



Comhshaol, Pobal agus Rialtas Áitiúil
Environment, Community and Local Government

19 December 2012

For the Attention of: Mr. Peter Carey, Laois County Manager

Laois County Council
Áras an Chontae
Portlaoise
Co. Laois

**Section 31 of the Planning and Development Act 2000 (as amended by the Planning and
Development (Amendment) Act 2010)**
Decision to Issue a Direction relating to the Mountmellick Local Area Plan 2012-2018

Dear Manager,

I am writing to you in connection with the draft Ministerial Direction of November 2012. I have now considered the report and recommendation prepared by you pursuant to s.31 of the Planning and Development Act 2000 (as amended in 2012). I have also considered the written submissions and observations received on the notice of intent to issue a Ministerial Direction in relation to the Mountmellick Local Area Plan 2012-2018.

Having considered the said report and recommendations, and the written submissions, I have decided (i) that no material amendment to the draft direction of November 2012 is required, and (ii) that further investigation is not necessary in order to clarify any aspect of the report or submissions.

TAKE NOTICE that on 19 day of December, 2012 I have issued a Direction pursuant to Section 31 of the Planning and Development Act 2000 (as amended). A copy of this Direction is attached to this letter.

MEASURES UNDER THE DIRECTION

The plan/map which sets out the objectives for the town of Mountmellick is to be amended by removing the zoning objective for lands outlined in blue with the associated objective "Residential 2" (residential) and revert to no zoning objective as in the draft Mountmellick Local Area Plan 2012-2018. For ease of reference a copy of the said plan/map indicating lands outlined in blue with the associated objective "Residential 2" (residential) is attached as



Appendix 1 to the draft direction. The effect of this amendment will be that the zoning objective for the lands outlined in blue will revert to no zoning objective as *per* the plan/map included in the Draft Mountmellick Local Area Plan 2012-2018 published in April 2012. For ease of reference a copy of the plan/map is attached as Appendix 2 to the draft direction.

STEPS TO BE TAKEN

The Planning Authority is required, pursuant to Section 31(2) of the Planning and Development Act 2000 (as amended) to comply with this Direction. The Local Area Plan must therefore be altered as indicated above, and the Planning Authority should ensure that copies of the Local Area Plan as altered are available for inspection at its offices and on its website. The Planning Authority should also publish notice of the making of the Direction and alteration to the Local Area Plan, and post a copy of such notice on its website.

My officials remain available to assist the Council, as necessary.

Yours sincerely,



Jan O'Sullivan, T.D.,
Minister for Housing and Planning,
Department of the Environment, Community and Local Government.

Copied to:

Cathaoirleach, Laois County Council, Áras an Chontae, Portlaoise, Co. Laois

Midlands Regional Authority, Bridge Centre, Bridge Street, Tullamore, Co. Offaly.

**DIRECTION IN THE MATTER OF SECTION 31 OF THE PLANNING AND
DEVELOPMENT ACT 2000**

**(AS AMENDED BY S.21 OF THE PLANNING AND DEVELOPMENT
(AMENDMENT) ACT 2010)**

MOUNTMELICK LOCAL AREA PLAN 2012-2018 DIRECTION 2012

“Local Area Plan” means the Mountmellick Local Area Plan 2012 – 2018.

“The Lands” means the lands currently outlined in blue and indicated as “Residential 2” (residential) in plan/map which sets out the objectives for the town of Mountmellick (Appendix 1 to this direction).

“The Zoning Objective” means the zoning objective “Residential 2” (residential) in plan/map which sets out the objectives for the town of Mountmellick (Appendix 1 to this direction).

“The Planning Authority” means Laois County Council.

WHEREAS the functions of the Minister for the Environment, Community and Local Government under the Planning and Development Acts 2000 to 2012, other than Chapter 1 of Part VI of the Planning and Development Act 2000, have been delegated to the Minister of State at the Department of the Environment, Community and Local Government pursuant to the Environment, Community and Local Government (Delegation of Ministerial Functions) Order 2012 (S.I. 148 of 2012).

