

**Variation No. 8 of  
Kilkenny County Development Plan -  
Revision of Rural Housing Policy to take account of  
the  
Sustainable Rural Housing Guidelines, April 2005.**

**Adopted Monday, 16<sup>th</sup> January, 2006**

## **Rural Housing Strategy**

Between 1996 and 2002 the population of County Kilkenny grew by 9.1%, from 75,336 to 83,339. This was a bigger increase over a six year period than took place in the previous 15 years.

Accommodating this increase has placed increased demands on the physical, environmental and natural resources and the heritage of the County.

For the purposes of this exercise a house commencement recorded through a commencement notice is assumed to be a completion.

For the first three quarters of 2004 there were a total of 954 house completions recorded within the County.(source DOEHLG) For the first three quarters of the year a total of 373 one houses were completed i.e. 39% of the total.

New government policies on planning for housing in rural areas came into effect with the publication of the National spatial Strategy (NSS) in 2002.

These new policies have a strong focus on facilitating the housing requirements of persons with clear roots in or links to rural areas on suitable sites.

Following on from the NSS the Government published “Sustainable Rural Housing” Consultation Draft Guidelines for Planning Authorities in March 2004.

The objective of the Council’s rural housing strategy is to have sustainable rural communities without compromising the physical, environmental, natural or heritage resources of the County

This broad objective is underpinned by the following detailed objectives:

It is an objective of the Council to:

- Promote the sustainable development of rural areas.
- Protect the quality and character of rural areas.
- Protect the quality of the environment, including the prevention, limitation, abatement and/or reduction of environmental pollution and the protection of waters, groundwater and the atmosphere.
- Protect features of the landscape and areas of major importance for wild fauna and flora.
- Protect the character of the landscape, including views and prospects and the amenities of places and features of natural beauty or interest.
- Produce a rural housing design guide during the period of this plan.

Seventy percent of the county’s population live in rural areas.<sup>1</sup> The Council recognises that Kilkenny has a long tradition of people living in rural areas. It is the Councils intention to support this in a way that is sustainable.

### **Analysis of the County**

<sup>1</sup> according to the census of population 2002.

From an analysis of the County in the period 1981 to 2002 the following emerged. The total population change was almost 9,500. There were significant increases in and around Kilkenny City and Waterford City.

There are four areas within the County which have recorded sustained population decline over this period. These are parts of the south east, south west, north east and the north-west.

The remainder of the County is showing that the population is generally stable or increasing.

This analysis has been plotted in broad terms on the Rural Settlement Area Map. Guidance on this issue was also taken from the “Sustainable Rural Housing Guidelines”

The County falls into three broad categories of

- (a) Areas under urban influence
- (b) Stronger Rural Areas.
- (c) Peripheral Areas of Population decline.

The following policies have been devised in order to respond to the different housing requirements of urban and rural communities and the varying characteristics of rural areas.

In devising these policies the following definitions have been used:

**Urban Area:** An urban area is defined as a city or town with a population of 1,500 or more at the time of the last census of population i.e. 2002.

(This definition is being consistent with the CSO and the Sustainable Rural Housing Guidelines).

**Urban Generated Rural Housing:** Housing in rural areas sought by persons living and working in urban area, including second homes (urban generated housing)

**Rural Generated Housing:** Housing needed in rural areas within the established rural community by persons working in rural areas or in nearby urban areas (rural generated housing)

This is to ensure that first and foremost the housing requirements of persons with roots or links in rural areas are facilitated in all such areas, but that planning policies also respond to local circumstances whether these relate to areas experiencing economic and population decline or to areas under sustained pressure for development.

**Ribbon Development:** Ribbon development is defined as 5 or more houses on any one side of a given 250 meters of road frontage.

## **1. For areas under urban influences**

The following is suggested having regard to the member's workshop, the Sustainable Rural Housing Guidelines, the NSS and the regional planning guidelines.

It is the Council's objective for areas of urban influence to facilitate the housing requirements of the rural community as identified in this section while on the other hand directing urban generated development to areas zoned for new housing development in city, towns and villages in the area of the development plan.

Areas under urban influence display the greatest pressures for development due to

- Close commuting catchments of larger cities and towns
- Rapidly rising population
- Ready access to good road network with ready access to the larger urban areas

As a local authority it is necessary to facilitate the housing requirements of the local rural community on the one hand subject satisfying all technical considerations, while on the other hand directing urban generated development to areas identified for housing through zoning and the settlement hierarchy.

In areas of strong urban influences it is the policy of the Council to permit single houses for persons where the following criteria are met:

- (a) persons who are full time farmers or employed full time in other rural based activity such as horticulture forestry, bloodstock or other rural based activity in the area in which they wish to build or whose employment is intrinsically linked to the rural area in which they wish to build.
- (b) Immediate family members of people intrinsically linked to the area to include brothers, sisters, sons, daughters, nieces, nephews, and grandchildren.
- (c) Persons who are originally from the local area and wish to return to live in the local area. (*returning migrants*)

## **2. Stronger Rural Areas.**

In stronger rural areas of the County it is a key objective of the Council to consolidate and sustain the stability of the population and in particular to strike a balance of activity in the smaller towns and villages and the wider rural area thereby ensuring that these areas maintain a stable population base in towns and villages and the rural area generally.

It will be the policy of the Council to accommodate proposals for individual rural generated houses and promote the development of houses in the designated and smaller settlements.

It will be the policy of the Council to actively stimulate and facilitate new housing development in designated towns and villages through the preparation of local area plans

It will be the policy of the Council to monitor development trends to avoid areas becoming overdeveloped, leading to an over concentration of development or ribbon development.

