

# WICKLOW TOWN COUNCIL & WICKLOW COUNTY COUNCIL

An aerial photograph of Wicklow, Ireland, showing the town, harbor, and surrounding landscape. The text is overlaid on the image.

## **Preparation of the Wicklow – Rathnew Development Plan 2013 – 2019**

### **Manager's Report on the submissions to the PROPOSED AMENDMENTS of the draft Development Plan**

**July 2013**

Wicklow Town Council, Town Hall, Market Square, Wicklow Town  
Wicklow County Council, County Buildings, Station Road, Wicklow Town

MANAGER'S REPORT TO THE MEMBERS OF  
WICKLOW TOWN COUNCIL AND WICKLOW COUNTY COUNCIL  
UNDER SECTION 12(8) OF THE PLANNING & DEVELOPMENT ACT 2000 (AS  
AMENDED)

MANAGER'S REPORT ON THE SUBMISSIONS TO THE PROPOSED AMENDMENTS OF  
THE DRAFT WICKLOW - RATHNEW DEVELOPMENT PLAN 2013 - 2019

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## SECTION 1 INTRODUCTION

### 1. INTRODUCTION

#### 1.1 STATUTORY BACKGROUND TO THIS MANAGERS REPORT

This Manager's Report forms part of the statutory procedure for the preparation of a Development Plan, as required by Section 12(8) of the Planning & Development Acts 2000 (as amended) and shall:

- (i) List the persons or bodies who made submissions or observations during the public consultation for the Proposed Amendments to the Draft Wicklow - Rathnew Development Plan 2013-2019 and the Draft Environmental Report,
- (ii) Summarise the following from the submissions or observations made
  - (i) issues raised by the Minister; and
  - (ii) thereafter, issues raised by other bodies or persons,
- (iii) Give the response of the Manager to the issues raised, taking account of any directions of the members of the authority, 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 of the Government or of any Minister of the Government.

**It should be noted that only the Proposed Amendments (as published) are currently open for consideration. Where submissions raise matters not related to any of the Proposed Amendments these have new issues are not evaluated in this report.** Section 4.2 lists any submissions that related to issues other than the proposed amendments and gives a brief outline of the issues raised.

**The members should however be advised that an important submission has been received from the Minister for the Environment, Community and Local Government, which while not referring to any specific amendment, may have a serious implications for the plan making process. The detail of this submission is provided in Section 3 of this report.**

This report is submitted to the Members of Wicklow Town Council and Wicklow County Council for their consideration as part of the process for the preparation of the Wicklow - Rathnew Development Plan 2013-2019 and the associated Environmental Assessment.

Members have a period of up to 6 weeks from the date of receipt to consider this Manager's Report. The members of the authority shall, by resolution, having considered the Manager's Report, make the plan with or without the proposed amendment that would, if made, be a material alteration, except that where they decide to accept the amendment they may do so subject to any modifications to the amendments as they consider appropriate, which may include the making of a further modification to the alteration subject to the following criteria:

- (i) A further modification may only be made where it is minor in nature and therefore not likely to have significant effects on the environment or adversely effect the integrity of a European site,
- (ii) A further modification shall not be made where it relates to -
  - an increase in the area of land zoned for any purpose, or
  - an addition to or deletion from the record of protected structures

In making the development plan the members shall be restricted to the following:-

- considering the proper planning and sustainable development of the area to which the plan relates,
- the statutory obligations of any local authority in the area and
- any relevant policies or objectives for the time being of the Government or any Minister of the Government.

In accordance with Section 12 (14), where the planning authority fails to make a development plan within 2 years of giving notice under Section 11, the Manager shall make the plan provided that so much of the plan as had been agreed by the members of the planning authority shall be included as part of the plan as made by the Manager.

## **1.2 CONTENTS & FORMAT OF THIS REPORT**

This report is laid out in five sections for ease of legibility and reference as follows:

Section 1	Introduction
Section 2	Guidance for the Elected Representatives
Section 3	Submission from the Minister for the Environment, Community and Local Government
Section 4	Summary of Manager's recommendations
Section 5	Evaluation of submissions and Manager's recommendations

Rather than dealing with each submission individually the submissions are grouped according to the Proposed Amendments to which they relate. Where no submissions have been received on a particular amendment, this will be indicated. Regardless of whether submissions are received on any particular amendment, the Manager will offer his opinion on the amendment and his recommendation.

Where the Manager is proposing a further modification to a proposed amendment, such modifications will be shown with new text in **green** and deleted text in **strikethrough**. The original amendments proposed will continue to be shown in **red** and **blue strikethrough**.

## **1.3 JURISDICTION OF EACH AUTHORITY**

The Wicklow-Rathnew Development Plan 2013 – 2019 will be the statutory development plan for Wicklow Town, Rathnew and their environs, amalgamating the existing Wicklow Town Development Plan, Wicklow Environs and Rathnew Local Area Plan and Action Area Six Local Area Plan - it should be noted that while one plan will apply to the overall area, this area will still be governed by two separate jurisdictions. Having regard to the fact that the draft plan area is covered by two planning authorities, for convenience purposes only where an amendment relates to one specific authority it is clearly shown which Authority this amendment relates to. The majority of the amendments directly relate to both the Town and Environs (including Rathnew) Area and are for consideration by both sets of elected members.

## **1.4 STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) & APPROPRIATE ASSESSMENT (AA)**

### **STRATEGIC ENVIRONMENTAL ASSESSMENT**

Strategic Environmental Assessment (SEA) is the formal, systematic evaluation of the likely significant environmental effects of implementing a plan or programme before a decision is made to adopt the plan or programme. The process includes:

- Preparing an Environmental Report where the likely significant environmental effects are identified and evaluated;
- Consulting the public, environmental authorities and any EU Member states affected, on the environmental report and draft plan or programme;
- Taking account of the findings of the report and the outcome of these consultations in deciding whether to adopt or modify the draft plan or programme;
- Making known the decision on adoption of the plan or programme and how SEA influenced the outcome.

An Environmental Report (ER) accompanied the Draft Wicklow - Rathnew Development Plan 2013-2019 in accordance with the SEA Directive (2000/42/EC) and the Planning & Development (SEA) Regulations 2004, as amended. In accordance with the same provisions, the Proposed Amendments to the Draft Wicklow - Rathnew Development Plan have been evaluated in the manner set out in the Regulations and the finding of that analysis was published with the Proposed Amendments.

No further modifications are recommended to the Proposed Amendments in this Manager's Report, therefore no Environmental Assessment Addendum is required.

### **APPROPRIATE ASSESSMENT (AA)**

Article 6(3) of the Habitats Directive 1992 require that any plan or project that is not directly connected with or necessary to the management of a Natura 2000 site concerned but is likely to have a significant effect on one, on its own or in combination with other plans or projects, is to be authorised only if it will not adversely affect the integrity of that site.

Screening for AA and, if screening indicates the need, AA itself must be carried out and the assessment and conclusions recorded to ensure that existing and future plans or projects not authorised if they are likely to adversely affect the integrity of a site. These safeguards are designed to ensure the conservation of Natura 2000 sites.

The requirements of the Habitats Directive in respect of plans and projects are similar in many respects to Environmental Impact Assessment (EIA) of projects, and Strategic Environmental Assessment (SEA) of plans and programmes. However the focus of AA is targeted specifically on Natura 2000 sites and their conservation objectives. Article 6(3) and 6(4) of the Habitats Directive place strict legal obligation on Member states, with the outcomes of AA fundamentally affecting the decisions that may lawfully be made.

It is basic responsibility of all agencies of the state, including Planning Authorities, to act diligently to ensure that their decisions in the exercise of their functions, as well as their actions, comply fully with the obligations of the Habitats Directive.

An Appropriate Assessment Screening Report accompanied the Draft Wicklow - Rathnew Development Plan 2013-2019, which evaluated the need to carry out a full Appropriate Assessment of the draft plan. The outcome of this screening process was the determination that full Appropriate Assessment was not warranted. The Proposed Amendments to the draft plan have also been evaluated in this manner and it has been determined that subject to appropriate mitigation through the implementation of policies and objectives of the plan, impacts on Natura 2000 sites are not predicted.

No further modifications are recommended to the Proposed Amendments in this Manager's Report, therefore no Appropriate Assessment Addendum is required.

## **1.5 PUBLIC CONSULTATION**

The Proposed Amendments to the Draft Wicklow - Rathnew Development Plan 2013-2019 and report on the likely significant effects on the environment of implementing the Proposed Amendments were put on display on Wednesday 1<sup>st</sup> May 2013. Written submissions and/or observations were invited for a period ending Friday 31<sup>st</sup> May 2013.

The Proposed Amendments to the Draft Wicklow - Rathnew Development Plan and associated documents were on display at the following location:

- The Council's website
- Wicklow Town Hall
- Wicklow Town Library
- County Buildings, Wicklow Town

Hard copies and CDs of the Proposed Amendments to the Draft Wicklow - Rathnew Development Plan were available to purchase at the Planning Counter, County Buildings and the Town Hall or could be requested by phone/email. They were also available on-line to view and download.

**1.6 LIST OF PERSONS OR BODIES WHO MADE SUBMISSIONS/OBSERVATIONS FOR THE PROPOSED AMENDMENTS TO THE DRAFT WICKLOW - RATHNEW DEVELOPMENT PLAN.**

ID	Name	Agent/Representative	Proposed Amendment
1	Minister for the Environment, Heritage and Local Government	Patrick O'Sullivan	6 (including invalid issues)
2	Claremount Holdings Ltd	Leslie Armstrong	invalid issues
3	Durkan New Homes Ltd	Michael Browne	5
4	Environmental Protection Agency	Cian O'Mahony	11, 12, 13, 16, 17, 25, 26, 30 & 33 (SEA comment)
5	Ifcana Developments Ltd	Michael Browne	31
6	National Roads Authority	Michael McCormack	6 & 29 (including invalid issues)
7	Mr. Ronan O'Caoimh	Eoin Carroll	7, 8 & 31 (including invalid issues)
8	Tesco Ireland Ltd	GVA Planning Daragh McGonigle	14 & 32

**Reply letters of acknowledgement and/or no comment.**

9	An Bord Pleanala	Damien Wise
10	Carlow County Council	Fiona O'Neill
11	Dept of Agriculture, Food and Marine	Kevin Galligan
12	Dept of Communications, Energy and Natural Resources	Siobhan Greene
13	Department of Education & Skills	Lorraine Brennan
14	Eirgrid	Niamh Cahill
15	Inland Fisheries Ireland	Brian Beckett
16	Meath County Council	Caroline Power

**Late Submissions.**

17	National Transport Authority	Hugh Creegan
18	Minister for Agriculture, Food and The Marine	Noel O'Connor

## SECTION 2 GUIDANCE FOR ELECTED REPRESENTATIVES

### 2.1 INTRODUCTION

Responsibility for making a development plan, including the various policies and objectives contained within it, in accordance with the various provisions of the Planning and Development Act 2000 (as amended), rests with the elected members of the planning authority, as a reserved function under Section 12 of the Act.

In his preamble to Development Plan Guidelines (2007), the Minister emphasises *“the decision-making role that local elected representatives, in delivering their democratic mandate, play in the making of the development plan”* and describes the importance of the elected representatives to *“have an active and driving role in the entire process, from its inception to its finalisation.”*

He further describes their duty to *“listen to and take account of the views and wishes of the communities they represent”* and to *“fulfill their responsibilities and functions in the common interest, adhering to proper planning principles and facilitating the sustainable development of their area”*.

In making and adopting the development plan, the elected representatives, acting in the interests of the common good and the proper planning and sustainable development of the area, must, in accordance with the “Code of Conduct for Councillors” prepared under the Local Government Act 2001, carry out their duties in this regard in a transparent manner, must follow due process and must make their decisions based on relevant considerations, while ignoring that which is irrelevant within the requirements of the statutory planning framework.

The members, following consideration of the draft plan, the proposed amendments and this report, shall decide whether to adopt the draft plan, with or without amendments. This section of the report shall outline the principle issues that the elected members are required to and should consider in their decision making process..

### 2.2 EUROPEAN LEGISLATION

European legislation is playing a larger part than ever before in the law and decision making process at both a national and local level in Ireland. Of particular importance to this Development Plan review process are the Strategic Environmental Assessment Directive (2001/42/EC) and the Habitats Directive (92/43/EEC).

### STRATEGIC ENVIRONMENTAL ASSESSMENT

Directive 2001/42/EC of the European Parliament and of the Council of Ministers introduced the requirement that SEA be carried out on plans and programmes, which are prepared for a number of sectors, including land use planning. The SEA Directive was transposed into Irish Law through the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. No. 435 of 2004), as amended, and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (SI No. 436 of 2004), as amended. Both sets of Regulations became operational on 21 July 2004.

The legislation requires certain plans and programmes, which are prepared by Wicklow Town Council and Wicklow County Council - including Wicklow - Rathnew Development Plan - to undergo SEA. The findings of the SEA are expressed in an Environmental Report (including Addendums), which have been submitted to the Elected Members during the process of making the Wicklow - Rathnew Development Plan. The Elected Members must take account of the Environmental Report (including Addendums) before the adoption of the Plan. When the Plan is adopted a statement must be made public, summarising, inter alia: how environmental

considerations have been integrated into the Plan and the reasons for choosing the Plan as adopted over other alternatives detailed in the Environmental Report.

In this regard, the likely environmental impacts of implementing the draft Wicklow - Rathnew Development Plan, are described in the Environmental Report (including Addendums). Where elected members resolve to make amendments to the draft plan, the results of the SEA assessment are required to be considered by the members prior to making the final decision on the amendments. If the members resolve to make a further modification to a proposed amendment, it may only be made where it is minor in nature and therefore not likely to have significant effects on the environment.

The key implication for decision makers therefore is the necessity that the environmental implications of adopting or not adopting a certain strategy or policy / objective must be taken into consideration in decision-making and this decision making process must be fully documented and open to public scrutiny.

### **APPROPRIATE ASSESSMENT**

With the introduction of the Birds Directive in 1979 and the Habitats Directive in 1992 came the obligation to establish the Natura 2000 network of sites of highest biodiversity importance for rare and threatened habitats and species across the EU. A key protection mechanism for these sites is the requirement to consider the possible nature conservation implications of any plan or project on the Natura 2000 site network before any decision is made to allow that plan or project to proceed.