WHEREAS the Minister of State at the Department of the Environment, Community and Local Government is, for the reasons set out in the Statement of Reasons hereto, of the Opinion that

- (i) Laois County Council in making the Mountmellick Local Area Plan 2012 – 2018 has ignored or has not taken sufficient account of the submissions made by the Minister for the Environment, Community and Local Government in September 2012,

and

- (ii) the Mountmellick Local Area Plan 2012 – 2018 is not in compliance with the requirements of s.19 of the Planning and Development Act 2000 (as amended).

In forming the said opinion, the Minister of State has considered the report and recommendation of the Manager of the Planning Authority dated December 2012, and the written submissions made by Cyril Morris, Patrick & Bernie Dease, Annette & David Keane, Thomás Fitzgibbon, Neville Harris and Evelyn Burke.

Having considered the said report and recommendation and written submissions, the Minister of State has decided (i) that no material amendment to the draft direction of November 2012 is required, and (ii) that further investigation is not necessary in order to clarify any aspect of the report or submissions.

NOW, THEREFORE in exercise of the powers conferred on her by s.31 of the Planning and Development Act 2000 (as amended), the Minister of State at the Department of the Environment, Community and Local Government hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (Mountmellick Local Area Plan 2012-2018) Direction 2012.
- (2) The County Council of Laois is hereby directed to take the following steps with regard to the Mountmellick Local Area Plan 2012-2018 ("the Local Area Plan"). The plan/map which sets out the objectives for the town of Mountmellick is to be amended by removing the zoning objective for lands outlined in blue with the associated objective "Residential 2" (residential) and revert to no zoning objective as in the draft Mountmellick Local Area Plan 2012-2018. For ease of reference a copy of the said plan/map indicating lands outlined in blue with the associated objective "Residential 2" (residential) is attached as Appendix 1 to this direction. The effect of this amendment will be that the zoning objective for the lands outlined in blue will revert to no zoning objective as *per* the plan/map included in the Draft Mountmellick Local Area Plan 2012-2018 published in April 2012. For ease of reference a copy of this plan/map is attached as Appendix 2 to this direction.

STATEMENT OF REASONS

1. A written submission on the proposed material alterations to the draft Local Area Plan was made to Laois County Council on behalf of the Minister for the Environment, Community and Local Government in September 2012. This written submission drew attention *inter alia* to serious concerns with "Mapped Amendment 1" on the basis that it is proposing to zone an area to the east of the town for future development that is:
 - (i) physically isolated from the town and that would represent an illogical and haphazard extension of Mountmellick and, if carried out, would tend to lead to urban sprawl;
 - (ii) located in an area that the draft local area plan designates as a flood plain, in direct contravention of both the policies of the Laois County Development Plan 2011-2018 and the guidelines for planning authorities on the Planning System and Flood Risk Management Guidelines (November 2009); and

- (iii) would be contrary to other relevant guidelines for planning authorities issued by the Minister such as Development Plans (June 2007) and Sustainable Residential Development in Urban Areas (May 2009).

The written submission on behalf of the Minister recommended that the zoning objective revert to that of the draft local area plan. The written submission outlined that the proposed "Mapped Amendment 1", namely, the lands now outlined in blue (Appendix 1 to this Direction), would be inconsistent with the guidelines outlined above by virtue of the fact that:

- a) The location of the proposed "Residential 2" zoning is at variance with the sequential approach espoused in both guidelines outlined at (iii) above, specifically the guidelines for planning authorities on Development Plans (June 2007) that refers to the avoidance of "leapfrogging", that is development isolated from the main existing urban areas, save for the most exceptional of circumstances, and that the amended draft plan has demonstrated no evidence of having arisen in the case of the proposed amendment;
- b) The patterns of random and unco-ordinated development that will be facilitated by the proposed zoning will be difficult and inefficient to service by way of demanding new roads, water services, lighting, amenity and other connections to the existing footprint of Mountmellick, when there are good alternatives for the development of other areas within the town not necessitating such investment, the costs of which would have to be borne either by the taxpayer or by house buyers;
- c) The draft local area plan, on the basis of independent expert advice, designated areas at risk from flooding, which would now appear to have been ignored by the Council in subsequently suggesting that the same lands that are indicated as being at risk of flooding, should now be potentially developed for housing, a high risk use ruled out in such flood zones, except in the most exceptional cases, in the guidelines for planning authorities on the Planning System and Flood Risk Management Guidelines (November 2009) mentioned above.

