

**Manager's Report on Submissions Received in respect of the  
Amendments to the Draft Local Area Plan for Kilcock Environs**

**Under Section 20 (3)(f) of the Planning & Development Acts 2000-2009**



**September 2009**

## **1.0 Introduction**

This report has been prepared with respect to the submissions received during the material amendments to the Draft Kilcock Environs Local Area Plan (LAP) public consultation period and in accordance with Section 20(3)(f) of the Planning and Development Acts 2000-2009.

The purpose of this report is to:

- List the persons who made submissions or observations on the proposed material amendments to the Draft LAP.
- Summarise the issues raised by the persons in the submissions or observations.
- Set out the opinion of the Manager in relation to the issues raised and his recommendations in relation to the proposed amendments to the LAP, taking account of the proper planning and sustainable development of the area, the statutory obligations of the local authority and the relevant policies or objectives for the time being of the Government or any Minister of the Government.

This report will be formally submitted to the Council for consideration at the County Council meeting on the 7<sup>th</sup> September 2009.

### **1.1 Draft Consultation Process**

The preparation of the Kilcock Environs LAP commenced with the publication of a Strategic Issues Paper which was placed on public display from 11<sup>th</sup> February 2009 to 6<sup>th</sup> March 2009. Written submissions from the public were invited during this

time. A total of 13 written submissions and observations were received.

The Draft Local Area Plan for Kilcock Environs was placed on public display for the period 16<sup>th</sup> March 2009 to 27<sup>th</sup> April 2009. The aim of the consultation process was to enable the public and interested parties to give their observations on the Draft Local Area Plan. 12 submissions were received as a result of the display of the draft plan. A Manager's Report was prepared on these submissions, summarising each one and detailing the response and recommendation of the Manager to them.

Following the distribution of this report, the Elected Members considered the Manager's Report to decide whether to make the Local Area Plan with or without modifications or not to make the plan. At a Council meeting on 6<sup>th</sup> July 2009, it was resolved to place proposed amendments to the draft Local Area Plan on public display.

The amendments to the Draft Local Area Plan were placed on public display for a 4 week period (20<sup>th</sup> July 2009 to 17<sup>th</sup> August 2009). A total of four written submissions were received.

### **1.2 Next Steps**

Following receipt of this report, the members have a further six weeks to consider this report (7<sup>th</sup> September 2009 – 19<sup>th</sup> October 2009) and to resolve to make the plan:

- as amended;
- or with variation or modification as recommended in the Managers report;

- or other than as recommended in the Managers report subject to modifications considered appropriate, (and the variation or modification the members of the authority so decide upon shall be the original variation or modification proposed by them, subject to such amendment of it as they consider appropriate).

The formal making of the Local Area Plan is done by resolution of the Council. During the entire plan-making process, the Council is restricted to considering the proper planning and sustainable development of the area. They must also take into account statutory obligations and any relevant Government policies and objectives in force.

**Section 2 Submissions Received**

**Section 2.1 List of Persons and Bodies who made submissions**

1. National Roads Authority, St. Martin's House, Waterloo Road, Dublin 4.
2. Department of Education and Science.
3. Environmental Protection Agency, Regional Inspectorate, Inniscarra, County Cork.
4. An Taisce, Tailor's Hall, Back Lane, Dublin 8.

**Section 2.2 Detailed Consideration of Submissions received**

Each submission was numbered upon receipt and it is this numbering sequence which is used in the report. The submissions are available for inspection in the Planning Department, Abbey Mall, Abbey Road, Navan.

<b>Submission Number</b>	<b>Name and Address</b>
<b>1</b>	<b>National Roads Authority, St. Martin's House, Waterloo Road, Dublin 4.</b>

**Summary**

The submission states that the Authority has previously commended Meath County Council on the approach to the integration of land use and transport in the Draft Plan and supports the objectives in relation to the requirement for TTA and noise mitigation. It notes that the Authority previously advised on the feasibility study which has been carried out for the Leinster Orbital Route and the potential route corridors for the scheme. It notes and welcomes that none of the proposed amendments involve zoning land within the potential route corridors. The Authority has no other specific comment to make regarding the remainder of the proposed amendments.

**Manager's Response**

The contents of the submission are noted.

**Manager's Recommendation**

No change required.