Not only is every new plan or project captured by this requirement but each plan or project, when being considered for approval at any stage, must take into consideration the possible effects it may have in combination with other plans and projects by going through the process known as 'Appropriate Assessment' (AA). The obligation to undertake AA derives from Article 6(3) and 6(4) of the Habitats Directive and both involve a number of steps and tests that need to be applied in sequential order. Each step in the assessment process precedes and provides a basis for other steps. The results at each step must be documented and recorded carefully so there is full traceability and transparency of the decisions made. They also determine the decisions that ultimately may be made in relation to approval or refusal of a plan or project.

AA is not a prohibition on new development or activities but involves a case-by-case examination of the implications for the Natura 2000 site and its conservation objectives. In general terms, implicit in Article 6(3) is an obligation to put concern for potential effects on Natura 2000 sites at the forefront of every decision made in relation to plans and projects at all stages, including decisions to provide funding or other support.

The first stage of the AA procedure has been undertaken for the draft development plan and subsequent proposed amendments, that is, establishing whether full AA is required (this is known as 'screening'). The AA screen document was one of the documents put on display with the draft plan. This analysis concluded that full AA was not required for the draft plan or the proposed amendments thereto.

Where the members resolve to make material alterations to the draft plan they must also have regard to their obligations in this regard and will be advised, through the production of a second report, of the likely significant impacts (if any) of implementing the proposed amendments. In their final decision making process, the members must have regard to the findings of this report.

If the members resolve to make a further modification to a proposed amendment, it may only be made where it is minor in nature and therefore not likely to adversely affect the integrity of a European site.

If it can be concluded on the basis of AA that there will be no adverse effects on the integrity of a Natura 2000 site, the plan or project can proceed to authorisation, where the normal planning or other requirements will apply in reaching a decision to approve or refuse. If adverse effects

are likely, or in cases of doubt, the plan (or that element thereof) may only be approved where there are imperative reasons of *overriding public interest* (IROPI) requiring a project to proceed, there are no less damaging alternative solutions, and compensatory measures have been identified that can be put in place.

The Habitats Directive requires Member States to inform the European Commission of the compensatory measures; this enables the Commission to review whether the compensatory measures are sufficient to ensure that the coherence of the network is maintained. If the Commission is not satisfied it may take steps against the Member State up to and including litigation in the European Court of Justice. Recourse to derogation to allow a plan or project to proceed should be pursued in exceptional circumstances only, and the Minister must be informed at an early stage of any possible IROPI case.

## 2.3 NATIONAL LEGISLATION & POLICY

### 2.3.1 PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)

The Act states as a fundamental principle, that it is enacted “to provide, in the interests of the common good, for proper planning and sustainable development” and that “a development plan shall set out the overall strategy of the proper planning and sustainable development of the area of the development plan”.

The Act is unambiguous in setting out that “in making the development plan....the members **shall be restricted to** considering the proper planning and sustainable development of the area”, “the statutory obligations of any local authority” and “any relevant policies or objectives....of the Government or any Minister of Government” (Section 12 (11)).

Section 27(1) states that “A planning authority **shall ensure, when making a development plan..., that the plan is consistent with any regional planning guidelines in force for its area**”, while Section 28(1) states that “The Minister may, at any time, issue guidelines to planning authorities regarding their functions under the Act and planning authorities **shall have regard to** those guidelines in the performance of their functions”.

The amended Act as required under section 10(1) states that “A development plan shall set out an overall strategy for the proper planning and sustainable development of the area of the development plan and shall consist of a written statement and a plan or plans indicating the development objectives for the area in question”.

### 2.3.2 NATIONAL SPATIAL STRATEGY 2002-2020

As expressed Government policy, the elected members must consider the provisions of the NSS in their decision making process.

The NSS is a planning framework “designed to achieve a better balance of social, economic, physical development and population growth between regions”. The strategy identifies seven regions in the Country, of which the Dublin and Mid East Regions comprise the Greater Dublin Area. The NSS sets out, at a broad national level, a spatial structure on the basis of which a more balanced regional development can be achieved and it identifies a complementary hierarchy of settlements.

In order to achieve balanced regional development, the NSS identifies that “Ireland needs to renew, consolidate and develop its existing cities, towns and villages – i.e. keeping them as physically compact and public transport friendly as possible and minimising urban sprawl, while also achieving a high quality of design in new development and refurbishment. Urban land needs to be used carefully, sensitively and efficiently. Where greenfield development is necessary it should take place through the logical extension of existing cities, towns and villages”.

Policies and programmes will be consistent with the NSS where they seek to enhance and build up economic and social activity within the national framework provided by the Strategy. Policies based on an unstructured, scattered approach to public investment and the promotion of economic activity would not be consistent with the NSS.

### **2.3.3 REGIONAL PLANNING GUIDELINES FOR THE GREATER DUBLIN AREA 2010-2022**

The Regional Planning Guidelines (RPGs) is a policy document, which aims to direct the future growth of the Greater Dublin Area for the 12-year period up to 2022 and works to implement the strategic planning framework set out in the NSS. The vision for the GDA is as follows:

*“The GDA by 2022 is an economically vibrant, active and sustainable international Gateway Region, with strong connectivity across the GDA Region, nationally and worldwide; a region which fosters communities living in attractive, accessible places well supported by community infrastructure and enjoying high quality leisure facilities; and promotes and protects across the GDA green corridors, active agricultural lands and protected natural areas,”*

The settlement strategy for the GDA supports the delivery of the hierarchy through the continuity of the policy for metropolitan and hinterland areas within the GDA, focusing new housing within the existing footprint of the metropolitan areas and planning expansion of the footprint in conjunction with new high quality public transport investment; designation of multi-modal transport corridors providing enhanced public transport linkages serving key towns and linked investment in developing these designated towns in the hinterland area. A key consideration of the new RPG's is the population allocation and distribution within the GDA; the Wicklow County Development Plan 2010-2016 is fully compliant with the RPG'S, the County Development Plan distributes population allocation to the settlements within the County and as a result the Draft Wicklow - Rathnew Development Plan is compliant with these figures from the RPG.

Under the Settlement Hierarchy, Wicklow Town is located within the Hinterland area and is designated a 'Large Growth Town I', which is described as a town that is a key destination, economically active town supporting surrounding areas, located on Multi Modal Corridor in metropolitan hinterland.

The Wicklow - Rathnew Development Plan 2013-2019 has included a Core Strategy which has demonstrated how the strategy for Wicklow Town, Rathnew Village and their environs complies with the strategic regional objectives for the town, as included in the RPG's.

Please note that the Regional Authority has not sent in a submission on the proposed amendments.

## **Section 3 SUBMISSIONS FROM THE MINISTER**

### **3.1 Synopsis**

1. The Department has serious concerns that its previous observations have not been taken into account in the proposed amendments to the draft plan, specifically with regard to the approach taken to the fit between the draft plan and the core strategy of the Wicklow County Development Plan and phasing strategy.
  - The Department specifically requested the inclusion of a specific phasing strategy as part of the Core Strategy which would have effect of reconciling the population targets for the area with the actual amount and land identified for future development over the life of the plan. The members have decided not to address this crucial point.
  - The relevant proposed amendment in the Manager's Report in January 2013 was rejected by the members and the Department does not consider the rational of this to adequately address the concerns and suggestions of the Department.
  - The lack of a specific phasing strategy now proposes an unstructured and "planning application by planning application" approach to the order of priority of development of lands rather than a clear order of priority of development of lands as required under the Act.
  - The draft plan fails to comply with the requirements of the Planning and Development Act 2010 with the lack of clear distinction as to these lands allocated to Phase 1 and to Phase 2.
  - The proposed amendments to Policy H4 in the Managers Report of January 2013 (Proposed Amendment No. 4 of MR) would have addressed this issue. In the absence of such a policy, the Department is not satisfied that the plan is in accordance with the requirements of Section 10 (1) of the Planning and Development Act 2000, as amended.
  - An additional column should be included in Table 2.5 in which the phase to which each piece of land is allocated with this also clearly shown on the map. The diagrammatic circles on Map 2.1 are not satisfactory to show phasing.
2. The Department notes that the plan is now at a stage where no new further amendments can be introduced. Accordingly, the Minister would tend to the view that because of the vagueness of the plan around the phasing of development lands issue, in making such a plan, the members of the planning authority have failed in their statutory duty to set out in their plan, a strategy for the proper planning and development of the area. In this context, it is stated that the Minister will consider issuing a Direction to the Planning Authority under Section 31 of the Act to address the matters set out above and ensure that the core strategy within the Wicklow and Rathnew development plan is consistent with national planning legislation and the overall Wicklow County Development Plan Core Strategy.

#### **Manager's advice**

The Department is correct in advising that no changes can now be made to the phasing strategy and objectives contained within the plan, as these matters were not the subject of any amendment. Therefore the Manager is not in a position to advise the members as to any changes they might make to avoid the issuing of a Direction under Section 31 by the members.

## Section 4 SUMMARY OF MANAGER'S RECOMMENDATIONS

For convenience, a complete list of all of the proposed amendments is set out hereunder. This list is provided in the order in which the amendment would appear in the Plan. This list will indicate which amendments are recommended to adopt or to not adopt.

Amd No.	Relevant Planning Authority	Relevant Draft Plan Section / Map	Submission Number	Manager's Recommendation
1	Both	General	0	Adopt
2	Both	General	0	Adopt
3	Both	Pre introduction	0	<b>Do not adopt</b>
4 (a)	Both	2.1 Vision	0	Adopt
4 (b)	Both	2.1 Vision	0	Adopt
5	Both	2.2.3 Housing and Phasing	3	Adopt
6 (a)	Both	2.2.4 Economy and Employment	0	Adopt
6 (b)	Both	2.2.4 Economy and Employment	1 & 6	<b>Do not adopt</b>
7	Both	2.2.7 Land zoning principles	7	Adopt
8	Both	3.2 Residential Zoning	7	Adopt
9	Both	4.2.2 Vehicular, Pedestrian and Cyclist Circulation	0	Adopt
10	Both	4.2.9 Retail Role of the Core	0	Adopt
11	Both	4.4 Wicklow Port and Harbour Strategy	4	Adopt
12	Both	6.2.1 Strategy for Wicklow Town – Rathnew	4	Adopt
13	Both	6.3 Retail Objectives	4	Adopt
14 (a)	Both	6.3 Retail Objectives	0	Adopt
14 (b)	Both	6.3 Retail Objectives	0	Adopt
14 (c)	Both	6.3 Retail Objectives	8	Adopt
15	Both	Section 6.3 Retail Objectives	0	Adopt
16	Both	6.3 Retail Objectives	4	<b>Do not adopt</b>
17	Both	7.3.4 Tourism and Recreation Themes & Products	4	Adopt
18	Both	8.3.1 Education and Development – Primary Education	0	Adopt
19	Both	Education Objectives	0	Adopt
20	Both	8.3.3 Children's Play Facilities	0	Adopt
21	Both	8.3.3 Community Centres	0	Adopt
22	Both	9.2 Walking and Cycling	0	Adopt
23	Both	Table 11.1 Record of Protected Structures	0	Adopt
24	Both	11.3.2 Water Systems objectives	0	Adopt
25	Both	11.3.8 Public Rights of Way	4	Adopt
26 (a)	WCC	12.3 Marlton Action Area	0	Adopt
26 (b)	WCC	12.3 Marlton Action Area	0	Adopt
26 (c)	WCC	12.3 Marlton Action Area	0	Adopt
26 (d)	WCC	12.3 Marlton Action Area	0	Adopt
26 (e)	WCC	12.3 Marlton Action Area	4	Adopt
27	Both	Table 13.2 Zoning Use Table	0	Adopt
28	WCC	Land Use Map	0	Adopt
29	WCC	Land Use Map	6	Adopt
30	WCC	Land Use Map	4	Adopt
31	WCC	Land Use Map	5 & 7	Adopt
32	WTC	Land Use Map	8	Adopt
33	WCC	Land Use Map	4	<b>Do not adopt</b>
34	WCC	Land Use Map	0	Adopt
35	WTC	Heritage Map	0	Adopt
36	WCC	Heritage Map	0	Adopt

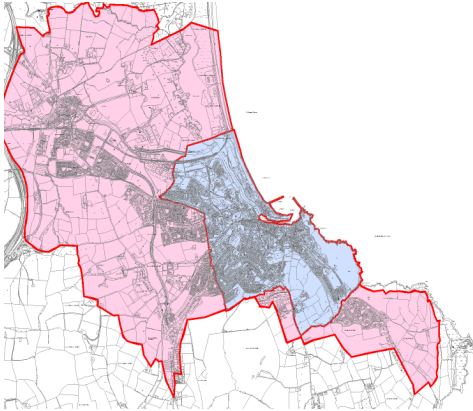
There are 36 proposed amendments in total, 4 of which are not recommended by the Manager. These 4 amendments that are not recommended are detailed here.

### **Amendment No. 3**

(page 2)

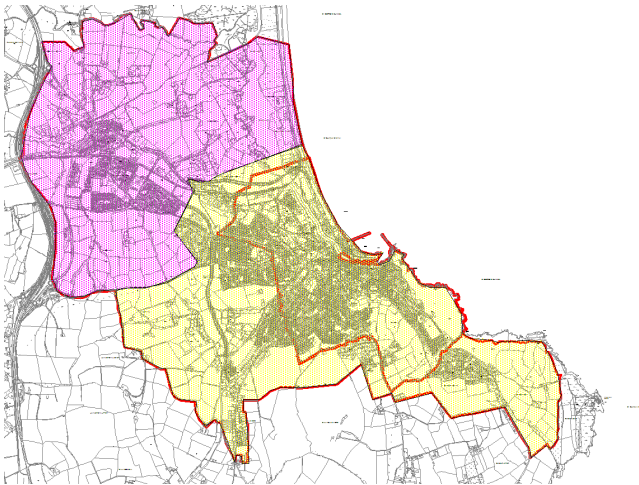
#### **From**

Wicklow Town and Environs Boundaries



#### **To**

Wicklow Town and Environs and Rathnew and Environs Boundaries.



