

First Manager's Report

on submissions and observations
received in relation to the

Draft Ballymote Local Area Plan 2012-2018

17 April 2012

Sligo County Council
Development
PlanningUnit

Introduction

Section 19(1)(c) of the Planning and Development Act 2000 (as amended) requires that an existing local area plan (LAP) be amended (or revoked) at least every six years after the making of the previous plan. The procedure for amending (or revoking) a LAP – which is the same as for making a LAP – is set out in Section 20 of the Planning and Development Act 2000 (as amended).

Sligo County Council commenced the review of Ballymote LAP 2005-2011 in November 2011, with the publication of a Consultation Paper. Pre-draft consultation took place between 9 November and 9 December 2011.

Following pre-draft consultation, a Draft LAP was prepared and placed on public display from 23 January to 5 March 2012.

In total, thirteen submissions and a supporting letter were received in response to the invitation to comment on the Draft LAP. The persons and organisations that made these submissions are listed below.

List of persons and organisations that made submission on the Draft Ballymote LAP

Ref. No.	Date Received	Name or Agency	On behalf of (where applicable)	Address
1	14/2/2012	Tanya Murray, Town Planner	Dublin Airport Authority	Asset Management & Development, Level 2, Cloghran House, Dublin Airport Authority
2	23/2/2012	James Drew & Associates	Dermott Collins	e-mail
3	29/2/2012	Peter and Jennifer Mooney		Stonepark, Ballymote, Co. Sligo
4	5/3/2012	Marguerite Egan	Ballymote Business Association	C/o Marguerite Egan, Carrigans Upper, Ballymote
5	5/3/2012	Mark Devlin	Gerard Thigh	e-mail
6	5/3/2012	Johnson & Johnson, Solicitors	Kieran and Francis O'Dowd	Ballymote
7	5/3/2012	Patrick & Eileen Kearney		C/o Ballymote Pharmacy, Lord Edward Street, Ballymote
8	5/3/2012	Patrick O'Sullivan	Minister for the Environment, Community and Local Government	e-mail
9	5/3/2012	Johnson & Johnson, Solicitors	Simon Davey	Ballymote
10	5/3/2012	Cara O'Neill	Health Service Executive	General Manager, HSE West, Community Services, Markiewicz House, Barrack Street, Sligo
11	5/3/2012	Lewis and Niall Rhatigan	Rhatigan Architects	14 Teeling Street, Sligo
12	5/3/2012	Sarah Stephens		e-mail
L-1 (late)	6/3/2012	Deidre Maher	Department of Education and Skills	Portlaoise Road, Tullamore, Co. Offaly
L-2 (late)	27/3/2012	John Perry, TD	Peter and Jennifer Mooney	3 Old Market Street, Sligo

What happens next

The Manager has responded to each submission individually and made a number of recommendations regarding changes to the text and objectives, including zoning objectives. Some of the recommended changes constitute material amendments.

The changes proposed by the Manager would not have a significant impact on the environment. However, should the Members propose additional changes, these would have to be screened for environmental effects and, if necessary, an Environmental Report would have to be prepared in consultation with prescribed environmental agencies.

If the Members accept the Manager's recommendations without further modifications, these changes must be placed on public display for a period of 4 weeks, as "proposed amendments to the Draft LAP" and the public will be invited to make written submissions exclusively on the proposed amendments.

The Manager will then prepare a Second Manager's Report, which will be submitted to the Members for consideration.

Please note the following paragraph extracted from **Section 20 Consultation and adoption of local area plans**, introduced in the Planning and Development Act 2000 through the 2010 Amendment:

- 20 (3) (r) When performing their functions under this subsection, the members of the planning authority shall be restricted to considering 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.

Submission no. 1

14 February 2012

Tanya Murray, Town Planner
on behalf of Dublin Airport Authority

Issue no. 1

The Dublin Airport Authority has no specific comments to make at this time.

Opinion

Noted.

Recommendation

No change to the Draft Plan.

Submission no. 2

23 February 2012

James Drew and Associates
on behalf of Dermott Collins

Issue no. 1

The submission relates to a site measuring approximately 4.2 ha (marked 2 on the Submissions Map), located to the west of the Ballymote town centre.

The Ballymote LAP 2005-2011 zoned the portion fronting the road for 'community /residential uses', with the remainder of the site 'residential D2'.

The Draft LAP 2012-2018 includes most of the site in the Strategic Land Reserve, with the portion fronting the road zoned for community facilities only, with a view to providing an option for the potential future extension of the graveyard.

It is argued that reserving land for a graveyard extension is premature and that, if an extension will become necessary, lands to the north and west of the existing graveyard, or even lands (not identified) outside the town would be more suitable.

The following are requested:

- retain the existing zoning as community/residential;
- acknowledge the existing physical north/south fence as a boundary between zones and provide for residential zoning only to the east of this boundary;
- a full analysis of the need for an extension to the existing cemetery needs to be carried out and, if one is needed, all options should be fully explored and their suitability (especially geologically) be examined. In fact, given that on some occasions the town centre has to close for a burial, then perhaps a new cemetery further out would be more appropriate.
- reconsider the Strategic Land Reserve designation to the backland.

Opinion

Ballymote is categorised as a Key Support Town and has a recommended population level of 1,700 for the year 2017 in accordance with the Core Strategy of the County Development Plan 2011-2017.

During the 2011-2017 period, it is envisaged that the residential requirements of Ballymote will be met through a combination of existing vacant properties/properties under construction and new housing development on lands zoned for residential development. The Draft Plan estimates that there are 88 residential units vacant or under construction in Ballymote and these units alone have the potential to accommodate an additional population of approximately 229 persons (88 multiplied by 2.6 persons, the average for Ballymote as recorded in 2006 census). The additional residents would increase the total population of Ballymote above the recommended 1,700 level. There is therefore no justification for increasing the amount of land zoned for residential purposes above the allocation set out in the Core Strategy of the County Development Plan.

It is accepted that the portion of the site zoned exclusively for community facilities might not be the ideal location for an extension to the graveyard. This zoning should be changed to residential/Strategic Land Reserve, the same as the remainder of the site. As such, the option to provide a graveyard extension (i.e. a community facility) would still remain open, in accordance with policy SLRP-2 (p. 16 of the Draft LAP):

SLRP-2 On lands included in the SLR, permit the development of community facilities and other non-residential developments compatible with residential uses insofar as they do not adversely impact on the potential for comprehensive and co-ordinated development of surrounding lands.

