

WICKLOW TOWN COUNCIL & WICKLOW COUNTY COUNCIL

Preparation of the Wicklow - Rathnew Development Plan 2013 – 2019

Manager's Report on the Draft Development Plan Consultations

January 2013



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

WICKLOW TOWN COUNCIL AND WICKLOW COUNTY COUNCIL
DRAFT WICKLOW - RATHNEW DEVELOPMENT PLAN 2013 - 2019

MANAGER'S REPORT TO THE MEMBERS OF
WICKLOW TOWN COUNCIL AND WICKLOW COUNTY COUNCIL
PREPARED IN ACCORDANCE WITH SECTION 12 (4) OF THE PLANNING AND DEVELOPMENT
ACT 2000 (AS AMENDED)

Manager's report on the draft Development Plan consultation of the Wicklow - Rathnew Town Development Plan 2013 - 2019

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SECTION 1 Introduction

1.1 Introduction

The purpose of this report is to provide a description of the public consultation undertaken for the display of the Draft Wicklow–Rathnew Development Plan 2013 – 2019, to respond to issues raised in the submissions and observations made during the public consultation and to make recommendations on changes to the Draft Plan as deemed appropriate.

1.2 Statutory Background to the Manager's Report

This Manager's Report forms part of the statutory procedure for the preparation of the Wicklow - Rathnew Development Plan 2013 - 2019, as required by Section 12(4) of the Planning & Development Act 2000 (as amended) and sets out to:

- i. List the persons or bodies who made submissions or observations during the public consultation period of the Draft Wicklow - Rathnew Development Plan 2013 – 2019 and the Draft Environmental Report,
- ii. Summarise the following from the submissions or observations made:
 - a. issues raised by the Minister; and thereafter,
 - b. 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 or the committee under *Section 11(4)*, 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 and, if appropriate, any observations made by the Minister for Arts, Heritage, Gaeltacht and the Islands under *subsection (3) (b) (iv)*.
- iv. In the case of each Planning Authority within the GDA, a report under paragraph (a) shall summarise the issues raised and the recommendations made by the DTA in its written submission prepared in accordance with Section 31C and outline the recommendations of the Manager in relation to the manner in which those issues and recommendations should be addressed in the development plan.
- v. The report shall summarise the issues raised and recommendations made by the relevant regional authority in a report prepared in accordance with section 27 B (inserted by Section 18 of the Act 2010) and outline recommendations of the Manager in relation to the manner in which those issues and recommendations should be addressed in the development plan.

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 Report (Strategic Environmental Assessment).

In accordance with Section 12 (5) of the Act, the members of a planning authority shall consider the draft plan and the report of the Manager over a period of 12 weeks from the submission of the manager's report to the members of the authority.

1.3 The Next Step

Following consideration of the draft plan and the report of the Manager, where it appears to the members of the authority that the draft plan should be accepted or amended, they may, by resolution, accept or amend the draft and make the development plan accordingly.

If they resolve to make the Plan, then it comes into effect four weeks from the date that the resolution is made.

If they resolve to amend the Plan, in a case where the proposed amendment would, if made, be a material alteration of the draft concerned, the Planning Authority shall, not later than 3 weeks after the passing of a resolution to that effect, publish notice of the proposed amendment in at least one newspaper circulating in

its area and send notice and a copy of the proposed amendment to the Minister, the Board and the prescribed authorities.

The notice published shall state that -

- i. a copy of the proposed amendment of the draft development plan may be inspected at a stated place and at stated times during a stated period of not less than 4 weeks (and the copy shall be kept available for inspection accordingly), and
- ii. written submissions or observations with respect to the proposed amendment of the draft made to the planning authority within the stated period shall be taken into consideration before the making of any amendment.

In addition, where the proposed amendment(s) is /are **material**, the planning authority must then determine whether a Strategic Environmental Assessment or an Appropriate Assessment, or both, are required to be carried out.