**Map No.1.1 Wicklow Town and Environs and Rathnew and Environs Boundaries**

 Wicklow Town and Environs

 Rathnew and Environs



North

### **Submissions Received**

No submissions received

### **Managers Opinion**

The purpose of Map 1.1 is to show the current administrative / planning authority boundaries. As this is a combined development plan, it is important to show the boundaries of each of the planning authorities in order that the public understand that nature of the plan and indeed do not in err for example make planning application or inquiries to the wrong authority. It is considered confusing to describe it any other way. The alternative map suggested showing 'Wicklow Town and Environs' and 'Rathnew and environs' with a distinct boundary line is not based on any existing legal / administrative / CSO boundary and was produced by the plan team during a previous stage of plan making for illustrative purposes only. There are no details or clarification within the plan text to explain or to rationalise the proposed boundaries. It is not considered appropriate therefore to utilise this map in place of that already provided in the draft plan.

### **Managers Recommendation**

Do not adopt the proposed amendment

## **Amendment No. 6 (B)**

(page 18)

### **2.2.4 Economy and Employment**

For the new plan, given:

- the growth target for the settlement of Wicklow **Town** – Rathnew and its employment catchment area for 2022
- the role of the settlement as a major employment pole in the County
- an assumption that the labour force participation rate will remain around 50%
- the desire to significantly increase the number of jobs in the settlement such that the 'jobs ratio'<sup>1</sup> increases from 45% in 2006 to 80% by 2022
- a total of c. **9,400 jobs** would be required to be available in the settlement in 2022.

In line with sound planning principles, it is the aim of the strategy that a significant proportion of new jobs created will be located in existing built up areas, through redevelopment of brownfield sites, infill, change of use to employment generating uses and intensification of activities on existing employment sites.

The employment strategy is particularly focussed on the development of the following areas:

- Wicklow town centre and Rathnew village centre;
  - The Murrough and other lands serviced by the new Port Access Road; and
  - Clermont Campus.
- 6(B)** - **Lands adjacent to the M11 interchanges which provide safe access to primary routes.**

#### **Submissions Received**

2 submissions received on the proposed wording inclusion to the employment strategy

<b>No.</b> 1	DoECLG
<b>Issues Raised</b> The Dept would urge the planning authority to reconsider and reject this amendment. The proposed sentence should be deleted. The Spatial Planning and National Roads Guidelines do not support this type of development from a sustainable transport perspective.	
<b>No.</b> 6	NRA
<b>Issues Raised</b> The NRA is concerned that such a focus appears to conflict with the Key Strategic Objectives outlined in Section 2.1 of the Draft Plan of integrating land use planning and transport planning in order to reduce the distance people need to travel to work, etc. and may act to impede the delivery of the targets set out in Governments Smarter Travel: A new Transport Policy for Ireland 2009 –2020 and is not within the provisions of the DoECLG Spatial Planning and National Roads Guidelines. Government policy no longer proposes to cater for the type of unlimited road traffic growth driven by such patterns of development. The NRA would welcome the reconsideration not to include this statement.	

<sup>1</sup> This is the ratio of the number of jobs in the town to the number of people in the labour force

## **Managers Opinion**

### **6(B) Proposed additional wording to the employment strategy**

The Manager does not recommend this change as the development of employment adjacent to M11 interchanges does not form a key component of the 'core strategy' for employment development – the emphasis instead is the development of the three areas already identified, which are closer to the cores of the settlement and can deliver a more sustainable settlement in the long term. Furthermore, the development of employment at or adjacent to interchanges is not encouraged by Ministerial guidelines and other NRA / NTA guidance.

The proposed new text is in the 'core strategy' section with no further details proposed in the chapter on employment. The other areas and principles set out here have full details of the employment strategy within the employment chapter. In particular, for this change to make sense, changes would be required to 'Section 5.4 Objectives for Specific Locations' and new Objective EMP13 for employment at M11 interchanges would require to be inserted for clarity and order in the plan. Such a change would also require some changes to the zoning map for consistency. The necessary 'changes consequent' can not be made at this stage in the Development Plan process.

## **Managers Recommendation**

**6(B) Do not adopt** the proposed amendment with the additional wording for the employment strategy.

## **Amendment No. 16**

(page 74)

### **6.3 Retail Objectives**

#### **Petrol filling stations**

**PF2** For the provision of a Petrol Filling / Service Station, subject to high quality urban design, landscaping and layout.

#### **Submissions Received**

1 submission received

<b>No. 4</b>	<b>EPA</b>
<b>Issues Raised</b>	
There would be merits in including a specific commitment to the provision of compensatory public open space at an appropriate location(s) to offset the loss of open space associated with the proposed amendment.	

#### **Managers Opinion**

The Manager does not support the proposed amendment, for the same reasons set out in his previous report.

With regard to the submission from the EPA, the loss of open space that would result from this proposed zoning would not reduce open space provision below County standards ie. 2.4ha per 1,000 population. Therefore it is not considered that there would be any need to add in compensatory open space elsewhere in the settlement.

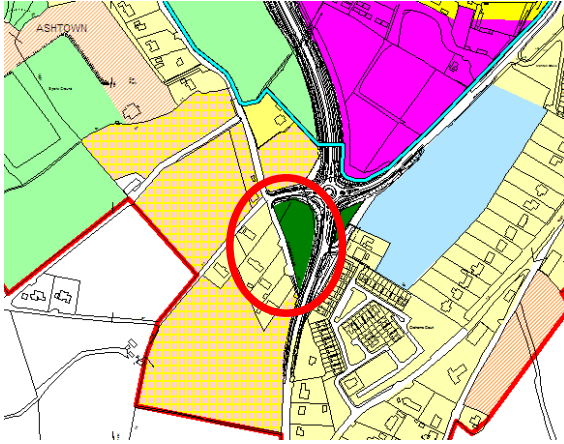
#### **Managers Recommendation**

Do not adopt the proposed amendment

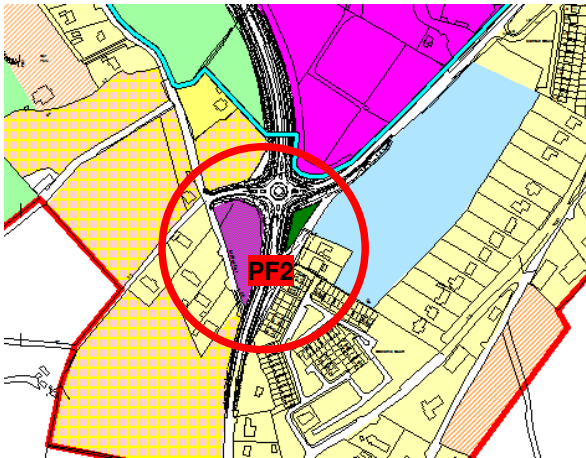
### **Amendment No. 33**

#### **Ballynerrin, Town Relief Road, Marlton Road Roundabout**

From Passive Open Space POS



To Employment (E2 – Warehousing) with Local Objective PF2 on map



#### **Submissions Received**

1 submission received

No. 4	EPA
<b>Issues Raised</b>	
There would be merits in including a specific commitment to the provision of compensatory public open space at an appropriate location(s) to offset the loss of open space associated with the proposed amendment.	

### **Managers Opinion**

The Manager does not support the proposed amendment, for the same reasons set out in his previous report.

With regard to the submission from the EPA, the loss of open space that would result from this proposed zoning would not reduce open space provision below County standards ie. 2.4ha per 1,000 population. Therefore it is not considered that there would be any need to add in compensatory open space elsewhere in the settlement.

### **Managers Recommendation**

Do not adopt the proposed amendment

## **Section 5 SUBMISSIONS & MANAGERS RECOMMENDATIONS**

### **5.1 ASSESSMENT OF SUBMISSIONS & MANAGER'S RECOMMENDATIONS**

THIS SECTION WILL REPRODUCE EACH OF THE PROPOSED AMENDMENTS IN FULL AS PUBLISHED AND THEN SET OUT A SUMMARY AND RESPONSE OF THE SUBMISSIONS MADE ON EACH AMENDMENT.

#### **GENERAL**

##### **Amendment No. 1**

Throughout the development plan and all associated documents anywhere “Wicklow” appears it should read “Wicklow **Town**”, anywhere “Wicklow – Rathnew” appears it should read “Wicklow **Town** – Rathnew”

##### **Submissions Received**

No submissions received

##### **Managers Opinion**

The proposed amendment is minor and adds clarity to the plan title. The Manager has no objection to this change.

##### **Managers Recommendation**

Adopt the proposed amendment

##### **Amendment No. 2**

Throughout the development plan and all associated documents amend the name of **Action Area 2** to ‘**Marlton Action Area**’.

##### **Submissions Received**

No submissions received

##### **Managers Opinion**

The proposed amendment is minor and simply clarifies the action area name. The Manager has no objection to this change.

##### **Managers Recommendation**

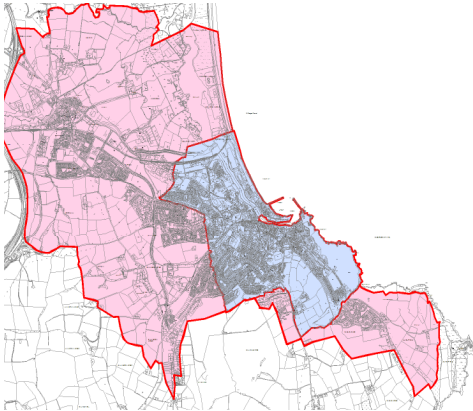
Adopt the proposed amendment

### **Amendment No. 3**

(page 2)

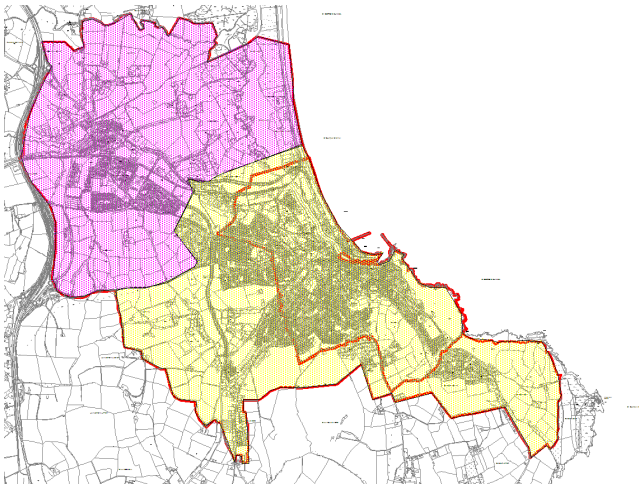
#### **From**

Wicklow Town and Environs Boundaries



#### **To**

Wicklow Town and Environs and Rathnew and Environs Boundaries.



**Map No.1.1 Wicklow Town and Environs and Rathnew and Environs Boundaries**

 Wicklow Town and Environs

 Rathnew and Environs



North

**Submissions Received**

No submissions received

**Managers Opinion**

The purpose of Map 1.1 is to show the current administrative / planning authority boundaries. As this is a combined development plan, it is important to show the boundaries of each of the planning authorities in order that the public understand that nature of the plan and indeed do not in err for example make planning application or inquiries to the wrong authority. It is considered confusing to describe it any other way. The alternative map suggested showing 'Wicklow Town and Environs' and 'Rathnew and environs' with a distinct boundary line is not based on any existing legal / administrative / CSO boundary and was produced by the plan team during a previous stage of plan making for illustrative purposes only. There are no details or clarification within the plan text to explain or to rationalise the proposed boundaries. It is not considered appropriate therefore to utilise this map in place of that already provided in the draft plan.

**Managers Recommendation**

Do not adopt the proposed amendment

## CHAPTER TWO

### **Amendment No. 4 (A) and 4 (B)**

(page 14)

#### **2.1 Vision**

For Wicklow Town, Environs and Rathnew to be a prosperous and growing community in the garden County of Wicklow, offering a unique and high quality of life by providing for a sustainable and local work/life balance within a quality environment for all who live, work and visit the area.

This will be achieved through the following Key Strategic Objectives:

- 4 (A)**     ■ Strengthening and consolidating Wicklow Town as the County town to ensure that it remains the economic and social hub of the community by making the town a more attractive place to live and do business, by improving the public realm, by encouraging infill development and brownfield regeneration, by protecting the built and natural heritage and by improving movement throughout the town. **While protecting the character and uniqueness of the Main Street, it is necessary to provide for the development of Wicklow Town so as to provide for the requirements of modern retailers and business. Identifying suitable locations within the plan area that are deliverable within the time scale of this plan to cater for major retailers' needs is crucial for Wicklow Town to grow as a Primary Growth Centre and County Town.**
- 4 (B)**     ■ Re-enforcing and protecting the identity of Rathnew as a separate stand alone entity in the wider settlement; by providing local services in an attractive, thriving village and to facilitate the ~~educational~~ potential ~~of~~ **for innovation, enterprise and education at Clermont Campus** for the benefit of the local and regional community.
  - Integrating land use planning and transport planning, with the dual aim of reducing the distance that people need to travel to work, shops, schools and places of recreation and social interaction and facilitating the delivery of improved public transport
  - To enhance existing housing areas and to provide for high quality new housing at appropriate locations and to ensure the development of a range of house types, sizes and tenures in order to meet the differing needs of all in society and to promote balanced communities
  - Cultivating the port and manufacturing employment tradition in the settlement while facilitating a broad range of enterprise development thereby avoiding dependence on a specific sector
  - To recognise and protect through policies of the Plan, the unique character, built heritage, seaside location, maritime history, natural environment of the area, ensuring that this heritage can continue to contribute positively to the overall quality of life, recreation and tourism role of the settlement and by developing existing traditional coastal and estuarine walks.
  - Ensuring that the quality and setting of the natural environment is protected and strengthened through the Plan so that maximum associated ecosystem services in terms of flood attenuation, biodiversity, quality of life, tourism and recreation may be realised for the benefit of the local and wider community.
  - Supporting social and community development and in particular, to link the development of new housing to the delivery of necessary community facilities, including schools, playing pitches, health facilities and other community services

- To recognise the needs of all society and ensure that all strategies, policies and objectives do not inhibit or exclude any individuals or groups from being part of their community's development
- Maximising the use of existing infrastructure and targeting new investment in infrastructure to that which can generate the highest returns to the community
- To address the climate change challenge as a plan dynamic, directly in the areas of flooding and renewable energy and indirectly through integrating climate change and sustainable development into all aspects of plan policy and objectives.

### **Submissions Received**

No submissions received on 4 (A) or 4 (B)

### **Managers Opinion**

(A) The Manager has no objections to this additional text put forward by the members as it is considered to reflect objectives already contained within the draft plan.

(B) The amendment was proposed by the Manager for the reasons set out in his last report and is still supported.

