



Comhshaoil, Pobal agus Rialtas Áitiúil
Environment, Community and Local Government

15 February 2014

For the Attention of: Barry Kehoe, County Manager, Westmeath County Council.

County Buildings,
Mullingar,
County Westmeath

**Section 31 of the Planning and Development Act 2000, as amended
by the Planning and Development (Amendment) Act 2010
Notice of Intent to Issue a Direction relating to the
Mullingar Local Area Plan 2014-2020**

Dear Manager,

I am writing to you in connection with the Mullingar Local Area Plan 2014-2020, as adopted by the Council on 21 January 2014 and request that you bring this notice to the attention of the elected members of the County Council on or before Tuesday 18 February 2014.

TAKE NOTICE that I am considering issuing a direction pursuant to Section 31 of the Planning and Development Act 2000, as amended. A draft of the proposed direction is attached to this letter. As appears therefrom, I have formed the provisional opinion (i) that the Planning Authority has ignored or not taken account of a submissions made on my behalf in November 2013 in respect of the proposed amendments or material alterations to the then draft Local Area Plan; (ii) that the Plan is not in compliance with the requirements of s.19, s.20 and s.28 of the Planning and Development Act 2000, as amended. The reasons for the proposed direction are set out in the attached draft.

BACKGROUND

My Department wrote to your Council, under my direction as statutory consultee under the Planning Acts, in relation to the proposed material alterations to the draft Mullingar Local Area Plan 2014-2020 on 18 November 2013, outlining issues arising out of the proposed amendments and that consideration needed to be given to ensuring the adopted Development



Plan is compliant with the Planning and Development Act 2000, as amended, and with relevant departmental guidelines.

This written submission drew attention, *inter alia*, to the Departments concerns regarding the proposals by the members to alter the policies and objectives with regard to the zoning objectives in the town.

The Department is of the opinion that the Planning Authority has ignored, or has not taken sufficient account of the said written submission, in that the Planning Authority proceeded to adopt the material amendments proposed and have resolved to make the plan to provide, *inter alia*, for the rezoning of 15.4 hectare parcel of land for residential development at the Irishtown Road, which were de-zoned in the draft Mullingar Local Area Plan 2014-2020.

The Department is of the view that in doing so the Planning Authority has resolved to make the plan including lands not required under the Core Strategy of the Westmeath County Development Plan with the effect that the Planning Authority has failed in their obligations under Section 9(2) of the Planning and Development Act 2000, as amended, which states that the objectives of the local area plan must be consistent with those of the Development Plan.

In addition to the above the adopted local area plan also provides for rezoning of a parcel of land at Clonmore Industrial Estate from enterprise and employment to retail warehousing which is contrary to policies and objectives contained in the Departments Guidelines for Planning Authorities on Retail Planning (April 2012).

Despite the Department's concerns on the matter, and indeed the Executive, the members of the planning authority have decided not to address these matters in the now adopted Development Plan. Accordingly, and as detailed above, in making such a plan, the members of the planning authority have failed in their statutory duty to set out in their plan, a strategy for the proper planning and development of the area.

MEASURES PROPOSED UNDER THE DRAFT DIRECTION

In light of the foregoing, the plan which sets out the objectives for the Town of Mullingar is to be amended as follows:

- I. Remove the zoning objective for lands outlined in blue with the associated zoning objective "Proposed Residential" and revert to the no zoning objective as provided for in the draft Mullingar Local Area Plan 2014-2020.
- II. Remove the zoning objective for lands outlined in Red with the associated zoning objective "Retail Warehousing" and revert to the "Enterprise & Employment" zoning objective as provided for in the draft Mullingar Local Area Plan 2014-2020.

- III. Amend the written statement in respect of Development Strategy, Demographics and Housing (Chapter 2, Section 2.6.3: Residential Profile of Mullingar) is to be amended by deleting the following text in the Mullingar Local Area Plan 2014-2020:

"In addition, a further 15.4ha is proposed to be zoned for the residential development along the Irishtown Road by material amendment".

Please note that these provisions will not now come into effect until the Section 31 procedure has been completed.

PROCEDURAL REQUIREMENTS

I would draw your attention to the public consultation obligations under Section 31 of the Planning and Development Act 2000, as amended by the Planning and Development Amendment) Act 2010, and the initial requirement for you, as manager, under section 31(7) to publish notice of the draft direction no later than 2 weeks after receipt of this notice. I look forward to receipt of the report which has to be prepared by you on foot of this public consultation under Section 31(8), including on any views of the elected members, to be furnished to me no later than 4 weeks after the public consultation process is completed, for my further consideration.

My officials are available to assist you, as necessary, in complying with the foregoing process now underway.

Yours sincerely,



Jan O'Sullivan, T.D.,
Minister for Housing and Planning,
Department of the Environment, Community and Local Government

Copied to:

Cathaoirleach, Westmeath County Council, County Buildings, Mullingar, County Westmeath
Director, Midlands Regional Authority, Bridge Centre, Bridge Street, Tullamore, County Offaly

DRAFT DIRECTION

DIRECTION IN THE MATTER OF SECTION 31 OF THE PLANNING AND DEVELOPMENT ACT 2000

(AS AMENDED BY S.21 OF THE PLANNING AND DEVELOPMENT (AMENDMENT) ACT 2010)

MULLINGAR LOCAL AREA PLAN 2014-2020 DIRECTION 2014

“Local Area Plan” means the Mullingar Local Area Plan 2014-2020

“The Planning Authority” means Westmeath County Council

WHEREAS the functions of the Minister for the Environment, Community and Local Government under the Planning and Development Acts 2000 to 2014, other than Chapter 1 of Part VI of the Planning and Development Act 2000, have been delegated to the Minister of State at the Department of the Environment, Community and Local Government pursuant to the Environment, Community and Local Government (Delegation of Ministerial Functions) Order 2012 (S.I. 148 of 2012).