<b>Submission Number</b>	<b>Name and Address</b>
<b>2</b>	<b>Forward Planning Section, Department of Education and Science</b>

**Summary**

The Department notes the proposed amendments to the Draft Local Area Plan, particularly the new objective KSC OBJ3

which relates to the provision of a site for school/community facilities. The Department has no further comment to make.

**Manager's Response**

The contents of the submission are noted.

**Manager's Recommendation**

No change required.

<b>Submission Number</b>	<b>Name and Address</b>
<b>3</b>	<b>Environmental Protection Agency, Regional Inspectorate, Inniscarra, County Cork.</b>

**Summary**

It is firstly noted in the submission that the EPA's role in SEA in relation to land use plans focuses on promoting full integration of the findings of the environmental assessment into the Plan.

The submission states that it is a matter for Meath County Council to determine whether or not the implementation of the proposed amendments would be likely to have significant effects on the environment and refers to the relevant legislation in this regard. Information on the Planning Authority's determination with respect to the potential for 'likely significant effects of implementing the proposed amendments' and/or the SEA screening determination for the proposed amendments should where relevant and as appropriate be made available.

The submission also refers to Council's obligations under the Habitats Directive for Appropriate Assessment. Reference is made to the Department of the Environment, Heritage and Local Government circular on this matter.

The submission states that the LAP should promote the protection of surface water and groundwater resources and their associated habitats and species with provision made for the incorporation of specific objectives and measures set out in the Eastern River Basin Management Plan and associated Programme of Measures.

It is stated that the Plan should be mindful of any proposed development in highly vulnerable groundwater areas.

Details of a number of updated reports and legislation in the area of water and water quality are provided.

General reference is made in the submission to the responsibilities and obligations with regards to national and EU environmental legislation and that it is a matter for the Council to ensure that, when undertaking and fulfilling their statutory responsibilities, they are at all times compatible with the requirements of national and EU environmental legislation.

The obligation to prepare an SEA statement, in accordance with Article 141 of the Planning and Development Regulations, as amended by Article 8 of the SEA Regulations, is highlighted.

**Manager's Response**

SEA and AA screening were carried out for the draft LAP and the proposed amendments. It was concluded that full appropriate assessment or SEA would not be required. The

SEA statement shall be prepared as required under Article 8 of the Regulation following the making of the Local Area Plan for Kilcock.

**Manager's Recommendation**

No change required to the draft LAP.

<b>Submission Number</b>	<b>Name and Address</b>
4	<b>An Taisce, Tailor's Hall, Back Lane, Dublin 8.</b>

**Summary**

The submission states that the Rye Water River is subject to serious and regular flood events in the area of the LAP and that An Bord Pleanála has refused a number of planning applications for residential and infrastructural development on the lands. It states that the lands are unsuitable for urban development and should never have been zoned.

Reference is made to contents of the Flood Risk Management Guidelines (DoEHLG and OPW). The submission states that the previous Kilcock Environs LAP (2003) was prepared in the absence of a flood risk assessment and that there is no prohibition on the de-zoning of lands. It is argued that the LAP area is within Flood Zone A as per the Flood Risk Management Guidelines. The submission quotes the policy of the Guidelines for situations where a Planning Authority is considering the future development of areas at high or moderate probability of flooding. This policy includes a number of criteria to which the proposal must be compliant with. In cases where Planning Authorities consider that compliance with the criteria cannot be met, the Guidelines advise that

zoning objectives should be reconsidered and local authorities may decide to implement one of a number of options listed in the Guidelines. It is argued that compliance with the criteria is not evident in the case of the LAP lands and that the options listed in the Guidelines have not been considered by the Planning Authority.

The submission states that a full SEA should have been carried out for the lands given the flooding and natural heritage issues present. It advises of the decision by An Bord Pleanála in respect of a planning application for infrastructural development (DA/60558) in which the Board considered the impact on the Rye Water River cSAC a substantive issue for consideration.

It is argued in the submission that the replacement of the G1 zoning with a residential zoning and special objective renders the plan inconsistent with the Meath County Development Plan 2007 – 2013 in terms of compliance with Table 6 of the Plan and Variation No. 2).