### **Managers Recommendation**

Adopt the proposed amendment

## **Amendment No. 5**

(page 15)

### **2.2.3 Housing and Phasing**

In order to accommodate this potential growth in population, the plan must make provision for growth in the housing stock. This will entail ensuring that there is sufficient zoned and serviced land available for the construction of new housing. While the duration of this plan is only until 2019, in accordance with current guidance from the DoECLG and RPGs, this plan will make provision for adequate zoned and serviced land to meet residential needs for the next nine years i.e. up to 2022.

The objective of this plan is to ensure balanced and proportionate development which will underpin and reinforce the status of Wicklow Town as the county town and Primary Growth Centre as outlined in National Planning Strategies.

Household size: Clearly it is necessary to predict future household size in determining how much new housing is required. These predictions have been provided for Wicklow by the RPGs as shown on the table below.

Excess factor: More housing units are always required to be provided over and above the minimum amount as some houses may be used as second / holiday homes and some units may be vacant at any time for example due to normal market friction. An excess factor of 6% is utilised in this plan.

### **Submissions Received**

1 submission received

<b>No. 3</b>	<b>Durkan New Homes</b>
<b>Issues Raised</b>	
It is sought that proposed amendment No. 5 be amended with the following text in green, with the reason that this will future proof the development of Wicklow Town as the County Town and Primary Growth Centre as outlined in the National Planning Strategies.	
The objective of this plan is to ensure balanced and proportionate development which will underpin and reinforce the status of Wicklow Town as the county town and Primary Growth Centre as outlined in National Planning Strategies. Accordingly lands in the strategic land bank may only be considered for development where:	
<ul style="list-style-type: none"><li>▪ Lands in phases 1 and 2 have been substantially developed and have not delivered the number of housing units envisaged <b>or</b></li><li>▪ Some barrier is impeding the development of lands in phases 1 and 2 <b>or</b></li><li>▪ Lands in phase 1 and 2 are not being released to the market.</li></ul>	

### **Managers Opinion**

This submission is essentially seeking that an allowance be made during the lifetime of the plan for development in the SLB. The Manager is opposed to this suggestion for the following reasons:

- to provide that the SLB lands may be developed during the lifetime of the plan would essentially result in a plan that is excessively over zoned having regard to the provisions of the Planning Act, the Core Strategy guidelines issued by the Department of the Environment, Community and Local Government and the County Core Strategy;

- the detailed zonings for the SLB lands (which are shown in hatched / faded colours) have not been 'worked out' vis-à-vis population targets, the balance between various land uses or the zonings within the remainder of the plan
- were lands in Phases 1 and 2 not developed within the first 3 years of the plan, to allow development on these peripheral lands would result in a wholly unsustainable settlement pattern, with new residents / employees being located at a distance from the town centre and necessary services, dependent on the private car for transport etc
- there are no current plans or funding mechanisms in place to service the SLB lands at this time and this is highly unlikely to be remedied during the lifetime of this plan given current budgetary constraints. It would be misleading therefore for the plan to suggest that these lands are suitable for development during the lifetime of the plan

Furthermore, it is considered that such a modification would be a 'significant' change to the plan at this late stage, in terms of the overall strategy for the development of the settlement and therefore cannot be considered at this stage.

The Manager has no objection to the amendment as originally proposed.

### **Managers Recommendation**

Adopt the originally proposed amendment

## Amendment No. 6 (A) and 6 (B)

(page 17 and 18)

### 2.2.4 Economy and Employment

The RPGs indicate that outside of the core Dublin employment zone, Bray and Wicklow Town should act as anchors for regional enterprise. It is the strategy of this plan to put in place a framework to facilitate substantial growth in employment, in particular to allow Wicklow Town – Rathnew to develop as the major employment hub in this sub-region of the County.

- 6 (A) ~~In particular, the amount of zoned employment land must be align with this strategic goal. There has been a tendency in the past to zone an abundance of lands for employment uses in the hope that this will bring so many options to prospective employers that jobs would flow rapidly into the town. However, there is no evidence that this has been the case, even during the boom years and indeed the spread out nature of employment zoned lands has also lead to a number of new employment developments being located at the very edges of the settlement. This has obvious negative impacts such as:~~
- ~~– inefficient use of resources in bringing services to such sites;~~
  - ~~– the need to rely on the private car to access such sites given their distance away from residential areas;~~
  - ~~– the haphazard growth of the settlement, at the edges first, rather than from the centre out.~~

There is currently sufficient land zoned in the three plans for theoretically provide for **31,000 new jobs**, not including jobs that might be provided on ‘town centre’ zoned land or land zoned for education, community or residential uses, as shown on the table below.

**Table 2.3 Existing employment zoned land**

Location	Zoning	Action Area	Area	Amount developed	Amount free	Jobs potential
Rosanna Lower 1	E	AA1	15.67	0	15.67	3,761
Newrath 1	E	AA1	10.04	0	10.04	2,410
Newrath 2	E	AA11	3.56	0	3.56	854
Newrath 3	CC	AA11	3.54	0	3.54	850
Newrath 4	CC	AA1	48.08	0	48.08	11,539
Rosanna Lower 2	E1	AA1	3.24	0.4	2.84	114
Merrymetting 1	E1	AA1	3.74	2.34	1.4	56
Milltown North	E		29.9	11.9	18	720
Ballybeg 1	E		1.88	0	1.88	75
Ballybeg 2	E		2.9	2.9	0	0
Ballynabarny / Broomhall	E		31.65	0	31.65	1,266
Ballybeg 3	E1		4	0	4	160
Ballynabarny	E1		11.5	0	11.5	460
Merrymetting	E	AA2	8	1.08	6.92	1,661
Bollarney North	E	AA3	7.8	4.2	3.6	864
Hawkstown Lower	E	AA4	3	0	3	720
Ballynabarny	E	AA9	4	0	4	160
Knockrobin / Bollarney Murrough	E		16.7	11	5.7	228
Ballybeg 4		AA10	19.3	7.3	12	2,880
Ballynerrin Lower	E1	AA6	7.9	0	7.9	316
The Murrough	MU	AAP1	18	10	8	1,920
<b>Total</b>						<b>31,013</b>

For the new plan, given:

- the growth target for the settlement of Wicklow **Town** – Rathnew and its employment catchment area for 2022
- the role of the settlement as a major employment pole in the County
- an assumption that the labour force participation rate will remain around 50%
- the desire to significantly increase the number of jobs in the settlement such that the 'jobs ratio'<sup>2</sup> increases from 45% in 2006 to 80% by 2022
- a total of c. **9,400 jobs** would be required to be available in the settlement in 2022.

In line with sound planning principles, it is the aim of the strategy that a significant proportion of new jobs created will be located in existing built up areas, through redevelopment of brownfield sites, infill, change of use to employment generating uses and intensification of activities on existing employment sites.

The employment strategy is particularly focussed on the development of the following areas:

- Wicklow town centre and Rathnew village centre;
  - The Murrough and other lands serviced by the new Port Access Road; and
  - Clermont Campus.
- 6(B) - **Lands adjacent to the M11 interchanges which provide safe access to primary routes.**

### Submissions Received

(a) No submissions received on the proposed wording deletion

(b) 2 submissions received on the proposed wording inclusion to the employment strategy

<b>No.</b> 1	DoECLG
<b>Issues Raised</b> The Dept would urge the planning authority to reconsider and reject this amendment. The proposed sentence should be deleted. The Spatial Planning and National Roads Guidelines do not support this type of development from a sustainable transport perspective.	
<b>No.</b> 6	NRA
<b>Issues Raised</b> The NRA is concerned that such a focus appears to conflict with the Key Strategic Objectives outlined in Section 2.1 of the Draft Plan of integrating land use planning and transport planning in order to reduce the distance people need to travel to work, etc. and may act to impede the delivery of the targets set out in Governments Smarter Travel: A new Transport Policy for Ireland 2009 –2020 and is not within the provisions of the DoECLG Spatial Planning and National Roads Guidelines. Government policy no longer proposes to cater for the type of unlimited road traffic growth driven by such patterns of development. The NRA would welcome the reconsideration not to include this statement.	

<sup>2</sup> This is the ratio of the number of jobs in the town to the number of people in the labour force

## **Managers Opinion**

### **(A) Wording deletion**

The Manager has no objection to the deletion of this text, as proposed by the members.

### **(B) Proposed additional wording to the employment strategy**

The Manager does not recommend this change as the development of employment adjacent to M11 interchanges does not form a key component of the 'core strategy' for employment development – the emphasis instead is the development of the three areas already identified, which are closer to the cores of the settlement and can deliver a more sustainable settlement in the long term. Furthermore, the development of employment at or adjacent to interchanges is not encouraged by Ministerial guidelines and other NRA / NTA guidance.

The proposed new text is in the 'core strategy' section with no further details proposed in the chapter on employment. The other areas and principles set out here have full details of the employment strategy within the employment chapter. In particular, for this change to make sense, changes would be required to 'Section 5.4 Objectives for Specific Locations' and new Objective EMP13 for employment at M11 interchanges would require to be inserted for clarity and order in the plan. Such a change would also require some changes to the zoning map for consistency. The necessary 'changes consequent' can not be made at this stage in the Development Plan process.

## **Managers Recommendation**

**(A)** Adopt the proposed amendment to omit the wording in paragraph one of Section 2.2.4.

**(B)** Do not adopt the proposed amendment with the additional wording for the employment strategy.

## Amendment No. 7

(page 21)

(Note: Table 2.5 and Table 2.6 is the same as Table 3.3, page 28 and Table 5.2, page 60 )

### 2.2.7 Land zoning principles

#### Proposed Housing Land

Having regard to the inherited surplus of zoned housing land from previous plans, this plan has reduced that amount of zoned housing land to **187.39** ~~203~~ha as set out in Table 2.5 below

**Table 2.5 Proposed housing land for the Wicklow Town– Rathnew DP 2013 - 2019**

Locations	Zoning	Area (ha)	Theoretical Maximum Capacity
Bollarney	R1	1.549	62
Broadlough Estate	R1	2.25	90
Broadlough Estate	R2	0.32	9
Ballyguile	R2	0.9	25
Greenhills Road	R2	1.724	48
Abbey School	TC	0.72	23
Church Lane	R2	0.58	7
Marlton	R2	0.1527	6
AA3 Murrough	R1	4.729	189
Convent lands	R1	3.4	96
Convent lands	R2	2.401	277
Whitegates	MU	9.892	136
Kilmantin House	R1	0.2072	8
AA1 Clermont – Tinakelly AA	R2	3.881	109
AA1 Clermont – Tinakelly AA	TC	3	127
AA1 Rathnew Clermont – Tinakelly AA	R2	16	448
AA1 Rathnew Clermont – Tinakelly AA	R1	5.716 7	229 280
AA2 Marlton AA	R1	9.61	384
AA2 Marlton AA (25ha inc School Site)	R2	32 23.4	655
Knockrobin & Bollarney	R2	10	274
Burkeen & Merrymeeting	R2	13	353
Keatingstown & Broomhall	R2	29	822
Ashtown	R3	8	158
Marlton Road	R4	2.438	24
Ballyguile	R3	2.95	59
Ballyguile	R4	1.327	13
Ballybeg	R2	18 13	497 364
Rathnew	TC	2	61
Rathnew	R2	8 4.16	227 116
Greenhills Road (Mariner's Point)	R4	5.2	52
Ballyguile Beg	R4 (NH4)	2	15 (max)
Ashtown (WRFC)	R4	2.6	26
Infill	RE, TC & VC		250
<b>Total</b>		<b>203.07 187.39</b>	<b>5,759 5,566</b>
<b>Phase 1 (2013-2019)</b>			<b>3,980</b>
<b>Phase 2 (post 2019)</b>			<b>5,759 5,566</b>

## Proposed employment land

Having regard to the inherited surplus of zoned employment land from previous plans, this plan has reduced that amount of zoned employment land to ~~86.3~~ 95.59ha as set out in Table 2.6 below.

**Table 2.6: Proposed employment land for the Wicklow Town – Rathnew DP 2013 – 2019**

Location	Zoning	Undeveloped land (ha)	Employment type
Rosanna Lower 1	E1	9.74	Business Park / Manufacturing
Newrath	E1	13.91	Business Park / Manufacturing
Rosanna Lower 2	E3	2.97	Retail warehousing
Milltown North	E1	10.67	Business Park / Manufacturing
Merrymeeing 1	E3	1.46	Retail warehousing
Merrymeeing 2	E1	5.42	Business Park / Manufacturing
Ballynabarny 1	E1	12.63	Business Park / Manufacturing
Ballynabarny 2	E2	4.36	Warehousing
Ballybeg	E2	4.12	Warehousing
Ballynerrin Lower	E3	7.88	Retail warehousing
Along PAR	E2	10.5	Warehousing
Along PAR (CZ Zone)	E2	2.64	Warehousing
Ballynerrin (roundabout)	E2	0.45	Objective PF2
Rathnew	E1	3.84	Business Park / Manufacturing
Ballybeg (N11)	E1	5	Business Park / Manufacturing
<b>Total</b>		<del>86.3</del> 95.59	

## Submissions Received

1 submissions received

<b>No. 7</b>	Ronan O'Caoimh
<b>Issues Raised</b>	
<p>This amendment would result in the amount of residentially zoned land in the settlement being reduced with the result that there would not be enough zoned residential land to accommodate the projected growth of Wicklow-Rathnew.</p> <p>In light of this it is requested that the submitter's lands at Ashtown and Broomhall House (in the SLB) be zoned for residential development.</p>	

### **Managers Opinion**

As set out in Chapters 2 and 3 of the draft plan, in order to comply with Regional and County population targets, the population target for the settlement of Wicklow – Rathnew for 2019 (i.e. until the end of this plan period) is 21,500. This would require the delivery 3,980 new housing units, making assumptions about household size and vacancy rates. The plan (as now proposed including the various amendments under consideration) would zone adequate land for the development of 5,566 units. Clearly there is more than enough land therefore zoned to meet the population target.

Furthermore, at this stage of the plan making process, it is not possible to zone any additional / new lands for residential development, above that already provided for in the draft plan.

The amendment as published was proposed by the Manager for the reasons set out in his last report and is still supported.

