



## **Mountmellick**

### **Draft Local Area Plan 2018 - 2024**

**Stage 3: Chief Executive's Report On**

**Stage 2: Submissions and Observations  
received during the Draft Plan Public  
Consultation**

**30<sup>th</sup> May 2018**

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## 1.0 INTRODUCTION

This Chief Executive's Report is submitted under Section 20(3)(c) of the Planning and Development Act 2000 (as amended). It is part of the formal statutory process of the preparation of a Local Area Plan (LAP). This Report contains the following:

- (i) a list of the persons or bodies that made submissions,
- (ii) a summary of the issues raised by them,
- (iii) the opinion of the Chief Executive in relation to the issues raised, and his recommendations in relation to the proposed LAP, taking account of the proper planning and sustainable development of the area, the statutory obligations of any Local Authority in the area and any relevant policies or objectives of the Government or of any Minister of the Government.

The members of the Planning Authority are required to consider the proposal to make the Local Area Plan and this report of the Chief Executive.

### 1.1 NEXT STEPS

Following consideration of this Chief Executive's Report, the Local Area Plan shall be deemed to be made in accordance with the recommendations of the Chief Executive as set out in this report, 6 weeks after the furnishing of this report to the members, unless the Planning Authority, by resolution, decides to either:

- (i) make or amend the plan otherwise than as recommended in this report, or
- (ii) not make the plan.

Where, following consideration of the Chief Executive's Report, it appears to the members of the authority that the Draft LAP should be altered, and the proposed alteration would if made be a material alteration of the Draft LAP, the Planning Authority shall, not later than 3 weeks after the passing of a resolution, publish notice of the proposed material alteration in one or more newspapers circulating in the area, and send notice of the proposed material alteration to the Minister, the Board and the prescribed authorities (enclosing where the authority considers it appropriate a copy of the proposed material alteration).

In the event that material amendments to the draft plan are proposed, the Planning Authority shall determine if a Strategic Environmental Assessment (SEA) and/or an Appropriate Assessment (AA) as the case may be, is or are required to be carried out with respect to one or more than one proposed material amendments to the Draft LAP.

The Chief Executive shall, not later than 2 weeks after a determination that SEA/AA of a material amendment is required, specify such period as he or she considers necessary following the passing of

the resolution, as being required to facilitate an assessment. The Planning Authority shall carry out an assessment required of the proposed material amendment of the Draft Local Area Plan within the period specified by the Chief Executive.

The Planning Authority shall publish notice of the proposed material amendment, and where appropriate in the circumstances, the making of a determination that an SEA and/or AA is required. The Planning Authority shall carry out the assessment within the period specified by the Chief Executive.

The notice relating to material amendments shall state:

- (i) that a copy of the proposed material amendment and of any determination by the authority that an SEA/AA is required may be inspected during a stated period of not less than 4 weeks, and,
- (ii) that written submissions or observations with respect to the proposed material amendment and of any determination by the authority that an SEA/AA is required, may be made to the Planning Authority and shall be taken into consideration before the making of any material amendment.

## 1.2 CONSULTATION PROCESS & LIST OF SUBMISSIONS

The Draft Mountmellick Local Area Plan 2018 – 2024 was on public display during the period 21<sup>st</sup> March 2018 – 8<sup>th</sup> May 2018. Public Information Sessions were held in Laois County Council on 5<sup>th</sup> April 2018 and the Former Town Council Chamber, Mountmellick Civic Offices/ Library on 17<sup>th</sup> April 2018 where the public attended and interacted with the plan team.

