

## Leonora Earls

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**From:** Sorcha Walsh  
**Sent:** 04 June 2013 09:58  
**To:** Leonora Earls  
**Subject:** FW: Amendments to the Wicklow-Rathnew Development Plan 2013-2019  
**Attachments:** Letter to LA 31 May.doc; ATT2057940.txt; ATT2057941.htm

**From:** Margaret Killeen - (DECLG) [mailto:Margaret.Killeen@environ.ie]  
**Sent:** 31 May 2013 15:40  
**To:** Wicklow Town Plan Review  
**Subject:** Re: Amendments to the Wicklow-Rathnew Development Plan 2013-2019

Attached please find comments from the Minister for the Environment, Community and Local Government on the above proposal. Hard copy to follow.

Please acknowledge receipt of this email.

Thanking you,

*acknowledged*  
*SK*

Margaret Killeen

Planning Section

Ph: 01-8882418

Margaret.Killeen@environ.ie

I'm supporting The Gathering Ireland 2013. Go to <http://www.TheGatheringIreland.com> and Be Part of it!



Comhshaol, Pobal agus Rialtas Áitiúil  
Environment, Community and Local Government



31 May, 2013.

Administrative Officer  
Planning Department  
Wicklow County Council  
Station Road,  
Wicklow.

**Re: Amendments to the Wicklow-Rathnew Development Plan 2013-2019**

A Chara,

I am directed by the Minister for the Environment, Community and Local Government to refer to your recent letter in relation to the above and set out hereunder observations on behalf of the Minister.

The Department refers to its previous observations on this draft development plan and notes the proposed material amendments.

Having reviewed the material amendments, the Department is very seriously concerned that its previous observations set out in the letter to the planning authority dated 27 September 2012 have not been taken into account in finalising the proposed amendments to the draft plan and specifically with regard to the approach taken to the fit between the draft development plan and the core strategy of the Wicklow County Development Plan and corresponding phasing strategy.

The Department's previous observations specifically requested the inclusion of a specific phasing strategy as part of the Core Strategy of the draft development plan which would have the effect of reconciling the population targets for the area, which are consistent with

the Wicklow County Development Plan Core Strategy, with the actual amount and land identified for future development over the life of the plan.

Such a phasing strategy is an essential part of a Core Strategy as laid down by Section 10 of the Planning and Development Act 2010 and the Department has outlined extensive guidance on the implementation of the core strategy requirements, a key part of the Government's approach to planning policy and legislation.

Despite the Department's previously expressed strong views on the matter, the members of the planning authority have decided not to address this crucial point.

It is noted that a proposed amendment outlined in the Manager's Report dated January 2013 in relation to an addition to the written statement that would have made it clear that additional future development lands would not be considered for development during the life of the plan, was rejected by the members of the planning authorities.

In rejecting this compromise wording, the Department has given consideration to the rationale of the members of the planning authority but does not consider this rationale to adequately address the Department's concerns and suggestions as set out in its September 2012 letter.

Accordingly, the effect of the draft development plan and the failure of the members to take action to ensure compliance with the core strategy requirements of the planning act proposes an unstructured and planning application by planning application approach to the order of priority of development of lands rather than the clear order of priority of development of lands required under the Act.

Specifically, the draft development plan, by virtue of the lack of clear distinction as to those lands allocated to Phase 1 and to Phase 2 (for consideration for development after the lifespan of the plan) would fail to comply with the requirements of the Planning and Development Act, 2010 with regard to the order of priority of development of lands in the context of the implementation of a core strategy through clear sequential development which is vital for the benefit of infrastructure providers, investors the wider communities and the proper planning and sustainable development.

The Department considers that the amendments to Policy H4, in particular with regard to the other lands that are designated for significant development and with regard to the lands identified as a Strategic Land Bank (as shown on Map 2.1 and the land use zoning map) that were recommended in the manager's report of January 2013 would have contributed to a clearer policy as to the an order of priority for development of zoned lands.

In the absence of such a policy, the Department is not satisfied that the plan is accordance with the requirements of section 10 (1) of the Planning and Development Acts 2000 – 2010.

In addition, the Department notes the statement (and supporting information in Table 2.5) indicating that the total area of land zoned in the draft plan has been significantly reduced from that which is zoned in the existing plans to be replaced by the draft plan. However it understood that some of the lands excluded from the reduced total come within the area of the Strategic Land Bank shown on the zoning map. It is also unclear as to whether any of

the lands defined as "other lands designated for significant development" on Map 2.1 come within the total area indicated in Table 2.5.

An additional column should be included in Table 2.5 in which the phase, (i.e. Phase 1 2013-2019 or Phase 2 – post 2019) to which each listed parcel of land is allocated, is shown. Similarly, the lands allocated to Phase 1 and Phase 2 should be clearly distinguished with each parcel of land listed in Table 2.5 being clearly identifiable on the zoning map. The use of diagrammatic circles, as shown on Map 2.1 to indicate lands within an approximate maximum distance (to which a footnote refers) from the centres of Rathnew and Wicklow is not satisfactory.

The Department would also urge the planning authority to reconsider and reject Amendment No 6 which indicates that lands around interchanges onto the M11 are focus areas in the employment strategy. It should be noted that the Spatial Planning and National Roads Guidelines do not support this type of development from a sustainable transport perspective. It is suggested that the added sentence be deleted prior to adoption of the Development Plan.

Taking the above into account, the members of the planning authorities have failed to address the previously highlighted issues around phasing and a clear presumption that future development lands will not be considered during the lifetime of the development plan. In addition, 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 the scenario above and upon the making of this plan, 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.