### **Managers Recommendation**

Adopt the proposed amendment

## CHAPTER THREE

### Amendment No. 8

(page 27)

### 3.2 Residential Zoning

#### New Residential Zones

This plan will provide for c. ~~187.39~~ ~~203~~ hectares of 'greenfield' zoned residential land. Taken in conjunction with potential infill development in the town/ village centre and existing residential areas, the provisions of the plan provide for a residential development capacity of c. ~~5,566~~ ~~5,759~~ units, with a range of densities as set out in Table 3.3 to follow. Some of these lands are located in designated 'Opportunity Areas' and 'Action Areas'.

All 'opportunity areas' and 'action areas' are to be the subject of comprehensive (not piecemeal) integrated schemes of development that allow for the sustainable, phased and managed development of the action area during the plan period.

**Table 3.3 Residential / mixed use zonings**

Locations	Zoning	Area (ha)	Theoretical Maximum Capacity
Bollarney	R1	1.549	62
Broadlough Estate	R1	2.25	90
Broadlough Estate	R2	0.32	9
Ballyguile	R2	0.9	25
Greenhills Road	R2	1.724	48
Abbey School	TC	0.72	23
Church Lane	R2	0.58	7
Marlton	R2	0.1527	6
AA3 Murrough	R1	4.729	189
Convent lands	R1	3.4	96
Convent lands	R2	2.401	277
Whitegates	MU	9.892	136
Kilmantin House	R1	0.2072	8
AA1 Clermont - Tinakelly AA	R2	3.881	109
AA1 Clermont - Tinakelly AA	TC	3	127
AA1 Rathnew Clermont - Tinakelly AA	R2	16	448
AA1 Rathnew Clermont - Tinakelly AA	R1	5.716 7	229 280
AA2 Marlton AA	R1	9.61	384
AA2 Marlton AA (25ha inc School Site)	R2	32 23.4	655
Knockrobin & Bollarney	R2	10	274
Burkeen & Merrymeeting	R2	13	353
Keatingstown & Broomhall	R2	29	822
Ashtown	R3	8	158
Marlton Road	R4	2.438	24
Ballyguile	R3	2.95	59
Ballyguile	R4	1.327	13
Ballybeg	R2	18 13	497 364
Rathnew	TC	2	61
Rathnew	R2	8 4.16	227 116
Greenhills Road (Mariner's Point)	R4	5.2	52
Ballyguile Beg	R4 (NH4)	2	15 (max)
Ashtown (WRFC)	R4	2.6	26

<b>Infill</b>	RE, TC & VC		250
<b>Total</b>		<b>203.07 187.39</b>	<b>5,759 5,566</b>
<b>Phase 1 (2013-2019)</b>			<b>3,980</b>
<b>Phase 2 (post 2019)</b>			<b>5,759 5,566</b>

### Submissions Received

1 submissions received

<b>No.7</b>	Ronan O'Caoimh
<b>Issues Raised</b>	
This amendment would result in the amount of residentially zoned land in the settlement being reduced with the result that there would not be enough zoned residential land to accommodate the projected growth of Wicklow-Rathnew. In light of this it is requested that the submitter's lands at Ashtown and Broomhall House (in the SLB) be zoned for residential development.	

### Managers Opinion

As set out in Chapters 2 and 3 of the draft plan, in order to comply with Regional and County population targets, the population target for the settlement of Wicklow – Rathnew for 2019 (i.e. until the end of this plan period) is 21,500. This would require the delivery 3,980 new housing units, making assumptions about household size and vacancy rates. The plan (as now proposed including the various amendments under consideration) would zone adequate land for the development of 5,566 units. Clearly there is more than enough land therefore zoned to meet the population target.

Furthermore, at this stage of the plan making process, it is not possible to zone any additional / new lands for residential development, above that already provided for in the draft plan.

The amendment as published was proposed by the Manager for the reasons set out in his last report and is still supported.

### Managers Recommendation

Adopt the proposed amendment

## CHAPTER FOUR

### Amendment No. 9

(page 41 & 42)

#### 4.2.2 Vehicular, Pedestrian and Cyclist Circulation

##### Cycling

Currently there are no cycle lanes within Wicklow Town centre due to lack of width and existence of on-street car parking; cycle lanes from the town centre's environs into the core area are limited and not continuous. ~~–; however given the relatively slow movement of traffic within the town centre, the area lends itself to relatively safe cyclist movement.~~ There are cycle parking facilities within the town at a number of convenient locations, but significant enhancement of such facilities is required.

##### Vehicular, Pedestrian and Cycling Objectives

- WT 1 To maintain the Main Street as the principal vehicular route through the town centre and to exploit any opportunities that arise to improve safety for both vehicles and pedestrians/ cyclists.
- WT 2 To promote ease of movement of pedestrians throughout the town centre and avail of any opportunities to improve footpaths, pedestrian routes and road crossings.
- WT 3 To promote ease of movement of cyclists throughout the town centre and avail of any opportunities to improve the quality of service for cyclists and improve including the provision of safe and secure cycle parking at key locations throughout Wicklow town centre.
- WT 4 To facilitate the improvement of existing and the development of new linkages from the town centre to car/bike parks, amenity areas, to south quay and to the port / Murrough areas and to the town's environs. Any new development proposals with frontage onto both Main Street and the south quay shall incorporate new pedestrian linkages between the two where feasible.

##### Submissions Received

No submissions received

##### Managers Opinion

The Manager has no objections to the proposed amendment.

##### Managers Recommendation

Adopt the proposed amendment

## **Amendment No. 10**

(page 45)

### **4.2.9 Retail Role of the Core**

The continuation of the retail function of the Main Street is key to its future viability. A main street requires the passing trade of shoppers to maintain both the pure retail offer and other retail services such as banks, cafes, hairdressers etc. The Main Street is the traditional retail area of the town and should remain the main area - however there is the potential for further retail development on the South Quay which is within the retail core area. In this regard, it is the stated policy of the County Retail Strategy to promote, encourage **and support** improvements to retailing and other town centre activities in the core area of Wicklow **Town** and to generally control further retail development to:

- Conversion of non-retail premises in the core area to retail use,
- Renovation and expansion of existing retail premises in the core retail area,
- Redevelopment of derelict or brownfield sites in the core, and
- Replacement of existing facilities within the town.
- **To facilitate and support suitable proposals to merge or assemble multiple buildings / sites in order to develop modern retailing formats, including department stores or malls, having due regard to the protection of architectural heritage within the Town Centre.**

### **Objectives**

- RC1** To support the function of the main street and associated side streets as the principal retail area in Wicklow.
- RC2** To **facilitate and** support suitable proposals to merge or assemble **multiple** buildings / sites in order to develop modern retailing formats, including department stores or malls, having due regard to the protection of architectural heritage **within the Town Centre**.
- RC3** To promote and facilitate the conversion of non-retail premises to retail/retail service use and to strongly resist the conversion of existing retail/retail service premises to alternative, less active uses that would diminish vibrancy and daytime activity in the area.

### **Submissions Received**

No submissions received

### **Managers Opinion**

The Manager has no objections to the proposed amendment.

### **Managers Recommendation**

Adopt the proposed amendment

## **Amendment No. 11**

(page 52)

### **4.4 WICKLOW PORT AND HARBOUR STRATEGY**

#### **THE PORT AND QUAYS**

##### **Objectives**

**Port 6** To consider the feasibility of the preparation of a Port and Environs Masterplan, to facilitate the continued development of the Port, quays and harbour, to be prepared by Wicklow Port Company in close conjunction with the Planning Authority. Any approved Masterplan must adhere to the overall zonings, policies and objectives of the Development Plan.

##### **Submissions Received**

1 submission received

No. 4	EPA
<b>Issues Raised</b> Acknowledge that consideration is being given to preparation of a Port and Environs Masterplan for Wicklow port. Consideration should be given to taking into account the approach undertaken for existing port related master plans and integration of SEA, Habitats, Floods and Water Framework Directives. Additionally, National Ports Policy should be taken into account.	

##### **Managers Opinion**

The Manager recommended this amendment for the reasons set out in his last report and still supports its inclusion.

In response to the EPA submission, as per the proposed amendment, the masterplan is to be prepared by Wicklow Port Company in conjunction with the planning authority and shall adhere to the objectives of the development plan. The normal statutory requirements regarding compliance with the SEA, Habitats, Floods and Water Framework Directives shall apply to the preparation of the masterplan, as appropriate.

##### **Managers Recommendation**

Adopt the proposed amendment

## CHAPTER SIX

### **Amendment No. 12**

(page 69)

#### **6.2.1 Strategy for Wicklow Town – Rathnew**

**Therefore the retail strategy for Wicklow Town - Rathnew is:**

1. To promote and encourage enhancement and expansion of retail floorspace and town centre activities in Wicklow Town to enhance its role and importance as a County Town Centre in the GDA. Wicklow Town must be developed as a retail centre of excellence. The upgrade of the Town Centre is paramount and the priority of any future development must stem from the centre of the town outwards. Where the opportunity for development of new retail arises and it is found that no suitable locations are available within the immediate town centre then provision must be provided for such developments within the time scale of the Plan at edge of centre locations.

#### **Submissions Received**

1 submission received

<b>No. 4</b>	EPA
<b>Issues Raised</b>	
Consideration should be given to amend the proposed additional text to include a commitment that development be carried out “..in a sustainable manner”, to strengthen the adoption of a sustainable development approach.	

#### **Managers Opinion**

All strategies and objectives of the plan are underpinned by strategic overarching objectives pertaining to a commitment that development is carried out in a 'sustainable manner'. Taking account of this, it is considered that it is not necessary to include the recommended additional text. It is considered that the issues raised by the EPA are adequately dealt with in the proposed development plan.

The Manager has no objections to the proposed amendment as it reflects the general policies and objectives regarding Wicklow town centre and retailing as set out in the remainder of the plan.

#### **Managers Recommendation**

Adopt the proposed amendment

## **Amendment No. 13**

(page 70)

### **6.3 Retail Objectives**

- RT3** The preferred location for new retail development where practicable and viable, is within the retail core of the town / village centre zones. Where it is not possible to provide the form and scale of development that is required on a site within the core, then consideration can be given to a site on the edge of the core, but still within the town / village centre zone. **Wicklow Town must be developed as a retail centre of excellence. The upgrade of the Town Centre is paramount and the priority of any future development must stem from the centre of the town outwards. Where the opportunity for development of new retail arises and it is found that no suitable locations are available within the immediate town centre then provision must be provided for such developments within the time scale of the Plan at edge of centre locations.**

### **Submissions Received**

1 submission received

<b>No. 4</b>	EPA
<b>Issues Raised</b>	
In relation to seeking the development outside the immediate town centre where no suitable lands are available in the town centre, the requirement of the Floods/Habitats, EIA and Water Framework Directive should be taken into consideration. Traffic impact assessment should also be taken into account.	

### **Managers Opinion**

Any development proposal shall be assessed having regard to the objectives of the development plan and other statutory requirements, as appropriate. The development plan includes mitigation objectives to ensure compliance with the relevant EU Directives, e.g. application of Floods Directive - FL1-FL7 Ch10; application of Habitats Directive - NU2 Ch11; application of Water Framework Directive – Ch 11 WS1-WS6. Objectives relating to the requirement to submit Traffic Impact Assessments are included in Chapter 9 of the development plan. It is considered that the issues raised by the EPA are adequately dealt with in the proposed development plan.

The Manager has no objections to the proposed amendment as it reflects the general policies and objectives regarding Wicklow town centre and retailing as set out in the remainder of the plan.

### **Managers Recommendation**

Adopt the proposed amendment

## **Amendment No. 14 (A), (B) and (C)**

(page 72)

### **6.3 Retail Objectives**

#### **Large Foodstores**

- 14 (A)** Large foodstores comprising supermarkets, superstores, **discount foodstores** or hypermarkets are an accepted component of the retail hierarchy. They serve mainly the large weekly convenience goods shopping requirements of families. They require large clear areas of floorspace together with adjacent car parking as the majority (but not all) of families undertake their weekly bulk convenience shopping by car.
- 14 (B) LF1** Large foodstores shall generally be required to be located on lands zoned 'town centre' or 'village centre'. **Where no such zoned lands are available and a need can be shown for this form of retailing, the applicant must show through the application of the sequential approach that the site selected is suitable and optimal.**
- 14 (C) LF2** Where a proposal for foodstore development involves the sale of a significant amount of non-food goods (as is common in hypermarkets) the application drawings accompanying a planning application shall delineate clearly the area to be devoted primarily for the sale of convenience goods. **The balance between the convenience and comparison element of the proposed store drawings is a critical element in the assessment of the suitability of the development proposal. Where a significant element of the store is indicated to be for comparison goods the potential impact of that element of the store on existing comparison goods stores within the catchment must be included in the assessment of the application.** ~~Florspace caps set out in the Retail Planning Guidelines will apply to the total net retail sales space of superstores and the convenience goods net retail sales space of hypermarkets delineated on application drawings.~~ To prevent any adverse impact on town centres, the proportion of comparison goods floorspace ~~shall~~ **may** be limited to a maximum of 20% of retail floor area."

#### **Submissions Received**

- 14 (A) no submissions received  
14 (B) no submissions received  
14 (C) 1 submission received

<b>No. 8</b>	<b>Tesco Ireland Ltd</b>
<b>Issues Raised</b>	
<p><b>14 (C)</b> The decision to retain the cap is supported by two policy statements taken from the Retail Planning Guidelines 2012, namely Section 2.4 and 4.11.1. Neither of these Sections provides any policy basis to support the cap introduced by Policy LF2. It is for this reason that it is requested that the cap be omitted in its entirety so that investment within the retail sector is promoted. The scale of floorspace proposed can be assessed on a case by case basis through engagement with the retail investors.</p> <p>In the event that the Planning Authority decides that the cap will be implemented as per the proposed amendment, it is requested that a realistic adjustment be undertaken to the % of comparison floorspace permissible. Based on the Retail Impact Assessment submitted with the Tesco Application in 2011, it is clear that there is sufficient expenditure capacity within Wicklow Town to support a higher % of comparison floorspace. In addition, the viability of retail investment must also be considered, particularly where other providers of comparison goods can trade or develop new stores without any similar restriction. Under these circumstances, and where the amendment is to be made, it is requested that the Planning Authority amends the percentage from a maximum of 20% to a maximum of 35%.</p>	

## **Managers Opinion**

14 (A) This amendment was recommended by the Manager for the reasons set out in his previous report and is still supported.

14 (B) This amendment was recommended by the Manager for the reasons set out in his previous report and is still supported.

14 (C) This amendment was recommended by the Manager for the reasons set out in his previous report and is still supported.

