



# **Proposed Variation to the Mallow Town Development Plan 2010**

## **Section 13(4)(a) Chief Executive's Report**

### **Vacant Site Levy-Residential and Regeneration Areas**

Inclusion of new text and objective in relation to the Vacant Site Levy and Regeneration Areas to accommodate the implementation of the Urban Regeneration and Housing Act, 2015.

**Planning Policy Unit  
21<sup>st</sup> December 2017**

***CE Report on Proposed Variation to Mallow Town Council Development Plan, 2010  
21<sup>st</sup> of December 2017***

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## **1. Introduction**

- 1.1. The purpose of this Variation of the Mallow Town Development Plan, 2010 is to:

### **Vacant Site Levy-Residential and Regeneration Areas**

Inclusion of new text and objective to accommodate the Vacant Site Levy and Regeneration Areas and the implementation of the Urban Regeneration and Housing Act, 2015. This will facilitate application of the Vacant Sites Levy where considered appropriate.

### **Environmental Reports**

- 1.2. The proposed Variation has been considered in the context of the Habitats Directive, and Cork County Council is satisfied that the proposed amendment does not have the potential to give rise or contribute to negative impacts on any European Site. Accordingly, it is determined that there is no requirement for the proposed amendments to be subject to Appropriate Assessment.
- 1.3. Equally, the proposed Variation does not give rise to any strategic environmental concerns and having consulted with the Environmental Authorities it is determined that there is no requirement for them to be subject to Strategic Environmental Assessment. A Strategic Environmental Assessment (**SEA**) Screening Report including Strategic Flood Risk Assessment (**SFRA**) and a Habitat Directive Assessment (**HDA**) Screening Report has been prepared in conjunction with this proposed amendment and are available online for inspection and download from the following website <https://www.corkcoco.ie/>
- 1.4. This report should be read in conjunction with Volume 1 Proposed Variation to the Mallow Town Development Plan, 2010 and Volume 2 Environmental Reports on the Proposed Variation published on 10<sup>th</sup> November 2017, which are available online for inspection and download from the following website <https://www.corkcoco.ie/>

### **Next Steps**

- 1.5. This report will be circulated to all members of the Council for their consideration on Thursday 21<sup>st</sup> December 2017. It is the intention that the members will adopt the Proposed Variation to the Mallow Town Development Plan, 2010, at the full Council Meeting to be held on **Monday 12<sup>th</sup> February 2018**. The adopted Variation to the Mallow Town Development Plan, 2010 comes into effect the day the Variation is made, i.e. on **Monday 12<sup>th</sup> February 2018**.

## **2. Principle Issues Raised**

- 2.1. In all, a total of 4 submissions were received on the Proposed Variation to the Mallow Town Development Plan, 2010 during the statutory public consultation period.
- 2.2. A list of submitters, summary of each submission, the Chief Executives Response and Recommendation is set out in Table 2.1.
- 2.3. The principle issues raised by the submissions under their respective headings are as follows;
  - Proposed Variation is consistent as far as it is practical with the objectives of the South West Regional Planning Guidelines 2010-2022.
  - Suggest additional text to be added to Objective relating to Vacant Site Levy- Residential and Regeneration Areas to ensure greater consistency and greater clarity of approach.

**Table 2.1: Chief Executive’s Response and Recommendation to each submission received.**

Interested Party	Submission Number	Summary of Issues Raised	Chief Executive’s Response and Recommendation
<p><b>Department of Housing, Planning and Local Government</b></p>	<p>TCP24519594</p>	<p>Welcomes insertion of new text reflecting the position of the Urban Regeneration and Housing Act 2015 on the Vacant Site Levy in each of the 9 Town Development plans.</p> <p>However recommend that additional text be inserted into proposed objectives; Midleton VSRA1, Skibbreen IMP6, Cobh VSRA-01, Fermoy VSRA-01, Clonakilty 3-1, Youghal VSRA-01 Macroom Objective I2, Kinsale VSRA1, and Mallow IMP6 ,Vacant Site Levy- Residential and Regeneration Areas to ensure greater consistency and greater clarity of approach, as follows;</p> <p>"...on lands zoned as residential that meet the criteria as set out in the Urban Regeneration and Housing Act, 2015 and on lands designated as regeneration areas....."</p>	<p><b>Chief Executive’s Response:</b> Notes the request to add additional text to Objective ZU 5-1 which would ensure greater consistency and bring greater clarity of approach. It is considered a minor modification to the proposed Variation.</p> <p><b>Chief Executive’s Recommendation:</b></p> <p><b>Further Modification Proposed. See Appendix A, Page 10</b></p>
<p><b>Southern Regional Assembly (SRA)</b></p>	<p>TCP24524502</p>	<p>Consider the proposed Variation is consistent as far as it is practicable with the objectives of the SW RPGs 2010-2022.</p> <p>The proposed Variation for the Vacant Site Level and Residential Regeneration Areas will support objectives for the sustainable growth and urban renewal of key urban settlements in the region including metropolitan towns in the Gateway (Objective RSS-02), the Ring Towns in the Greater Cork Area (Objective RSS-05), the Hub town of Mallow (Objective RSS-06) and settlements in the Western Area (Objective RSS-07).</p> <p>By implementing the requirements of the Urban Regeneration and Housing Act 2015, the provisions for vacant sites levy and regeneration areas are consistent with SW RPG 2010-2022 Social Inclusion and</p>	<p><b>Chief Executive’s Response:</b> Noted. Welcome the SRA’s support in relation to the proposed Variation.</p> <p><b>Chief Executive’s Recommendation:</b></p> <p><b>No Change Proposed</b></p>