The officials of the Department are available to discuss the matters raised by the above.

Yours sincerely,



---

Patrick O'Sullivan  
Planning Section

# Claremount Holdings Ltd

34 Main Street, Rathdrum, Co. Wicklow. Tel: 0404 46375 Fax: 0404 46666

Thursday, 30 May 2013

The County Manager,  
County Buildings,  
Wicklow County Council,  
Wicklow.

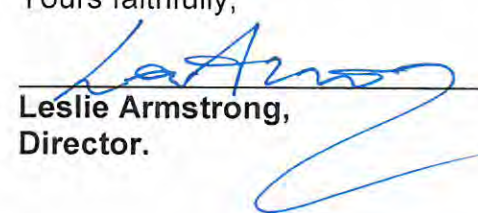


## DRAFT WICKLOW RATHNEW DEVELOPMENT PLAN 2013-2019

I, Leslie Armstrong, director of Claremount Holdings Ltd. having read the Managers Report on the above Draft Development Plan write to seek 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 on my behalf by John Spain and Associates on the 28<sup>th</sup> September 2012 as this Report clearly 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.

I would welcome clarification on this point please.

Yours faithfully,

  
Leslie Armstrong,  
Director.



Directors: L. Armstrong and L.S. Armstrong

## Leonora Earls

**From:** John Healy [john.healy@bba.ie]  
**Sent:** 31 May 2013 17:52  
**To:** Planning - Development Plan Review  
**Cc:** 'Michael Browne'  
**Subject:** Amendment to proposed amendment to the Draft Wicklow-Rathnew Dev Plan 2013-2019  
**Attachments:** Amendment to Proposed Material Alteration no. 5\_to Draft Wicklow-Rathnew Dev Plan 2013-2019.pdf

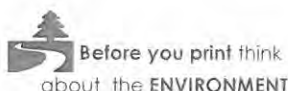
Please find attached amendment to proposed amendment to the Draft Wicklow-Rathnew Dev Plan 2013-2019.

Kind Regards,  
John Healy

*Acknowledged*  
*J*

bba architecture

Suite 3 Eden Gate Centre, Delgany, Co. Wicklow.  
**Tel:** +353(1) 2876949 **Fax:** +353(1)2873521  
**Email:** [john.healy@bba.ie](mailto:john.healy@bba.ie) or [info@bba.ie](mailto:info@bba.ie)  
(bba architecture incorporating Bernard J Burke & Associates)



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04/06/2013

Administrative Officer,  
Planning Section,  
Wicklow County Council,  
Station Road,  
Wicklow Town.

Date: 31<sup>st</sup> May 2013.

**Re: Amendment to the Proposed Amendments to the Draft Wicklow - Rathnew Development Plan 2013-2019.**

Dear Sir or Madam,

On Behalf of our clients Durkan New Homes Ltd. we propose the attached amendment be made to Proposed Material Alteration No 5.

We trust you will give the enclosed submission due consideration.

Yours faithfully,



Michael Browne  
For & on behalf of Bernard Burke & Associates

Suite 3, The Eden Gate Centre, Delgany, Co. Wicklow.  
Telephone: + 353 (1) 287 6949 Facsimile: + 353 (1) 287 3521 email: info@bba.ie

**Contact**

Michael Browne	Chartered Engineer, M.I.E.I M.I. Struct E. Dip. Const. Law, Dip. EIA Mgmt.
John Healy	Dip Arch. Tech.
Luis Reis	B Arch. MRIAL

**bba architecture** Incorporating Bernard J. Burke & Associates VAT REG No. IE 349156144

**Re: Ammendment to the Proposed Amendments to the Draft Wicklow - Rathnew Development Plan 2013-2019.**

Dear Sir/Madam,

In relation to Proposed Material Alteration No. 5 We write to propose the following:

FROM

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

TO

*"The objective of this plan is to ensure balanced and proportionate development which will under pin 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;*

- Lands in phases 1 and 2 have been substantially developed and have not delivered the number of housing units envisaged or*
- Some barrier is impeding the development of lands in phases 1 and 2 or*
- Lands in phases 1 and 2 are not being released to the market"*

REASON: This will "future proof" the development of Wicklow Town as the County Town and Primary Growth Centre as outlined in National Planning Strategies



**Leonora Earls**

**From:** Cian O'Mahony [c.omahony@epa.ie]  
**Sent:** 29 May 2013 09:49  
**To:** Wicklow Town Plan Review  
**Subject:** EPA Submission Re. Proposed Amendments to the Wicklow-Rathnew Development Plan 2013-2019

**Attachments:** SCP110701.3 EPA Comments PropAmendWicklowTownRathnewDP.pdf

Dear Ms Earls,

The Environmental Protection Agency (EPA) acknowledges your notice, dated 29<sup>th</sup> April 2013 regarding the above and notes its contents.

#### **SEA Determination**

Your position with regard to the need for Strategic Environmental Assessment (SEA) of the Proposed Material Amendments is noted.

#### **Specific Comments on the Proposed Material Alterations**

In relation to the proposed rezoning of lands at Ballynerrin from *Public Open Space* to *Employment (E-2 Warehousing)* with local objective PF2, 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.

It is acknowledged in Chapter 4 (Amendment 11) that consideration is being given to the preparation of a Port & Environs Masterplan for Wicklow port. Consideration should be given to taking into account the approach undertaken for existing port related master plans (Dun Laoghaire Rathdown Harbour Masterplan, Shannon Foynes Port Company Masterplan, Dublin Port Company Masterplan and integration of the SEA, Habitats, Floods and Water Framework Directives respectively. Additionally, the National Ports Policy should be taken into account (<http://www.transport.ie/marine/MaritimeTrans/index.asp?loc=1925>).