Recommendation

On the road-fronting portion of the subject site, change the zoning from ‘community facilities’ to ‘residential’ and include it in the Strategic Land Reserve.

Submission no. 3

29 February 2012

Peter and Jennifer Mooney

Issue no. 1

The submission relates to a site (stated to measure 0.235 ha), located to the north-west of Ballymote’s town centre (site marked 3 on the Submissions Map). It is contended that the existing zoning is “a mixture of unzoned or ‘white lands’ and residential zoning”. It is also indicated that there is a workshop on the lands zoned residential, and that this workshop has always been used as such.

The submission requests that the lands be zoned / rezoned from ‘unzoned’ and ‘residential’ to ‘commercial’, in order to facilitate the construction of a small service garage, which would accommodate the relocation of the down-scaled Peter Mooney Motors operations from the current location at Ballymote Business Park.

Opinion

The description of the subject site’s zoning is inaccurate, as the zoning in the current Ballymote LAP 2005–2011 is solely residential. There are no unzoned (‘white’) lands inside the development limit of the LAP.

The site has been zoned for residential uses because it is located within a residential area, with 7 dwellings backing onto it.

The requested ‘commercial’ zoning at this location would be incompatible with the residential use of the surrounding area. It is considered that the proposed development would encourage haphazard,

piecemeal development of commercial properties and would be incongruous with surrounding development. These lands shall therefore remain as ‘residential’.

It should also be noted that the label ‘commercial’ was included in the legend on Map 3 Zoning detail, in error, as no lands within the plan have been zoned for commercial uses. Lands where commercial uses may be considered have been zoned for ‘mixed uses’ or ‘business and enterprise’.

However, the existence of the workshop on the subject site is noted, as is the statement that the structure has “always been used as a workshop”. As such, this could be considered a non-conforming use (i.e. an existing use that does not conform to the current zoning).

The County Development Plan 2011-2017 (CDP), in its section **12.1 Development management principles**, makes a specific provision for non-conforming uses:

Existing non-conforming uses

The extension/expansion of existing non-conforming uses in each zoning category shall be assessed on its merits. Nothing in the Zoning Matrix shall be taken as necessarily precluding the reasonable extension/expansion of non-conforming uses or the conversion of these developments to similar uses.

The above provision makes it possible to extend the premises or expand the activity of the existing workshop, subject to normal development management considerations, without the need for a change in the zoning of the site.

Recommendations

- A. No change to the Draft Plan on foot of this submission.
- B. Omit the label ‘**commercial uses**’ from the legend in **Fig. 3.D, 3.F**, on **Map 2 Zoning** and **Map 3 Zoning details**.

Submission no. 4

5 March 2012

Marguerite Egan
on behalf of the Ballymote Business Association

Issue no. 1

The submission relates to on-street car parking and the provision of car parks within Ballymote.

The Ballymote Business Association is concerned that the implementation of the proposed objective *TMO-4 – Delineate parallel parking bays along Lord Edward Street and O’Connell Street* would result in a reduction of the on-street car parking spaces by an estimated 50%, which would have a detrimental effect on local business.

The association has calculated that such delineation would reduce the number of on-street parking spaces to 98 from the original 186 counted before the road and footpath improvements undertaken recently in Ballymote.

Opinion

The concerns of the Ballymote Business Association are acknowledged. Upon review of the existing car parking layout along Lord Edward Street and O’Connell Street where the majority of cars park perpendicular to the footpath, it is recognised that the current arrangement provides for a large number of cars to park on the Main Street. Given the fact that no off-street car parking area has been

provided yet, it is considered appropriate to retain the current parking arrangements for the time being. It is therefore considered that the word ‘parallel’ should be omitted from objective TMO-4, and that section 8.3.3 Car Parking of the Draft Plan should be similarly amended.

Recommendations

A. In Section **8 Mobility and transport**, modify objective **TMO-4** as follows (additions in **blue**, deletions in **red**):

TMO-4 Delineate **parallel** parking bays along Lord Edward & O’Connell Street.

B. Modify Section **8.3.3 Car parking** as follows (additions in **blue**, deletions in **red**):

There are public and private car-parking areas within Ballymote. The train station provides parking for up to 40 vehicles and the Roman Catholic Church also provides car-parking facilities for its patrons. Commercial businesses such as the hotel and supermarkets provide car-parking facilities to the rear of their premises. However, the majority of public car parking within Ballymote takes the form of on-street parking.

Traffic congestion along Teeling Street, Lord Edward Street and O’Connell Street has become a real problem in recent years, due to the haphazard manner in which parking takes place. Along Lord Edward Street and O’Connell Street, cars reverse out of parking spaces using both sides of the road while doing so. This obstructs on-coming traffic, which in turn causes delays in traffic flows.

The delineation of car-parking bays **parallel to the kerb** would have a positive effect on the public realm, by reducing the ‘car clutter’ on the street and re-organising it into a more orderly and manageable form. This would produce an overall improvement of the streetscape.

However, the implementation of the above measure would reduce the amount of car parking available in the town centre. Therefore additional car parking will need to be accommodated elsewhere in the town centre. Notwithstanding the above, additional car parking will need to be accommodated elsewhere in the town centre. Suitable lands have been identified for future car parking to the rear of the Cattle Mart (on days when the mart is not in operation) and to the rear of premises fronting onto Lord Edward Street. (See Map 9 - Objectives Map).

Issue no. 2

The BBA believes that the proposal to delineate car parking to the rear of the Mart is not a purposeful solution to the issue of car parking congestion in the town centre, given its “location on the periphery of the town”. It is also stated that during mart days, when car parking in the town comes under most pressure, the car park will be full and will be of no benefit to the town centre

Opinion

The Draft Plan has identified two areas as suitable for future car parking: one is located to the rear of the Cattle Mart and the other one to the rear of premises fronting onto Lord Edward Street. None of these areas is located on the periphery of the town, although it is acknowledged that the Mart is on the edge of the town centre.

The Draft Plan indicates that spaces in the car park to the rear of the Mart will be available to customers availing of other services within the town on days when the mart is not operational.

