



Portarlinton

Draft Joint Local Area Plan 2018 - 2024

Stage 3: Chief Executive's Report On

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

30th 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 LAP 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 LAP 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 Joint Portarlington Local Area Plan 2018 – 2024 was on public display during the period 21st March 2018 – 8th May 2018. Public Information Sessions were held in Laois County Council on 5th April 2018 and the Leisure Centre, Portarlington on 12th April 2018 where the public attended and interacted with the plan team.

During the public display period, a total of 12 no. submissions were received as follows:

Group A Prescribed Bodies

No.	Organisation	Representative
A1	Irish Water	Suzanne Dempsey
A2	Dept. Housing, Planning & Local Government	Niall Cussen

Group B Elected Representatives

No.	Title	Name
B1	Councillor	Tom Mulhall

Group C Individual Submissions

No.	Group Name/ Name	Representative
C1	Anne Young	
C2	David Maher, Pdraig Maher & Barry Fogarty	David Maher
C3	The Booth Partnership	Jason Redmond

C4	The Booth Partnership	Jason Redmond
C5	Andrew & Coleman Sheehy	Simon Clear
C6	Tom Leonard	
C7	Matthew Dunne	
C8	John Dunne	
C9	Gillian Hipwell, Joyce Hipwell & William Dignam	Gillian Hipwell

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 3 below.

The Chief Executive has made a number of recommendations outlined in Section 3 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 LAP and this report, shall decide whether to adopt the Local Area Plan or to amend the plan.

