban Archaeological Survey of County Kilkenny or newly discovered subsurface and underwater archaeological remain • Endeavour to preserve in situ all archaeological monuments, whether on land or underwater, listed in the Record of Monuments and Places (RMP), and any newly discovered archaeological sites, features, or objects by requiring that archaeological remains are identified and fully considered at the very earliest stages of the development process and that schemes are designed to avoid impacting on the archaeological heritage. • Ensure that development within the vicinity of a Recorded Monument is sited and designed appropriately so that it does not seriously detract from the setting of the feature or its zone of archaeological potential. Where upstanding remains of a Recorded Monument exist a visual impact assessment may be required to fully determine the effect of any proposed development. • To require archaeological assessment, surveys, test excavation and/or monitoring for planning applications in areas of archaeological importance if a development proposal is likely to impact upon in situ archaeological monuments, their setting and archaeological remains. • Require the retention of surviving medieval plots and street patterns and to facilitate the recording of evidence of ancient boundaries, layouts etc. in the course of development. • To protect and retain the historic integrity of the city walls, in accordance with the Kilkenny City Walls Conservation Plan. • To seek the conservation of St Francis Abbey and its setting • To ensure the protection of the special character and setting of protected structures, ACAs and Recorded Monuments, and protected species when considering proposals for floodlighting. • See also measures on this table under Landscape
Architectural Heritage	<ul style="list-style-type: none"> • To ensure the protection of the architectural heritage of Kilkenny City & Environs by including all structures considered to be of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest in the Record of Protected Structures. • To respond to the Ministerial recommendation to include in the Record of Protected Structures, structures which have been identified as being of Regional, National or International significance in the National Inventory of Architectural Heritage survey of the city and county published in 2006. • To carry out a review of the Record of Protected Structures for the functional area of Kilkenny City and Environs • To ensure the preservation of the special character of each ACA listed above and within the county particularly with regard to building scale, building lines, height, general land use, building materials, proportions, historical plot sizes, historic street furniture and paving • To designate ACAs where appropriate and provide a local policy framework for the preservation of the character of these areas. • To ensure the protection of the special character and setting of protected structures, ACAs and Recorded Monuments, and protected species when considering proposals for floodlighting. • To improve the visual appearance of the car parking area at the Market Yard and to ensure a high standard of architectural design for any development at Bateman Quay. • See also measures on this table under Landscape
Landscape and Visual Sensitivities	<ul style="list-style-type: none"> • To protect and, where possible, enhance wildlife habitats and landscape features which act as ecological corridors/networks and stepping stones, such as river corridors, hedgerows, gardens and road verges, and to minimise the loss of habitats and features of the wider countryside (such as ponds, wetlands, trees) which are not within designated sites. Where the loss of habitats and features of the wider countryside is unavoidable as part of a development, to ensure that appropriate mitigation and/or compensation measures are put in place, to conserve and enhance biodiversity and landscape character and green infrastructure networks. • To protect existing woodlands, trees and hedgerows which are of amenity or biodiversity value and/or contribute to the landscape character of the city and environs, and to ensure that proper provision is made for their protection and management, when undertaking, approving or authorising development. • To protect views and prospects identified on Figure 7.5 by requiring new development or extensions to existing development to be designed and located so as not to have a significant impact on its character. • To encourage street layouts in newly developed areas which create new vistas to existing and new landmarks, in particular within brownfield sites, the Western Environs and the Loughmacask Local Area Plan lands. • Where the Council believes development has the potential to either diminish or enhance significant views into and/or out of the city and environs, it may require that a visual impact assessment be carried out prior to development being undertaken on any site. • Safeguard the importance of significant archaeological or historic landscapes from developments that would unduly sever or disrupt the relationship, connectivity and/or inter-visibility between sites. • To seek the protection, and enhancement of significant historic gardens, parklands and designed landscapes in the city and environs, their setting and views to and from them • To require an assessment of the potential visual, heritage and environmental impacts of proposals to floodlight buildings and structures • To ensure that any development occurring along the River Nore will be sensitive in its design and mindful of its proximity to the river. • See also measures on this table under Biodiversity, Flora and Fauna, Archaeological Heritage and Architectural Heritage