Following consideration of the draft plan and the report of the Manager, where a planning authority, after considering a submission of, or observation or recommendation from the Minister made to the authority under this section (or from a regional authority made to the authority under section 27B), decides **not to comply** with any recommendation made in the draft plan and report, it shall so inform the Minister or regional authority, as the case may be, as soon as practicable **by notice in writing which notice shall contain reasons for the decision.**

1.4 Strategic Environmental Assessment (SEA) & Habitats Directive Assessment ('Appropriate Assessment', AA)

An Environmental Report and Appropriate Assessment Screening Report accompany the Draft Wicklow - Rathnew Development Plan 2013 - 2019. The Environmental Report identifies, describes and evaluates the likely significant effect on the environment of implementing the Draft Plan.

The Appropriate Assessment Screening Report assesses the likely effects of the proposed Plan either alone or in combination with other projects or plans, on any Natura 2000 site and considers whether these impacts are likely to be significant and thus require a full Appropriate Assessment. It is important to note that it was concluded that there will be no adverse impacts on the integrity of any Natura 2000 sites located within 15km of the Plan area and that a Stage 2 appropriate Assessment is not required.

Material Alteration

In the event that *material* alterations to the draft plan are proposed, the planning authority shall determine if a SEA / AA or both such assessments, as the case may be, is or are required to be carried out as respects one or more than one proposed *material* alteration of the draft development plan.

The Manager, not later than 2 weeks after a determination that SEA / AA of a *material* alteration is required shall specify such period as he or she considers necessary following the passing of the resolution as being required to facilitate an assessment. The planning authority shall carry out an assessment required of the proposed *material* alteration of the draft development plan within the period specified by the Manager.

The planning authority shall publish notice of the proposed *material* alteration, and where appropriate in the circumstances, the making of a determination that a SEA / AA is circulating in its area.

The notice shall state -

- i. that a copy of the proposed material alteration and of any determination by the authority that a SEA / AA is required may be inspected at a stated place or places and at stated times, and on the authority's website, during a stated period of not less than 4 weeks (and that copies will be kept for inspection accordingly), and
- ii. that written submissions or observations with respect to the proposed material alteration or the SEA / AA made to the planning authority within a stated period shall be taken into account by the authority before the development plan is made.

1.5 Proposed Addition to the Tree Preservation Orders

As part of the development plan process, pursuant to Section 205 (3) (a) (i) of the Planning & Development Act 2000 (as amended), Wicklow Town Council as the Planning Authority proposes to make an order to preserve ***the Chestnut Tree at the Parochial Hall, St. Patrick's Road, Wicklow Town*** in the Record of Tree Preservation Orders as part of the Draft Wicklow - Rathnew Development Plan 2013 to 2019.

In accordance with Section 205 (5) of the Act, the Planning Authority, having considered the proposal and any submissions or observations made in respect of it, may by resolution, as it considers appropriate, make the order, with or without modifications, or refuse to make the order, and any person on whom notice has been served informing them of the Planning Authorities intention to preserve the tree shall be notified accordingly

Please note that no submissions or observations have been received with regard to the proposed addition to the Tree Preservation Orders.

Should the proposed order be made by Wicklow Town Council, an order prohibits the cutting down, topping, lopping or wilful destruction of the tree, 'subject to any conditions or exemptions for which provision may be made in the order' and require the owner and occupier of the land affected by the order to enter into an agreement with the planning authority to ensure the proper management of the tree subject to the planning authority providing assistance, including financial assistance, towards such management as may be agreed. Should the order be made, any person who contravenes an order or, pending the decision of a planning authority, a proposed order under this section, shall be guilty of an offence.

It should also be noted that without prejudice to any other exemption for which provision may be made by an order under this section, no such order shall apply to the cutting down, topping or lopping of trees which are dying or dead or have become dangerous, or the cutting down, topping or lopping of any trees in compliance with any obligation imposed by or under any enactment or so far as may be necessary for the prevention or abatement of a nuisance or hazard. Particulars of an order under this section shall be entered in the register.

1.6 Public Consultation

The Draft Wicklow – Rathnew Development Plan 2013 - 2019 and the Draft Environmental Report were put on public display on Friday the 20th July 2012. The public consultation stage was advertised with notifications on the County Council website, Facebook and Twitter pages, in the local newspaper, formal notification was issued to the required statutory bodies and notification to national, county and local interested persons and groups. Written submissions and/or observations were invited for a 10-week period ending Friday 28th September 2012 and could be made electronically, by hand or sent via post. During this public consultation period the Council pursued a proactive approach in an attempt to raise awareness of the Draft Development Plan among the citizens of the plan area and other stakeholders, and by doing so encourage a greater degree of public participation in the overall process.