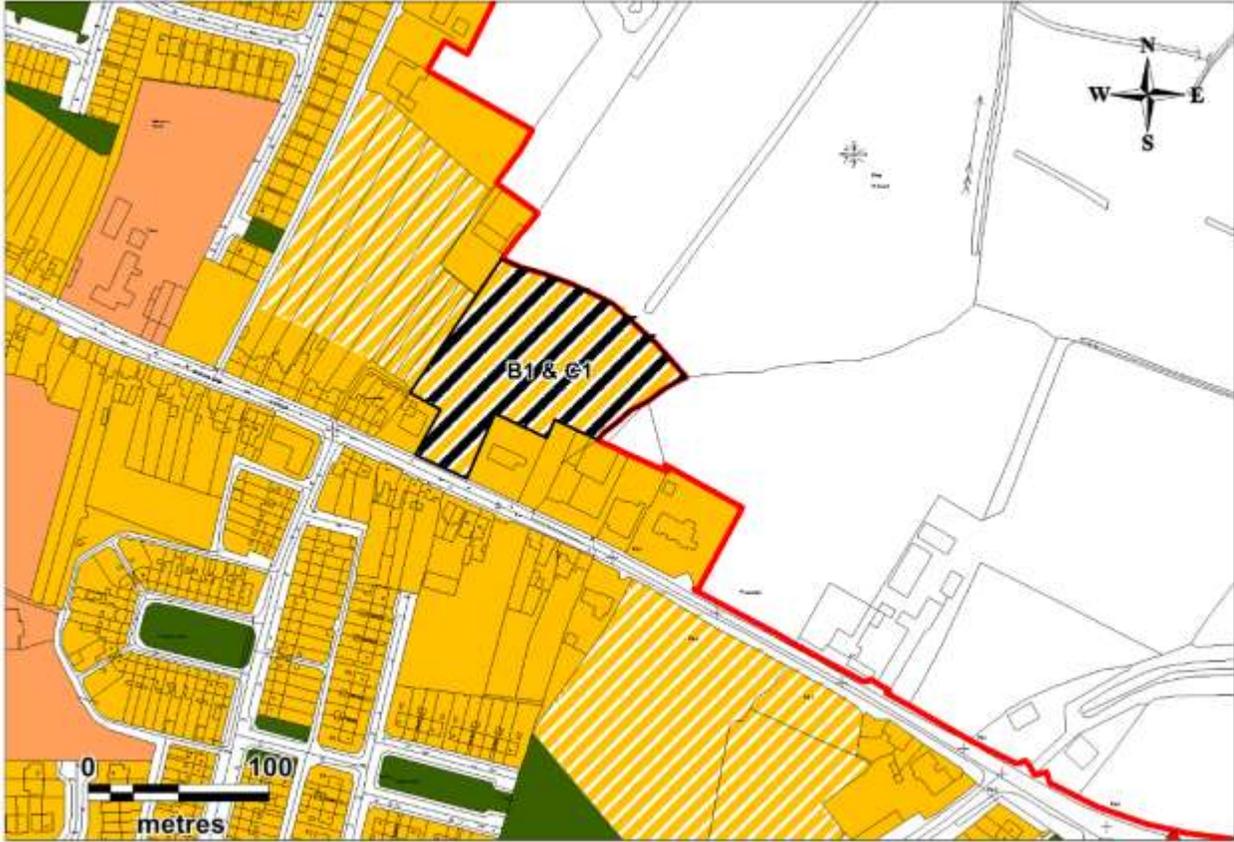
2.0 SUMMARY OF ISSUES RAISED, CHIEF EXECUTIVE'S OPINION AND RECOMMENDATION

2.1 PRESCRIBED BODIES

Submission Number	A1	Prescribed Body	Irish Water
Summary of Issues Raised			
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.			
Opinion of Chief Executive			
Noted			
Chief Executive's Recommendation			
No action			

Submission Number	A2	Prescribed Body	Dept. Housing, Planning & Local Government C/O Niall Cussen
Summary of Issues Raised			
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 in identified Flood Zones A & 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.			
Opinion of Chief Executive			
Noted			
Chief Executive's Recommendation			
No further action			

2.2 ELECTED REPRESENTATIVES

Submission Number	B1	Name	Cllr. Tom Mulhall
Summary of Issues Raised			
Requests rezoning of land from Residential to Agriculture at Bracklone Street (Patrick, Francis & Anne Young)			
Opinion of Chief Executive			
<p>The lands are located on Bracklone Street and are considered infill as there are dwellings located to the East and West. The lands have limited frontage and open out to the rear. It is considered that to completely de-zone the lands is not appropriate given the location contiguous to the built up area of the town. The zoning of the site frontage only is considered desirable and de-zone the lands to the rear.</p>			
			
Chief Executive's Recommendation			
Retain the Residential 2 zoning on an infill site to the front of the lands as follows:			



2.3 PUBLIC SUBMISSIONS

Submission Number	C1	Name	Anne Young
Summary of Issues Raised			
Requests the rezoning of land from Residential to Agriculture at Bracklone Street			
			
Opinion of Chief Executive			
<p>The lands are located on Bracklone street and are considered infill as there are dwellings located to the East and West. The lands have limited frontage and open out to the rear. It is considered that to completely de-zone the lands is not appropriate given the location within the built up area of the town. The zoning of the site frontage only is considered desirable and de-zone the lands to the rear.</p>			
Chief Executive's Recommendation			
<p>Retain the Residential 2 zoning on an infill site to the front of the lands as follows:</p>			



Submission Number	C2	Name	David Maher
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Summary of Issues Raised

Site A: Welcomes change of zoning from Residential 2 to Enterprise & Employment at Lea Road.

