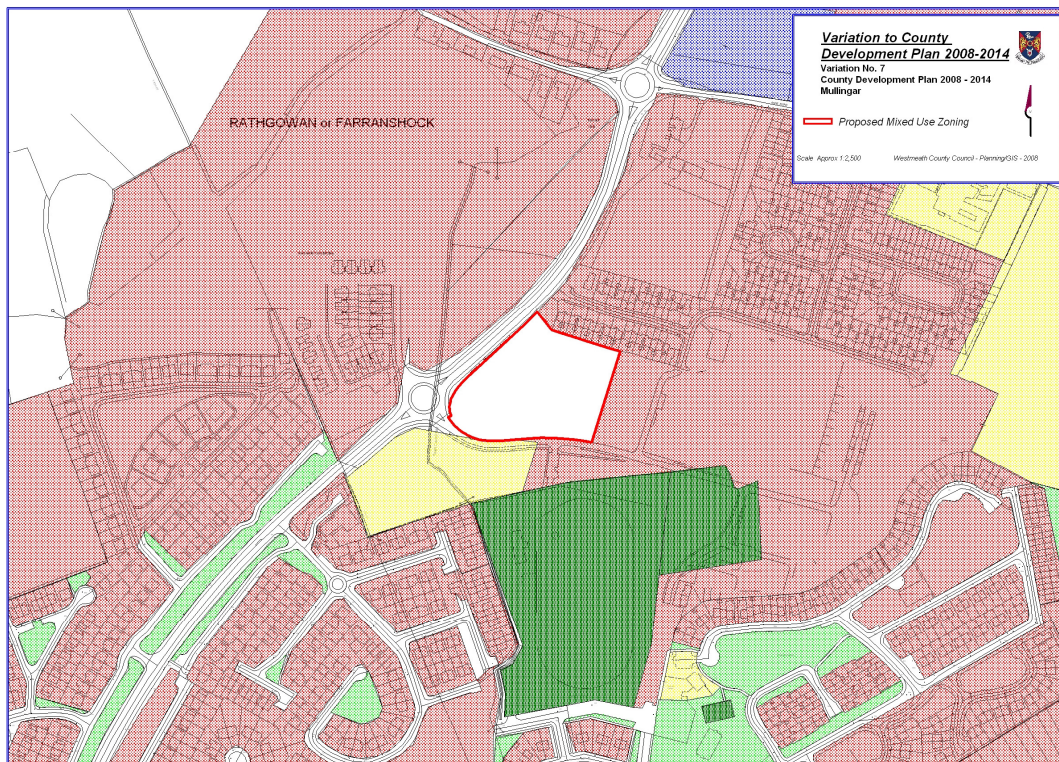


County Manager Report on

Variation No. 7 Westmeath County Development Plan 2008-2014

Change of zoning from residential to mixed use to facilitate a Neighbourhood Centre along the C-Link, Mullingar



14th April 2009

1.0 Background

- 1.1 Under Section 13 (Variation of Development Plan) of the Planning and Development Act 2000-2006 it is proposed to make a variation to the Westmeath County Development Plan 2008-2014.
- 1.2 The proposed variation relates to a change of zoning of a 1.3ha plot from residential to mixed use, to facilitate a Neighbourhood Centre along the C-Link, Mullingar.
- 1.3 Following a Mullingar Area meeting on the 17th November 2008, members agreed to approve commencement of Variation No.7 to the Westmeath County Development Plan 2008-2014.
- 1.4 A period of formal public consultation was advertised from 23rd February 2009 to the 23rd March 2009 and on the Westmeath County Council website for inspection of the variation and the screening decision inviting submissions from the public.
- 1.5 In accordance with Section 13 of the Planning and Development Act and Article 13 of the Planning and Development Regulations 2001-2007 the planning authority sent notice and copies of the proposed variation of the development plan to the relevant authorities.

2.0 Submissions

- 2.1 Under Section 13 of the Planning and Development Acts 2000-2006, as amended, valid written submissions were received. This report, as a requirement of the planning legislation:
 - lists the persons or bodies who made the submission or observation
 - summarises the issues raised by those parties, and
 - indicates the proposed response to the issues taking account of the proper planning and sustainable development in the area.

3.0 Report of submissions received

- 3.1 A total number of two submissions were received in relation to the proposed variation.

4.0 Submission Reference

- 4.1 Each submission has been given a reference number and the name of the person/organisation making the submission specified in table format. Each submission has been summarised and the County Manager's response and recommendation to same given.

Submission Ref: Var07/01	
Submitted By: Tom Phillips & Associates on behalf of Atlantic Enterprises, C/o Mr. Tom McNamara, No. 5, Unit 7A, Oranmore Business Park, Oranmore, Co. Galway	
Summary of Submission (1) It is considered that the scale of retail should be justified as part of	Manager Response 1. The quantum of retail will be assessed in conjunction with a retail impact