During the public display period, a total of 11 no. submissions were received as follows:

### Group A Prescribed Bodies

No.	Organisation	Representative
A1	Offaly County Council	Olivia Hughes, Administration Officer
A2	Irish Water	Suzanne Dempsey
A3	Dept. Housing, Planning & Local Government	Niall Cussen

### Group C Individual Submissions

No.	Group Name/Surname	Representative/ Forename
C1	Buggy	Paddy
C2	MDA	Paddy Buggy
C3	MDA	Paddy Buggy
C4	Rochford	Michael, Gerard & Bernard
C5	Hourigan	Martha
C6	TII	Michael McCormack
C7	Kingscroft	The Planning Partnership
C8	Delaney	Noel & Lucia Marie

### 1.3 CONSIDERING THE SUBMISSIONS

The written submissions have been analyzed by the Planning Executive of the County Council. The submissions are summarised and the opinion and recommendations of the Chief Executive have been given in Section 2 below.

The Chief Executive has made a number of recommendations, they are outlined in Section 2 below. Amended / new text is highlighted in red and deleted text is outlined in blue strikethrough.

This Report is submitted to the Members for their consideration.

### 1.4 GUIDANCE FOR THE ELECTED MEMBERS

Responsibility for approving a Local Area Plan, including the various policies and objectives contained within it, in accordance with the various provisions of the Planning and Development Act 2000 (as amended) rests with the Elected Members of the Planning Authority, as a reserved function under Section 20 of the Act. In making the Local Area Plan, 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 Councilors”* prepared under the Local Government Act 2001, carry out their duties in this regard in a transparent manner, must follow due process and must make their decisions based on relevant considerations, while ignoring that which is irrelevant within the requirements of the statutory planning framework.

The members, following consideration of the Draft Plan and this report, shall decide whether to adopt the Local Area Plan or to amend the Plan.

## 2.0 SUMMARY OF ISSUES RAISED, CHIEF EXECUTIVE'S OPINION AND RECOMMENDATION

### 2.1 PRESCRIBED BODIES

Submission Number	A1	Prescribed Body	Offaly County Council
<b>Summary of Issues Raised</b>			
<p>1) Cycle network on the Old Canal:</p> <p>Chapter 9 Economic Development should include a policy to investigate the feasibility of connecting up Mountmellick with regional and national cycle networks via the Old Canal Line. This line extends from a point to the east of Mountmellick to Monasterevin, which may be suitable for cycle ways providing positive economic, social and cultural benefits to the town and wider rural hinterland.</p> <p>2) Flood Management:</p> <p>Objective FM03 of Chapter 17 Flood Management should reflect any short or long term infrastructural and flood defence works proposed to alleviate flooding in Mountmellick, and should take account of any potential impact on the town of Portarlinton and its hinterland which is downstream on the River Barrow and is particularly sensitive to significant change in land run off and river flow from works up stream.</p>			
<b>Opinion of Chief Executive</b>			
<p>1) Laois County Council shall include a policy as highlighted in the submission by Offaly County Council.</p> <p>2) The plan will comply with <i>'The Planning System and Flood Risk Management–Guidelines for Planning Authorities'</i> (DoEHLG, 2009). Following the severe and unprecedented flooding in November 2017 Laois County Council has agreed in conjunction with the Office of Public Works (OPW), the urgent commencement of detailed design and engineering specifications for flood defenses in Mountmellick. The detailed design will include a review of the Catchment Flood Risk Assessment and Management Mapping (CFRAM) taking into account the recorded flood depths on 22<sup>nd</sup> November 2017 and the identification of any additional flood defenses necessary. A Project Office will be established locally to manage the design, implementation and construction of a flood relief scheme on behalf of and in partnership with the OPW during the lifetime of this plan. The flood Relief Scheme shall consider the impacts of any flood defenses on areas downstream of Mountmellick.</p>			
<b>Chief Executive's Recommendation</b>			
<p>1) Include a policy in Chapter 12 as follows:</p>			

**TM P11:** Examine the feasibility of connecting Mountmellick with regional and national cycle networks via the Old Canal Line for cycle ways to encourage positive economic, social and cultural benefits to the town and wider rural hinterland.

2) No further action.