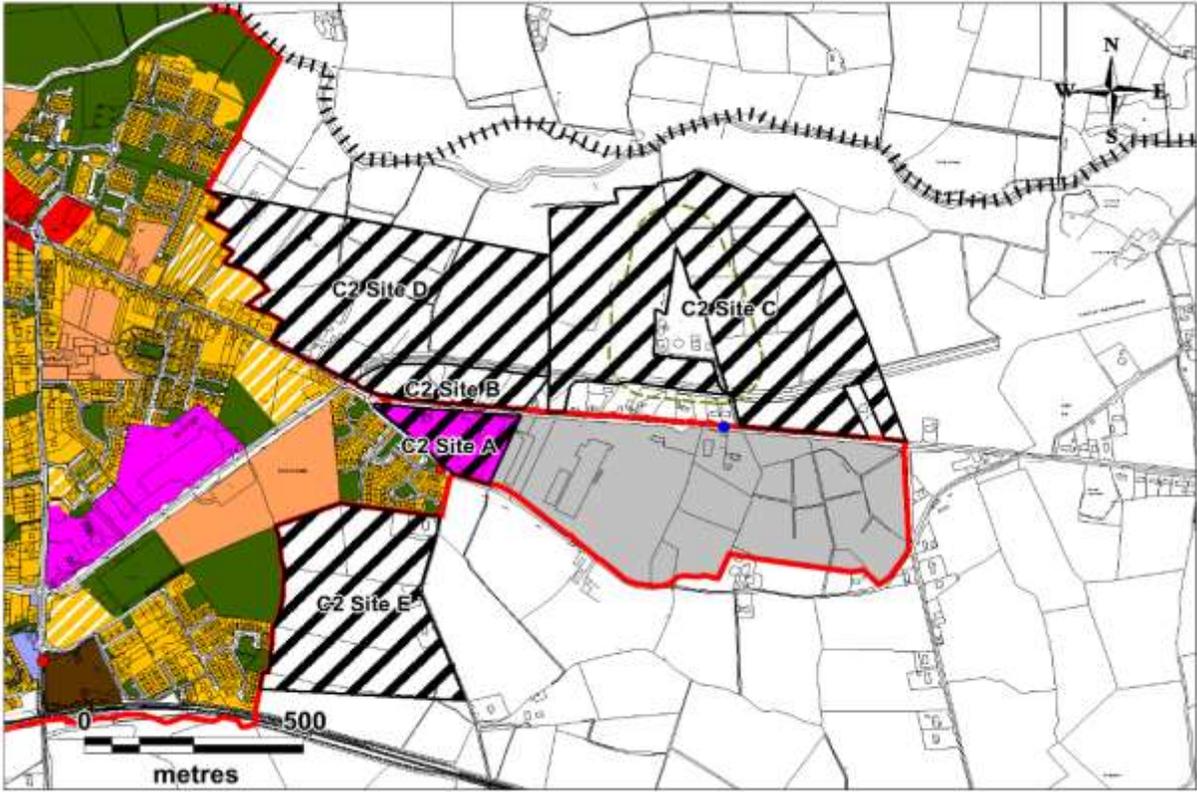
Site B: Request change of zoning from Agriculture to Enterprise & Employment at Lea Road. The submission includes the following justification (in summary):

- High profile and serviced sites make it ideal for Enterprise and Employment;
- Development in conjunction with Site A would lead to balanced development;
- The timeframe for development of Site A is short to medium;
- No additional zoned land in close proximity will make it impossible to further develop this area should Site A be fully developed.

Site C: Request change from Agriculture to Industrial & Warehousing at Lea Road. The submission includes the following justification (in summary):

- Ideally located for a strong industrial base;
- Served site with access onto the Dublin Road, suitable for heavy industry and major industries;
- Existing permission for road access and industrial unit;
- Unknown if any alternative industrial land has realistic potential for development;
- Both land owners have a proven track record.

Sites D & E: Consideration should be given to Residential use at Lea Road in future development plans.



Opinion of Chief Executive

Site A: Noted

Site B: The site is a narrow strip of land which runs parallel to the R420 (North). There is a large bank of land to the south of the R420 which is zoned Industrial/ Enterprise and Employment. It is considered that there are sufficient lands zoned in this area for the plan period.

Site C: The site is a large area of land to the north of the R420. The lands extend to the River Barrow further North which incorporates The River Barrow/River Nore SAC and a flood zone. Access to the site is from the R420, Strategic Regional Road, outside the town speed limits. There is a large bank of land to the south of the R420 which is zoned Industrial/ Enterprise and Employment.

No further action is recommended having regard to the following:

- Sufficient lands for Industrial/Enterprise and Employment lands zoned in this area for the plan period;
- Proximity to the River Barrow and associated SAC;
- Location of part of the lands within designated flood zones;
- Access to the land is from outside the 60km/h speed limit and on a Strategic Regional Road, R420.

Site D & E: Consideration will be given to these sites in the preparation of the Local Area Plan in 2024-2030 based on a need assessment at the time.

In relation to sites B, C, and D the line of the now abandoned Grand Canal runs parallel to the R420 through these sites. It is considered that this area should be protected from development in order to investigate the feasibility of providing a cycleway/greenway from Mountmellick through Portarlinton to Monasterevin, connecting with regional and national cycle networks.

Chief Executive's Recommendation

Site A: No further action

Site B: No further action

Site C: No further action

Site D & E: No further action

- 1) Include a policy in Chapter 16 as follows:

NH O14: Examine the feasibility of connecting Portarlinton with regional and national cycle networks via the Old Canal Line for cycleways to encourage positive economic, social and cultural benefits to the town and wider rural hinterland.