The Draft Plan and associated documents were on display at the following locations:

- Wicklow Town Council Offices, Wicklow Town
- County Buildings, Wicklow Town
- Wicklow Town Public Library
- Wicklow County Library and Travelling Library
- The Council's website
- Facebook
- Twitter

Hard copies and CDs of the draft Plan [written statement, including appendices, environmental report and maps] were available to purchase at the Planning Counter, County Buildings, Wicklow Town and Wicklow Town Council Offices, Town Hall, Market Square, Wicklow Town.

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 *“fulfil 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 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 (Statutory Instrument Number (SI No.) 435 of 2004) and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (SI No. 436 of 2004), as amended by Planning and Development (SEA)(Amendment) Regulations 2011 (S.I.No.201 of 2011). 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 the Wicklow - Rathnew Development Plan - to undergo SEA. The findings of the SEA are expressed in an Environmental Report and accompanying Addendum, which are submitted to the Elected Members alongside the Wicklow - Rathnew Development Plan. The Elected Members must take account of the Environmental Report and accompanying Addendum 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 and accompanying Addendum. The elected members are required to consider these reports along with the Draft Plan and Manager's Report, (and the submission of the Minister, prescribed bodies and the public and the recommendations of the Manager), in making a

decision as to whether to adopt the plan. Where elected members resolve to make *material* amendments to the draft plan, such amendments will be put through a same environmental assessment procedure, the results of which are required to be considered by the members prior to making the final decision on the amendments.

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 already been undertaken for the draft development plan, 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.

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 it can be concluded on the basis of AA that there will be no significant 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 significant 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

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”.

National Spatial Strategy

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.

Regional Planning Guidelines for the Greater Dublin Area

The Regional Planning Guidelines (RPGs) is a policy document, which aims to direct the future growth of the Greater Dublin Area of which Wicklow is included, 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 RPGs is the population allocation and distribution within the GDA; the Wicklow County Development Plan 2010-2016 is fully consistent with the RPGs, the County Development Plan distributes population allocation to the settlements within the County and as a result the Draft Wicklow - Rathnew Development Plan is consistent with these figures from the RPG.

Under the Settlement Hierarchy, Wicklow is located within the Hinterland area and is designated a 'Large Growth Town I' County Town.

The Wicklow - Rathnew Plan 2013-2019 includes a Core Strategy, which demonstrates how the strategy for Wicklow Town, Environs and Rathnew Village complies with the strategic regional objectives for the town, as included in the RPGs.

Section 3 Report Structure

3.1 Layout of the Report

The report is divided into a number of sections, with **Section 5** the main one dealing with the submissions and observations received. Section 4 lists the submission received with the Ministers and the RPG submissions listed and summarised initially, followed by the submissions in alphabetical order of the prescribed bodies and then the submissions from the public and interest groups. Section 5 deals with each submission individually, summarising the submission into the different issues that were raised, followed by the Manager's opinion on each issue with any recommendation of the Manager listed below this.

The draft plan also proposes an addition to the Tree Preservation Orders; this has been put forward in Section 5.1 and shall be for consideration by the members of Wicklow Town Council.

In the event of minor typographical errors or discrepancies, these will be amended in the Draft Plan accordingly. Similarly, where draft plans or policy documents, prepared by other bodies, have been up-dated or approved during the development plan preparation process, these will be amended accordingly in the final Development Plan.

3.2 Submissions

37 submissions were received during the public display period of the Draft Plan. The Council wishes to express its appreciation to those who made submissions, viewed the displays or met with the plan team. Should you wish to view a hard copy of the submissions you may wish to get in contact with a member of the plan team or a soft copy can be sent via email or is available on CD by request. Each submission was fully considered and has been summarised in the Manager's Report.