It is envisaged that people visiting the town for services other than the mart will avail of the car park to the rear of Lord Edward Street. Unless another area within the town centre becomes available for the provision of a car park, the site at the rear of the Mart remains the only other viable location for the future provision of additional car parking spaces.

Recommendation

No change to the Draft Plan.

Issue no. 3

The submission acknowledges that the casual trading area on Lord Edward Street can cause traffic congestion and welcomes the objective to relocate the trading area. However, the Business Association believes that the relocation of the street market to Emmett Street, a narrower street, would lead to increased traffic congestion. It is suggested that “a more desirable location” would be to the rear of the Courthouse building, in front of the Fire Station.

Opinion

Section 4.2.2 **Street market** of the Draft Plan outlines that the casual trading area can cause traffic congestion and that the area to the side of the Church, along Emmett Street, would be a more practical location, where regular public parking could be restricted during the hours of the street market.

Emmett Street does not experience the same volume of traffic as Lord Edward Street. However, it is acknowledged that there may be other suitable locations for the street market. This should be reflected in subsection 4.2.2 **Street market** and objective **RDO-3** should be amended accordingly.

Recommendation

A. Section 4.2.2 Street market should be modified as follows (additions in blue):

Weekly markets are held every Thursday in Ballymote: several stalls are set up outside the Emlaghfad Church of Ireland on Lord Edward Street. The location of this casual trading area can cause traffic congestion in the town.

The area to the side of the Church, along Emmett Street, would be a more practical location from which to host this weekly event. Regular public car parking could be restricted in this area during the hours that the casual trading is taking place. Emmett Street does not experience the traffic volumes of Lord Edward Street. Any displaced parking could be accommodated in the proposed off-street car parking area to the rear of Lord Edward Street (see Map 9 Transport and mobility objectives, in Chapter 12). *It is also acknowledged that there may be suitable places, other than Emmett Street, for the relocation the casual trading area. All available options should be explored before making a decision in this regard.*

B. In Section 4 Economic Development, modify objective **RDO-3** as follows:

RDO-3 Facilitate the relocation and expansion of the casual trading area to Emmett Street *or another suitable place.*

Issue no. 4

The BBA states that the remedial works to the footpath (narrowing of footpath) along Teeling Street have reduced traffic congestion during busy periods and wishes to see these works continued along the entire length of the street.

Opinion

It is acknowledged that Teeling Street experiences traffic congestion during busy periods and that the reduction in the width of the footpath has eased traffic congestion at this location. The continuation of the remedial works to the east along Teeling Street would further reduce traffic congestion at this location.

Objective TMO-5 includes a section of Teeling Street, south -west of its junction with the access road to Marren Park.

It is recommended that the dotted line on **Map 9 Transport and mobility objectives**, corresponding to objective TMO-5, is extended to the point where the recent remedial works to the footpath have been carried out on Teeling Street outside the library.

Recommendation

On **Map 9 Transport and mobility objectives**, extend the dotted line along Teeling Street to the point where the recent remedial works to the footpath have been carried out outside the library.

Submission no. 5

5 March 2012

Mark Devlin

on behalf of Gerard Thigh

Issue no. 1

The submission relates to 1.34 hectares of land located at Keenaghan (site marked 5 on the Submissions Map), which is described as “currently unzoned or ‘white lands’ and proposed residential zoning”.

It is requested that the zoning of these lands be changed from ‘residential’ to ‘commercial’. It is argued that the site has a number of strengths, among which “strategic location”, infrastructure “already in place in its immediate vicinity”, lack of environmental constraints and “proximity to key land uses”. It is also indicated that the lands are serviceable.

Opinion

The submission’s description of the site’s zoning is incorrect, as the zoning in the Ballymote LAP 2005–2011 is solely ‘residential’.

It should be noted that the label ‘commercial’ was included in the legend on **Map 3 Zoning detail** in error, as no lands within the plan have been zoned for commercial uses. The error should be rectified (see the Manager’s recommendation in relation to Submission no. 3).

Lands where commercial uses may be considered have been zoned for ‘mixed uses’ or ‘business and enterprise’.

Most commercial development in Ballymote is located within the mixed-use town core. It consists mainly of retail and office development. Section **11.1 Urban context** of the Draft Plan identifies the need for a more compact urban environment within Ballymote. The subject site is detached from the town centre, being in fact located adjacent to the development limit on the eastern periphery of the town. Commercial development at this location would be incompatible with the adjoining residential uses and would lead to haphazard, piecemeal development of commercial activities.

Given its position in relation to the main access roads (Sligo and Tobercurry Roads), the site is not considered suitable for business and enterprise development. Furthermore, there is sufficient land zoned for business and enterprise in the Draft LAP.

The zoning of the site should remain ‘residential’.

Recommendation

No change to the Draft LAP.

Johnson & Johnson Solicitors
on behalf of Kieran and Frances O'Dowd

The submission relates to lands to the north of Ballymote town centre. Essentially, it is requested that a portion of land (total area not specified) shown on a map be rezoned from 'public open space' to 'residential/mixed uses' and another strip of land be rezoned from 'public open space' to 'mixed uses'.

Issue no. 1

The submission argues that the Zone of Archaeological Protection (ZAP) pertaining to the ringfort / archaeological monument listed in the Record of Monuments and Places (RMP) – site code SL033-09 – is located mostly outside their clients' property.

