



Portarlinton

Draft Joint Local Area Plan 2018 - 2024

Stage 5: Chief Executive's Report On

**Stage 4: Submissions and Observations
received during the proposed
Material Alterations
Public Consultation**

17th August 2018

1.0 INTRODUCTION

This Chief Executive's Report relates to the submissions or observations received on the Proposed Material Alterations of the Draft Portarlinton Local Area Plan (LAP) 2018 -2023. This Chief Executive's Report is submitted under Section 20(3)(k) 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 Material Alteration to the Draft LAP, including any change to the proposed Material Alteration as the Chief Executive considers appropriate, 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 proposed Material Alterations of the Draft LAP and this report of the Chief Executive.

The reader should note that submissions or observations on issues which do not relate to the proposed Material Alterations will not be considered at this stage in the plan making process.

1.1 NEXT STEPS

Following consideration of this Chief Executive's Report, the Local Area Plan shall be made by the Planning Authority by resolution, with all, some or none of the Material Alterations.

Where the Planning Authority decides to make the Local Area Plan or further modify the Material Alteration of the Local Area Plan by resolution the following is applicable:

- (a) In relation to the making of a resolution - It shall be necessary for the passing of the resolution that it shall be passed by not less than half of the members of the Planning Authority. This requirement is in addition to, and not in substitution for, any other requirements applying in relation to such a resolution;
- (b) In relation to any change to the Material Alteration proposed – A further modification to the Material Alteration:
 - (i) May be made where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site,
 - (ii) Shall not be made where it refers to:

- (a) An increase in the area of land zoned for any purpose, or
- (b) An increase to or deletion from the Record of Protected Structures.

When performing their functions under this subsection, the Members of the Planning Authority shall be restricted to considering 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 for the time being of the Government or of any Minister of the Government.

1.2 ENVIRONMENTAL ASSESSMENT

The proposed Material Alterations to the Draft LAP were accompanied by an Addendum to the Strategic Environmental Assessment Environmental Report, Appropriate Assessment Report and Strategic Flood Risk Assessment. This Chief Executive's Report should be read in conjunction with the aforementioned Addendum.

SEA – A Strategic Environmental Assessment accompanied the Draft LAP. The proposed Material Alterations to the Draft LAP have been evaluated in the manner set out in the SEA Regulations and the findings of this evaluation were published with the proposed Material Alterations. The SEA analysis has determined that providing the additional mitigation measures for the Material Alterations No. 4 (Lea Road) and No. 5 (Droughill) are adopted, likely significant effects on the environment are avoided.

AA – A Natura Impact Report accompanied the Draft LAP. The proposed Material Alterations to the Draft LAP have been evaluated with respect to a requirement for Appropriate Assessment and the findings of this evaluation were published with the proposed Material Alterations. The AA analysis has determined that the zoning of lands under proposed Material Alterations No. 4 (Lea Road) and No. 5 (Droughill) have the potential for significant effects to the River Barrow and River Nore SAC. The Natura Impact Report is required to be updated and appropriate mitigation measures should be outlined to ensure that future development within these lands do not result in likely significant effects.

SFRA – A Strategic Flood Risk Assessment accompanied the Draft LAP. The proposed Material Alterations have been subject to a Strategic Flood Risk Assessment and the findings of this assessment were published with the proposed Material Alterations. Two of the proposed Material Alterations No. 4 (Lea Road) and No. 6 (Bog Road) are located on lands within Flood Zones A and B.

1.3 CONSULTATION PROCESS & LIST OF SUBMISSIONS

The proposed Material Alterations to the Draft Portarlington Local Area Plan 2018 – 2024 were on public display during the period 16th July to 13th August 2018.

During the public display period, a total of 10 no. submissions on the proposed Material Alterations were received as follows:

Group A Prescribed Bodies

No.	Organisation	Representative
A1	Kilkenny County Council	Maura O'Leary
A2	Environment Protection Agency	David Galvin
A3	Irish Water	Suzanne Dempsey

Group B Individual Submissions

No.	Group Name/Surname	Representative/ Forename
B1	Slattery	Gabriel
B2	Lawlor	John
B3	Wyse	Elke
B4	Rogers	Brenda
B5	McCormack	Alicia
B6	Robbins	Edwin
B7	Hickey	Gerard

1.4 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. The proposed Material Alterations detail amended / new text highlighted in red, deleted text outlined in ~~blue strikethrough~~ and any further modification proposed is shown in green.