Objective LF2 of the Wicklow County Retail Strategy states:

*“Where a proposal for foodstore development involves the sale of a significant amount of non-food goods (as is common in hypermarkets) the application drawings accompanying a planning application shall delineate clearly the area to be devoted primarily for the sale of convenience goods. Floorspace caps set out in the ‘Retail Planning Guidelines’ will apply to the total net retail sales space of superstores and the convenience goods net retail sales space of hypermarkets delineated on application drawings. To prevent any adverse impact on town centres, the proportion of comparison goods floorspace shall be limited to a maximum of 20% of retail floor area.”*

This objective was adopted in 2010 in the context of the ‘Retail Planning Guidelines for Local Authorities’, 2005. While these guidelines did not indicate that caps should be applied to the comparison element of foodstores / hypermarkets (caps on convenience floorspace were provided), a key objective of the guidelines was to support the continuing role of town centres and in light of this high level objective and the potential impacts on comparison retailing in town centres, Wicklow County Council adopted an objective limiting the comparison floor space in such stores to 20%.

Since the adoption of the 2010 County Retail Strategy, new Retail Planning Guidelines have been published (2012). These similarly do not indicate that caps should be applied to the comparison element of foodstores / hypermarkets.

Nevertheless it is still considered that the County Retail Strategy and objective LF2 are generally consistent with the current guidelines – it is clearly set out in the Planning Act that County Retail Strategies should *have regard to* such guidelines, but does not require a slavish adherence to same.

One must also bear in mind that it is not possible to amend the County Retail Strategy through the Wicklow Town – Rathnew Development Plan process and the objectives in the County Retail Strategy are superior to local objectives, where a conflict arises.

Objectives RT1 and RT2 of the draft plan require that all retail application are assessed in accordance with the Retail Planning Guidelines, any relevant Ministerial guidelines / directives, and the County Retail Strategy. It is not one specific document that is for consideration, but rather, it is a combination of relevant policy documents that are to be considered. In addition, regard is also generally paid to previous relevant planning permissions. It is considered therefore that there is sufficient scope within LF2 of the Draft Plan to enable the reasonable application of most relevant and up to date policy guidance on the issue of appropriate floorspace caps.

A further modification to the proposed material alteration is not warranted.

## **Managers Recommendation**

Adopt the originally proposed amendment

## **Amendment No. 15**

(page 73)

### **Section 6.3 Retail Objectives**

Delete Objective DF1- Discount Foodstores

#### **Discount foodstores**

~~Discount food stores generally comprise a single level, self service store normally of between 1,000sqm — 1,500sqm of gross floorspace selling a limited range of goods at competitive prices, often with adjacent car parking.~~

~~**DF1** — Discount foodstores shall be required to locate on suitably zoned lands. Where no such zoned lands are provided and a need can be shown for this form of retailing, the applicant must show through the application of the sequential approach that the site selected is suitable and optimal. To prevent any adverse impact on town centres, the proportion of comparison goods floorspace shall be limited to a maximum of 20% of retail floor area."~~

#### **Submissions Received**

No submissions received

#### **Managers Opinion**

This amendment was recommended by the Manager, for the reasons set out in his previous report and is still supported.

#### **Managers Recommendation**

Adopt the proposed amendment

## **Amendment No. 16**

(page 74)

### **6.3 Retail Objectives**

#### **Petrol filling stations**

**PF2** For the provision of a Petrol Filling / Service Station, subject to high quality urban design, landscaping and layout.

#### **Submissions Received**

1 submission received

No. 4	EPA
<b>Issues Raised</b> There would be merits in including a specific commitment to the provision of compensatory public open space at an appropriate location(s) to offset the loss of open space associated with the proposed amendment.	

#### **Managers Opinion**

The Manager does not support the proposed amendment, for the same reasons set out in his previous report.

With regard to the submission from the EPA, the loss of open space that would result from this proposed zoning would not reduce open space provision below County standards ie. 2.4ha per 1,000 population. Therefore it is not considered that there would be any need to add in compensatory open space elsewhere in the settlement.

#### **Managers Recommendation**

Do not adopt the proposed amendment

## CHAPTER SEVEN

### Amendment No. 17

(page 80)

#### 7.3.4 Tourism and Recreation Themes & Products

**TTP7** To promote the development of a 'National Cycle Network Hub' within the town environs. Each hub would consist of a number of looped cycle routes consisting of half or full day walking or cycling.

#### Submissions Received

1 submission received

No. 4	EPA
<b>Issues Raised</b>	
It is noted that a National Cycle Network Hub within the town environs area is proposed. Consideration should be given to ensuring that any potential disturbance to protected species / habitats including designated national and European conservation sites is taken into account and that consultation with the NPWS is carried out in the siting of any future proposed cycle routes etc. associated with this Cycle Network Hub.	

#### Managers Opinion

This proposed amendment would be subject to adherence with other policies and objectives in the development plan, including NU2 of Chapter 11 which ensures that no development will be permitted that adversely affects the integrity of Natura 2000 sites. It is considered that the issues raised by the EPA are adequately dealt with in the proposed development plan.

The Manager has no objection to the objective as has been proposed by the members.

#### Managers Recommendation

Adopt the proposed amendment

## **CHAPTER EIGHT**

### **Amendment No. 18**

(page 87)

#### **8.3.1 Education and Development – Primary Education**

##### **Primary Education**

There are currently 2 schools in temporary accommodation as follows:

Gaelscoil Chill Mhantain	8 classrooms
Wicklow Educate together	8 10 classrooms (2012)

##### **Submissions Received**

No submissions received

##### **Managers Opinion**

This amendment was recommended by the Manager, for the reasons set out in his previous report and is still supported

##### **Managers Recommendation**

Adopt the proposed amendment

## **Amendment No. 19**

(page 89)

### **Education Objectives**

- ED4** Where practicable, education, community, recreational and open space facilities shall be clustered **and in locations that maximize opportunities for the sharing of facilities.** However schools shall continue to make provision for their own recreational facilities as appropriate.

### **Submissions Received**

No submissions received

### **Managers Opinion**

This amendment was recommended by the Manager, for the reasons set out in his previous report and is still supported.

### **Managers Recommendation**

Adopt the proposed amendment

## **Amendment No. 20**

(page 91)

### **8.3.3 Children's Play Facilities**

#### **Objectives** *(incl 'footnotes')*

**CP2** In all new significant residential development <sup>(footnote)</sup>, the developer shall provide, in the residential public open space area, a dedicated children's play zone, of a type and with such features to be determined following consultation with the Local Authority.

*Footnote* - This is determined in the case of Wicklow **Town** – Rathnew to be any application in excess of **75 200 housing units** or smaller developments that will accumulate to be part of larger future developments.

#### **Submissions Received**

No submissions received

#### **Managers Opinion**

This amendment was recommended by the Manager, for the reasons set out in his previous report and is still supported.

#### **Managers Recommendation**

Adopt the proposed amendment

## **Amendment No. 21**

(page 91)

### **8.3.3 Community Centres**

#### **Objectives**

- CM2** New community buildings/facilities shall be **fit-for-purpose and** multi-purpose, designed to facilitate a wide range of uses including active uses (e.g. basketball, badminton, gymnastics / dance, martial arts etc) and meeting / club use, they shall be inclusive, accessible and cater for all ages.

#### **Submissions Received**

No submissions received

#### **Managers Opinion**

This amendment was recommended by the Manager, for the reasons set out in his previous report and is still supported

#### **Managers Recommendation**

Adopt the proposed amendment

## **CHAPTER NINE**

### **Amendment No. 22**

(page 102)

#### **9.2 Walking and Cycling**

The compact form of Wicklow Town-Rathnew lends itself to walking and cycling; however, the topography of much of Wicklow Town and the traffic in Wicklow Town and Rathnew Village centres combine to undermine the potential of walking and cycling as popular transport modes. Many of the residential areas within Wicklow Town - Rathnew are hilly and this acts as a deterrent to the use of pedestrian or cycle transport. The opening of the Port Access Road has greatly enhanced the pedestrian and cyclists' environment within Wicklow town and this road, along with the Town Relief Road, has provided an important walking and cycling route around Wicklow Town, Rathnew Village and their environs.

The development of this new road infrastructure has opened up new possibilities to develop new walking and cycling routes around the environs of the settlement.

#### **Submissions Received**

No submissions received

#### **Managers Opinion**

The Manager has no objection to the new text proposed by the members.

#### **Managers Recommendation**

Adopt the proposed amendment

## CHAPTER ELEVEN

### Amendment No. 23

(page 136)

#### Table 11.1 Record of Protected Structures

Delete entry RPS 29

Wicklow Town Council		
Proposed Protected Structures		
<del>RPS 29</del>	<del>The Lifeboat houses, South Quay</del>	<del>The lifeboat house was originally built in 1887 with the current lifeboat house officially opened in 1990.</del>

#### Submissions Received

No submissions received

#### Managers Opinion

This amendment was recommended by the Manager, for the reasons set out in his previous report and is still supported.

The significance of the RNLI Lifeboat station relates primarily to its local community function and services provided, rather than the architectural and/or heritage interest of the physical building (this building was only constructed in the 1990's). Therefore in consultation with the Heritage Officer, it is recommended that this building should be removed from the proposed additions to the RPS. Should any new development be proposed for the structure, through the development management process the design and appearance of the structure will be considered carefully at this stage.

#### Managers Recommendation

Adopt the proposed amendment

## **Amendment No. 24**

(page 152)

### **11.3.2 Water Systems objectives**

**WS6** To ensure that any development or activity with potential to impact on groundwater ~~has~~  
~~regard to~~ **will take account of** the GSI Groundwater Protection Scheme.

#### **Submissions Received**

No submissions received

#### **Managers Opinion**

This amendment was recommended by the Manager, for the reasons set out in his previous report and is still supported

#### **Managers Recommendation**

Adopt the proposed amendment

## **Amendment No. 25**

(page 155)

### 11.3 Natural Environment

#### **11.3.8 Public Rights of Way**

There are 4 existing public rights of way within the plan area. These were established in 1994 by way of variation to the 1989 County Development Plan in the Wicklow Town Environs Plan 1994. They are identified on the land use map.

Section 10(2)(o) of the Planning and Development Act 2000, as amended, requires the inclusion of a mandatory objective in the development plan for the preservation of public rights of way which give access to seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility, which public rights of way shall be identified both by marking them on at least one of the maps forming part of the development plan and by indicating their location on a list appended to the development plan. Section 14 of the Act sets out the formal process for designating rights of way in development plans.

#### **Public Rights of Way Objectives**

**ROW1** To preserve existing public rights of way at the locations detailed in Table 11.11 *Existing Public Rights Of Way* and Rights of Way which give access to seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility.

**ROW2** To map and document existing established and possible further public rights of way within the plan area which give access to seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility, on a phased basis, commencing within the lifetime of the plan, in consultation with the public, walking groups and other users of public rights of way, for inclusion in the Development Plan by way of variation.

**Table 11.11 Existing Public Rights Of Way**

<b>Reference</b>	<b>Description</b>
PROW1	From the Wicklow Town boundary, along the coastline of Bollarney Murrough, Knockrobin, Murrough and Tinakilly Murrough
PROW2	From the Wicklow Town boundary along the coastline to Brides Head and Lime Kiln Bay
PROW3	From Rocky Road to Rathnew back road along the western boundary of Wicklow Environs
PROW4	Along old coast road at Dunbur Lower from Seafield housing estate to public road.

## Submissions Received

1 submission received

No. 4	EPA
<p><b>Issues Raised</b></p> <p>The intention to consider the provision of further rights of way within the plan area which give access to seashore, mountain, lakeshore, riverbank or other place of natural beauty is noted. Consideration should be given to ensuring that access be only considered at appropriate locations and in consultation with the NPWS in particular. Consideration should be given to fully taking into account the requirements of the Habitats Directive in particular in this regard.</p>	

## Managers Opinion

This amendment was recommended by the Manager, for the reasons set out in his previous report and is still supported

With regard to the submission, this proposed amendment would be subject to adherence with other policies and objectives in the development plan, including NU2 of Chapter 11 which ensures that no development will be permitted that adversely affects the integrity of Natura 2000 sites. It is considered that the issues raised by the EPA are adequately dealt with in the proposed development plan

## Managers Recommendation

Adopt the proposed amendment

## CHAPTER TWELVE

### **Amendment No. 26 Relevant to WCC only**

(page 159)

#### **12.3 Marilton Action Area**

This action area is located in the townlands of Ballynerrin and Ballynerrin Lower to the west of Wicklow town and measures c. 55ha comprising:

- c. 10ha zoned for high density residential development (R1)
- c. ~~25~~ 23.4ha zoned for medium density residential development (R2)
- c. 8ha of employment zoned land (E2 'Retail Warehousing'),
- c. 9.3ha of open space and (4.6ha POS and 4.7ha AOS)
- 26 (A) - c. 1.6ha zoned for Community and educational use (CE)

Although the newly constructed Town Relief Road (TRR) bisects this action area, the two sides of the action area are considered appropriate to bind together in an action area as (a) facilities and infrastructure required by the 'east' side are partially located on the 'west' side of the road and (b) this will allow for the creation of a continuous green link from the old reservoir into the town centre.

Any plan prepared or development proposed for these lands, while respecting all relevant development control standards and plan objectives must provide for phased and integrated development. Any plan shall comply with the following objectives:

- 26 (A) ■ The CE lands zoned in this action area shall be reserved for the development of a primary school. ~~One site of not less than 1.6ha shall be reserved for the development of a primary school, at either of the locations identified on the map below.~~ No more than 40% of the residential development will be permitted in advance of the transfer of the site to the Minister for Education.

- 26 (B) ■ ~~A neighbourhood centre shall be developed at the northern end of the action area, in proximity to the TRR, at a location that is easily accessible by foot and vehicle from the surrounding area. This neighbourhood centre shall not exceed 1,000sqm GFA, with not more than 500sqm GFA being devoted to retail / retail services uses. No single retail unit shall exceed 200sqm GFA. The remainder of the neighbourhood centre shall be designed so as to be useable by a variety of community uses such as crèches / preschools, community spaces / community meeting rooms, health centre etc. The delivery of this centre may be on a phased basis, but no more than 40% of the residential development will be permitted in advance of the full completion of the community elements of the centre.~~

- 26 (B) ■ Appropriate retail and social / community facilities shall be provided, of a type and scale to be determined following the carrying out a Retail Impact Assessment and social / community needs audit of the area. Any such retail and social / community facilities shall be provided on lands zoned 'R2' and shall, unless otherwise agreed, be located in a combined 'neighbourhood centre'. The delivery of this centre may be on a phased basis, but no more than 40% of the residential development will be permitted in advance of the full completion of the social / community elements of the centre.