3.3 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 the submissions received clearly show which authority it relates to. Submissions that directly relate to both the Town and Environs (including Rathnew) Area are for consideration by both sets of elected members. Submissions specifically relating to the Wicklow Town Council jurisdiction are for consideration for the Town Council Members and similarly with issues relevant to the Environs (including Rathnew) are for consideration by the Members of the County Council.

The majority of submissions received have issues relating to the objectives and text within the main document and are for consideration by both sets of members, however many of the zonings issues are specific to one jurisdiction or the other.

3.4 List of Manger's recommended amendments

For convenience, a complete list of all of the Manager's recommended amendments that arise of foot of the evaluation of submission received 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, if any, amendments are considered 'material' and which submission(s) give rise to the recommendation.

Amendment No. 1

Relevant to submission No. 10

Amend (p 14) Section 2.1 'Vision' point 2 with the following:

"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"

Amendment No. 2

Relevant to submission No. 34

Amend the following typing error in Table 2.5 (p22), Table 3.3 (p28), in 'Proposed Housing Land'(p21) and in 'New Residential Zones' (p27)

Table 2.5 and Table 3.3

| | | | |
|--------------------|-----|---|-----|
| AA2 Marlton | R2 | 32 23.4 (25 inc. school site) | 655 |
| ... | ... | ... | ... |
| Total | | 203 187.39 | |

'Proposed Housing Land'(p21)

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 .

'New Residential Zones' (p27)

This plan will provide for c. **187.39** ~~203~~-hectares of 'greenfield' zoned residential land.....

Amendment No. 3

Relevant to submission No. 14 and 24

Amend the name of ~~Action Area 2~~ to 'Marlton Action Area' throughout the plan and in Chapter 12 on Action Areas. (this first arises on p 22 and then throughout the plan)

Amendment No. 4

Relevant to submission No's. 1, 2 and 8

Amend Section 3.3 and 3.4 Phasing (p 28 – p 29)

Omit the following wording in Section 3.3:

"It is the development strategy of this plan that lands closest to the core of Wicklow Town and Rathnew Village shall be considered first for development (footnote). ~~Where permission is sought for residential development on other lands designated for significant development (as shown on Map 2.1 Core Strategy), permission will only be considered during the lifetime of this plan if:~~
~~-Lands closer to the core area have been substantially developed and have not delivered the number of housing units envisaged, or~~
~~-Some barrier is impeding the development of lands closest to the core areas, or~~
~~-Lands closer to the core areas are not being released to the market."~~

Omit the following objective in Section 3.4

~~"H4 The development of zoned land shall be phased to ensure lands closest to the centre (or to existing transport and / or community infrastructure) is developed prior to more outlying lands, unless exceptional circumstances apply."~~

Insert the following objective:

"H4 The development of the residential zoned land shall be phased generally in accordance with the sequential approach with lands closest to the core of Wicklow Town and Rathnew Village considered first for development (footnote) in line with the following:

- Development should extend outwards from centres with undeveloped land closest to the core, public transport routes and community infrastructure being given preference, i.e. 'leapfrogging' to peripheral areas shall be avoided;
- A strong emphasis should be placed on encouraging infill opportunities and better use of under-utilised lands; and
- Areas to be developed should be contiguous to existing developed areas.

Only in exceptional circumstances should the above principles be contravened, for example, where permission is sought for residential development on other lands designated for significant development (as shown on Map 2.1 Core Strategy), permission will only be considered during the lifetime of this plan if:

- Lands closer to the core area have been substantially developed and have not delivered the number of housing units envisaged, or
- Some barrier is impeding the development of lands closest to the core areas, or
- Lands closer to the core areas are not being released to the market

Any exceptions must be clearly justified by local circumstances and such justification must be set out in any planning proposal."

(footnote - These are lands generally located within 750m (as the crow flies) of the centre of Rathnew Village and 1,500m of the centre of Wicklow Town – Fitzwilliam Square (as shown on Map 2.1 Core Strategy))

Amendment No. 5

Relevant to submission No. 5

In Section 4.4 'Wicklow Port and Harbour Strategy' (p 52) under 'The Port and Quays' add in the following objective:

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.

Amendment No. 6

Relevant to submission No. 30

Amend **objective LF2** (p 72)

From:

"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."