It will be the policy of the Council to consider development for single houses *for* the following classes of persons:

Persons who are an intrinsic part of the rural community:

Such persons will normally have resided a *minimum of three years in a rural area* as members of an established rural community. Examples would include farmers, their sons and daughters and/or any persons taking over the ownership and running of farms, as well as people *who have developed strong links in the rural area* and are building their first homes. Examples in this regard might include sons and daughters of families living in rural areas who have grown up in rural areas and are perhaps seeking to build their first home near their family place of residence. The Council will also consider nieces and nephews and grandchildren in this regard. In certain circumstances, persons who lived for substantial parts of their lives in rural areas then emigrated and who now wish to return to reside near other family members or to care for elderly family members, will be considered as well.

Persons working full-time or part-time in rural areas

Such circumstances will normally encompass persons involved in full-time farming, forestry, inland waterway or marine related occupations, as well as part time occupations where the predominant occupation is farming/natural resource related. Such circumstances could also encompass persons whose work is intrinsically linked to rural areas such as teachers in rural schools or other persons whose work predominantly takes place within rural areas.

The local area will be considered as within 10km of the proposed site excluding defined urban areas.

### **3. Peripheral Area and Areas of Population Decline.**

It will be the policy of the Council to accommodate any proposals for individual rural or urban generated permanent residential development in these areas subject to meeting normal planning and environmental criteria.

It will be the policy of the Council to actively stimulate and facilitate new housing development in designated towns and villages through the preparation of local area plans within these areas or identify crossroad type settlements where appropriately located and designed clustered development will be encouraged and accommodated.

It will be the policy of the Council to monitor the operation of the settlement policies on an ongoing basis in structurally weak areas to avoid excessive levels of or inappropriately located development.

Subject to satisfying good practice in relation to site location and access, drainage and design requirements, rural generated housing requirements will be accommodated in the locality in which they arise.<sup>2</sup>

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<sup>2</sup> Inserted on day of Council Meeting, 16<sup>th</sup> January, 2006.

In all cases the consideration of individual sites will be subject to normal siting and design considerations, which will include but not necessarily be limited to the following:

- Any proposed vehicular access would not endanger public safety by giving rise to a traffic hazard,
- That any proposed on site waste water disposal system is designed, located and maintained in a way which protects water quality,
- That the siting and design of new dwellings takes account of and integrates appropriately with its physical surroundings and other aspects of the natural and cultural heritage and,
- That the proposed site otherwise accords with the objectives of the development plan in general.

All permission granted for rural housing within the Areas of Urban Influence shall be subject to an occupancy condition pursuant to Section 47 of the planning and Development Act 2000 restricting the use of the dwelling to the applicant or members of his/her immediate family as a place of permanent residence. The period will be limited to 5 years from the date of first occupancy.

Section 47 of the Act, provides that a planning authority may enter into an agreement with any person for the purposes of restricting or regulating the development and use of land permanently or for a specified period.<sup>3</sup>

Certain agreements under this section known more commonly as “sterilisation” agreements, have been used on occasion by planning authorities to regulate development in rural areas. In areas where very significant levels of rural housing development have taken place on the edges of cities and towns and where such areas may be tending to become overdeveloped, such agreements have provided a useful tool in enabling planning authorities to support rural generated development on the one hand while avoiding over development of an area on the other.<sup>4</sup>

In general the planning authority will avoid the use of sterilisation agreements and will focus instead on deciding the merits of the individual proposal in terms of the proper planning and sustainable development of the area.<sup>5</sup>

Where applications are made on lands outside of the areas of urban influence that have been the subject of sterilisation agreements in the past the planning authority will assess each application on its merits having regard to the provisions of the development plan and the rural housing guidelines as issued by the DOEHLG.

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<sup>3</sup> Inserted on day of Council Meeting, 16<sup>th</sup> January, 2006.

<sup>4</sup> Inserted on day of Council Meeting, 16<sup>th</sup> January, 2006.

<sup>5</sup> Inserted on day of Council Meeting, 16<sup>th</sup> January, 2006.

**For the purposes of Variation No. 8 of the County Development Plan the following amendments were adopted:**

Deletion of the areas of Development pressure from Map 7.1 of the County Development Plan.

Section 7.8.4 deleted in its entirety and replaced by the above text and rural settlement area map.

Section 10.9 removed in its entirety.

Deletion of section 9.4.3 Policy which reads as follows:

It is the policy of the Council to control all development within areas of high amenity so as to exclude from them any development which would be prejudicial to their natural beauty. Exemptions will be made for housing development as outlined in section 7.8.4.1 of the Plan

Replaced with:

Section 9.4.3 Policy

Careful siting and location are central to sensitive development in the landscape. The capacity of a particular landscape to absorb change without significantly changing its character can be directly related to the quality of location and siting of a development within that landscape. Proposals for development in rural areas will be assessed having regard to the extent to which they:

- Compliment the landscape and avoid unacceptable visual intrusion,
- Introduce incongruous landscape elements and,
- Help to maintain important landscape elements and features that contribute to local landscape character, quality and distinctiveness , e.g. topographical features, geological features, cultural features, or ecological resources which are characteristic of that landscape type.

Section 7.15.1 includes 'Retirement Centre'.<sup>6</sup>

Section 7.15.1 to read:

In the light of an increasing ageing population, investment in developing a range of facilities for the elderly, including nursing units, has been facilitated under the National Development Plan.

It is the policy of the Council to ensure that adequate land and services are available for the provision of all types of facilities for the elderly including nursing homes/retirement centre both public and private and the improvement, expansion and establishment of health services generally such as extended nursing care, day care and respite care.

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<sup>6</sup> Inserted on day of Council Meeting, 16<sup>th</sup> January, 2006.