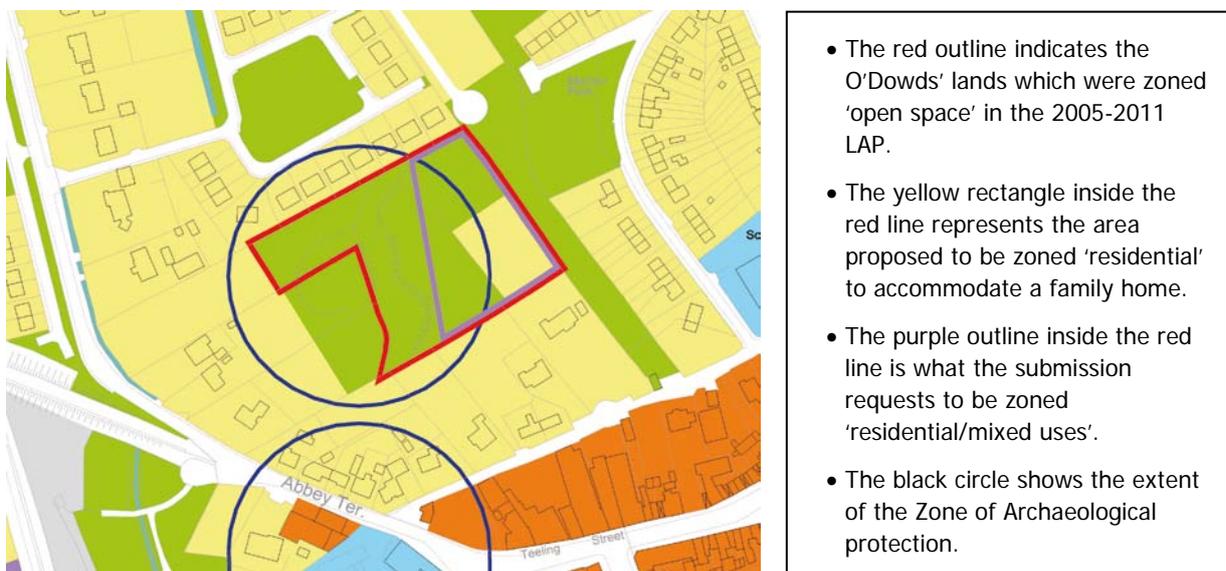
It is claimed that the centre of this monument is 14 metres to the south-east of the location depicted on OS maps, as it would appear from "several reports" prepared by archaeologist Martin Timoney over the years (however, no archaeological report is attached to the submission). If the centre of the monument were indeed located as claimed, this would remove the ZAP designation from the area subject to the rezoning request.

It is argued that, even if the location of the monument was correctly shown on the map, the "circle of constraint" or "circle of constriction" around the monument is a "zone for referral" and not a "zone of refusal" or "zone of restriction". This means that the Council would have to refer any planning application affecting this area to the National Monument Service and follow the advice received therefrom.

It is claimed that "even on the basis of the Council's own interpretation of the circle of constriction, ... houses have already been built within same in the Castle Burn Development".

Opinion

The Zone of Archaeological Protection (ZAP) for the archaeological monument SL033-09 as provided in the Record of Monuments and Places (RMP) is shown in the illustration below.



Although most of the ZAP is indeed located outside the O'Dowds' property, most of the said property is still affected by this designation.

The RMP and its associated ZAPs provide information on known archaeological monuments.

It is outside the remit of the planning authority to determine the accuracy of the location of a monument, as recorded on the RMP maps. The maps which show the location of ZAPs are statutory documents to which the Council must adhere. (It is also noted that no archaeological report is attached to the submission).

In a rural planning context (i.e. no zoning), developments which have the potential to impact on the archaeological resource are assessed in terms of the existing policies within the County Development Plan and decisions are informed by the National Monuments Section of the Department based on the normal referral procedures to prescribed bodies.

Notwithstanding the existing development which impacts on the ZAP for the said monument, the Planning and Development Act 2000-2010 Section 10 2 (c) provides that a development plan shall include objectives for: 1) the zoning of land for the use solely or primarily of particular areas for particular purposes including open space and 2) the conservation and protection of the environment including, in particular, the archaeological heritage.

The Department of Arts, Heritage and the Gaeltacht in its publication *Framework and Principles for the Protection of the Archaeological Heritage* provides that, when considering archaeology, that preservation 'in-situ' is the optimal and preferred policy approach. In this context, any further erosion of the ZAP, amenity and setting of the monument would be contrary to the overarching objectives for the archaeological heritage as contained within the County Development Plan and the Department's policy guidance on protection of the archaeological resource.

Accordingly, it is considered that the open space zoning provision around the monument, as shown on the Zoning Map/Detail in the Draft LAP, is appropriate and should be retained.

Recommendation

No change to the Draft Plan.

Issue no. 2

The submission requests the zoning of an area (marked 6.a on the Submissions Map) for residential/mixed uses. It indicates that any archaeological concerns would be addressed at planning application stage.

The reasons for this request are as follows:

- i. The 'open space' zoning is based on the extent of the Zone of Archaeological Potential (ZAP).
- ii. The Council Members "have already directed the Planning Section that the zoning of Mr and Mrs O'Dowd's property be changed from open space to mixed use. The County Council is obliged to take this motion into account when preparing the local area plan".
- iii. The property, which has been in the O'Dowd family for generations, was always meant to be used for residential purposes.
- iv. Ballymote is already well-served with public open space in the form of a town park. The O'Dowds' land is not required for the provision of further public open space.

Opinion

Following the adoption of the Ballymote LAP 2005-2011, pre-planning discussion took place with the O'Dowds in respect of their landholding. They have requested that sufficient land be zoned to accommodate a single dwelling (family home) at this location.

In response to this request, in the Draft Plan, a **site measuring circa 0.2 ha (0.5 acres)** has been zoned 'residential' on the landholding to facilitate the construction of the aforementioned dwelling house.

The submission now requests that an area of around **0.58 ha (1.43 acres)** be zoned 'residential/mixed uses'.

Having regard to the area of the site, of 1.43 acres, and a density of 8 units per acre, there is potential to develop **11 residential units, i.e. a small housing scheme.**

Ballymote is designated as a Key Support Town, with a recommended population level of 1,700 for the year 2017, in accordance with the Core Strategy of the County Development Plan 2011–2017.

During the 2012–2017 period, it is envisaged that the residential requirements of Ballymote will be met through a combination of existing vacant properties/properties under construction and new housing development on lands zoned for residential development. The Draft Plan estimates that there are 88 residential units that are vacant or under construction in Ballymote and these units alone have the potential to accommodate an additional population of approximately 229 persons (88 multiplied by 2.6 persons, the average size of a household in Ballymote as recorded in the 2006 Census). The additional residents would increase the total population of Ballymote above the recommended 1,700 level. There is therefore no justification for increasing the amount of land zoned for residential purposes above the allocation set out in the Core Strategy of the County Development Plan.

Having regard to the housing stock in Ballymote (including vacant and unfinished houses) and the level of extant permitted residential developments, it is considered that the additional residential zoning would exacerbate the existing situation whereby the potential housing capacity can already accommodate a population far in excess of that recommended in the Core Strategy of the Development Plan.