<b>Submission Number</b>	A2	<b>Prescribed Body</b>	Irish Water C/O Susanne Dempsey
<b>Summary of Issues Raised</b>			
No comments relating to water services. Irish Water will only be in a position to confirm water and wastewater availability for site specific new development through Irish Water’s pre-connection enquiry process.			
<b>Opinion of Chief Executive</b>			
Noted			
<b>Chief Executive’s Recommendation</b>			
No further action			

<b>Submission Number</b>	A3	<b>Prescribed Body</b>	Dept. Housing, Planning & Local Government C/O Niall Cussens
<b>Summary of Issues Raised</b>			
<p>The Department advocates close adherence to the sequential approach to flood risk management in the plan process in accordance with the Flood Risk Management Guidelines (2009). Lands identified Flood Zones A &amp; B should not be zoned for residential or other “highly vulnerable development”. The Council is advised to examine the Draft LAP to ensure that proposed zoning objectives are fully integrated with the Strategic Flood Risk Assessment and the 2009 Guidelines.</p>			
<b>Opinion of Chief Executive</b>			
<p>The plan will comply with <i>‘The Planning System and Flood Risk Management–Guidelines for Planning Authorities’ (DoEHLG, 2009)</i>.</p>			
<b>Chief Executive’s Recommendation</b>			
<p>No further action</p>			

## 2.2 PUBLIC SUBMISSIONS

Submission Number	C1	Name	Paddy Buggy
<b>Summary of Issues Raised</b>			
<p>Medium to low density designated areas are required in the areas identified for future residential development. In order to:</p> <ul style="list-style-type: none"> <li>-Attract inward investment and appeal to senior management and decision makers;</li> <li>-Enable senior managers to own nice big detached houses with large gardens;</li> <li>-Have building policy in harmony with the Business Development section of Laois County Council trying to attract inward investment.</li> </ul>			
<b>Opinion of Chief Executive</b>			
<p>Lands have been zoned Residential 2 to cater for residential densities in accordance with the Dept. of Environment, Heritage and Local Government's "<i>Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns &amp; Villages)</i>" (2009). Higher density developments will be encouraged within the Town Centre zoning.</p>			
<b>Chief Executive's Recommendation</b>			
<p>No further action</p>			

<b>Submission Number</b>	C2	<b>Name</b>	MDA C/O Paddy Buggy
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**Summary of Issues Raised**

Seek zoning of open space lands for Industrial and Commercial development at the MDA Business Park. The Business Park employees 110 people and this zoning is crucial to the growth of employment.



**Opinion of Chief Executive**

The subject lands are located immediately adjacent to the Owenass River and are located within Flood Zone A in the Mountmellick SFRA which accompanies the Draft Plan. Flood Zone A defines areas with the highest risk of flooding from rivers (i.e. more than 1% probability or more than 1 in 100).

On the basis of the final CFRAM (Catchment Flood Risk Assessment Management) maps for Mountmellick it would be inappropriate to zone lands for further development at this location. However, the Planning Authority may facilitate future expansion plans that would not impact on the flood zone.

**Chief Executive’s Recommendation**

No action

<b>Submission Number</b>	C3	<b>Name</b>	MDA C/O Paddy Buggy
<b>Summary of Issues Raised</b>			
<p>Requests that once the proposed flood defences are installed that the areas protected by these defences are re-designated as not being prone to flooding to allow property owners regain insurance.</p>			
<b>Opinion of Chief Executive</b>			
<p>In accordance with the <i>“Planning System and Flood Risk Management Guidelines for Planning Authorities”</i> (DoEHLG, 2009), the Flood Zones are defined without the benefit of defences or other mitigating measures. As stated on page 16 of the Guidelines, <i>“the presence of flood protection structures should be ignored in determining the flood zones”</i>.</p> <p>Taking the Planning Guidelines into account, future amendment to the SFRA following installation of flood defence works is not appropriate and it is not recommended that any changes are made to the SFRA.</p>			
<b>Chief Executive’s Recommendation</b>			
No action			