WHEREAS the Minister of State at the Department of the Environment, Community and Local Government is, for the reasons set out in the Statement of Reasons hereto, of the Opinion that

- (i) Westmeath County Council in making the Mullingar Local Area Plan 2014-2020 has ignored or has not taken sufficient account of the submissions made by the Minister for the Environment, Community and Local Government in November 2013,

and

- (ii) the Mullingar Local Area Plan 2014-2020 is not in compliance with the requirements of s.19, s.20 and s.28 of the Planning and Development Act 2000 (as amended).

NOW, THEREFORE in exercise of the powers conferred on her by s.31 of the Planning and Development Act 2000 (as amended), the Minister of State at the Department of the Environment, Community and Local Government hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (Mullingar Local Area Plan 2014-2020) Direction 2014.

(2) The County Council of Westmeath is hereby directed to take the following steps with regard to the Mullingar Local Area Plan 2014-2020 ("the Local Area Plan").

i. The plan/map entitled "Mullingar Zoning Map & Material Amendments" (Date: Oct 2013, Map Ref: MLAP14) which sets out the zoning objectives for the town of Mullingar is to be amended by:

a. Removing the zoning objective of "Proposed Residential" for lands outlined by the red-dotted line and reverting to the no zoning objective as provided for in the draft Mullingar Local Area Plan 2014-2020 published in February 2012. For ease of reference a copy of the said plan/map indicating lands outlined by the red-dotted line with the zoning objective "Proposed Residential" is attached as Appendix 1 to this direction.

The effect of this amendment will be that the zoning objective for the said lands will revert to no zoning objective as *per* the plan/map included in the draft Mullingar Local Area Plan 2014-2020 published in February 2012. For ease of reference a copy of this plan/map is attached as Appendix 2 to this direction.

b. Removing the zoning objective of "Retail Warehousing" for lands outlined by the blue-dotted line and reverting to the zoning objective of "Enterprise & Employment" as provided for in the draft Mullingar Local Area Plan 2014-2020 published in February 2012. For ease of reference a copy of the said plan/map indicating lands outlined by the blue-dotted line with the zoning objective "Retail Warehousing" is attached as Appendix 1 to this direction.

The effect of this amendment will be that the zoning objective for the said lands will revert to "Enterprise & Employment" zoning objective as *per* the plan/map included in the draft Mullingar Local Area Plan 2014-2020 published in February 2012. For ease of reference a copy of this plan/map is attached as Appendix 2 to this direction.

and

ii. The written statement in respect of Development Strategy, Demographics and Housing (Chapter 2, Section 2.6.3: Residential Profile of Mullingar) is to be amended by deleting the following text in the Mullingar Local Area Plan 2014-2020:

"In addition, a further 15.4ha is proposed to be zoned for the residential development along the Irishtown Road by material amendment".

STATEMENT OF REASONS

- 1) A written submission on the proposed material alterations to the draft development plan was made to Westmeath County Council on behalf of the Minister for the Environment, Community and Local Government in November 2013.

The written submission outlined to the Planning Authority that:

- a) the proposed rezoning of 15.4 hectare parcel of land, originally de-zoned, for residential development at the Irishtown Road from the draft Mullingar Local Area Plan 2014-2020, was not required to be included under the Core Strategy of the Westmeath County Development Plan with the effect that the Planning Authority has failed in their obligations under Section 9(2) of the Planning and Development Act 2000, as amended, which states that the objectives of the local area plan must be consistent with those of the Development Plan; and
 - b) the proposed rezoning of a parcel of land at Clonmore Industrial Estate from enterprise and employment to retail warehousing is contrary to policies and objectives contained in the Departments Guidelines for Planning Authorities on Retail Planning (April 2012).
- 2) The decision by the members to alter the policies and objectives in regard to the proposed rezoning of land to residential and retail warehousing in the draft Plan as outlined in this direction does not provide for proper planning and sustainable development and therefore the Mullingar Local Area Plan 2014-2020 is not in compliance with the requirements of s.19, s.20 and s.28 of the Planning and Development Act 2000 (as amended).

GIVEN under my hand,



Minister of State




















at the Department Environment, Community and Local
Government

this 15th day of February 2014

MULLINGAR
LOCAL AREA PLAN 2014-2020

MULLINGAR

LEGEND

- LEGEND**
- | | |
|---|---------------------------------|
|  | EXISTING RESIDENTIAL |
|  | PROPOSED RESIDENTIAL |
|  | GENERAL URBAN DISTRICT |
|  | MIXED USE |
|  | MIXED URBAN CORE |
|  | COMMUNITY & INSTITUTIONAL |
|  | OPEN SPACE |
|  | SPORT RECREATIONAL |
|  | COMMERCIAL |
|  | ENTERPRISE & EMPLOYMENT |
|  | RETAIL WAREHOUSING |
|  | INNOVATION TECHNOLOGY |
|  | MAJOR REGENERATION OPPORT. SITE |
|  | AGRICULTURAL |
|  | REDEVELOPMENT AREA |
|  | URBAN DESIGN
FRAMEWORK PLAN |
|  | CANALS AND WATER COURSES |
|  | RAILWAY |
|  | LOCAL AREA PLAN BOUNDARY |



Title:
**MULLINGAR ZONING MAP
& MATERIAL AMENDMENTS**

www.wiley.co.uk

Report Scale
1,200,000

Date: OCT 2013 Map Ref: MLAP 14

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APPENDIX 2