It is considered that the proposed residential zoning would conflict with the provisions of the Core Strategy of the Sligo County Development Plan 2011-2017 and Draft Ballymote LAP.

It is also noted that the submission requests an alternative 'mixed use' zoning. The aim of the 'mixed uses' zoning objective is to create a dynamic mix of uses able to create and sustain viable settlement centres. It is considered that the subject site is not suitable for a dynamic mix of town-centre uses, given its location removed from the town centre and access options which are inadequate for a mixed-use zone.

The residential zoning should be retained on the area proposed in the Draft Plan, as shown on the Zoning Map/Zoning Detail.

In relation to the 'open space' zoning covering most of the O'Dowds' landholding, it is indeed intended to help in the protection of the archaeological monument. However, the zoning designation "public open space" is incorrect and should be changed to 'open space' (which includes both public and private open space).

Recommendation

On the Zoning Map and Zoning Detail, modify the label "public open space" to read "open space".

Issue no. 3

It is requested that an area (marked 3.b on the Submissions Map) be rezoned from 'public open space' to 'mixed uses' in order to facilitate a vehicular access to serve the lands (marked 3.a on the Submissions Map) which the submission requests to be rezoned from 'public open space' to 'residential'.

Opinion

The strip of land marked 3.b was designated as public open space with the intention of providing a **pedestrian access** from the road to the rear of Teeling Street, to facilitate a shorter walking route from the residential development for 73 dwellings, permitted under PL06/399, to the town centre. This is shown as a pedestrian link on Map 6 Green Corridors in the Draft Plan.

The permission expired in November 2011, with only 13 no. dwelling houses constructed so far. It is a policy of the Draft Plan to '*Co-operate with the Council's Unfinished Estates Team to facilitate the completion of unfinished estates*'. It is considered that the construction of a vehicular access road at this location to serve an independent housing development could hinder the future completion of the adjacent housing development as it would affect the residential amenities of the future occupants of the housing development.

Recommendation

No change to the Draft Plan.

Submission no. 7

5 March 2012

Patrick and Eileen Kearney (Ballymote Pharmacy)

Issue no. 1

The submission relates to on-street car parking and raises concerns regarding objective TM0-4 – *Delineate parallel parking bays along Lord Edward Street & O'Connell Street.*

It is argued that, if implemented, this objective would reduce the availability of on-street car parking spaces by an estimated 50%, which would have detrimental effect on local business.

Opinion

Refer to the Manager's response to Submission no. 4.

Recommendation

Refer to the Manager's recommendation on Submission no. 4.

Submission no. 8

5 March 2012

Patrick O'Sullivan, Planning & Housing (Policy & Finance)
on behalf of the Department of the Environment, Community and Local Government

Issue no. 1

The letter indicates that the Department has examined the draft Local Area Plan for Ballymote and considers that it is a “strategically grounded, clear and well presented plan, ... consistent with the National Spatial Strategy, Regional Planning Guidelines and relevant statutory guidelines”.

The Department notes the approach to flood risk assessment and the manner of dealing with unfinished housing developments.

Opinion

The Department's endorsement is noted.

Recommendation

No change to the Draft Plan.

Issue no. 2

The Department commends section **3.3.4. Compliance with national projections and regional population targets**, and policy SP-S-2 of the County Development Plan, which provide Ballymote with a sustainable planning framework for its future development.

Opinion

The Department's endorsement is noted.

Recommendation

No change to the Draft Plan.

Issue no. 3

The submission notes that 20.5 ha of undeveloped lands are proposed to be zoned for residential use, which is consistent with both the Core Strategy of the County Development Plan and the Border Regional Planning Guidelines. It also notes that the balance of the 51 ha of available residential lands, previously zoned in the 2005-2011LAP, are identified as strategic land reserve (30.5 ha).

Opinion

The Departments comments are noted.

Recommendation

No change to the Draft Plan.

Issue no. 4

The submissions notes that table **5.A Housing applications in Ballymote (2003 to October 2011)** (p. 32 of the Draft LAP) outlines details of “quite extensive levels of unfinished housing developments and planning permission for houses not yet constructed”. It is suggested that “it would be useful for

the Draft Plan to include an analysis of the interaction between permitted but uncompleted housing developments and the requirements for additional land for development taking into account the developments outlined in table 5.A”.

Opinion

Table 5.A on page 32 of the Draft Plan sets out the number of houses completed (260 units), permitted but not built (211 units) and under construction (8 units).

It is presumed that the submission requests an explanation for the need to zone 20.5 hectares of land for residential use, considering the number of permitted but not built/not completed residential units.

Given the ongoing economic conditions, there is no guarantee that the permitted/not built residential units will be constructed or that the lands which have retained their residential zoning will be developed during the plan period.

However, it is considered appropriate to zone undeveloped lands for residential use in order to satisfy demand for particular house types (e.g. two-bed roomed units, given the drop in household size).

Some of the sites with permitted/not built residential schemes are located on the periphery of the town, quite far from the town centre. The lands which have retained their residential zoning are more suitably located in relation to the town centre and their development would help in the consolidation of the town.

Recommendation

No change to the Draft Plan.

Issue no. 5

The Department notes that the zoning matrix included in the Draft Plan appears to be the same as the zoning matrix in the CDP. However the list of the zoning categories on the matrix does not correspond with the legend on “zoning maps 1 & 2”, i.e. “the zoning categories of the matrix table do not include the following zoning objectives from the legend on maps 1 & 2: (1) Industrial uses; (2) Strategic Land Reserve; (3) Vacant or derelict sites; (4) Agricultural uses; (5) Buffer zone”.

Opinion

Map 1 shows the existing land use in Ballymote. It is not a zoning map and the labels in its legend are not zoning categories and don’t have any correspondent in the Zoning Matrix.

Maps 2 and 3 are versions of the Zoning Map in different scales.

The Zoning Matrix included in the Draft Plan is indeed the same Zoning Matrix included in the County Development Plan 2011-2017, with the specification that there is **no** commercial zoning (COM) and no natural resource reservation (NR) in the Ballymote LAP. The typo (missing word “no”) in the Note on p. 30 should be corrected.

It is acknowledged that some of the labels used in the Zoning Map legend differ from the zoning categories listed in the Zoning Matrix. This error should also be rectified.