<b>Submission Number</b>	C4	<b>Name</b>	Michael, Gerard & Bernard Rochford
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**Summary of Issues Raised**

- 1) Seeks the change of zoning from Enterprise & Employment to Residential (LS7634 & LS14693)

The submission includes the following justification:

- The lands are bound on three sides by residential development;
- Close proximity to the town centre of a main service town;
- Direct access onto the N80;
- Area can be enhanced by quality housing;
- Well located between Portlaoise and Tullamore;
- Family members require housing which would eliminate ribbon development and septic tanks;
- Zoning of lands would be consistent with the objectives of the LAP;
- Willing to commit to no one off houses on the observers' lands for the duration of the LAP.

- 2) Seeks the change from Enterprise & Employment to Open Space & Amenity (LS18553)

The submission includes the following justification:

- The lands are farmland and will remain so for the duration of the LAP;
- There is adequate Enterprise and Employment zoned land in the town.



**Opinion of Chief Executive**

- 1) The lands are located to the north of the town centre and are currently in agricultural use. The lands are bound by low density long standing dwellings in a ribbon type development. An access point to the lands is possible via the site of a fire damaged dwelling. The lands are not located in a designated flood zone. Mountmellick has a housing land requirement of 27 hectares up to the target year of 2024, as set out in Chapter 2 “Development Strategy”. There are currently 15.45 hectares zoned to meet the targets of the Core Strategy. The additional 2.56 hectares proposed within this submission is considered reasonable. The site has the potential for access within the speed limits of the town on the N80. The site can be serviced and capacity is available.
- 2) The land is located immediately east of the Bay Road Business Park and is currently zoned Enterprise and Employment. The Bay Road represents the largest area of zoned Enterprise and Employment lands within the town. Two other areas have such a zoning, at the Harbour and at Acragar. Both of these areas are limited and have restrictions for further expansion. It is considered important that adequate lands are zoned within the town for Enterprise and Employment, in order to cater for future employment related development to meet the jobs targets of the National Planning Framework.

**Chief Executive’s Recommendation**

- 1) Change the zoning from Enterprise and Employment to Residential 2.
- 2) Retain the Enterprise and Employment zoning on the land as proposed in the Draft Plan.

Submission Number	C5	Name	Martha Hourigan
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**Summary of Issues Raised**

Supports the de-zoning of lands and alteration of the settlement boundary to exclude lands at Harbour Street.



