

**PROPOSED VARIATION NO. 3
OF
BALLINA & ENVIRONS
DEVELOPMENT PLAN
2009-2015**

**TO INCORPORATE PROVISIONS OF THE URBAN REGENERATION &
HOUSING ACT 2015 REGARDING THE VACANT SITE LEVY AND URBAN
RENEWAL & REGENERATION INTO THE DEVELOPMENT PLAN**



**MAYO COUNTY COUNCIL
COMHAIRLE CONTAE MHAIGH EO
OCTOBER 2016**

1.1 Introduction and background

The Urban Regeneration and Housing Act 2015 introduced the Vacant Site Levy as a site activation measure to ensure that vacant or underutilised land in urban areas is brought into beneficial use and to ensure a more efficient return on State investment in enabling infrastructure while helping to counter unsustainable urban sprawl.

The Urban Regeneration & Housing Act 2015 is cited as:

An Act to make provision with respect to land in areas in which housing is required and in areas which are in need of renewal to prevent it lying idle or remaining vacant, to establish a register of vacant sites in those areas, to provide for a vacant sites levy, to amend the Derelict Sites Act 1990, to amend Parts II, III and V of the Planning and Development Act 2000, to amend the Housing (Miscellaneous Provisions) Act 2009 and to provide for related matters.

Proposed Variation No. 3 is concerned with the Vacant Site Levy and its future implementation as part of the development planning process.

The Vacant Site Levy is intended to assist local authorities in ensuring that land, particularly in urban areas, is used in the most efficient and effective manner possible and is put into the most productive and appropriate use in the interests of the common good.

Mayo County Council now proposes to vary the Ballina and Environs Plan 2009–2015 (Variation No. 3) in accordance with Section 13 of the Planning and Development Act 2000 – 2015 to facilitate the application of the Urban Regeneration and Housing Act 2015.

1.2 Reasons for the proposed variation

The reasons for the proposed variation are to incorporate the provisions of the Urban Regeneration & Housing Act 2015 regarding the Vacant Site Levy and urban renewal and regeneration into the Ballina Development Plan by, *inter alia*, including new objectives for the development and renewal of designated residential and regeneration lands for the purposes of the levy and the incorporation of such areas in the development plan.

1.3 Reading the proposed variation changes

In this document changes to the Ballina Development Plan are set out in the same format and order in which they appear in the Plan. The document sets out the relevant chapter title, section heading and page number in which proposed changes to the Plan are located. Proposed text additions are shown in red font and deletions are denoted using a ~~strike through~~. Designated areas in Ballina are shown on an individual map titled "Residential and Regeneration Lands".

Proposed text changes are assigned a reference number – VB. T1; VB.T2; VB.T3 etc.

Proposed changes involving maps are assigned a reference number – VB.M1; VB.M2 etc.

Note that this document "Proposed Variation No. 3" shows only the relevant sections of the Ballina Development Plan which it is proposed to change, not the entire Plan. Therefore it is advised that it is read in conjunction with the current Ballina and Environs Plan 2009–2015. available on line at www.mayococo.ie/en/Planning/DevelopmentPlansLocalAreaPlansandStrategies/TownCouncilandEnvironsDevelopmentPlans/Ballina/

A list of the proposed changes which comprise Variation No 3 is attached as Appendix 1 to this document. This includes a brief description of each proposed variation change and the relevant section and page of the Plan.

1.4 Viewing proposed Variation No. 3

A copy of the proposed variation, along with the SEA Determination and the Habitats Directive Assessment, may be inspected from Wednesday 26th October 2016 until Thursday 24th November 2016 at the following locations during normal opening hours:

- The Planning Office, Mayo County Council, Aras an Chontae, The Mall, Castlebar;
- Ballina Civic Offices, Arran Place, Ballina;
- Westport Civic Offices, Altamont Street, Westport;
- Mayo County Council offices in Ballinrobe, Belmullet, Claremorris and Swinford.

The documents may also be viewed on Mayo County Council's website

www.mayococo.ie/en/Planning/DevelopmentPlansLocalAreaPlansandStrategies/TownCouncilandEnvironsDevelopmentPlans/Ballina/

Note free internet access is available at Mayo County Council's branch libraries at Achill, Ballina, Ballinrobe, Ballyhaunis, Belmullet, Castlebar, Charlestown, Claremorris, Crossmolina, Kilkelly, Kiltimagh, Louisburgh, Swinford and Westport.

1.5 How to make a Submissions/Observation

All submissions and observations should be made in writing (hard copy or e-mail). **Any written** submissions or observations in respect of the proposed variation received between Wednesday 26th October 2016 until Thursday 24th November 2016 will be taken into consideration before the making of the proposed variation.

Submissions should be in **one medium only** and include the full name and address of the person making the submission, details of organisation, community group or company represented where relevant and clearly **marked – Variation No. 3, Ballina & Environs Development Plan** and include the relevant reference number.

