

**DIRECTION IN THE MATTER OF SECTION 31  
OF THE PLANNING AND DEVELOPMENT ACT 2000  
(AS AMENDED BY S.21 OF THE PLANNING AND DEVELOPMENT  
(AMENDMENT) ACT 2010)**

**WICKLOW COUNTY DEVELOPMENT PLAN DIRECTION 2017**

“Development Plan” means the Wicklow County Development Plan 2016-2022

“The Minister” means the Minister for Housing, Planning, Community and Local Government

“The Planning Authority” means Wicklow County Council

**WHEREAS** the Minister is, for the reasons set out in the Statement of Reasons hereto, of the Opinion that

- (i) Wicklow County Council in making the Wicklow County Development Plan 2016-2022 has ignored or has not taken sufficient account of the submissions made by the Minister in February and in August 2016,

and

- (ii) the Wicklow County Development Plan 2016-2022 is not in compliance with the requirements of s.9, s.10, s.12 and s.28 of the Planning and Development Act 2000 (as amended).

**NOW, THEREFORE** in exercise of the powers conferred on him by s.31 of the Planning and Development Act 2000 (as amended), the Minister hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (Wicklow County Development Plan 2016-2022) Direction 2017.

(2) The County Council Wicklow County is hereby directed to take the following steps with regard to the Wicklow County Development Plan 2016-2022 (“the Development Plan”).

(i) Amend Objective CCE6 by inserting all of the text which is underlined and by deleting all of the text which has a line through it as follows:

*To encourage the development of wind energy in accordance with the County Wicklow Wind Energy Strategy and in particular to allow wind energy exploitation in most locations in the County subject to:*

- *consideration of any designated nature conservation areas (SACs, NHAs, SPAs, SAAOs etc) and any associated buffers;*
- *impacts on Wicklow's landscape designations;*
- *particular cognisance and regard being taken of the impact on wind turbines on residential amenity particularly with respect to noise and shadow flicker;*
- *impacts on visual and recreational amenity;*
- *impacts on 'material assets' such as towns, infrastructure and heritage sites;*
- *consideration of land cover and land uses on or adjacent to the site;*
- *best practice in the design and siting of wind turbines, and all ancillary works including access roads and overhead cables; ~~and~~*
- ~~*Wind farms shall be at least 1,000m or 10 times the tip height of the proposed turbines from any residential properties or other centres of human habitation with special consideration given to the proximity of such developments to educational establishments.*~~

(ii) Amend Objective EMP 12 by inserting all of the text in the box which is underlined and by deleting all of the text which has a line through it as follows:

Location	Map No.	Size (ha)	Zoning Objective
Kilpedder Interchange	5.04	27.7	To provide for employment uses including industrial, transport, distribution <u>or</u> warehouse <del>or retail</del> warehouse developments <u>only</u> , of good architectural design, layout and landscaping including substantial screening from N11. The provision of transport <del>and retail</del> facilities will not be at the expense of facilities in existing settlements. Any redevelopment of the (former) Dan Morrissey / SM Morris sites shall include significant proposals to address the unsightly appearance of these sites. In addition, any development on these lands shall connect the footpath from Greystones towards the pedestrian bridge at Kilpedder.

## STATEMENT OF REASONS

1. The Wicklow County Development Plan 2016 – 2022 is not in compliance with legislative requirements in relation to Sections 9(6), 10(2A)(e), 12(11) and 28(1B)(b) of the Act.
2. The Wicklow County Development Plan 2016 – 2022 is not consistent with relevant guidelines to planning authorities issued by me under Section 28 of the Planning & Development Act, 2000, specifically the Wind Energy Guidelines (2006) and the Retail Planning Guidelines (2012) and insufficient grounds have been stated for such departures as required under Section 28(1B)(b) of the Planning & Development Act 2000, as amended. The plan is therefore in breach of Section 31(1)(c) of the Planning & Development Acts 2000 as amended.
3. The planning authority was advised in a submission made on 26 July 2016 under section 12 of the Planning & Development Act, 2000 to:
  - (i) Delete Objective CCE6 referring to a minimum set-back for wind energy development
  - (ii) Specifically exclude retail and retail warehousing uses from Site 5.04 at Kilpeddar Interchange in Objective EMP 12