**Opinion of Chief Executive**

Noted

**Chief Executive's Recommendation**

No further action

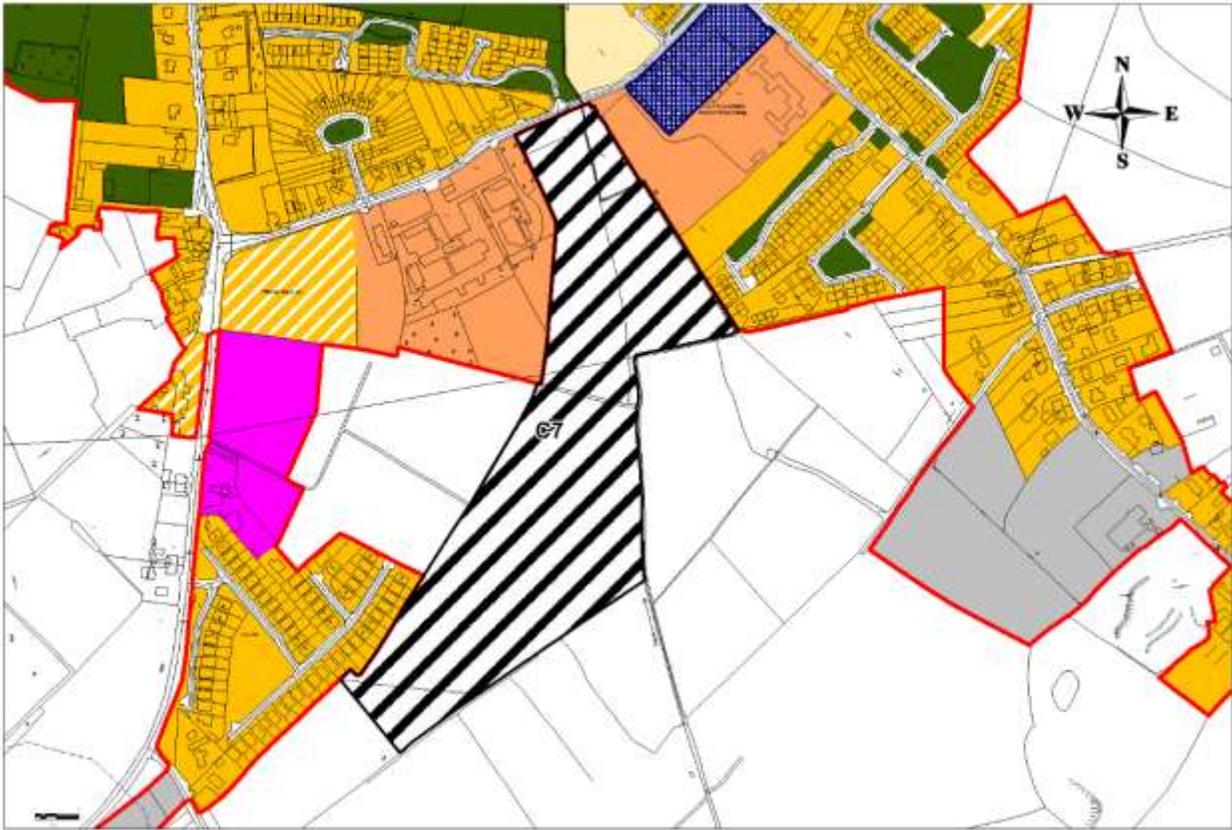
<b>Submission Number</b>	C6	<b>Name</b>	Transport Infrastructure Ireland C/O Michael McCormack
<b>Summary of Issues Raised</b>			
<p>TII welcomes the policies presented in Policies TM P8, TM P9 and TM P10 concerning the safeguarding of the strategic function of the national road network.</p> <p>An N80 Relief road is not provided for in Project Ireland 2040/ National Development Plan 2018- 2027. However, local improvements to the existing national road network planned over the term of the plan may be identified by the Council in consultation with and subject to the agreement of TII. TII may not be responsible for funding of any schemes or improvements.</p> <p>The Industry and Warehousing zoning objective to the south of Mountmellick adjoining the N80 requires a co-ordinated access strategy for the lands to avoid a proliferation of access onto the national road by way of an objective in the LAP. The development of such land, individually or cumulatively should be subject to a Traffic and Transport Assessment in accordance with TII Traffic and Transport Assessment Guidelines (2014).</p> <p>Consideration should be given to including the requirements of Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines into the LAP concerning specific objectives relating to Traffic and Transport Assessment (TTA), Road Safety Audit, Environmental Noise requirements and Signage etc. The Council are requested to reference the TII Traffic and Transport Assessment Guidelines (2014) in the LAP relating to development proposals with implications for the national road network. Thresholds advised in the TII Traffic &amp; Transport Assessment Guidelines (2014), including sub-threshold TTA requirements, relate specifically to development proposals affecting national roads.</p> <p>Reference to the Design Manual for Roads and Bridges (DMRB) in Policy TM P10 of the Draft LAP and TII recommends that this reference should be updated to TII publications.</p>			
<b>Opinion of Chief Executive</b>			
Noted. Policies should be included to reflect the contents of the TII submission.			
<b>Chief Executive's Recommendation</b>			
<p>Include the following policies in the Mountmellick Local Area Plan:</p> <ol style="list-style-type: none"> <li>1. Require the submission of a Traffic and Transport Assessment including mobility management plans in accordance with the guidelines in the Traffic and Transport Assessment Guidelines 2014, for developments with the potential to create significant additional demands on the traffic network by virtue of the nature of their activity, the number of employees, their location or a combination of these factors and for significant developments affecting the national and non-national road network.</li> </ol>			