Chapter 6 (Amendment 12) - Consideration should be given to amending 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 in implementing the amended Plan.

Amendment 13, in relation to seeking the development outside the immediate town centre where no suitable lands are available in the town centre, the requirements of the Floods / Habitats, EIA and Water Framework Directive should be taken into consideration. Traffic impact assessment should also be taken into account.

Chapter 7 (Amendment 17) - It is noted in Amendment No.17, 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.

Amendment 25, in *Section 11.3.8 Public Rights of Way*, 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.

In Chapter 12 (Amendment 26) 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.

It is noted in zoning amendments associated with Amendment 30 – Tinakelly, 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.

#### SEA Statement

You are also referred to the requirement to prepare an SEA Statement outlining "*Information on the Decision*" as required by Article 13I of Planning and Development Regulations as amended by Article 8 of the SEA Regulations. This should summarise the following:

- How environmental considerations have been integrated into the Plan;
- How the environmental report, submissions, observations and consultations have been taken into account during the preparation of the Plan;
- The reasons for choosing the Plan adopted in the light of other reasonable alternatives dealt with; and,
- The measures decided upon to monitor the significant environmental effects of implementation of the Plan.

A copy of the SEA Statement with the above information should be sent to any Environmental Authority consulted during the SEA process.

Should you have any queries or require further information in relation to the above please contact the undersigned.

I would be grateful if an acknowledgement of receipt of this submission could be sent electronically to the following address: [sea@epa.ie](mailto:sea@epa.ie).

Yours sincerely,



Cian O'Mahony  
Scientific Officer  
SEA Section  
Office of Environmental Assessment  
Environmental Protection Agency  
Regional Inspectorate  
Inniscarra, County Cork

\*\*\*\*\*

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30/05/2013

## Leonora Earls

**From:** John Healy [john.healy@bba.ie]  
**Sent:** 31 May 2013 17:53  
**To:** Planning - Development Plan Review  
**Cc:** 'Michael Browne'  
**Subject:** Amendment to proposed amendment to the Draft Wicklow-Rathnew Dev Plan 2013-2019  
**Attachments:** Amendment to Proposed Material Alteration no. 31\_to Draft Wicklow-Rathnew Dev Plan 2013-2019.pdf

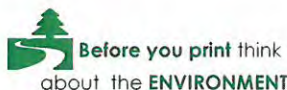
Please find attached amendment to proposed amendment to the Draft Wicklow-Rathnew Dev Plan 2013-2019.

Kind Regards,  
John Healy

## bba architecture

Suite 3 Eden Gate Centre, Delgany, Co. Wicklow.  
**Tel:** +353(1) 2876949 **Fax:** +353(1)2873521  
**Email:** [john.healy@bba.ie](mailto:john.healy@bba.ie) or [info@bba.ie](mailto:info@bba.ie)  
(bba architecture incorporating Bernard J Burke & Associates)

*acknowledged!*



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Administrative Officer,  
Planning Section,  
Wicklow County Council,  
Station Road,  
Wicklow Town.

Date: 31<sup>st</sup> May 2013.

**Re: Amendment to the Proposed Amendments to the Draft Wicklow - Rathnew Development Plan 2013-2019.**

Dear Sir/Madam,

On Behalf of our clients Ifcana Developments Ltd. (owners of 10 acres at Ballybeg) we propose the attached amendment be made to Proposed Material Alteration No 31.

In relation to Proposed Material Alteration No. 31 We write to propose the following:

- The land at Ballybeg be left as currently proposed R2 zoning in the Plan with no change to Employment E1 zoning.

The reasons for this are:

- The combined block of approximately 40 acres residential land zoned R2 form an attractive holding for development.
- The provision of a narrow strip of "Big Box" distribution units will considerably detract from the residential amenity of same.

We therefore suggest that the zoning is left as is and that the land owners / developers be left to deal with the technical issues.

We request that the Council reject the proposed material alteration no. 31.

We trust you will give the enclosed submission due consideration.

Yours faithfully,



Michael Browne

For & on behalf of Bernard Burke & Associates

Suite 3, The Eden Gate Centre, Delgany, Co. Wicklow.

Telephone: + 353 (1) 287 6949 Facsimile: + 353 (1) 287 3521 email: info@bba.ie

**Contact**

Michael Browne

John Healy

Luis Reis

Chartered Engineer, M.I.E.I M.I. Struct. E. Dip. Const. Law, Dip. EIA Mgmt.

Dip Arch. Tech.

B Arch. MRIAI.

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Administrative Officer  
Planning Department  
Wicklow County Council  
Station Road  
Wicklow Town  
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Teach Naomh Máirtín / Bóthar Waterloo / Baile Átha Cliath 4  
St. Martin's House / Waterloo Road / Dublin 4  
Teil: / Tel: + 353 1 660 2511 Facs: / Fax: + 353 1 668 0009

Dáta | Date

17 May, 2013



Bhur dTag. | Your Ref.

**Re: Notice of Proposed Amendments to the Draft Wicklow Town - Rathnew Development Plan, 2013 – 2019**

Dear Sir/Madam,

The Authority welcomes referral of the proposed amendments to the Draft Wicklow Town – Rathnew Development Plan, 2013 – 2019, and provides the following observations for the Councils consideration;

**Amendment no. 6**

The Authority notes that lands adjacent to the M11 interchanges are introduced as being a particular focus for development in the employment strategy outlined in the Draft Plan.

The Authority is concerned that such a focus appears to conflict with the Key Strategic Objective 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.