To:

"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.** ~~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~~ **may** be limited to a maximum of 20% of retail floor area."

Amendment No. 7

Relevant to submission No. 2

(a) Amend Section 6.3 Discount Foodstore (p 72 and p 73)

Omit (p 73)

“Discount foodstores

~~Discount food store 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.”~~

(b) Amend Large foodstores (p 72)

From:

“Large foodstores comprising supermarkets, superstores or hypermarkets are an accepted.....”

To:

“Large foodstores comprising supermarkets, superstores, **discount foodstores** or hypermarkets are an accepted.....”

(c) Amend Objective LF1

From:

“Large foodstores shall generally be required to be located on lands zoned ‘town centre’ or ‘village centre’”

To:

“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.**”

Amendment No. 8

Relevant to submission No. 31

Amend the Text as follows (p 87)

Wicklow Educate together

8 10 classrooms (2012)

Amendment No. 9

Relevant to submission No. 37

Amend education (page 89) to change the first sentence of objective ED4 to the following

“Where practicable, education, community, recreational and open space facilities shall be clustered **and in locations that maximize opportunities for the sharing of facilities.....**”

Amendment No. 10

Relevant to submission No. 37

Amend Objective CP2 for Children’s play facilities (p 91) and omit the footnote as follows

“**CP2** In all new significant residential development (footnote), 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 – 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.”

Amendment No. 11

Relevant to submission No. 37

Include the following in objective (p 91)

CM2 “New community buildings/facilities shall be **fit-for-purpose and** multi-purpose, designed to facilitate.....”

Amendment No. 12

Relevant to submission No. 28

It is recommended to omit the proposed protected structure number 29 (p 136), The Lifeboat House, South Quay from the Record of Protected Structures Table 11.1 (p136) with changes change to the number of the list following on from this and changes consequent to the Heritage Map.

Table 11.1 Record of Protected Structures

| Wicklow Town Council | | |
|-------------------------------|--|---|
| Proposed Protected Structures | | |
| RPS 29 | The Lifeboat Houses, South Quay | The lifeboat house built in 1866. In 1880's the RNLI moved to the east pier and it is now in use as the Comhaltas Ceoltoiri Eireann Building |

Amendment No. 13

Relevant to submission No. 5

In Section 11.3.2 'Water Systems' (p151) amend in the following objective (Please see SEA Addendum):

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.

Amendment No. 14

Relevant to submission No. 21, 26 and 32

14 (a) Add the following text under 'Natural Environment' (p 155):

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

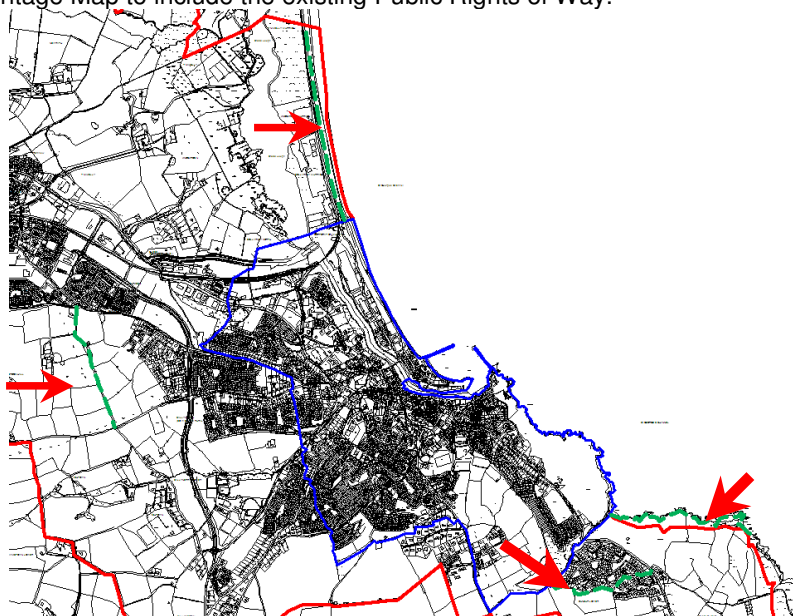
ROW1 To preserve existing public rights of way at the locations detailed in Table 11.11 *Existing Public Rights Of Way* and Rights of Way which give access to seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility.