This Report is submitted to the Members for their consideration.

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

2.1 PRESCRIBED BODIES

Submission Number	A1	Prescribed Body	Kilkenny Council	County
Summary of Issues Raised				
No observations to make				
Opinion of Chief Executive				
Noted				
Chief Executive's Recommendation				
None				

Submission Number	A2	Prescribed Body	EPA
Summary of Issues Raised			
Observation made in relation to the SEA process and advising in relation to any further modification and the requirement for further screening. They also advise in relation to the provision of an SEA Statement following adoption of the alternations.			
Opinion of Chief Executive			
Noted			
Chief Executive's Recommendation			
None			

Submission Number	A3	Prescribed Body	Irish Water
Summary of Issues Raised			
No observations to make			

Opinion of Chief Executive
Noted
Chief Executive's Recommendation
None

2.2 PUBLIC SUBMISSIONS

Submission Number	B1	Name	Gabriel Slattery
Summary of Issues Raised			
Material Alteration No. 6:			
Agrees to the change of zoning from Enterprise and Employment to Residential 2 and unzoned lands at Bog Road			
Opinion of Chief Executive			
Noted			
Chief Executive's Recommendation			
No further action			

Submission Number	B2	Name	John Lawlor
Summary of Issues Raised			
<p>Portarlington has a very serious problem with its main street which has remained unchanged for at least 25 years. The last significant change was to make it one way, and to add in the link road to bypass the main street - that change dates back to the 1990s. The built environment should inspire, instead the main street is utterly depressing; poorly maintained buildings, ugly - unsightly overhead cables, garish shop fronts. This is why the town can hardly support one café despite a population of over 8,000 people. Nobody wants to spend time, or money in an environment like that. This is why Portarlington leaks consumer revenue to neighbouring Portlaoise and other towns. By contrast, Abbeyleix can support several busy cafés and even a bakery even though it has a much smaller population. There are plans to develop greenways and blueways which are fantastic ideas. This will bring more people into the town, but the main street as it currently stands wouldn't encourage anyone to stay and spend money. In light of the above I would like to make the following submission:</p> <ul style="list-style-type: none"> - Investigate the feasibility of pedestrianising main street (from Bank of Ireland to the Square). This should include replacing the existing tarmac with cobblestones or similar. - The building housing the Square Garage should be turned into a museum, and also similarly the old cinema should be redeveloped. - Improvements should be made to the streetscape including placing all electrical and telephone cabling underground. - Street lighting to be replaced with more attractive lighting similar to that used in Abbeyleix. 			

- All derelict buildings to be maintained, or be subject to compulsory purchase order by Laois County Council.

- Laois County Council should enforce a code of practice in relation to the appearance of shop fronts. Kerry County Council has done this already. Shop fronts in Dingle for example have to conform to certain standards set out by the council. A case in point is the new development of Ed's Diner at Spa street. While the re-development of the old pub is absolutely welcome, the garish colours of bright orange and green should never have been allowed.

- Businesses which don't add to the overall aesthetic of the main street should be strongly discouraged. For example: Portarlinton does not need two bookmakers. These premises should be smaller (and again the shop front should conform to standards set by the council), or only permitted on side streets like Park Lane.

The next question is where does the funding for such changes come from? The population of Portarlinton has doubled over the last 10 years. That is a significant increase in property taxes for Laois County Council. Where is that being spent? It should fund more than a single traffic light. Dungarvan in Co. Waterford spent a fortune on the square in the center of the town. It has a population similar to that of Portarlinton. Portarlinton deserves better.

Investigate the purchase of the building with 'M O'ROURKE' on the front and the adjoining building. Both buildings are derelict. These buildings should be demolished. This would allow the road to be widened at its narrowest point, and may allow better flow of traffic through the street.

I realise that submissions are only for material alterations but perhaps these could be discussed and voted upon by the council at a future meeting.