The Council will be aware that the provisions of the DoECLG Spatial Planning and National Roads Guidelines, arising from Smarter Travel, highlight that new retail and employment developments tend to be attracted to motorways and national road corridors, particularly junctions and can lead to dispersed and car dependent forms of development. The Guidelines state that such patterns of development are uneconomic and also lead to increases in trip distance making it difficult to develop attractive public transport, cycling and walking networks while also having serious implications for the viability and sustainability of town and city centres. Government policy no longer proposes to cater for the type of unlimited road traffic growth driven by the scenario outlined above.

The Authority would welcome a reconsideration of the inclusion of such a statement in proposed amendment no. 6.

In the context of the foregoing, the Authority would also welcome a review of proposed amendment no. 29 and the proposed increase in Employment E1 designated lands in such close proximity to M11, Junction 16.

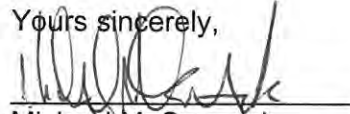
**'Strategic Land Bank'**

The Authority notes that although the Managers Report recommended clarification of the 'Strategic Land Bank' zoning objective, this does not appear to have been incorporated into the proposed amendments. The Authority recommends consideration be given to including

the recommendation of the Managers Report 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.

It is requested that the foregoing comments and observations are taken into consideration in the adoption of the Wicklow Town - Rathnew Development Plan, 2013 - 2019.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael McCormack', written over a horizontal line.

Michael McCormack  
Policy Adviser (Planning)

**Leonora Earls**

**From:** Eoin Carroll [eoinjcarrollarchitects@gmail.com]  
**Sent:** 31 May 2013 13:47  
**To:** Wicklow Town Plan Review  
**Subject:** Submission Regarding Proposed Amendments to Draft Wicklow - Rathnew Development Plan  
**Attachments:** Executive Summary Draft Plan Amendment Submission310513.pdf; Detailed Submission Draft Plan Amendments 310513.pdf

Dear Sir/ Madam,

Please find attached our submission in relation to the proposed amendments to the Draft Wicklow/ Rathnew Developmet Plan 2013 -2019 on behalf of Mr. Ronan O'Caoimh. The submission is in the form of an executive summary and detailed submission document. Could you please confirm acceptance of the submission by return e-mail.

Regards,

--

Eoin Carroll MRIAI

for

Eoin J. Carroll Architects

One Southern Cross,  
IDA Business Park,  
Bray, Co. Wickow

t: + 353 (1) 276 9839  
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[www.ejcarchitects.com](http://www.ejcarchitects.com)





Eoin J. Carroll Architects

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Administrative Officer,  
The Planning Section,  
Wicklow County Council,  
County Buildings,  
Station Road,  
Wicklow,  
Co. Wicklow.

31.05.13

By E-Mail: [wicklowtownplanreview@wicklowtc.ie](mailto:wicklowtownplanreview@wicklowtc.ie)

**RE: Proposed Amendments to the Draft Wicklow - Rathnew Development Plan 2013-2019.**

## **Executive Summary**

Dear Sir/ Madam,

On behalf of our client, Mr. Ronan O'Caoimh we hereby make the following submission regarding the proposed amendments to the Draft Wicklow - Rathnew Development Plan 2013 – 2019.

This document is an executive summary of our clients concerns regarding the proposed amendments to the Draft Plan. This document should be read in conjunction with the detailed submission document attached outlining the basis of our concerns.

### **Background:**

As has been set out in previous submissions to the Council, Mr. O'Caoimh is the owner of and has interest in a very substantial amount of land around Wicklow Town and its environs.

These lands include:

- Lands at Ashtown Lane - 62 acres (Previously AA4 Lands) 44 acres now SLB
- Lands at Broomhall House - 28 acres (Previously AA9 Lands) 22 acres now SLB
- Lands at Dunbur - 16 acres (Previously AA8 Lands) All now SLB
- Lands at Greenhill Road - 10 acres All now SLB
- Lands at N11/ M11 - 10 acres (Previously AA10 Lands)
- Lands at Cuckoos Lane - 12 acres
- Lands at Ballybeg/ Broomhall - 10 acres (Previously AA9 Lands)

Approximately two thirds of our clients lands listed above have been *de facto* de-zoned with their inclusion in the 'Strategic Land Bank' in the Draft Plan. These lands were purchased in good faith and at huge expense. The lands were bought with the benefit of existing land use zonings that were established in the various previous development plans for the area. Our client has invested great time and expense in the development of Action Area Plans (AA4, AA8, AA9 & AA10) of which none remain in the Draft Plan. Our client has made detailed submissions at the appropriate times with regard to the drafting of the new development plan and to date these requests have not been considered by the Council. We request that at this late stage in the drafting process our client's concerns are finally acknowledged and that the development plan is amended to take account of the following items.

#### **Response to Proposed Amendment No.s 7 & 8 to the Draft Developments:**

We consider that the Planning Authority has not provided for adequate amounts of residentially zoned land to accommodate the projected growth of Wicklow Town/Rathnew. We request that our client's lands are not included in a Strategic Land Bank and have previous land use zonings re-established.

With regard to proposed amendments No.s 7 & 8, we consider it astounding that the amount of residentially zoned land within the development plan boundary is proposed to be further reduced. These amendments propose to further reduce the amount of residentially zoned lands by 15.68 Ha (173 Units). This is a further reduction of the proposed 'Market Factor' or 'Headroom' which is necessary to facilitate the projected growth of Wickow Town and Rathnew.