- 26 (C) ■ A minimum area of 9ha shall be developed as public open space in accordance with the following criteria:
- Lands designated Passive Open Space (POS) shall be developed as a formal landscaped park, including an amenity walkway along both sides of the river, generally as indicated on the map. ~~The plan shall include suitable proposals to~~

- ~~ensure that walkway areas are maintained as safe, usable areas, free from anti-social behaviour~~
- 26 (D) - Lands designated Active Open Space (AOS) shall be laid out and developed as a public sports ground, ~~to be devoted to the use of the general public and not reserved for a single club or activity~~, in a format and with such facilities / infrastructure to be determined following consultation with the Community Development Section of the Council
- The delivery of the Open Space may be on a phased basis, but no more than 70% of the residential development will be permitted in advance of the full completion of the Active Open Space and the riverine park.
- 26 (E) ■ ~~No development~~ Not more than 100 residential units may be occupied until such a time as the link between the existing Marlton estate road and the TRR is completed.

#### Submissions Received

- 26 (A) no submissions received  
 26 (B) no submissions received  
 26 (C) no submissions received  
 26 (D) no submissions received  
 26 (E) 1 submission received

No. 4	EPA
<b>Issues Raised</b> It is noted that it is now proposed that 100 residential units will be permitted before the existing Marlton Estate Road and Town Relief Road are completed. Clarification should be given whether existing service infrastructure is sufficient to meet this proposed development. Consideration should also be given to undertaking traffic impact assessment, if not already undertaken, to take account of any increase in vehicular traffic associated with the development.	

#### Managers Opinion

- 26 (A) The changes to the educational requirements were recommended by the Manager for the reasons set out in his last report and are still supported
- 26 (B) The Manager has no objection to this change proposed by the members.
- 26 (C) The Manager has no objection to this change proposed by the members.
- 26 (D) The Manager has no objection to this change proposed by the members.
- 26 (E) The Manager has no objection to this change proposed by the members.

With regard to the issue raised by the EPA, the draft plan already provides (in Section 9.7) that a Transport Assessment would be required when traffic to and from a new development would exceed 10% of the traffic flow on the adjoining road. There are currently approximately 250 houses serviced by this road and the development of 100 additional houses would therefore automatically necessitate a traffic assessment. Therefore no changes or modifications to the plan are required to meet the EPA's request.

#### Managers Recommendation

Adopt the proposed amendment

## **CHAPTER THIRTEEN**

### **Amendment No. 27**

(page 169)

#### **Table 13.2 Zoning Use Table**

From “discount foodstore” to “large convenience goods stores”

#### **Submissions Received**

No submissions received

#### **Managers Opinion**

This amendment was recommended by the Manager, for the reasons set out in his previous report and is still supported.

#### **Managers Recommendation**

Adopt the proposed amendment

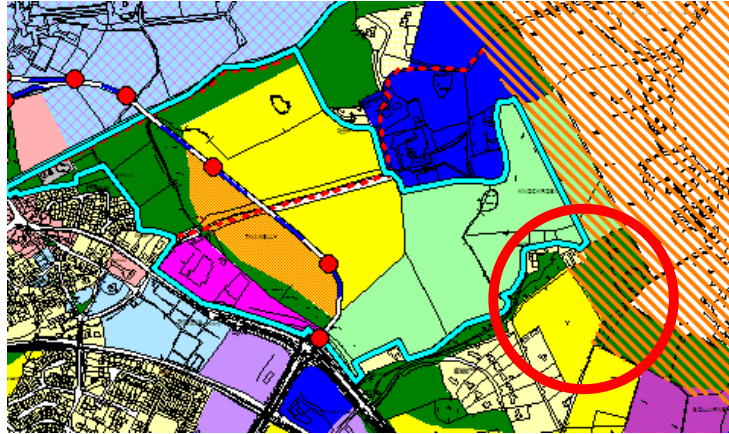
## LAND USE MAP

### Amendment No. 28 Relevant to WCC only

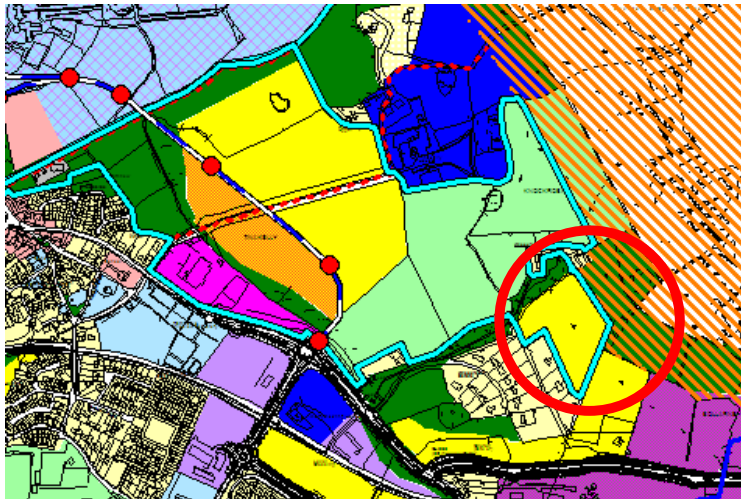
#### Knockrobin

Amend the Clermont – Tinakelly Action Area boundary and Chapter 12 (p 159)

From



To



#### Submissions Received

No submissions received

#### Managers Opinion

This amendment was recommended by the Manager, for the reasons set out in his previous report and is still supported

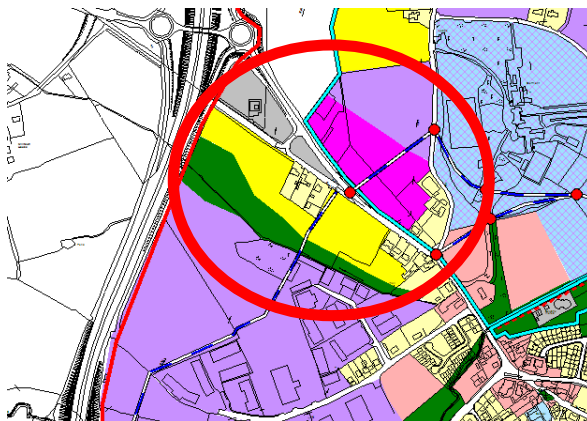
#### Managers Recommendation

Adopt the proposed amendment

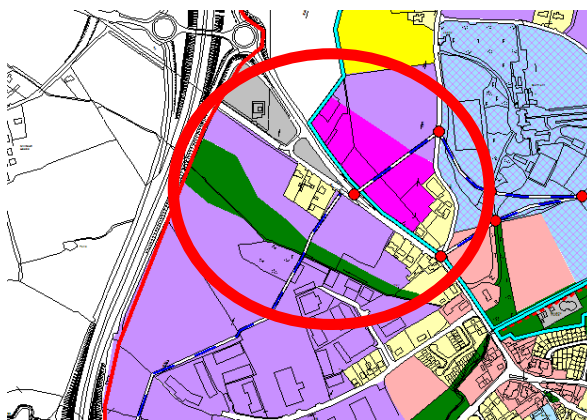
## **Amendment No. 29 Relevant to WCC only**

### **Rathnew**

From Residential R2



To Employment E1



### **Submissions Received**

1 submission received

No. 6	NRA
<p><b>Issues Raised</b></p> <p>The NRA would welcome the reconsideration not to include this change in zoning to increase the Employment E1 in such close proximity to M11, Junction 16. Such a zoning appears to conflict with the Key Strategic Objectives outlined in Section 2.1 of the Draft Plan of integrating land use planning and transport planning in order to reduce the distance people need to travel to work, etc. and may act to impede the delivery of the targets set out in Governments Smarter Travel: A New Transport Policy for Ireland 2009 –2020 and is not within the provisions of the DoECLG Spatial Planning and National Roads Guidelines. Government policy no longer proposes to cater for the type of unlimited road traffic growth driven by such patterns of development.</p>	

### **Managers Opinion**

The concerns outlined in the submission received is noted, however having regard to:

- the County Development Plans requirement under Section 11.7.6 for a 100m set back for residential development from the N11
- the existence of high voltage power lines in this area

it was deemed that it was necessary and appropriate to find an alternative land use for these lands. Given the proximity of the lands to a larger employment land block, given their existing zoning for employment use and their close proximity to Rathnew village and associated housing areas, it was considered the employment zoning was the most appropriate alternative and would not give rise to unsustainable transport patterns.

Therefore it is recommended that the proposed amendment be adopted.

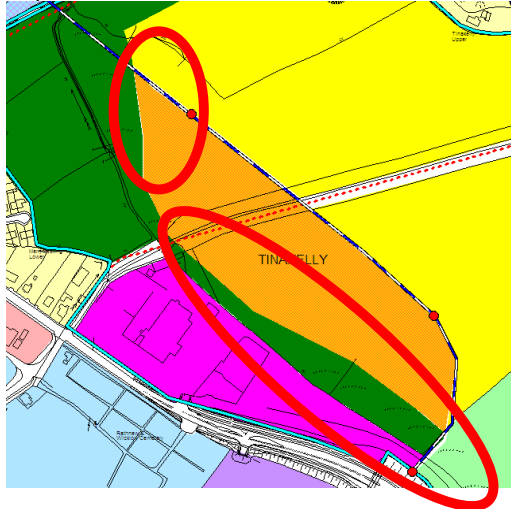
### **Managers Recommendation**

Adopt the proposed amendment

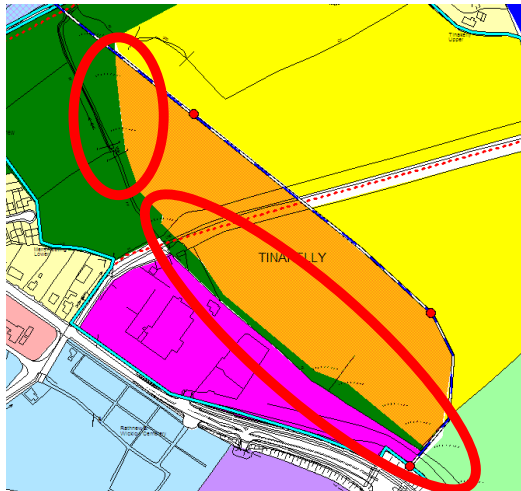
**Amendment No. 30 Relevant to WCC only**

**Tinakelly**

From POS Passive Open Space



To R1 Residential



**Submissions Received**

1 submission received

No. 4	EPA
<p><b>Issues Raised</b></p> <p>It is noted that a reduction in the amount of existing passive open space is proposed. Consideration should be given to keeping the existing land use extent for passive open space in place to act as a key ecological corridor / linkage within the Plan area. This would clearly incorporate green infrastructure aspects into the amended Plan. In reducing the width of the passive open space, the potential for greater disturbance to existing biodiversity may become an issue. Given that the amount of land proposed for rezoning doesn't appear to greatly increase the amount of lands available for other development uses, it may be more appropriate to preserve the extent of the existing open space zoning.</p>	

### **Managers Opinion**

In the current local area plan covering this area, all of this land is zoned for residential development. However following the carrying out of a flood risk assessment by the Council, as well as a consideration of green ecological networks through the Strategic Environmental Assessment process, the lands along the stream were zoned in the draft plan as passive open space.

The proposed amendment arose when a more detailed flood study was received from the landowner which showed the flood risk zone was not as extensive as originally assessed. The corridor would however still measure at least 20m in width where the land is not developed either side, or 10m in width on any undeveloped side. This is considered sufficient width to maintain an ecological corridor and corresponds to the objectives WT4 and WT5 of the County Development Plan and Objective WS4 of this plan, namely:

*To minimise alterations or interference with river / stream beds, banks and channels, except for reasons of overriding public health and safety (e.g. to reduce risk of flooding); a buffer of 10m along watercourses should be provided free of built development, with riparian vegetation generally being retained in as natural a state as possible. In all cases where works are being carried out, to have regard to Regional Fisheries Board "Requirements for the protection of fisheries habitat during the construction and development works at river sites"*

*To promote the development of riverine walks and parks, subject to the sensitivity and / or designation of the riverside habitat, particularly within 10m of the watercourse.*

This amendment was recommended by the Manager, for the reasons set out in his previous report and is still supported.

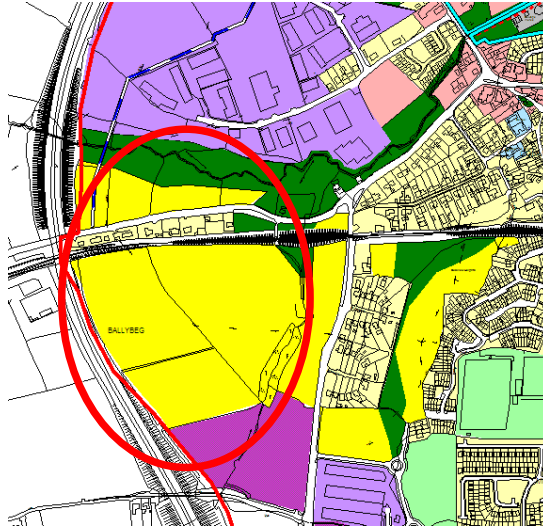
### **Managers Recommendation**

Adopt the proposed amendment

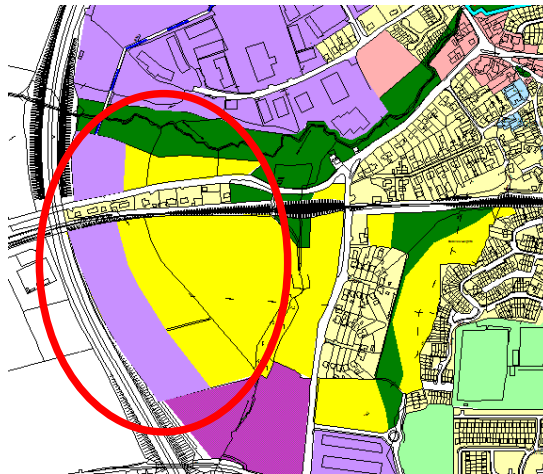
**Amendment No. 31** **Relevant to WCC only**

**Ballybeg**

from R2 Residential



to E1 Employment



## Submissions Received

2 submissions received

<b>No. 5</b>	<b>Ifcana Developments Ltd.</b>
<b>Issues Raised</b>	
The land at Ballybeg should be left as currently zoned R2 zoning in the draft Plan with no change to Employment E1 as the combined block of approximately 40 acres residential land zoned R2 would form an attractive holding for development and the provision of a narrow strip of 'Big Box' distribution units will considerably detract from the residential amenity of same.	
<b>No. 7</b>	<b>Ronan O'Caoimh</b>
<b>Issues Raised</b>	
The loss in residential zoning that would result from this proposed amendment has not been made up elsewhere in the plan and would result in there being insufficient land zone for residential purposes to meet population targets. This should be addressed and in particular, it is requested that the submitter's lands at Ashtown and Broomhall House (in the SLB) be zoned for residential development.	