Opinion of Chief Executive

The issues raised above do not relate to the material alterations which were on public display. Therefore, this submission is outside the scope of what can be considered in this part of the Local Area Plan review process.

Chief Executive's Recommendation

No further action

Submission Number	B3	Name	Elke Wyse
Summary of Issues Raised			
Relates to the fencing of the playground in Portarlinton			
Opinion of Chief Executive			
Noted			

Chief Executive's Recommendation
No further action

Submission Number	B4	Name	Brenda Rogers
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Summary of Issues Raised
Relates to the fencing of the playground in Portarlington

Opinion of Chief Executive
The issues raised above do not relate to the material alterations which were on public display. Therefore, this submission is outside the scope of what can be considered in this part of the Local Area Plan review process.

Chief Executive's Recommendation
No further action

Submission Number	B5	Name	Alicia McCormack
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Summary of Issues Raised
Relates to enclosing the playground in Portarlington

Opinion of Chief Executive
The issues raised above do not relate to the material alterations which were on public display. Therefore, this submission is outside the scope of what can be considered in this part of the Local Area Plan review process.

Chief Executive's Recommendation
No further action

Submission Number	B6	Name	Edwin Robbins
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Summary of Issues Raised
Requests land zoned for "Community/ Educational and Institutional" be zoned "Town Centre".

Opinion of Chief Executive

The issues raised above do not relate to the material alterations which were on public display. Therefore, this submission is outside the scope of what can be considered in this part of the Local Area Plan review process.

Chief Executive's Recommendation

No further action

Submission Number	B7	Name	Gerard Hickey
Summary of Issues Raised			
<p>The following items should be included:</p> <ul style="list-style-type: none">• River walk along river bank• Car park for town centre• Rise and level field for public amenities• Access road from Council houses• Bicycle way from Portarlinton to Athy			
Opinion of Chief Executive			
<p>The issues raised above do not relate to the material alterations which were on public display. Therefore, this submission is outside the scope of what can be considered in this part of the Local Area Plan review process.</p>			
Chief Executive's Recommendation			
No further action			

3.0 PRESCRIBED BODIES

The following prescribed bodies were notified of the proposed Material Alterations to 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	Kilkenny County Council	No observation
A2	EPA	Strategic Environmental Assessment
A3	Irish water	No observation

Group B Individual Submissions

No.	Group Name/Surname	Submission relates to:
B1	Gabriel Slattery	MA No.6: Agrees to change from Enterprise & Employment to Residential 2 and unzoned lands at Bog Road
B2	John Lawlor	Does not relate to any alteration
B3	Elke Wyse	Does not relate to any alteration
B4	Brenda Rogers	Does not relate to any alteration
B5	Alicia McCormack	Does not relate to any alteration
B6	Edwin Robbins	Does not relate to any alteration
B7	Gerard Hickey	Does not relate to any alteration

5.0 DETERMINATION OF COMPLIANCE WITH SECTION 20 (Q) OF THE PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED) REGARDING FURTHER MODIFICATIONS TO PROPOSED MATERIAL ALTERATIONS

The Chief Executive's Report DOES NOT include recommendations regarding further modifications to the proposed Material Alterations.

6.0 CONCLUSION

Within six (6) weeks of receiving the Chief Executive's Report, the Elected Members must consider the Proposed Material Alterations and the Chief Executive's Report and decide whether to make the LAP with all, some or none of the Material Alterations as published.

A further modification to a Material Alteration may only be made where it is **minor** in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site. A further modification to the Material Alteration may not be made where it refers to an increase in the area of land zoned for any purpose, or an addition to or deletion from the Record of Protected Structures.

In making the LAP, the elected members, 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 Councillors' (June 2004) prepared under the Local Government Act 2001, carry out their duties in a transparent manner, must follow due process and must make their decisions based on relevant considerations.

Section 20(3) of the Planning and Development Acts 2000 to 2014 (as amended) states that the Members of the Council are restricted to:

- Considering the proper planning and sustainable development of the area to which the development plan relates;
- The statutory obligations of the local authority; and
- Any relevant policies or objectives for the time being of the Government or any Minister of the Government.