In the previous submission made by our client in relation to the draft plan it was requested that the residential zoning of lands adjacent to the M11 be transferred to more appropriate lands within our client's ownership. While proposed amendment no. 31 deals with changing the zoning designation of land along the M11 within our client's ownership from R2 (Residential) to E1 (Employment) zoning, there is no proposal in these amendments to relocate the residentially zoned lands elsewhere within the plan boundary. Amendments 7 & 8 would result in a total of 15.68 Ha of residentially zoned land being struck off. This action is unjustifiable.

We consider that there are lands particularly suitable for residential development within our clients ownership located at Ashtown and Broomhall House. We request that these lands are changed from the SLB zoning to Residential zoning.

#### **Conclusion:**

Rather than reducing the amount of residentially zoned land further by way of the proposed amendments detailed above we request that our client's lands are taken out of the Strategic Land Bank and have previous residential land use zonings re-established. This would bring the total proposed area of lands zoned for residential development back to the levels proposed originally in the Draft Plan. It would allow for 'Market Factor/ Headroom' at the levels proposed in the original draft plan and would facilitate the sustainable development of Wicklow Town, Rathnew and the Environs.

We urge the above items will be considered seriously by the Planning Authority and we request that the Development Plan will be amended accordingly to take account of our client's concerns. The arguments outlined above are discussed in more detail in the attached Detailed Submission Document.

In the meantime if your department has any questions regarding any of the above please do not hesitate to contact the undersigned.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'EJC', written over a horizontal line.

Eoin J. Carroll MRIA

*For Eoin J. Carroll Architects*

*cc. Ronan O'Caoimh*



Eoin J. Carroll Architects

One Southern Cross,  
IDA Business Park, Bray  
Co. Wicklow  
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Administrative Officer,  
The Planning Section,  
Wicklow County Council,  
County Buildings,  
Station Road,  
Wicklow,  
Co. Wicklow.

31.05.13

By E-Mail: [wicklowtownplanreview@wicklowtc.ie](mailto:wicklowtownplanreview@wicklowtc.ie)

**RE: Proposed Amendments to the Draft Wicklow - Rathnew Development Plan 2013-2019.**

## **Detailed Submission Document**

Dear Sir/ Madam,

On behalf of our client, Mr. Ronan O'Caoimh we hereby make the following submission regarding the proposed amendments to the Draft Wicklow - Rathnew Development Plan 2013 – 2019.

This document should be read in conjunction with the executive summary that accompanies the submission.

We consider that the proposed amendments to the Draft Plan do not facilitate the sustainable development of Wicklow Town, Rathnew and the Environs and we request that amendments are made to the Zoning Designation of Individual sites within the Plan Area before the Development Plan is fully adopted.

The following are detailed arguments against proposed amendments no.s 7 & 8:

**1) If Proposed Amendments No.s 7 & 8 are adopted the Development Plan will not include adequate amounts of residentially zoned lands to allow for the projected growth of the settlement:**

We consider that by moving approximately 50% of the lands that were zoned for Residential Development in the previous Wicklow Town and Environs Development

Plans into a 'Strategic Land Bank' in the Draft Plan there is now not an adequate amount of residentially zoned lands to provide for the projected growth of the settlement.

In addition to this it is noted that proposed amendments no.s 7 & 8 to the draft plan propose to further reduce the amount of land zoned for residential development by 15.68 Ha (173 units). This amendment further exacerbates the problem.

In support of this argument we wish to point out the following:

- Population Projections

The County Development Plan has projected that the population of Wicklow/ Rathnew will grow to 19,000 by 2016 and to 24,000 by 2022. The current population is estimated at 13,084 in the Draft LAP.

Wicklow/ Rathnew is designated a Large Growth Town 1 in the Regional Planning Guidelines.

The 2001 LAP document allowed for growth in the population of up to 22500 by 2016.

The 2005 LAP document allowed for growth in population of up to 22500 by 2016.

Although Wicklow/ Rathnew is still designated a Large Growth Town 1 the estimated population growth has been reduced by 3500 (15.5% reduction in the projected population to 2016).

The Planning Authority is not justified in reducing the amount of land zoned for residential development by approximately 50% when it has only reduced its population projection by 15.5%.

- Residential Density

The draft LAP had zoned 203 Ha to provide 5759 residential units. This gave a projected density of 28.3 units/ ha.

The Vision & Core Strategy in the Draft Plan indicated projected residential development in two phases:

Phase 1 – 3980 units to 2019 (Based on average household size of 2.43 in 2019)

Phase 2 – 1779 units between 2019 & 2022. (Based on average household size of 2.3 in 2022).

Amendments 7 & 8 to the draft plan propose to further cut the proposed provision of residential units to 1606 units between 2019 & 2022.

Should amendments 7 & 8 be adopted it would result in the provision of 5566 residential units on 187.39 Ha of zoned land. It constitutes a further increase in the proposed overall density and would give a residential density of 29.7 units/ Ha.

The 2005 LAP had 384 Ha zoned residential to provide 9587 units. This was allowing a density of 25 units/ ha.

The Planning Authority is not justified in increasing the residential density at a time when the property market is at its lowest activity in decades. It is also noted that these higher densities are not suited to Wicklow / Rathnew where the topography does not easily allow for higher densities.

These higher densities will necessitate the construction of apartments which there will be no market demand for.

If the Planning Authority were to reduce the overall density more land would need to be zoned for residential development.

- Existing Services

The Wicklow Waste Water Treatment Plant will cater for 37,000 PE.

The Port Access Road has been constructed since the last LAP.

The Inner Relief Road has been constructed since the last LAP.