It is not considered necessary to include a separate zoning category for the Strategic Land Reserve, as it applies only to lands zoned for residential use which are deemed to be suitable for development at a later date, outside the lifetime of the LAP 2012-2018. This means that the lands retain their zoning, but this is “inactivated” by the SLR designation.

Recommendations

A. In Note 2 on p. 30 of the Draft LAP insert the following word (shown in blue):

Note 2: There is **no** commercial zoning (COM) and no natural resource reservation (NR) in Ballymote.

B. Amend the legends on **Map 2. Zoning** and **Map 3. Zoning Detail** as follows:

(i) delete “commercial uses”

(ii) replace “industrial uses” with “business and enterprise”

Issue no. 6

The submission suggests that “all categories within the matrix are reviewed to ensure that each land use permits / does not permit / open to consideration, appropriate development i.e. the **residential land use** category excludes land uses that would normally be considered appropriate such as community facilities, open space, sports and playing fields etc.”

Opinion

It is the Council’s intention to use the same zoning categories and apply the same zoning matrix to all settlements in the County area for which land-use plans have been/will be prepared, in the interest of consistency.

It is not considered necessary or appropriate to utilise a more restrictive Zoning Matrix in the Ballymote LAP. The uses specified as normally permitted / not normally permitted / open to consideration on residential land are considered appropriate and in accordance with the CDP policies.

Recommendation

No change to the Draft Plan.

Issue no. 7

The submission recommends that the text of subsection **5.3.3 Prioritising housing development** “becomes the policy for prioritising housing development, particularly with regard to existing planning permissions and unfinished housing estates. In its current form by adding the wording ‘including applications for extension of duration of permissions’ after the word ‘applications’ in Policy HP-5”.

Opinion

It should be noted that almost the entire text in subsection 5.3.3 is included in the wording of housing policies, on page 38 of the Draft Plan.

Policy HP-5 states the following:

HP-5 Consider new applications for multi-unit residential development only if:

- the moratorium on multi-unit housing developments has ceased to have effect in Ballymote (by variation of the County Development Plan)

AND

- the lands are zoned for residential uses (i.e. not included in the Strategic Reserve)

AND

- there is sufficient capacity in the existing infrastructure to serve the proposed development.

The Department's suggestion is to modify the policy to state *Consider new applications, including applications for extension of duration of permissions for multi-unit residential development only if...* etc.

It is noted that the County Development Plan does not contain a similar restriction on consideration of applications for extension of duration of planning permission. It would be therefore unreasonable to impose this restriction in the case of Ballymote.

Furthermore, there are only four sites to which the above restriction would apply (refer to Table 5.C on p. 33 of the Draft LAP).

Two of these sites are classified by the Department as "unfinished housing estates". It would be against the best interest of the local community to refuse an extension of duration of the respective planning permissions, as such extension could facilitate the completion of the respective developments.

The other two occurrences of (still) live planning permissions are small backland/infill sites in the core residential area of Ballymote, where development has not commenced. An extension of duration of the respective planning permissions might contribute to the consolidation of the town, by facilitating the provision of accommodation in some of the most suitable locations in Ballymote.

Recommendation

No change to the Draft LAP.

Submission no. 9

5 March 2012

Johnson & Johnson Solicitors
on behalf of Simon Davey

Issue no. 1

The submission refers to the proposals to provide "an additional grocery retail space" of 1,500 sq.m. in Ballymote. The submission contends that Ballymote, which has two supermarkets, is currently extremely well served in the grocery supermarket area. It is stated that the provision of an additional large-scale grocery development could have a negative impact on the existing grocery business within Ballymote.

It is also suggested that, "if the Council insists on allowing such a large scale development within the area of Ballymote, it would be of the utmost importance that any such business would be built in the centre of the town and not on the outskirts."

Opinion

Section 4 **Economic development** of the Draft Plan includes the following retail development policy:

RDO-4 *Facilitate the provision of an additional supermarket in Ballymote with a net retail floor space of up to 1,500 sq.m. within the area zoned for mixed uses. The development shall take place on the basis of a masterplan for consolidated landholdings, to ensure the protection of neighbouring amenities and the creation of a high quality urban environment'.*

The **Joint Sligo City and County Retail Planning Strategy** states the following:

“The absence of any secondary convenience goods centre in County Sligo is a serious issue. Many parts of the county are around 30 minutes drive or further from their nearest sizable supermarket – whether that is in Sligo Town or in the surrounding centres of Ballina, Boyle or Carrick. A distance of 30 minutes is about twice that which most people in Ireland are used to traveling for supermarket shopping, so there is a strong case for building up intermediate centres, particularly where this reinforces recent and forecast settlement growth. (...)

Outside the Gateway, the requirement is estimated to be 1,220 sq.m. net in 2015 rising to 4,470 sq.m. net by 2020 (refer to tables 5-10 and 5-11 on pages 45-46 of the Sligo City and County Joint Retail Strategy). In both instances, were discount retailers to enter the market, there could be scope for slightly higher levels of floor space.

Additional provision should only be encouraged in settlements identified as Key Support towns in the County Development Plan. In the Plan period, the scope for further development is limited to one small to medium-sized supermarket (1,000 – 1,300 sq.m. net). Sites should be identified to bolster convenience retailing in **Ballymote** up to an additional 1,500 sq.m. net. This provision should serve the eastern part of the County, offering a sustainable location convenient to residents in the south of the County. Beyond the plan period, there is likely to be scope for a further addition of a similar scale elsewhere in the County, subject to the emerging pattern of population growth.”

Ballymote acts as a service centre for the surrounding rural community of south-east Sligo and it is envisaged that an additional supermarket would not only serve the inhabitants of Ballymote town but also the residents of the southern part of the County.

Any proposal to provide a supermarket within Ballymote would be assessed having regard to the *Draft Retail Guidelines 2011* and would be required to include a Retail Impact Assessment to demonstrate the need for a large scale supermarket.

Policy RDO-4 specifies that any such development should be provided within the area zoned for mixed uses, i.e. in the town centre. If a case were to be made for an out-of-centre site, the applicant would have to demonstrate, through the application of the sequential approach, that the most appropriate out-of-centre site has been chosen.

