

**Report of County Manager on
Public Consultation to**

**Variation No. 2 of the
Westmeath County Development Plan 2008-2014**



January 2009

1.0 Background

- 1.1 The proposed variation No.2 of the Westmeath County Development Plan 2008-2014, is the rezoning of lands at Relic Road, Kilbeggan, from 'Open space'/amenity' and no zoning to 'residential' zoning. Map attached to the end of this report indicating the relevant areas.
- 1.2 Following a Council meeting on 26th May 2008, members agreed to approve commencement of Variation No.2 to the County Development Plan 2008-2014 '**change of zoning to residential at Relic Road, Kilbeggan**'.
- 1.4 A period of formal public consultation was advertised from 26th November 2008 to 5th January 2009 and on the Westmeath County Council website for inspection of the variation 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 and the screening 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 of 8 submissions were received to the variation, of which 5 were acknowledgements with no comment to make from the following: the Department of Communications, Energy and Natural Resources, Offaly County Council, the NRA, Office of the Minister for Agriculture, Fisheries and Food and The West Regional Authority. The remaining submissions are considered in detail below.
- 3.2 **Submission Reference:RR001**
The Office of Public Works
Submission

1. The rezoning of land previously zoned as open space will impact on access to carry out maintenance to the River Brosna and a 10m wide strip should be retained for ongoing access and maintenance.
2. A portion of the land to be rezoned is located in an area identified as benefiting land from the River Brosna Drainage scheme.

Manager's response:

1. The Council will endeavour to maintain a 10m strip of land between the back boundary of the dwellings and the river and a minimum of 6m will be maintained at all times.
2. The Brosna Arterial Drainage scheme was implemented in the late 1940's and therefore this land was not subject to flooding events from water coming from the river and appropriate floor level for future dwellings will be set by the Housing Section.

Recommendation:
Make the variation.

Submission Reference: RR002

Department of Environment, Heritage and Local Government

This submission was to the screening of the SEA for the variation.

1. Notes the proposed area is not situated close to any designated sites but is situated close to the River Brosna. They recommend good building practice, good waste water management and maintaining an adequate buffer from all water courses to ensure minimal impacts on the River Brosna.

Manager's response:

The Council as stated in the previous submission will maintain a buffer between the proposed houses and the River Brosna. At the construction stage it will be conditioned that the floor levels of any new houses will be no lower than the adjacent completed houses.

Recommendation:
Make the variation.

Submission Reference: RR003

Department of Communications, Energy and Natural Resources

This submission was to the screening of the SEA for the variation.

1. In terms of water quality and fishery status of the receiving waters, the status objectives as set out in the Water Framework Directive should not be compromised as a result of this variation.
2. The existing W.W.T.P has a design capacity which is exceeded by 600P.E and must be sufficient to take and treat the increased loadings arising from the projected population increases anticipated in the variation. The Department is concerned the water quality in the Brosna will be compromised and the Council will be in breach of the Water Framework Directive if the W.W.T.P capacity shortfall is not addressed.

3. It is the Department's opinion that any development as a result of the variation would be premature until such time as the Wastewater Treatment capacity issues have been addressed successfully.

Manager's response:

1. The zoning of the lands for residential purposes in this variation is to accommodate 3 dwellings and it is considered this would not compromise achieving the objectives of the Water Framework Directive.

2. The W.W.T.P being exceed by 600 p.e is based on the full occupancy of all permitted development in the area. The occupants of the three dwellings are currently living within the drainage area and are therefore contributing to the load on the sewage treatment plant at present. It is not considered the addition of 3 dwellings would have a detrimental impact on the water quality of the Brosna.

3. The Department of the Environment have approved the upgrade of the Kilbeggan Sewage Scheme and the scheme is currently advancing through detailed design and procurement and I am satisfied that the rezoning of this small area of land for residential purposes is not premature.

Recommendation:

Make the variation.

4.0 Strategic Environmental Assessment

4.1 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 2001-2007, 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 and the relevant environmental authorities consulted. Two submissions were received to the screening decision and are included in the above submission section. It was concluded the variation would not have significant environmental effects and an environmental report was not therefore required.

5.0 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 the Planning Authority complete its consideration at the full council meeting on **23rd February 2009**.

6.0 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.

Catherine Dillon
Executive Planner

Date

Terence Mc Cague
Senior Planner

Date

Co. Manager

Date