<p>a retail capacity assessment. It is suggested that the scale of retail is reduced to reflect local conditions.</p> <p>(2) Proposal would undermine the vitality and viability of permitted neighbourhood centre on Mr. McNamara's lands.</p> <p>(3) The proposal must be assessed in accordance with the Retail Planning Guidelines for Planning Authorities 2005.</p> <p>(4) It is suggested that the subject site and Mr. McNamara's site are considered as a single entity, and that the boundary of the proposed variation area is extended to include same, in order to increase the scale of retail on Mr. McNamara's site.</p>	<p>assessment at development management stage. The scale of retail floorspace permissible will be consistent with that for a designated neighbourhood centre.</p> <p>2. The development permitted to Mr. McNamara is to serve a local catchment only and as such the retail component of same was capped accordingly. It is not a designated neighbourhood centre and therefore will not be in competition with the proposed neighbourhood centre.</p> <p>3. A Retail Impact Assessment will be required at development management stage, in accordance with the Retail Planning Guidelines for Planning Authorities, 2005.</p> <p>4. Noted, but it is considered that there are sufficient lands designated for the proposed neighbourhood centre. Therefore any increase in area is not warranted. In addition, Mr. Mc Namara's land is detached from that which is the subject of this variation.</p>
<p>Recommendation</p> <p>1. No change.</p> <p>2. No change.</p> <p>3. No change.</p> <p>4. No change.</p>	

Submission Ref: Var07/02	
Submitted By: Sean Lucy & Associates on behalf of Mr. Pat McDonagh, Supermacs Ltd, Ballybrit Business Park, Ballybrit, Galway	
<p>Summary of Submission</p> <p>1. The area is over-provided with permitted and existing commercial development in the vicinity of the site.</p> <p>2. Due regard must be taken of the re-zoning of a 3 acre site, 170m to the north of the subject site from residential to mixed use, to facilitate a neighbourhood centre.</p> <p>3. The proposed variation would give rise to additional traffic movements on the C-link and thereby impact upon the free flow of traffic on this distributor road.</p> <p>4. The proposal is premature pending a retail impact assessment.</p> <p>5. Proposed variation on foot of recently adopted County Development Plan undermines the integrity of the Development Plan process.</p> <p>6. The proposed variation would impact</p>	<p>Manager Response</p> <p>1. Both the Mullingar Town Plan 2008-2014 and the Westmeath Retail Strategy provide for a neighbourhood centre to serve Mullingar West off the C-ring. The proposed variation accords with Council policy and is consistent with the proper planning and sustainable development of the area.</p> <p>2. An area has been zoned as described, for mixed use to the north of the subject site. However the site which is the subject of this variation, is considered the optimum location for a neighbourhood centre to serve the Mullingar West area. The development of a neighbourhood centre at this location affords the opportunity to complement and reinforce existing community provision in the vicinity such as the Primary School,</p>

<p>upon the residential character of the area.</p> <p>7. Would negatively impact upon the vitality and viability of the town centre.</p>	<p>existing running track, community centre and proposed playing pitches. The site is also centrally located along the C-link to serve a large residential catchment.</p> <p>3. Access and traffic movements generated by the scheme will be addressed at development management stage. The C-link has been designed to take account of anticipated traffic growth in the area, including locally generated and commercial traffic.</p> <p>4. The requirement for a retail impact assessment will be addressed at development management stage.</p> <p>5. Section 13 of the Planning & Development Acts 2000-2007 provides for variations to a Development Plan. The proposed variation will ensure the implementation of Council policy in relation to the designation of a neighbourhood centre for Mullingar West located off the C-Ring.</p> <p>6. The proposed development shall be designed and sited so as not to impact upon the residential amenities of adjoining properties. The neighbourhood centre will provide a much needed visual focus along the C-link.</p> <p>7. The size and scale of the proposed neighbourhood centre will be determined in accordance with a retail impact assessment and the Westmeath County Retail Strategy 2007, so as not to impact upon the vitality and viability of the town centre. The scale of retail floorspace permissible will be consistent with that for a designated neighbourhood centre.</p>
<p>Recommendation</p> <p>1. No change.</p> <p>2. No change.</p> <p>3. No change.</p> <p>4. No change.</p> <p>5. No change.</p> <p>6. No change.</p> <p>7. No change.</p>	

5.0 Strategic Environmental Assessment

- 5.1 A variation to the County Development Plan is subject to the requirements of Strategic Environmental Assessment (SEA) Directive, as set out in the Planning and Development Acts 2000-2006, and the Planning and Development (Strategic Environmental Assessment) Regulations 2004. A screening process was undertaken to determine whether or not the variation would have significant environmental effects, to warrant SEA. The Department of Environment, Heritage & Local Government (Development

Applications Unit), determined that the variation would not give rise to significant effects on the environment, nature conservation or archaeological heritage, and therefore an SEA is not warranted in this instance. It is concluded the variation would not have significant environmental effects and an environmental report is not required.

6.0 The Next Step

- 5.1 In accordance with Section 13 (5) (a) of the Planning and Development Act 2000-2006 the members shall consider the proposed variation and this report of the manager. The consideration of the variation and the manager's report shall be completed not later than 6 weeks after the submission of the manager's report to the members of the authority.
- 5.2 Members having considered the proposed variation and manager's report, may, by resolution as they consider appropriate, make the variation, with or without modifications, or they may refuse to make it.
- 5.3 In this instance it is suggested that Planning Authority complete its consideration at the full council meeting on the 27th April 2009.

5.0 Manager's recommendation

- 6.1 It is my recommendation that following your consideration of this report it would be appropriate taking account of the proper planning and development of the area to deem the variation to be made.

Orla McGann
Senior Executive Planner

Date

Terence Mc Cague
Senior Planner

Date

County Manager

Date