Taking these items into consideration especially the fact that the inner relief road is now constructed it appears ridiculous that large amounts of lands accessible to the inner relief road are now included in a 'Strategic Land Bank'. I refer in particular to the land that previously formed AA4.

- Market Factors/ Headroom

The county development plan refers to the Ministers recommendation to zone more land in order to meet its population target. The recommended factor is 50% but can be between 30 – 50% for towns in the North and East of the county.

Table 3.3 in the county development plan 2010 confirms that the 2005 Wicklow/ Rathnew LAP included a market factor of 34%.

This market factor has not been applied in the new LAP.

If 34% was applied in line with the CDP table 3.3 it would mean the following:

(Phase 1) Up to 2019 -  $3980 \text{ units} \times 1.34 = 5333 \text{ units @ } 25/ \text{ ha}$  would require 213ha of zoned land.

Proposed amendments no.s 7 & 8 to the draft plan include a provision to reduce the amount of land zoned for residential development by 15.68 Ha (173 Residential Units).

This constitutes a substantial reduction in the provision of zoned land to take account of 'Market Factors/ Headroom'.

If proposed amendments 7 & 8 are adopted it would mean that only 187.39 ha of land would be zoned to provide 5566 residential units at a density of 29.7/ha up to 2022.

We consider that it will be extremely difficult to achieve an overall residential density of 30 units/ Ha on the steeply sloping lands around Wicklow Town and Rathnew. In this regard we consider that the current basis of calculation for future residential development is not realistic. A density of 25 units/ Ha is more realistic and if applied

to the current proposal would mean that only 4685 units would be provided for up to 2022. This constitutes a 'Headroom' figure of only 18%.

In order to realistically meet the population targets it should include 'Headroom' of at least 34%. The Planning Authority should be zoning more land for residential development at a density of 25/ha.

The Planning Authority has not zoned enough land to meet with the population targets in its own county development plan and the regional planning guidelines. In this regard we request that some of the lands long fingered for development in a Strategic Land Bank should have the zoning designations from the previous Town and Environs Plans re-established.

We request that amendment no.s 7 & 8 are not adopted in their current form and that the Draft Development Plan is amended as follows:

**2) We request that the provision of lands zoned for residential development is not further reduced by 15.68 Ha and that approximately 10Ha of land within our client's ownership have residential zoning re-established:**

Considering the under provision of residentially zoned lands outlined in point no. 1 above we request that the zoning map be amended to change the SLB zoning to Residential zoning for the followings sites:

*A) Sites at Ashtown Lane (Previously Part of AA4 in the 2008-2014 Environs Plan)*

These sites consist of approximately 43 acres of lands directly to the west of the newly constructed Inner Town Relief Road. 27 acres (11 Ha) were zoned R for residential development in the 2008 -2014 Environs LAP, 7.5 acres were zoned E for Employment and 8.5 acres were zoned AO2 for Active Open Space.

The zoning of these lands now consists of approximately 8 acres (3.2 Ha) zoned R3 for Residential and 10 acres zoned AOS for Active Open Space with the remainder zoned Strategic Land Bank (See Fig. 1).

We request that the 8Ha of land within the SLB is returned to its previous residential zoning. We request that the zonings are returned to the current equivalent zoning as per the 2008-2014 Environs LAP (See Fig. 2) for the following reasons:

1) Roads: The sites are served directly via a local roundabout on the newly constructed Town Inner Relief Road. The Local Authority has gone to great expense to construct the Inner Relief Road to link these lands to the town. A large majority of the lands that the road was constructed to serve are now not zoned for development but part of the Strategic Land Bank. This is not logical or sustainable planning of development for the settlement.

2) Location: The development of the sites constitutes the logical expansion and development of Wicklow Town. We regard that the amount of land zoned for development surrounding Rathnew is excessive when one regards that Wicklow Town is the primary settlement within the Plan Boundary. As such we consider that these sites on the periphery of Wicklow Town are more suitable for Residential Development.