## Managers Opinion

The concerns outlined in submission No. 5 received are noted, however having regard to the County Development Plan requirement under Section 11.7.6 for a 100m set back for residential development from the N11, it was recommended by the Manager in his previous report that the zoning of this land be changed.

Alternative land uses were considered and having regard to the proximity of the lands to other zoned employment lands, it was considered the most appropriate use. There is no suggestion that the lands would have to be developed as 'big box' distribution units. Employment development can take many forms that would be compatible with adjacent residential development.

With regard to submission No. 7, during the previous stage of the plan process, the submitter, who indicated he had an interest in the land, requested that the residential zoning from the lands within 100m of the N11 be omitted and lands in his ownership elsewhere in the settlement be zoned instead. While it was possible and appropriate to meet the first request, it was not recommended by the Manager that the additional lands suggested be zoned for residential development as these lands were (a) not within the zone serviceable by existing water infrastructure and (b) distant from the town centre and therefore peripheral to all services. It is not possible at this stage of the plan making process to consider zoning the additional lands in question as they are not the subject of this or any other amendment.

The only options at this stage of the plan making process are for the members to either zone this land for residential development or employment. Were the land to be zoned for residential development, a conflict with the County Development Plan may arise which could mean that residential development could be not granted.

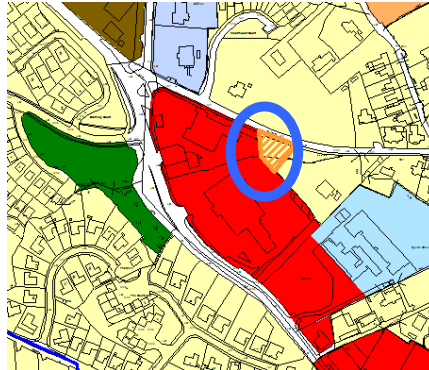
## Managers Recommendation

Adopt the proposed amendment

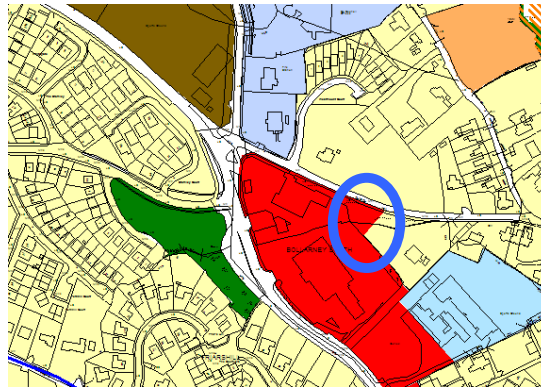
**Amendment No. 32**    **Relevant to WTC only**

**Church Hill**

Change from Residential Infill RE



to Town Centre TC



**Submissions Received**

1 submission received

<b>No. 8</b>	<b>Tesco Ireland Ltd.</b>
<b>Issues Raised</b>	
The proposed amendment is welcomed by Tesco Ireland Ltd.	

**Managers Opinion**

This amendment was recommended by the Manager, for the reasons set out in his previous report and is still supported.

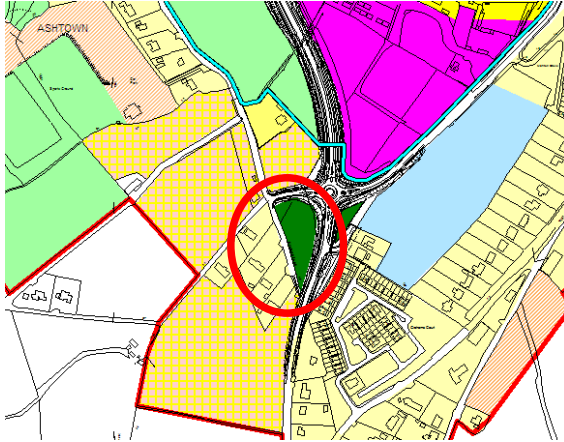
**Managers Recommendation**

Adopt the proposed amendment

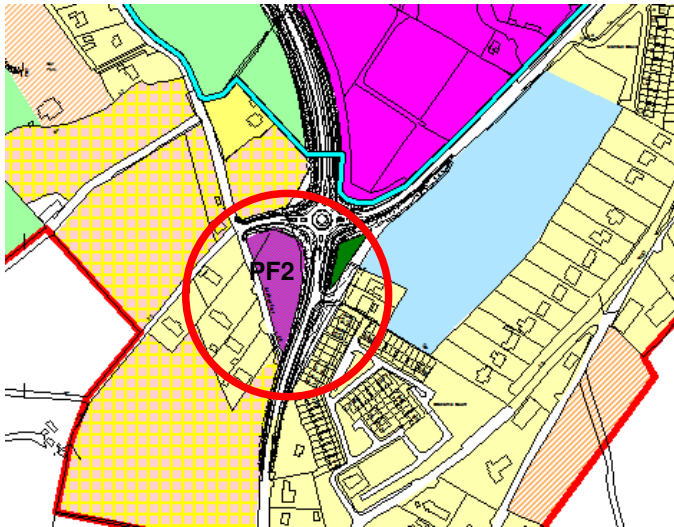
**Amendment No. 33**    **Relevant to WCC only**

**Ballynerrin, Town Relief Road, Marlton Road Roundabout**

From Passive Open Space POS



To Employment (E2 – Warehousing) with Local Objective PF2 on map



**Submissions Received**

1 submission received

No. 4	EPA
<b>Issues Raised</b>	
There would be merits in including a specific commitment to the provision of compensatory public open space at an appropriate location(s) to offset the loss of open space associated with the proposed amendment.	

**Managers Opinion**

The Manager does not support the proposed amendment, for the same reasons set out in his previous report.

With regard to the submission from the EPA, the loss of open space that would result from this proposed zoning would not reduce open space provision below County standards ie. 2.4ha per 1,000 population. Therefore it is not considered that there would be any need to add in compensatory open space elsewhere in the settlement.

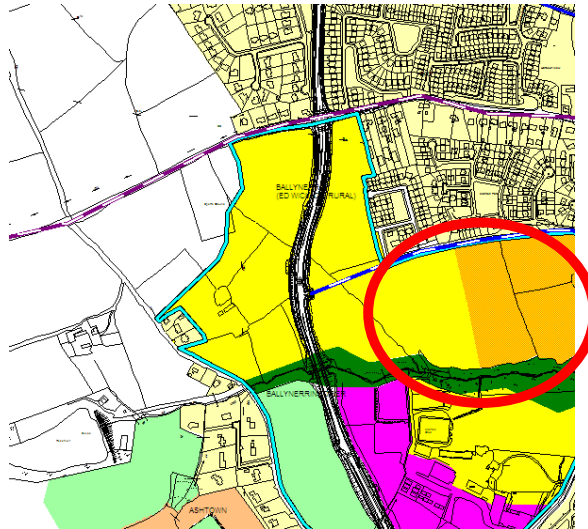
**Managers Recommendation**

Do not adopt the proposed amendment

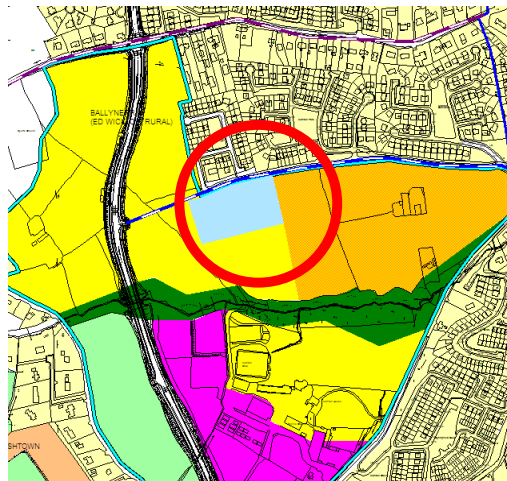
**Amendment No. 34**    **Relevant to WCC only**

**Ballynerrin, Marlton Action Area**

From R2 Residential



to CE Community and Education



**Submissions Received**

No submissions received

**Managers Opinion**

This amendment was recommended by the Manager, for the reasons set out in his previous report and is still supported.

**Managers Recommendation**

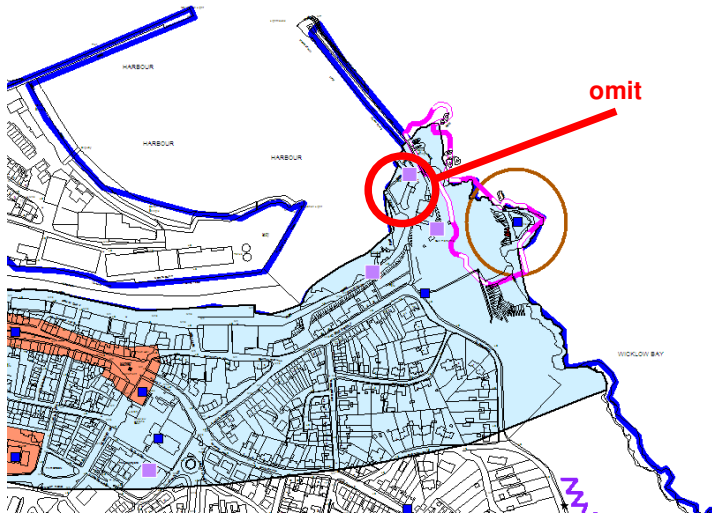
Adopt the proposed amendment.

## HERITAGE MAP

### Amendment No. 35    Relevant to WTC only

#### South Quay

Omit the proposed protected structure RPS 29, The Lifeboat Houses, South Quay



#### Submissions Received

No submissions received

#### Managers Opinion

This amendment was recommended by the Manager, for the reasons set out in his previous report and is still supported.

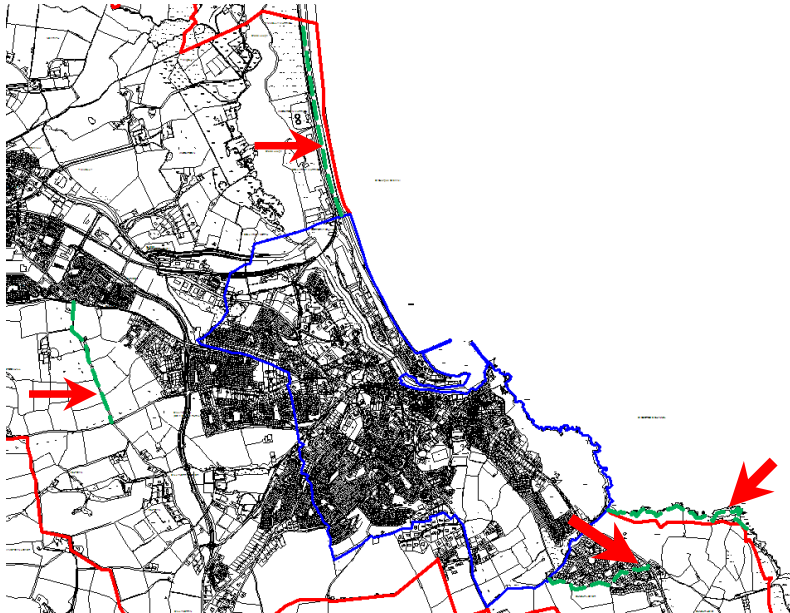
#### Managers Recommendation

Adopt the proposed amendment

**Amendment No. 36**    **Relevant to WCC only**

**Murrough, Broomhall, Brides Head and Dunbur Lower**

Include the existing Public Rights of Way



**Submissions Received**

No submissions received

**Managers Opinion**

This amendment was recommended by the Manager, for the reasons set out in his previous report and is still supported.

**Managers Recommendation**

Adopt the proposed amendment

## 5.2 SUBMISSIONS / ISSUES RAISED NOT RELATED TO PROPOSED AMENDMENTS

This section lists any submissions that related to issues other than the proposed amendments and gives a brief outline of the issues raised. The Development Act 2000 (as amended) under Section 12(7)(bii) specifically states that only submissions with respect to the proposed amendments can be made. Any other submissions/issues cannot therefore be considered.

Sub No.	Name	Invalid Issues raised
1	Minister for the Environment, Community and Local Government	Addressed in Section 3 of this report
2	Claremont Holdings	Seeks clarification as to why the County Manager chose to disregard the results of the Report by JBA Consulting "Rathnew Flood Mapping Study" 2012 as submitted as part of the submission sent in September 2012 where it shows that a significant portion of the company lands are located outside Flood Zone A and some of the lands are within Flood Zone C
6	NRA	The NRA recommends that the Managers Recommendation from the MR regarding the Strategic Land Bank (recommended amendment No. 17) is included in the draft plan in the interests of providing clarity to the Plan and supporting the Key Strategic Objectives of the Plan outlined in Section 2.1, including that of integrating land use planning and transport planning with the aim of reducing the distance that people need to travel.
7	Ronan O'Caoimh	<p>While this submission makes reference to proposed amendments 7, 8 and 31 (addressed in the main body of this report), it also makes reference to submissions made at previous stages of the plan making process and some additional points as follows:</p> <ol style="list-style-type: none"> <li>1. The submission addresses the fact that a large proportion of the submitter's land is proposed to be included in the Strategic Land Bank, whereas in previous plans it was zoned for various uses. It is requested that some of these land be reconsidered for zoning in this plan (particularly lands at Ashtown Lane and Broomhall). Various arguments and justifications for same are submitted. However, as the zoning of the lands in question was not the subject of any amendment, this aspect of the submission is invalid.</li> <li>2. The submission addresses the issue of density and requests that a lower density be applied in the plan area and thereby more land would require to be zoned and this should come from the SLB. As density was not the subject of any amendment, this aspect of the submission is invalid.</li> </ol>