Submissions should be addressed to:

Forward Planning Section, Mayo County Council, Aras an Chontae, The Mall, Castlebar, Co. Mayo

Or by email to:

variationtoplans@mayococo.ie

Submissions/observations must be received by 4.00pm, Thursday 24th November 2016.

1.6 What happens after submissions stage?

After the closing date for making submissions has expired (24th November), the Chief Executive's report on any submissions or observations received within the submission period will be prepared and submitted to the members of the authority for their consideration. This report will include the response of the Chief Executive to the issues raised, 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 for the time being of the Government or of any Minister of the Government.

1.7 Environmental Assessments

1.7.1 Strategic Environmental Assessment

The proposed variation has been screened to determine the need to undergo environmental assessment in accordance with the Planning & Development (Strategic Environmental Assessment) Regulations 2004 S.I. No. 436 of 2004, as amended. The Planning Authority has determined that the implementation of the proposed variation will not have significant adverse effects on the environment. A Strategic Environmental Assessment Screening Report and SEA Determination accompany this document.

1.7.2 Appropriate Assessment

The proposed variation has been screened to determine the need to undergo appropriate assessment (Stage 2 of the appropriate assessment process) in accordance with the EU Habitats Directive (*Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna*). The Planning Authority has determined that the implementation of the proposed variation will not require an appropriate assessment since it has been excluded, on the basis of objective information, that the proposed variation, individually or in combination with other plans or projects, will have a significant effect on one or more European sites. An Appropriate Assessment Screening Report and AA Determination accompany this document.

PROPOSED VARIATION NO 3

BALLINA & ENVIRONS PLAN 2009–2015

Section 1.5: Development Strategy

VB.T1 — Page 30/Ballina Town & Environs Development Plan (BDP), Development Strategy

Add paragraph to end of Section 1.5.2 Development – General

Future development in Ballina will also be encouraged and promoted through the development management process and other available tools and mechanisms, including the Vacant Site Levy (in accordance with the Urban Regeneration and Housing Act 2015) in order to facilitate and encourage appropriate development of vacant sites on lands identified as "Regeneration lands" and "Residential lands" on the map 6 titled "Residential & Regeneration Lands"

Section 2: Policies and Objectives (Housing)

VB.T2 — Page 38/Ballina Town & Environs Development Plan (BDP), Housing

Add bullet point to end of the first set of bullet points in section 2.1.2 Policies and Objectives

- To utilize all available tools and mechanisms, including the Vacant Sites Levy (in accordance with the Urban Regeneration and Housing Act 2015) in order to facilitate and encourage appropriate development of vacant sites on lands identified as "Residential Lands" on Map 8 titles (Residential and Regeneration Land".

Section 2: Policies and Objectives (Housing)

VB.T3 — Page 41/Ballina Town & Environs Development Plan (BDP), Housing

Add new objective RD17 to end of Section 2.1.2 Policies and Objectives

RD17

It is an objective of the Council to encourage and facilitate the development of vacant and undeveloped residential lands through the use of all available tools and mechanisms, including the Vacant Site Levy, in order to support implementation of the Core Strategy and Settlement Strategy and the Interim Housing Strategy.

In this regard, residential lands where the Vacant Site Levy may be applied include:

1. All Phase 1 Residential lands in Ballina and

2. Any other residential zoned lands on which there is planning permission in respect of which substantial works have not been carried out within 3 years of the date of permission.

These areas are shown on map 8 titled "Residential and Regeneration Lands"

Section 2: Policies and Objectives (Town Centre)

VB.T4 — Page 48/Ballina Town & Environs Development Plan (BDP), Town Centre

Add Bullet point to end bullet points in section 2.2.8 Policies and Objectives

- To utilize all available tools and mechanisms, including the Vacant Sites Levy (in accordance with the Urban Regeneration and Housing Act 2015) in order to facilitate and encourage appropriate development of vacant sites on lands identified as "Regeneration Lands" on Map 8 titled "Residential and Regeneration Land".

Section 2: Policies and Objectives (Town Centre)