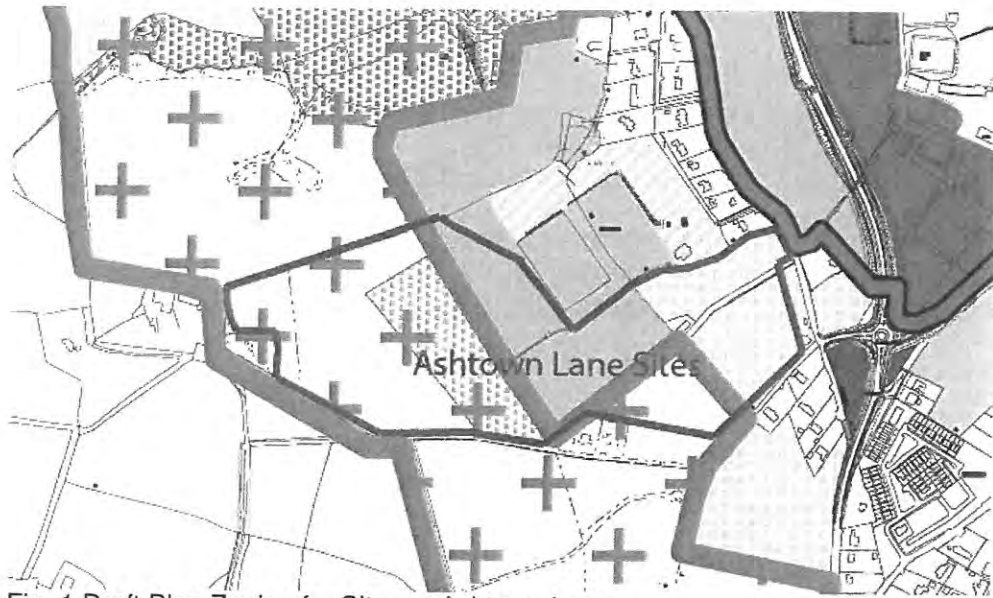


Fig. 1 Draft Plan Zoning for Sites at Ashtown Lane

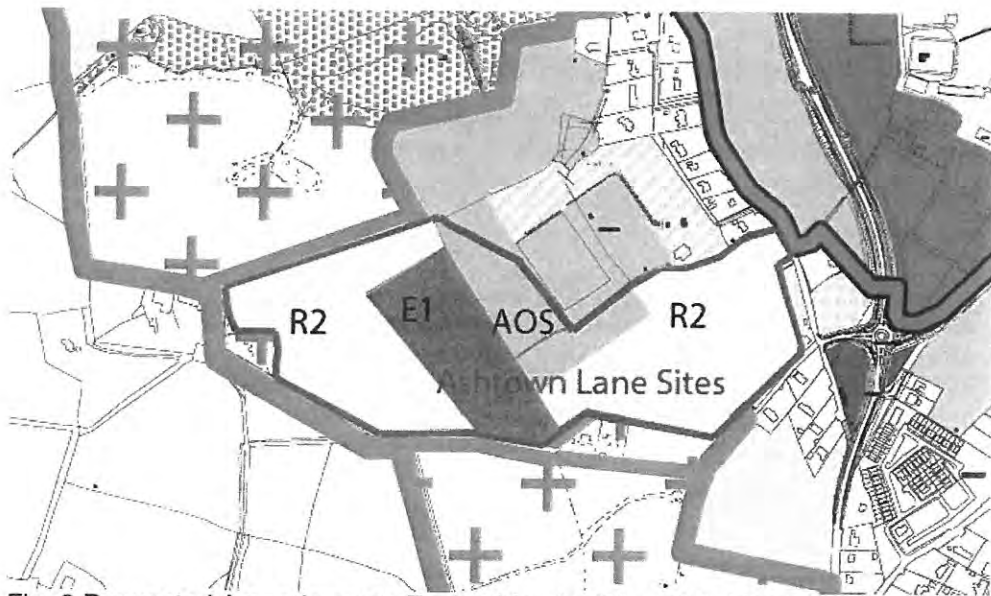


Fig. 2 Requested Amendment to Zoning Map for Sites at Ashtown Lane

*B) Site at Broomhall House (Previously Part of AA9 in the 2008-2014 Environs Plan)*

This site consists of approximately 13 acres (5.2 Ha) of land that formed part of AA9 in the 2008 Environs Plan and was zoned R for Residential Development. In the Draft Plan approximately 6 acres (2.4 Ha) of this site remains with R2 Residential zoning while the remainder of the site (2.8 Ha) is located in the SLB (See Fig. 3).

Considering the under provision of residentially zoned lands outlined in point no. 1 above we request that the zoning map be amended to change the SLB zoning to R2 Residential zoning for the 2.8 Ha remainder of the site (See Fig. 4). We note that the tank that was needed to provide water services to this site and other residentially zoned lands in the vicinity has been recently constructed.

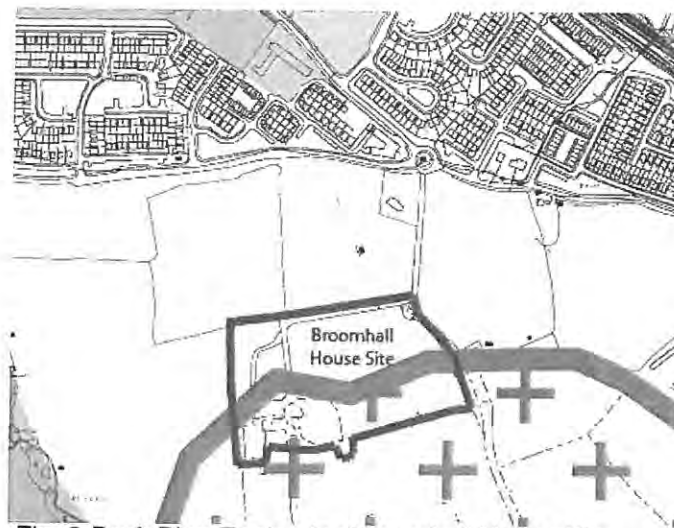


Fig. 3 Draft Plan Zoning for Broomhall House Site.



Fig. 4 Requested Amendments to Zoning Map for Broomhall House Site.

We trust the above items will be considered by the Planning Authority and we request that the Development Plan will be amended to take account of our client's concerns.

In the meantime if your department has any questions regarding any of the above please do not hesitate to contact the undersigned.

Yours Sincerely,

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Eoin J. Carroll MRIA

*For Eoin J. Carroll Architects*

*cc. Ronan O'Gaoimh*

## Leonora Earls

**From:** McGonigle, Darragh [darragh.mcgonigle@gva.ie]  
**Sent:** 31 May 2013 14:09  
**To:** Wicklow Town Plan Review  
**Subject:** Amendment Stage - Wicklow Rathnew Development Plan  
**Attachments:** 130531\_Amendments Wicklow Town and Environs\_Tesco.pdf

Dear Sir /Madam,

Please find attached submission prepared by our Client Tesco Ireland Ltd on the proposed amendments to the Wicklow -Rathnew Development Plan.

I would appreciate if you could confirm receipt of the submission by return.