Submission Number	C3	Name	Booth Partnership C/O Jason Redmond
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Summary of Issues Raised

Welcomes the change of zoning from Neighbourhood Centre to Residential 2 at the former Port Shopping Centre Site, Sandy Lane

Large scale commercial development was granted under Pl. Ref. 09/357. There is now a significant demand for residential housing in Portarlinton. The site is centrally located with respect to the Town Centre, schools, shops, library, swimming pool etc. The site is located outside of the flood zone and is well served. Site is surrounded by existing residential development.



Opinion of Chief Executive

Noted

Chief Executive's Recommendation

No further action

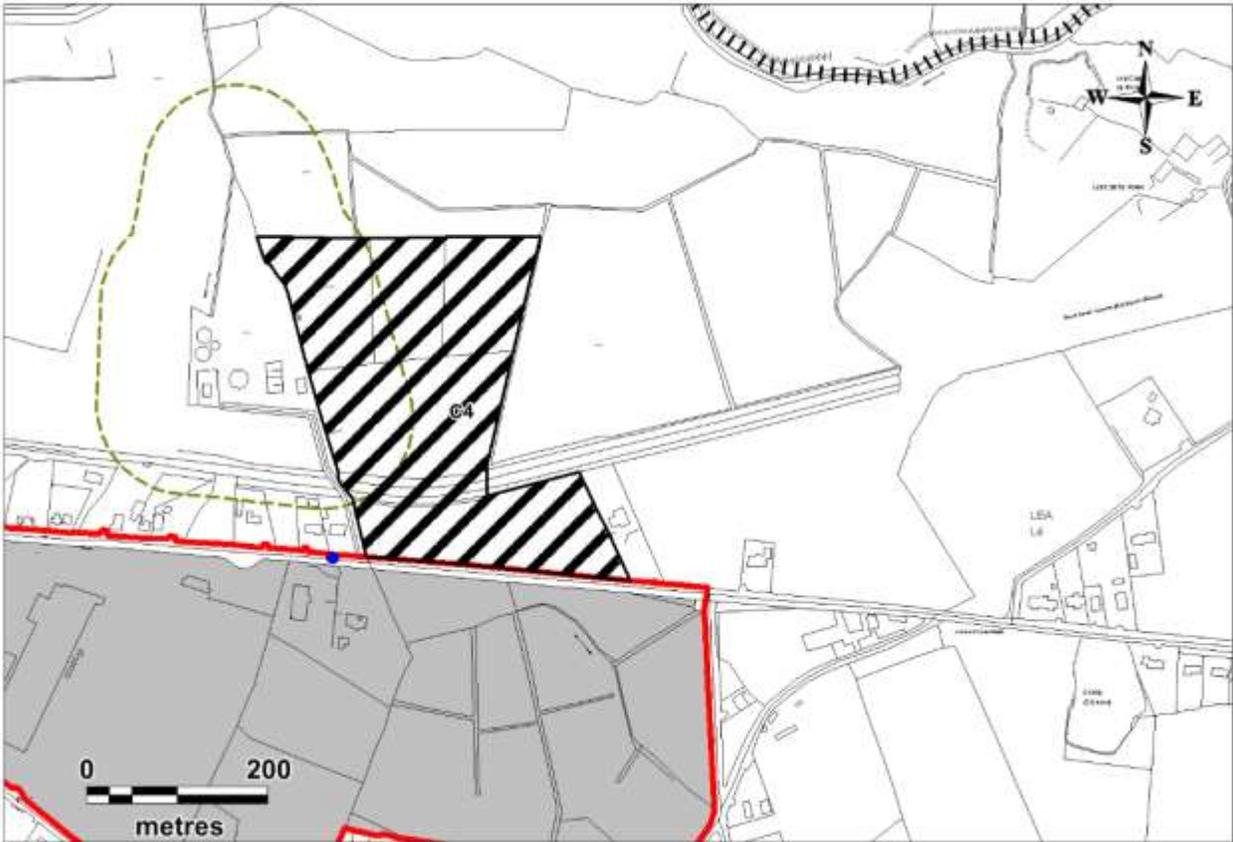
Submission Number	C4	Name	Booth Partnership C/O Jason Redmond
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Summary of Issues Raised

Lands should be retained for Industrial zoning at Lea Road Industrial Site, Lea Road.