It should be noted that the Council cannot “insist” in allowing this type of retail development, which is normally driven by existing and projected demand in the grocery market. It is not anticipated that demand will grow substantially during the lifetime of the LAP, given the ongoing economic conditions.

However, it is considered that it would be possible to increase the grocery retail floor space in Ballymote by extending or revamping one of the existing grocery stores/supermarkets. As such, the policy RDO-4 should be modified to include this possibility.

Recommendation

Modify policy P-RDO-4 as follows (additions in blue):

RDO-4 *Facilitate the provision of an additional supermarket in Ballymote, or an extension of the existing grocery floor space, with a net retail floor space of up to 1,500 sq.m. within the area zoned for mixed uses. The development shall take place on the basis of a masterplan for consolidated landholdings, to ensure the protection of neighbouring amenities and the creation of a high quality urban environment’.*

Submission no. 10

5 March 2012

Cara O'Neill, General Manager
on behalf of the HSE West Community Services

Issue no. 1

The submission requests that the heading of section 6.4 of the Draft plan be changed to '*Primary Care, Mental Health and Older Person's Health care facilities*'.

Opinion

The current heading of Section 6.4 is 'Health and elderly care facilities'. There is no objection to the proposed change.

Recommendation

Change the heading of Section 6.4 of the Draft Plan to '[Primary care, mental health and older persons' health care facilities](#)'.

Issue no. 2

The submission requests that the heading of section 6.4.1 of the draft plan be changed to '*Primary Care Centre*'.

Opinion

The current heading of Section 6.4.1 is 'Health centre'. There is no objection to the proposed change.

Recommendation

Change the heading of Section 6.4.1 of the Draft Plan to '[Primary Care Centre](#)'.

Issue no. 3

The submission requests that the text of the second paragraph in Section 6.4.1 should be amended to read: "*The Rock Day Care Centre along Lord Edward Street provides a mental health day centre. It also provides clinical accommodation for 11 staff working in Mental Health Services. The building has been refurbished and this has improved the environment for patients, staff and the local community*".

Opinion

There is no objection to the proposed change, which does not constitute a material amendment.

Recommendation

Modify the text in the second paragraph of Section 6.4.1 shall be amended as follows (deletions in [red](#), additions in [blue](#)):

The Rock Health Centre along Lord Edward Street provides a mental health day centre. [on behalf of the HSE](#). It also provides clinical accommodation for 11 staff working in Mental Health Services. [The building was deemed unsuitable to meet the needs and it is now proposed that the Primary Care Centre would also accommodate these services.](#) [The building has refurbished and this has improved the environment for patients, staff and the local community.](#)

Issue no. 4

The submission requests that the heading of section 6.4.2 of the Draft Plan be changed to ‘*Older persons*’.

Opinion

The current heading of Section 6.4.2 is ‘Elderly care’. There is no objection to the proposed change.

Recommendation

Change the heading of Section 6.4.2 of the Draft Plan to ‘**Older persons’ care**’.

Issue no. 5

The submission requests that the text of Section 6.4.2 should be changed to read:

“The Sisters of St. John of God founded Ballymote’s original Health Unit in 1953. The Ballymote Community Nursing Unit is now run by an independent company on behalf of the HSE. The nursing unit provides 25 beds and a number of facilities and services including Outreach programmes, physiotherapy, wound care clinics, ante natal classes, chiropody and day care centre.

St. Vincent de Paul provides elderly accommodation adjacent to the nursing unit. There are 28 units in total and home help and meals on wheels are provided based on need of the inhabitants of these units by the HSE. If necessary, additional nursing care facilities can be accommodated either on lands zoned for community facilities or on lands zoned for residential uses.”

Opinion

There is no objection to the proposed changes, which do not constitute a material amendment.

Recommendation

Modify the text of Section 6.4.2 as follows (deletions in **red**, additions in **blue**):

The Sisters of St. John of God founded Ballymote’s original Health Unit in 1953. The Ballymote Community Nursing Unit is now run as an independent company **in conjunction with** **on behalf of** the HSE. The nursing unit provides 25 beds and a number of facilities and services including outreach programmes, physiotherapy, wound care clinics, anti-natal classes, chiropody and day care centre.

St. Vincent de Paul provides elderly accommodation adjacent to the nursing unit. There are 28 units in total and home-help **and meals on wheels are provided based on need of** the inhabitants of these units by the HSE. If necessary, additional nursing care facilities can be accommodated either on lands zoned for community facilities or on lands zoned for residential uses.

Lewis & Niall Rhatigan

Issue no. 1

The submission relates to an area of land 1.32 ha (3.27 acres) located to the south-west of the Ballymote town centre. The submission outlines that the lands were zoned for residential use in the 2005 -2011 LAP and requests a change in the zoning of these lands from ‘buffer zone’, as proposed in the Draft LAP, to ‘residential uses’.

It is argued that the site is “of strategic importance in the short to medium term with regard to the development of the town core”, and that its “prominent location and active topography” make the site suitable for development.

Opinion

Ballymote is categorised as a Key Support Town and has a recommended population level of 1,700 for the year 2017 in accordance with the Core Strategy of the County Development Plan 2011-2017. The population of Ballymote may have already surpassed the target, but this remains to be confirmed by the publication of detailed Census 2011 demographic data.

During the 2011-2017 period, it is envisaged that the residential requirements of Ballymote will be met through a combination of existing vacant properties/properties under construction and new housing development on lands zoned for residential development. The Draft Plan estimates that there are 88 residential units that are vacant or under construction in Ballymote and these units alone have the potential to accommodate an additional population of approximately 229 persons (88 multiplied by 2.6 persons, the average for Ballymote as recorded in 2006 census). The additional residents would increase the total population of Ballymote above the recommended 1,700 level. There is therefore no justification for increasing the amount of land zoned for residential purposes above the allocation set out in the Core Strategy of the County Development Plan.

Having regard to the extent of existing housing stock in Ballymote (including vacant and unfinished houses) and the level of extant permitted residential developments, it is considered that the proposed zoning would exacerbate a situation whereby the potential housing capacity could accommodate a population which would exceed the Development Plan-recommended population for Ballymote.

It is considered that the proposed residential zoning would conflict the provisions of the Core Strategy of the Sligo County Development Plan 2011-2017 and Draft Ballymote LAP.