### **Wind Energy**

4. The inclusion of a wind turbine set back stipulation in Objective CCE6 of the Wicklow County Development Plan 2016-22 introduces an arbitrary and mandatory exclusion or set back distance of a minimum of 1000 metres or ten times the tip height from residential properties and other centres of human habitation. This requirement is in clear breach of Sections 5.6 and 5.12 of the Wind Energy Guidelines 2006 in that it removes the capability for a case by case assessment of wind energy applications based on objective analysis of their impact on the specified property types. Furthermore in practical terms this set back requirement introduces a setback distance considerably in excess of the non-mandatory guidance set back referred to in the statutory guidelines.
5. The mandatory and arbitrary exclusion zones introduced by Objective CCE6 are in breach of the planning policy guidance contained in the Wind Energy Guidelines 2006 as they do not maximise wind energy potential in the county and are in direct conflict with the requirements of Section 3.4 of the guidelines 'to secure the maximum potential from wind energy resources of the planning authority's area commensurate with supporting

development that is consistent with the proper planning and sustainable development.’ The effect of the mandatory set back requirement is to significantly restrict the potential for wind energy development in the county which is contrary to national energy policy supporting development of renewable energy resources including wind energy infrastructure.

6. The planning authority has not demonstrated sufficient and evidentially based reasoning, relating to the nature and characteristics of Wicklow, for the above significant policy departures from his guidelines on wind energy and has therefore failed to comply with the provisions of Section 28(1) and Section 28(1B)(b) and Section 31(c) of the Act.

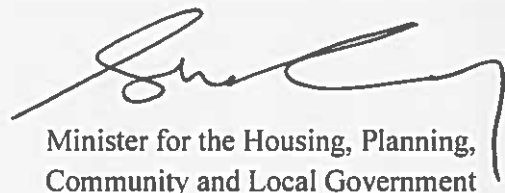
### **Retail Warehousing**

7. Included in Objective EMP 12 of the Plan is the zoning of c.28 hectares at Kilpedder at Junction 11 on the N11 (Site 5.04) for employment/commercial development. There are existing uses at this location – quarry, transport/vehicle enterprise and cement facility – that are appropriate to the non-urban location of the site. These uses require good available road infrastructure but would have limited traffic impacts related to the low density of employment activities involved. The zoning also includes substantial undeveloped greenfield lands at Kilpedder.
8. However, the stated zoning objective for this extensive site (Site No. 5.04 in Objective EMP12, Chapter 5) includes ‘*To provide for employment uses including industrial, transport, distribution, warehouse or retail warehouse developments*’
9. Government planning policy on retail development is set out in the *Guidelines for Planning Authorities: Retail Planning* (2012) issued by the Minister under s.28 of the Planning & Development Act 2000 (as amended). Section 4.11.2- ‘Retail Parks and Retail Warehouses’ of these Guidelines clearly states a ‘presumption against further development of out-of-town retail parks’ for reasons including the excessive growth of such developments in the last decade and the potential detrimental impact that they can have on the health of existing town centres proximate to such facilities.
10. The *Retail Planning Guidelines* further require that if a need for additional bulky format retailing is identified by the development plan on the basis of evidence from a relevant retail strategy - the size and potential location of the additional units should be specified. In this regard, the Wicklow County Development Plan 2016 – 2022 includes Objective RT24 which specifies:

*'To strictly control and limit additional new retail warehousing/retail park floorspace in the County for the duration of the plan. Retail warehouse developments shall be required to be located on suitably zoned lands and where determined acceptable may be considered in the following settlements only: Bray, Wicklow, Arklow and Greystones.'*

11. The subject site at Kilpeddar adjacent to the N11 motorway is in excess of 1.5km distant from the edge of the Charlesland neighbourhood in Greystones and over 4.5km from the centre of the town. (Its location is identified on the map in appendix 1). The provision of new retail development at Kilpeddar is in conflict with the *Retail Planning Guidelines* (2012) and the provisions of the Wicklow County Development Plan 2016 – 2022 related to retail warehouse development.
12. A retail warehousing use at this location in close proximity to a national primary route interchange and distant from the urban/town centre of Greystones, has the potential to adversely impact on the vitality and viability of Greystones as an urban centre – designated as a Large Growth Town II under the Regional Planning Guidelines for the Greater Dublin Area 2010-22.
13. The Wicklow County Development Plan 2016-22 did not have sufficient regard to the policy requirements of the Planning Guidelines on Retail Development (2012) issued by the Minister under Section 28 of the Planning & Development Act 2000 as outlined above. It is therefore considered appropriate to direct Wicklow County Council under section 31 to delete retail warehousing as an acceptable use for site 5.04 in Objective EMP12 of the Wicklow County Development Plan 2016 – 2022.

GIVEN under my hand,



Minister for the Housing, Planning,  
Community and Local Government

this 14<sup>th</sup> day of February 2017.

