Variation to the Cashel and Environs Development Plan 2009

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To incorporate provisions of the Urban Regeneration & Housing Act 2015 regarding the vacant site levy and urban renewal & regeneration into the Development Plan

March 2017
1.0 Introduction

Tipperary County Council (the Council) intends to vary the Cashel and Environs Development Plan 2009 following the enactment of the Urban Regeneration and Housing Act 2015. This Variation is being prepared pursuant to Section 13 of the Planning and Development Act 2000 (as amended) to incorporate a new mandatory objective in respect of the regeneration and re-utilisation of vacant sites and will facilitate the implementation of legislative actions to address undeveloped sites in the county.

2.0 Legislative Context

The Urban Regeneration and Housing Act 2015, as stated in the statute, has made provision “with respect to land in areas in which housing is required and in areas which are in need of renewal to prevent it laying idle or remaining vacant, to establish a register of vacant sites in those areas, to provide for a vacant sites levy”.

In order to give effect to the establishment of a Vacant Site Register, the Act introduced an amendment to Section 10 of the Planning and Development Act 2000 (as amended), which requires an additional mandatory objective to be included in Development Plans as follows:

10(2)(h) the development and renewal of 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 area, 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

Following the inclusion of this objective, a Planning Authority may identify a vacant site and whether it relates to residential land or regeneration land, based on criteria set out in Section 5 of the Act as follows:

5 (1) In this Part, a site is a vacant site if—

(a) in the case of a site consisting of residential land—
(i) the site is situated in an area in which there is a need for housing,
(ii) the site is suitable for the provision of housing, and
(iii) the site, or the majority of the site, is vacant or idle,

and
(b) in the case of a site consisting of regeneration land—
(i) the site, or the majority of the site, is vacant or idle, and
(ii) the site being vacant or idle has adverse effects on existing amenities or reduces the amenity provided by existing public infrastructure and facilities (within the meaning of section 48 of the Act of 2000) in the area in which the site is situated or has adverse affects on the character of the area).

3.0 Variation:

The Variation consists of a new Section which will be incorporated into Chapter 3 of the Cashel and Environs Development Plan 2009, as follows;

Section 3.1.1 Urban Regeneration

The Urban Regeneration and Housing Act 2015, which was enacted as an action of the Government’s Construction 2020 Strategy, provides for a range of measures to encourage developers and landowners to develop land identified for regeneration and housing purposes. The legislative mechanisms include the establishment of a vacant site register and levy to incentivise development and bring sites into beneficial use.

In accordance with the provisions of the Act, it is an objective of the Council:

To promote the appropriate development and renewal 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) shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses.

The Council will seek to apply a range of land activation measures, as appropriate, to encourage development for housing and regeneration purposes including the on-going maintenance of a vacant site register.