The submission includes the following justification (in summary):

- Permission was previously granted under Pl. Ref. 08/750 for site services and a concrete batching plant;
- There has been an improvement recently in industrial and enterprise demand;
- Market rents justify build costs and finance is now available;
- There is strong demand for larger industrial sites in Portarlinton and a lack of supply;
- The observers concur with the submission (No. C2) of Mr. David Maher;
- The lands identified to be retained as industrial lands to the south of the road are owned by Jamestown Engineering and local farmers and are actively farmed. Are these lands available for a large industrial use?
- The site is well serviced by roads, foul drainage, water main and storm drainage systems;
- The proximity to the sewage treatment plant would be of great advantage to certain types of industry.



Opinion of Chief Executive

The site is a large area of land to the north of the R420. The lands extend to the River Barrow further north which incorporates The River Barrow/River Nore SAC and a flood zone. Access to the site is from the R420 Strategic Regional Road outside the town speed limits. There is a large bank of land to the south of the R420 which is zoned Industrial/ Enterprise and Employment.

No further action is recommended having regard to the following:

- Sufficient lands Industrial/Enterprise and Employment lands zoned in this area for the plan period;
- Proximity to the River Barrow and associated SAC;
- Location of part of the lands within designated flood zones;
- Access to the land is from outside the 60km/h speed limit and on a Strategic Regional Road.
- The line of the now abandoned Grand Canal runs parallel to the R420 through these sites. It is considered that this area should be protected from development in order to investigate the feasibility of providing a cycleway/greenway from Mountmellick through Portarlinton to Monasterevin and connecting with regional and national cycle networks.

Chief Executive's Recommendation

Include a policy in Chapter 16 as follows:

NH O14: Examine the feasibility of connecting Portarlinton with regional and national cycle networks via the Old Canal Line for cycleways to encourage positive economic, social and cultural benefits to the town and wider rural hinterland.

Submission Number	C5	Name	Andrew & Coleman Sheehy C/O Simon Clear
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Summary of Issues Raised

Seeking a partial change of zoning from Open Space to Residential at Kilnacourt

The submission includes the following justification (in summary):

An “island” of land is zoned for Open Space and Amenity but is not affected by the SFRA 1:100 and 1:1000 flood returns. The observer is requesting the zoning of this parcel of land be changed to residential as they are demonstrably not located in a flood zone. The precautionary approach to land use zoning is hindering the development potential of parts of the subject site not within a flood zone.

The land is close to the town centre and the sustainable use of the lands within the town centre catchment should be maximised. The area zoned for Open Space and Amenity is excessive and surplus to the needs of the community. A residential development will increase the passive surveillance provided for the open space and amenity area. Development will be designed with consideration for flood risk including the effect of climate change. Any proposal would be subject to site specific flood risk assessment.



Opinion of Chief Executive

The lands are located immediately north of the River Barrow and are in agricultural use. A significant portion of the site is within Flood Zone A in the Portarlinton 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 Portarlinton it would be inappropriate to zone lands for further development at this location.

An adequate access point to serve these lands is not evident.

Zoning of this entire portion of land should be resisted in order to avoid exacerbating flooding in Portarlinton.

Chief Executive's Recommendation

No further action

Submission Number	C6	Name	Tom Leonard
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Summary of Issues Raised

Seeking the inclusion of lands for Residential development at Droughill

The submission includes the following justification (in summary):

- The land is in close proximity (walking distance) to the Town Centre;
- A new sewerage line has been constructed through the land;
- Land has been stripped of top soil as 108 no. houses were to be constructed in 2007.



Opinion of Chief Executive

The lands are located to the east of the Town Centre at the outskirts of the settlement boundary.

As set out under the Core Strategy of the Laois County Development Plan 2017-2023 and Chapter 2 “Development Strategy” of the Joint Draft LAP, Portarlington has a housing land requirement of 39 hectares (34ha. in Laois and 5ha. in Offaly) up to the target year of 2024. The delivery of residential units will be through consolidation of the Town Centre and development of the “Residential 2” land bank, which will enable the housing target to be achieved.

The lands subject of this submission were designated “*Strategic Reserve*” under the Joint Local Area Plan 2012-2018. Permission was previously granted on the lands for 137 no. dwellings under Pl. Ref. 03/1543. The lands are located close to the Town Centre, outside of any flood zone, are accessible and serviced. Inclusion of the lands for Residential development will not impact on the target of the Core Strategy.

Chief Executive’s Recommendation

Include the lands for Residential 2 development.