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Interested Party	Submission Number	Summary of Issues Raised	Chief Executive's Response and Recommendation
		<p>Regeneration Objective REAS-10 seeking sustainable strategies for the regeneration of areas in need of renewal.</p> <p>Initiatives by the Local Authorities that seek and assist an overall enhanced liveability, attractiveness and vibrancy in our town centres within the region will be a key focus under the forthcoming RSES.</p> <p>Note and consider the proposed variation to the zoning of a site under the Clonakilty Town Development Plan 2009 for utilities and infrastructure will provide for services that support the economic and population growth of the town, a key settlement in the "Western Area" of the region and consistent as far as it is practicable with Objective RSS-07 supporting the role of these settlements in the region.</p>	
<b>Department of Education and Skills</b>	TCP24543966	<p>No comment to make in relation to the proposed Variations.</p> <p>However should any unfinished residential estates be completed or vacant site buildings be brought into use for residential purposes additional educational facilities may be required.</p>	<p><b>Chief Executive's Response:</b></p> <p><b>Chief Executive's Recommendation:</b></p> <p><b>No Change Proposed</b></p>
<b>Environmental Protection Agency (EPA)</b>	TCP24375592	<p>Note Councils determination with regard to the need for Strategic Environmental Assessment (SEA) of the Variations.</p> <p>Should determine whether any future proposed Variations/Amendments would be likely to have significant effects on the environment. This assessment should take account of the SEA Regulations Schedule 2A Criteria (S.I. No. 436 of 2004).</p> <p>Sets out the notification requirements for the various Environmental Authorities under the SEA Regulations (S.I. No. 436 of 2004), as amended by S.I. No. 201 of 2011.</p>	<p><b>Chief Executive's Response:</b></p> <p><b>Chief Executive's Recommendation:</b></p> <p><b>No Change Proposed</b></p>



### **3. Chief Executive's Recommendation**

- 3.1. It is recommended that the proposed Variation to the Mallow Town Development Plan, 2010 is made (highlighted in **Red** and **Bold**) as set out in Appendix A including Further Modifications to the Variation as recommended in the Chief Executive's Report which are shown in Blue, Bold and Underlined.

## **Appendix A: Revised Text of Proposed Variation to the Mallow Town Development Plan, 2010**

Text to be removed is shown with ~~STRIKETHROUGH~~ and Text to be included is shown as **RED** and **Bold**, including Further Modifications to the Variation as recommended in this Chief Executive's Report which are shown in Blue, Bold and Underlined.

## Part 5 Implementation

Insert new Section after Section 16.3.3 including text and objective as follows:

### 16.3.4 Vacant Site Levy-Residential and Regeneration Areas

#### Vacant Sites Levy

It is the intention of Cork County Council to implement the provisions of the Urban Regeneration and Housing Act 2015, through the establishment of a Vacant Sites Register, identifying sites on which a vacant site levy can be applied. The planning authority will proactively engage through the Municipal District sub-county structures, to identify suitable vacant sites on lands zoned residential and on lands designated as regeneration areas in this plan, which meet the criteria for inclusion in the vacant site register. This will be achieved through a focused application of the levy, facilitating sustainable urban development and bring such vacant sites and buildings in urban areas into beneficial use.

#### Regeneration Areas

The Urban Regeneration and Housing Act 2015, provides for the inclusion of objectives for the development and renewal of areas identified as being in need of regeneration. As part of the preparation of the Local Area Plans, regeneration sites have been identified in many of our towns. The main objective in identifying Regenerations Areas is to draw attention to the opportunities that exist to redevelop key areas within the towns, where such sites have the potential to contribute to the rejuvenation of the towns, deliver housing, and perhaps act as a catalyst for other developments. In accordance with the provisions of the Urban Regeneration and Housing Act 2015, regeneration areas may, in time, be subject to the Vacant Sites Levy where the regeneration area is vacant or idle and this has adverse effects on the amenities / character of the area.

Insert New Objective IMP6 in Section 6.5 as follows:

### Objective IMP6 Vacant Site Levy-Residential and Regeneration Areas

Encourage the development and renewal of areas, on lands zoned as residential that meet the criteria as set out in the Urban Regeneration and Housing Act, 2015 and on lands designated as regeneration areas, identified, having regard to the Core Strategy, that are in need of regeneration, 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”.

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