2. Require a Road Safety Audit for developments that require a new access to a national road or significant changes to an existing access in accordance with the guidance included in the NRA [TII] Design Manual for Roads and Bridges.

Submission Number	C7	Name	Kingscroft C/O The Planning Partnership
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**Summary of Issues Raised**

Seeks zoning of lands for Residential and Open Space at Irishtown, Ballycullenbeg, Mountmellick.



**Opinion of Chief Executive**

The Planning Authority is opposed to this zoning proposal having regard to the following consideration:

**Flooding**

The vast majority of the site is in Flood Zone A in the Mountmellick SFRA which accompanies the draft Plan. Flood Zone A defines areas with the highest risk of flooding from rivers (i.e. more than 1% probability or more than 1 in 100).

In accordance with the *“Planning System and Flood Risk Management Guidelines for Planning Authorities”* (DoEHLG, 2009), land included in Flood Zone A is the most sensitive as regards residential development and should be avoided.

The configuration of the site and the location of the flood zone make developing a residential development on the site difficult.

**Chief Executive's Recommendation**

No further action required

<b>Submission Number</b>	C8	<b>Name</b>	Noel & Lucia Marie Delaney
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**Summary of Issues Raised**

Seeks change of zoning from Residential to Enterprise and Employment at Lord Edward Street.



**Opinion of Chief Executive**

The subject lands are located to the rear of dwellings on Lord Edward Street. There is a significant history of commercial development on the site with permission granted in the 1980s for a warehouse. Most recently permission was granted on a temporary basis for a bouncy castle business (17/327 refers). It is considered appropriate that the zoning reflect the existing permitted use on site and the proposed amendment is recommended.

**Chief Executive’s Recommendation**

Amend the residential zoning to Enterprise and Employment.

### **3.0 PRESCRIBED BODIES**

The following prescribed bodies were notified of the Draft Local Area Plan in accordance with the requirements of the Act:

Minister of Housing, Planning and Local Government

Minister of Culture, Heritage and the Gaeltacht

Irish Water

Carlow County Council

Kildare County Council

Kilkenny County Council

Offaly County Council

Tipperary County Council

## 4.0 INVENTORY OF SUBMISSIONS

### Group A Prescribed Bodies

No.	Organisation	Submission relates to:
A1	Offaly County Council	1) Cycle Network on the Old Canal Line 2) Flood Management
A2	Irish Water	Water services
A3	Dept. Housing, Planning & Local Government	Sequential approach to zoning of land

### Group C Individual Submissions

No.	Group Name/Surname	Submission relates to:
C1	Paddy Buggy	Designation of areas for low to medium density residential development
C2	MDA C/O Paddy Buggy	Provision of Industrial and Commercial zoning at MDA
C3	MDA C/O Paddy Buggy	Following installation of flood defences the areas protected by these defences should be re-designated as not being prone to flooding to allow property owners regain insurance
C4	Michael, Gerard & Bernard Rochford	Change of zoning from Enterprise and Employment to Residential at N80/Bay Road Change of zoning from Enterprise and Employment to Open Space & Amenity at Bay Road
C5	Martha Hourigan	Welcomes the de-zoning of lands at Harbour Street
C6	TII	Road infrastructure related objectives
C7	Kingscroft C/O The Planning Partnership	Seeking the Residential zoning of lands at Irishtown
C8	Noel & Lucia Marie Delaney	Change of zoning from Residential to Enterprise & Employment at Lord Edward Street