The submission highlights that An Taisce's role in the statutory plan making process, like that of other ENGOs, Government Departments and statutory bodies, is solely to seek the regulation of land use in accordance with the best principles of development, the common good and against individual vested interests; the protection and enhancement of the built and natural environment and scarce natural resources upon which society and the economic rely; the promotion of local employment, communities and quality of life infrastructure; and the efficient provision and investment in publicly financed infrastructure. It is argued that Planning Authorities, including Meath County Council, have not adhered to these principles in the past in the preparation of development plans and local

areas plan which has led to overzoning and unsustainable development and contributed to the overheating of the property market, loss of national competitiveness, the current national economic morass and requirement to establish the National Assets Management Agency. The submission concludes by stating that it is hoped that a different approach will be adopted in the preparation of land use plans which will promote the common good over vested interests.

**Manager's Response**

At the time of the preparation of the draft Local Area Plan, a flood risk assessment and management study for the environs area had been initiated. This has since been completed, as stated in the proposed amendments to the draft LAP. The flood study includes requirements for flood protection works across the LAP lands as a whole and within individual development areas. Figure 8 in the proposed amendments illustrates an example of the flood protection works, the future Q100+ climate change floodplain and proposed flood storage areas. The proposed amendments make it a requirement for all new development to comply with the study.

The alteration in land use zonings proposed in the amendments would not result in a substantial increase in residential land given the sizes for school sites recommended by the Department of Education and Science. Notwithstanding this, the draft LAP includes a policy to explore the provision of a micro order of priority for the LAP lands for the release of lands on a phased basis and the provision of planning permissions in excess of the standing 5 years. This policy is unaffected by the proposed amendments.

**Manager's Recommendation**

No change required.

**Section 3 – List of the Persons/ Bodies who were informed of the proposed amendments to the Local Area Plan under the statutory process,**

Assistant Principal,  
Spatial Policy,  
Department of the Environment, Heritage & Local  
Government,  
Custom House,  
Dublin 1.

Minister for Transport,  
44 Kildare Street,  
Dublin 2.

Department of Communications, Energy & Natural Resources,  
Leeson Lane,  
Dublin 2.

Assistant Principal,  
Co-ordination Unit,  
Planning Section,  
Dept. of Education,  
Tullamore,  
Co. Offaly.

Office of Public Works  
Newtown,  
Trim,  
Co. Meath.

Bord Failte,  
Baggot Street Bridge,  
Dublin 2.

Central Fisheries Board,  
Mobhi Boreen,  
Glasnevin,  
Dublin 9.

The Secretary for ESB,  
ESB Head Office,  
27 Lower Fitzwilliam Street,  
Dublin 2.

Dublin Transport Office  
Floor 3, Hainault House,  
69-71 St. Stephens Green,  
Dublin 2.

Commissioners of Public Works  
51 St. Stephens Green,  
Dublin 1.

Heritage Council,  
Rothe House,  
Parliament Street,  
Kilkenny.

Health Service Executive,  
North Eastern Area,  
Headfort Place,  
Kells,  
Co. Meath.

Eastern Regional Fisheries Board,  
15A Main Street  
Blackrock  
Co. Dublin.

National Roads Authority,  
St. Martins House,  
Waterloo Road,  
Dublin 2.

Department of Arts,  
Sports & Tourism,  
Kildare Street,  
Dublin.

An Taisce,  
Tailors Hall,  
Back Lane,  
Dublin 8.

Dublin Regional Authority,  
11 Parnell Square,  
Dublin 1.

The Manager,  
Development Applications Unit,  
Department of the Environment, Heritage & Local  
Government,  
Dun Sceine,  
Harcourt Lane,  
Dublin 2.

Minister for Education & Science,  
Secretarial Headquarters,  
Marlborough St.,  
Dublin 1.

Meath County Development Board,  
County Hall,

Railway Street,  
Navan,  
Co. Meath.

National Parks & Wildlife Service,  
Department of Environment, Heritage & Local Government,  
7 Ely Place,  
Dublin 2.

Bus Eireann,  
Broadstone,  
Dublin 7.

An Taisce,  
Gate Lodge,  
Bective House,  
Balgill,  
Navan,  
Co. Meath.

Mr. John Barry,  
Manager of Capital Projects,  
Transmission Operations,  
Bord Gais Eireann,  
Gasworks Road,  
Cork.

Mr. Tadhg O'Mahony,  
Regional Inspectorate,  
Environmental Protection Agency,  
Inniscarra,  
Co. Cork.