Submission Number	C7	Name	Matthew Dunne
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Summary of Issues Raised

Seeking the zoning of 11 acres of land for Residential and 15.5 acres for Amenity/Recreation/soccer pitch at Critchley’s Close on the Portlaoise Road

The submission includes the following justification (in summary):

- Lands are currently in NAMA and subject to stray horses and anti social behaviour;
- Previously residential in the 2006 – 2012 LAP;
- The stone wall can be restored and a roundabout installed for Sandy Lane;
- JBA Consulting Engineers have confirmed that a portion of the lands are higher than permitted development;
- Line of exclusive detached houses would be very attractive;
- Part of lands adjacent to Supervalu to be used for athletics/ soccer;
- A flood risk assessment would be commissioned;
- The special area of conservation is not what the town wants as the lands are too strategic and there is no conservation of flora or fauna necessary;
- The de-zoning of 4 acres on the Monasterevin Road (David Maher) could be transferred to this location.



Opinion of Chief Executive

The lands are located within Flood Zone A in the Portarlinton 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 Portarlinton it would be inappropriate to zone lands for further development at this location.

The western half of the site is located within the River Barrow/River Nore Special Area of Conservation (SAC). This is a European designated site and development will not be permitted on such designated lands if there would be an impact on the qualifying interests of the SAC.

The lands should remain Open Space and Amenity.

Chief Executive's Recommendation

No further action

Submission Number	C8	Name	John Dunne
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Summary of Issues Raised

Seeks change of zoning from Agriculture to Residential at Droughill



Opinion of Chief Executive

The lands are located to the east of the Town Centre at the outskirts of the settlement boundary.

As set out under the Core Strategy of the Laois County Development Plan 2017-2023 and Chapter 2 “Development Strategy” of the Joint Draft LAP, Portarlinton has a housing land requirement of 39 hectares (34ha. in Laois and 5ha. in Offaly) up to the target year of 2024. The delivery of residential units will be through consolidation of the Town Centre and development of the “Residential 2” land bank, which will enable the housing target to be achieved.

The lands subject of this submission were designated “Strategic Reserve” under the Joint Local Area Plan 2012-2018. Permission was previously granted on the lands for 137 no. dwellings under Pl. Ref. 03/1543. The lands are located close to the Town Centre, outside of any flood zone, are accessible and serviced. Inclusion of the lands for Residential development will not impact on the target of the Core Strategy.

Chief Executive's Recommendation

No further action

Submission Number	C9	Name	Gillian Hipwell, Joyce Hipwell & William Dignam C/O Gillian Hipwell
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Summary of Issues Raised

Seeks change of zoning from Residential to Agriculture at Ballymorris Road



Opinion of Chief Executive

The land is located on the Ballymorris Road and is surrounded by residential lands. It is considered appropriate that these lands remain zoned for Residential 2 as the lands are contiguous to similarly zoned lands.

Chief Executive's Recommendation

No further action

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	Irish Water	Water Services
A2	Dept. Housing, Planning & Local Government	Sequential approach to zoning of land

Group B Elected Representatives

No.	Title	Submission relates to:
B1	Cllr. Tom Mulhall	Seeks change of zoning from Residential to Agriculture at Bracklone Street

Group C Individual Submissions

No.	Group Name/Name	Submission relates to:
C1	Anne Young	Seeks change of zoning from Residential to Agriculture at Bracklone Street
C2	David Maher, Pdraig Maher & Barry Fogarty	Welcomes the zoning of: A) Enterprise & Employment; Seeks the zoning of: B) Enterprise & Employment; C) Industrial & Warehousing; D) & E) Residential zoning, all at Lea Road
C3	The Booth Partnership C/O Jason Redmond	Welcomes change of zoning from Neighbourhood Centre to Residential 2 at former Port Shopping Centre Site, Sandy Lane
C4	The Booth Partnership C/O Jason Redmond	Seeks retention of Industrial zoning at Lea Road
C5	Andrew & Coleman Sheehy	Seeks zoning of lands for Residential at Kilnacourt
C6	Tom Leonard	Seeks inclusion of lands for Residential at Droughill
C7	Matthew Dunne	Seeks zoning of 11 acres for Residential and 15.5 acres for Amenity/Recreation at Portlaoise Road
C8	John Dunne	Seeks change of zoning from Agriculture to Residential at Droughill
C9	Gillian Hipwell, Joyce Hipwell & William Dignam C/O Gillian Hipwell	Seeks change of zoning from Residential to Agriculture at Ballymorris Road