2. The zoning objective "Mapped Amendment 1" currently indicated as "Residential 2" (residential), namely, the lands now outlined in blue (Appendix 1 to this Direction), set out in the Local Area Plan is inconsistent with the provisions of the Laois County Development Plan. The Core Strategy of the Laois County Development Plan 2011-2017 in combination with the Settlement Strategy for Key Service Towns, such as Mountmellick, sets out, *inter alia*, that objective DPS3/P22 requires, to ensure that new residential development complies with the sequential test approach. The zoning objective is therefore not compliant with s.19 of the Planning and Development Act 2000 (as amended).

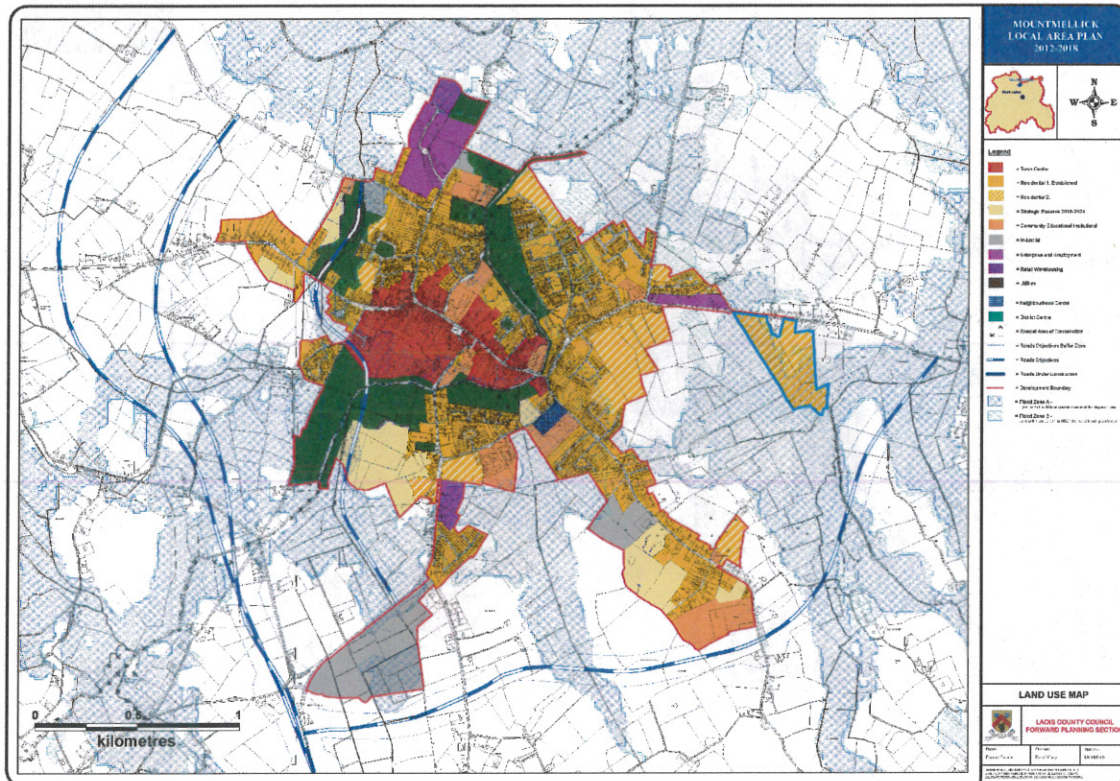
GIVEN under my hand,

A handwritten signature in blue ink, appearing to read "Jan O'Sullivan".

Minister of State
at the Department Environment, Community and Local
Government

this 19 day of December 2012.

Appendix 1 - Mountmellick Land Use Zoning Map: Adopted Mountmellick Local Area Plan 2012-2018



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