Kind Regards

**Darragh McGonigle**, Principal Planner, **GVA**

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31/05/2013

30<sup>th</sup> May 2013



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Dear Sir / Madam,

gvaplanning.ie

This submission relates to the amendment stage of Wicklow Rathnew Local Area Plan, 2013 and specifically to the amendments that may affect the level of retail investment within the Plan area over the next six years. This document has been prepared on behalf of our Client, Tesco Ireland Ltd, Gresham House, Marine Road, Dún Laoghaire, Co. Dublin.

This submission relates to the amendments as set out below:

**Key Issues**

- Amendment 32: The rezoning adjacent to the Tesco Site is welcomed.
- Amendment 14: The comparison floorspace cap should be removed in its entirety.

## 1. Amendment 32 – Rezoning Adjacent to Existing Tesco Site

We welcome the rezoning from Residential – Infill (R1) to Town Centre (TC) proposed by this amendment. In light of the location of the site relative to the neighbouring Tesco Site and the fact that it is not suitable for residential use (directly adjacent to a service yard), the rezoning is a logical policy intervention. It also reflects the extent of the lands forming part of the Tesco Planning Application for the redevelopment of the overall site (Reg. Ref. 11/20).

## 2. Amendment 14 – The Comparison Floorspace Cap

We note that the Planning Authority has amended the application of the comparison floorspace cap so that there is some flexibility in determining whether or not it should be applied. The Draft Plan stipulated that the comparison element of foodstores '**shall** be limited to a maximum of 20% of retail floor area'; while the proposed amendments state that the comparison element '**may** be limited to 20% of retail floor area'.

The Manager's Report on submissions to the Draft Plan recommended that the cap be maintained subject to the above amendment. 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 we ask that the cap be omitted in its entirety so that investment within the retail sector is promoted.

### Section 2.4

This Section outlines that Planning Authorities may introduce a small downward revision to the floorspace cap in exceptional and limited circumstances<sup>1</sup>. We submit that the adoption of

<sup>1</sup> Retail Planning Guidelines, 2012, Section 2.4 pg. 13

the cap within the Development Plan would contravene the Guidelines for the following reasons:

1. **The references made to a downward revision to the cap in Section 2.4 of the Guidelines relate to the convenience floorspace cap only.** The Guidelines are unambiguous insofar as they state that 'there is no cap on the amount of non-grocery or comparison space<sup>2</sup>'. It is therefore not possible to apply a downward revision to comparison floorspace, as no such cap exists within the Guidelines in the first instance.
2. In explaining how such a downward revision may be applied, Section 2.4 explicitly refers to 'convenience goods expenditure' and 'convenience stores', it is therefore clear that the downward revision is intended to apply only to the convenience element of stores.
3. Notwithstanding the above, the Guidelines stipulate that where Planning Authorities wish to revise the floorspace cap downwards, the proposal should be substantiated by an 'expert study' to demonstrate how local competition and consumer choice would be protected. We are not aware of any such study being prepared by the Planning Authority.
4. The Guidelines refer to a 'small downward revision' and notwithstanding that this should only apply to the convenience element; a 20% cap constitutes a major reduction in the quantum of comparison floorspace deliverable. For example, the application of a comparison cap in determining the redevelopment of the Tesco Site in Wicklow Town, resulted in a c. 35% reduction in the level of comparison floorspace deliverable (from 1,100sq.m as proposed to 700sq.m as granted). The proposed cap does not constitute a small downward revision having regard to the size of the net trading area proposed (c. 3,498sq.m).
5. The wording of the cap, i.e. '*comparison floorspace may be limited to a maximum of 20% of retail floor area*' is problematic as it would not allow any flexibility, either a fixed 20% cap is applied by the policy or no cap is applied. This highlights the importance of permitting a case-by-case assessment of applications as advocated by the Retail Planning Guidelines.

#### Section 4.11.1

In supporting the decision to retain the comparison cap, the Manager's Report also references Section 4.11.1. This Section refers to the delineation of convenience and comparison floorspace on planning application drawings so that the impact of both elements can be assessed on an individual catchment. There is nothing within this Section supporting the application of a cap on the level of comparison floorspace and to do so would contradict Section 2.4, which specifically states that no cap applies.

#### Manager's Recommendation

The Manager's Report states that the subject amendment has been advanced in recognition of the changes in the Retail Planning Guidelines. It is however, submitted that the clear changes introduced by the new Guidelines, i.e. omission of the comparison floorspace cap, has not been adopted by the Planning Authority and the wording of the current amendment would be contrary to the Guidelines.

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<sup>2</sup> Retail Planning Guidelines, 2012, Section 2.4 pg. 13

While we welcome the proposed amendment, we ask that the comparison floorspace cap included within Policy LF2 is omitted in its entirety so that the scale of floorspace proposed can be assessed on a case by case basis through engagement with retail investors.

In the event that the Planning Authority decides that the cap will be implemented as per the proposed amendment, we ask 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, we ask the Planning Authority to amend the percentage **from a maximum of 20% to a maximum of 35%.**

### 3 Conclusion

We welcome the rezoning from residential to town centre adjacent to the existing Tesco Store. The concerns expressed in this submission relate to the comparison floorspace cap, which we believe should be omitted so that the Development Plan is consistent with the Retail Planning Guidelines, 2012.

The Guidelines provide clear policy statements to eliminate the adoption of comparison floorspace caps and there is therefore no basis for such caps to be included within Development Plans. The assessment of scale can be conducted as part of the planning application process to prevent rigid floorspace caps from undermining the viability of investment proposals.

We are available for discussion on any matter relating to the above content and would appreciate confirmation of receipt of this submission.

Yours faithfully,

*Darragh McGonigle*

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Darragh McGonigle  
Principal Planner  
For and on behalf of GVA Planning and Regeneration Ltd.