



## **Mountmellick**

### **Draft 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**

**17<sup>th</sup> 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 Mountmellick Local Area Plan (LAP) 2018 -2024. 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 the proposed Material Alterations to the LAP would not conflict with the protection of the environment.

**AA** – A Natura Impact Statement 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 none of the proposed Material Alterations to the LAP are considered to have potential for significant effects on any Natura 2000 site.

**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. The SFRA analysis has determined that none of the proposed Material Alterations are located on lands subject to Flood Zone A and B.

## 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.

### 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	Transport Infrastructure Ireland	Michael McCormack

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

### 2.1 PRESCRIBED BODIES

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

<b>Submission Number</b>	A2	<b>Prescribed Body</b>	EPA
<b>Summary of Issues Raised</b>			
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.			
<b>Opinion of Chief Executive</b>			
Noted			
<b>Chief Executive's Recommendation</b>			
None			

<b>Submission Number</b>	A3	<b>Prescribed Body</b>	Irish Water
<b>Summary of Issues Raised</b>			
No observations to make			

<b>Opinion of Chief Executive</b>
Noted
<b>Chief Executive's Recommendation</b>
None

## 2.2 PUBLIC SUBMISSIONS

<b>Submission Number</b>	B1	<b>Prescribed Body</b>	TII
<b>Summary of Issues Raised</b>			
<p><b>Material Alteration No. 2:</b></p> <p>The proposal to introduce a requirement for a Road Safety Audit under Policy TMP13 is welcomed. However, TMP 13 (and TM P10) should be updated to TII Publications which supersede the DMRB (Design Manual for Roads and Bridges).</p>			
<b>Opinion of Chief Executive</b>			
Noted			
<b>Chief Executive's Recommendation</b>			
<p>TMP 13 (and TM P10) will be updated to relate to TII Publications which supersede the DMRB (Design Manual for Roads and Bridges).</p>			

### **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	Notes alterations
A2	EPA	SEA procedure
A3	Irish water	Notes alterations

### Group B Individual Submissions

No.	Group Name/Surname	Submission relates to:
B1	TII	<b>MA. 2:</b> The proposal to introduce a requirement for a Road Safety Audit under Policy TMP13 is welcome. However, TMP 13 (and TM P10) should be updated to TII Publications which supersede the DMRB (Design Manual for Roads and Bridges).

## **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 includes recommendations regarding further modifications to the proposed Material Alterations, however the modification is very minor in nature.

## **6.0 CONCLUSION**

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.