VB.T5 — Page 49/Ballina Town & Environs Development Plan (BTDP), Town Centre

Add new objective TC10 to Section 2.2.8 Policies and Objectives

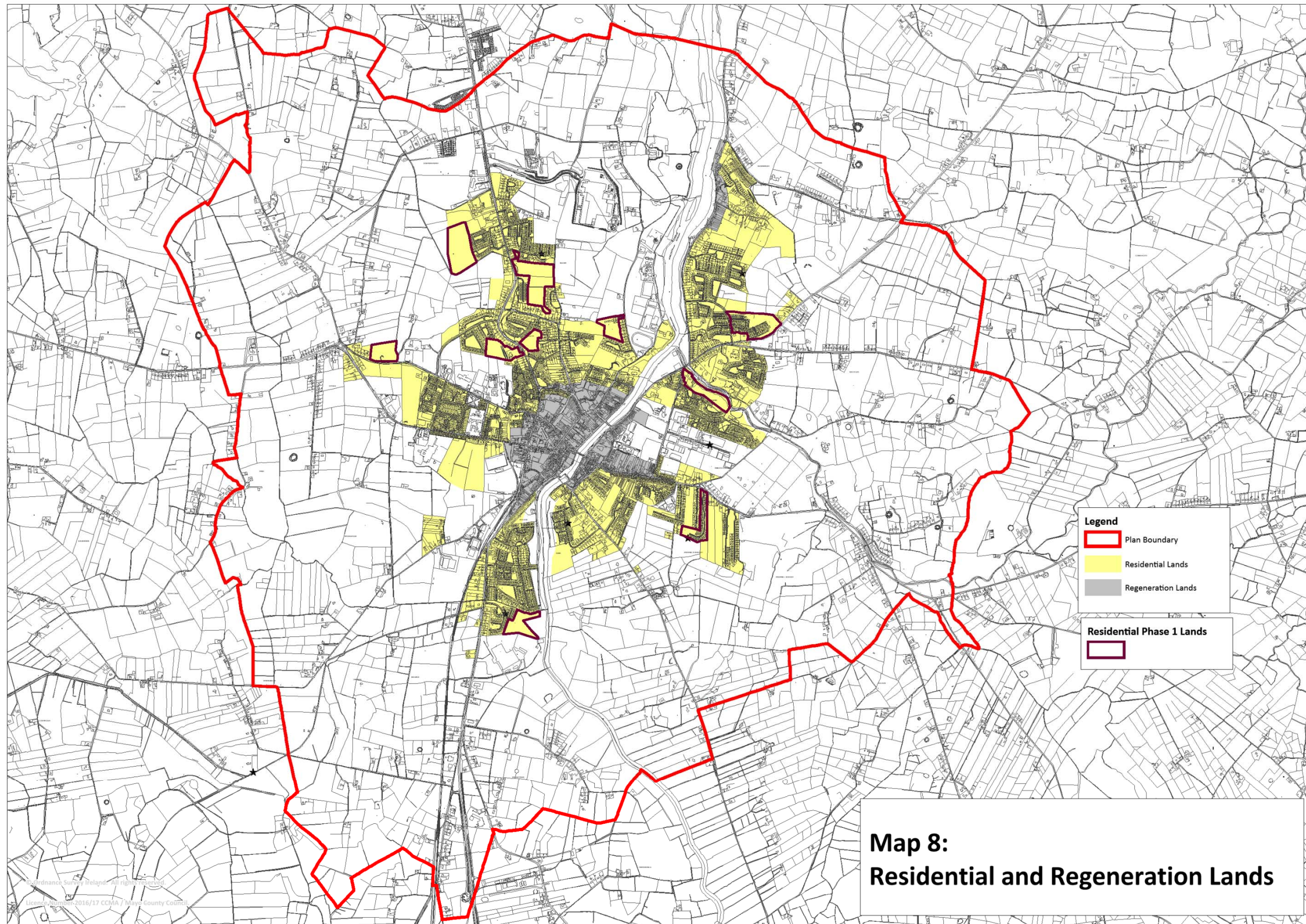
TC10 It is an objective of the Council to encourage and facilitate the development and renewal of areas, identified having regard to the core strategy, that are in need of regeneration in Ballina through the use of all available tools and mechanisms, including the Vacant Site Levy (as provided for under the Urban Regeneration and Housing Act 2015), in order to prevent —

- (i) adverse effects on existing amenities in such areas, in particular as a result of the ruinous or neglected condition of any land,
- (ii) urban blight and decay,
- (iii) anti-social behaviour, or
- (iv) a shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses.

In this regard, the following areas are identified for the purpose of renewal and regeneration:

1. Lands zoned as C1-Commercial (Town Centre) and
2. Lands zoned as C2-Commercial (Edge of Centre)

These areas are shown on map 8 titled "Residential and Regeneration Lands"



Appendix A

Schedule of changes to the Ballina & Environs Development Plan 2009-2015 proposed under Variation No 3

Variation Ref.	Variation Details	Page
VB.T1	New paragraph at end of Section 1.5.;2	Page 30
VB.T2	Add Bullet point to end of Bullet Points in Section 2.1.2	Page 38
VB.T3	Add new opbective RD17 to end of Section 2.1.2	Page 41
VB.T4	Add Bullet point to end of Bullet Points in Section 2.2.8	Page 48
VB.T5	Add new opbective TC10 to end of Section 2.2.8	Page49
VC.M1	Add new Map titled "Residential and Regeneration Lands"	Back of Plan