At the same time, it is acknowledged that the site has a favourable location in relation to the town core. Its potential for providing accommodation within a short walking distance from shops and other services and facilities is recognised. This recognition should be reflected in the zoning of the site, which should remain ‘residential’.

However, given the high vacancy rate and the number of unfinished housing units/development, as well as the uncertainty regarding flood risk (see Issue no. 2 below), it is considered that the site should be included in the Strategic Land Reserve.

Recommendation

Zone the subject site for residential uses and include it in the Strategic Land Reserve.

Issue no. 2

The submission makes reference to the issue of flooding on site and notes that the OPW natural flood hazard mapping data highlighted that a flooding event occurred in November 2009. The submission states that the flood event was attributable to a blockage downstream in the local water course and that the concerns in relation to flooding are unfounded. Furthermore, it is highlighted that maintenance works, attenuation and development at correct datum levels can overcome any potential flood risk and that the site is not a floodplain.

Opinion

Flooding in Ballymote primarily occurs on developed lands to the north-west of town centre, adjacent to the Carrigan's Upper watercourse, and on undeveloped lands to the south-west of the town adjacent to the Ballymote River.

Due in part to the lack of recurring flood events in the existing built-up area of Ballymote, no comprehensive flood risk appraisal has been carried out for the town.

Despite the lack of a comprehensive flood study, there are other sources of information available regarding flooding in the town: these include OPW's "benefiting lands"¹ maps and information provided by the OPW-maintained website www.floodmaps.ie.

The subject site is included in the "benefiting lands" highlighted on the OPW map. The designation of "benefiting lands" does not necessarily indicate that the respective sites are currently liable to flooding, but the uncertainty remains.

The mapping provided on the OPW-maintained website shows the locations of recent and historic flood events in and around the town. As evident on the map, there is a recurring event to the southwest of the town centre in the vicinity of the subject site.

In November 2011, photographs were taken of the lands to the south-west of Ballymote, which include the subject site, after a period of prolonged rainfall. The photographs clearly show that the lands are vulnerable to flooding during periods of heavy rainfall.

By 2015, the OPW will complete a Catchment Flood Risk Assessment and Management Study (CFRAM), which will cover the Ballymote area. Flood maps prepared as part of this study will be available by 2013. A preliminary assessment undertaken as part of the CFRAM study indicates that the southern portion of the subject site may be at risk from flooding.

Ballymote is one of the areas designated for further assessment as part of the CFRAM.

As a comprehensive flood risk appraisal has yet to be carried out for Ballymote, and having regard to relatively limited sources of information, a precautionary approach needs to be taken in relation to lands where there is uncertainty regarding the risk of flooding. This approach is recommended in Section 1.5 of the Technical Appendices of the Flood Risk Management Guidelines 2009.

Until such time as the final OPW's CFRAMs and flood maps are published, it is considered prudent to include the lands in the Strategic Land Reserve, given their favourable location in relation to the town centre, as indicated in the response to Issue no. 1 above.

Recommendation

Refer to the Manager's response to Issue no. 1.

¹ "Benefiting lands" are covered by OPW's national Arterial Drainage Maintenance Programme, which maintains the 34 arterial drainage schemes constructed under the 1945 Arterial Drainage Act, benefiting a total of over 650,000 acres of land.

Issue no. 3

The submission requests that the development boundary be re-positioned westwards in order to accommodate a new vehicular access to the Corn Mill Building which would serve not only the Corn Mill buildings and associated car parks themselves but also the subject lands. The submission contends that there is a clear interaction between the subject site and the Corn Mill which is designated 'mixed use' in the Draft Plan.

Opinion

The permission granted for the renovation of the Corn Mill complex, PL09/3, which is located on the adjacent lands to the east, proposed to utilise the existing vehicular entrance and access road to accommodate vehicular traffic visiting the site. The development included the provision of a public footpath along the access road to cater for pedestrians. It is considered that the permitted Corn Mill development is adequately served by both vehicular and pedestrian accesses and that the extension of the development limit to the west to accommodate a separate vehicular entrance to the development is not justified.

Recommendation

No change to the Draft Plan.

Submission no. 12
2012

5 March

Sarah Stevens

Issue no. 1

The submission from Sarah Stevens, an artist residing in Ballymote, requests that she be given access for one year to the 11 vacant retail premises within the commercial area of Ballymote, in order to record and document them before they are redeveloped. The submission also requests that any development and future plans for the town take into account the preservation of historic shop fronts.

Opinion

It is outside the remit of the Local Area Plan, or indeed the County Council, to grant access to privately-owned premises within Ballymote. It is recommended that relevant owners of the premises or the Ballymote Business Association are approached in relation to carrying out of photographic surveys of the various vacant premises.

The issue of preserving traditional shop fronts is addressed in Chapter 11 Urban design and also in policy RDP-3 in Chapter 4 Economic Development:

RDP-3 Encourage the retention of traditional shop fronts that enhance the local character of the town's streetscape and provide the town with an attractive appearance to entice investment.

Recommendation

No change to the Draft Plan.

Submission no. L-1

6 March 2012

Deirdre Maher, Executive Officer, Forward Planning Section
on behalf of the Department of Education and Skills

Issue no. 1

The submission outlines the methods by which the Department calculates educational infrastructure requirements, i.e. the number of primary and post-primary school classrooms needed in a given area. It indicates the availability of guidance for identification and suitability of sites for primary schools.

The submission provides details of the potential additional requirements based on the figures for potential population.

The Department of Education and Skills also brings to attention “the published (July, 2008) Code of Practice for Planning Authorities and the provision of schools; in particular Item 2 and the need for consulting with this Department regarding the assessment of specific sites.”

The submission recommends that lands adjacent to existing schools should be preserved where possible for the future educational use.

Opinion

The comments are noted. The Draft Plan does not make provision for any new school, since the current provision is adequate and able to provide for future needs. It is considered that sufficient land is available adjacent to the existing schools. Such lands have been zoned for community facilities in order to facilitate the possible future expansion of the schools in the town.

Recommendation

No change to the Draft Plan.

Submission no. L-2

27 March 2012

John Perry, TD
Minister for Small Business

The letter from the Minister expresses support for Peter and Jennifer Mooney’s submission.

Opinion

The support is noted.

Recommendation

Please refer to the Manager’s response to Submission no. 3 (Mooney).