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

| Reference | Description |
|-----------|---|
| PROW1 | From the Wicklow Town boundary, along the coastline of Bollarne 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 Seafeld housing estate to public road. |

(b) Amend the Heritage Map to include the existing Public Rights of Way:

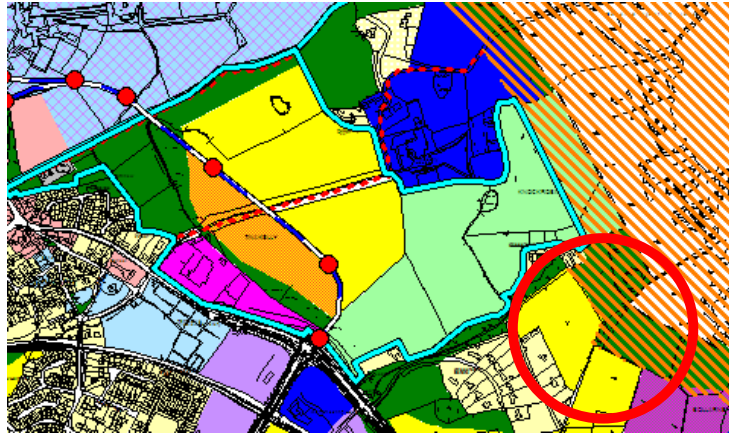


Amendment No. 15

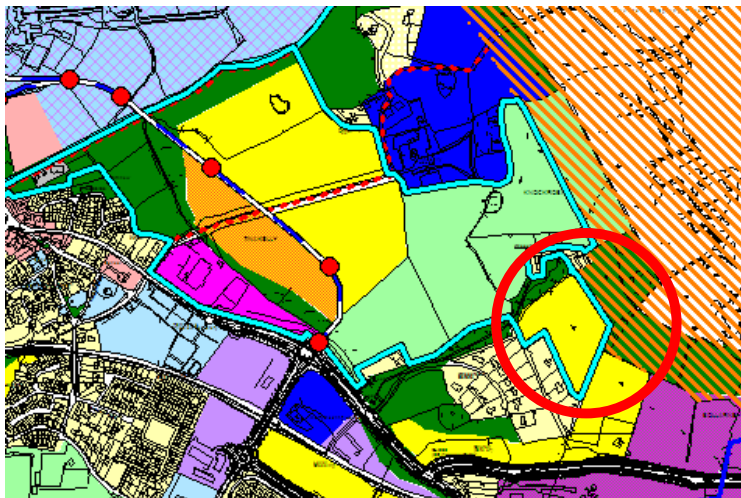
Relevant to submission No. 15

Amend the Action Area boundary in the Land Use Map and Chapter 12 (p 159) and make any changes consequent.

From



To



Amendment No. 16

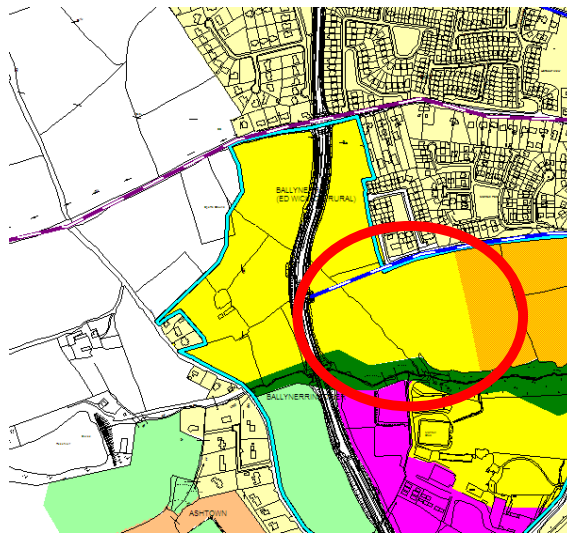
Relevant to submissions No. 4 and 31

(a) Amend the text of the Marlton Action Area (Section 12.3 – p 160 Point 1) as follows:

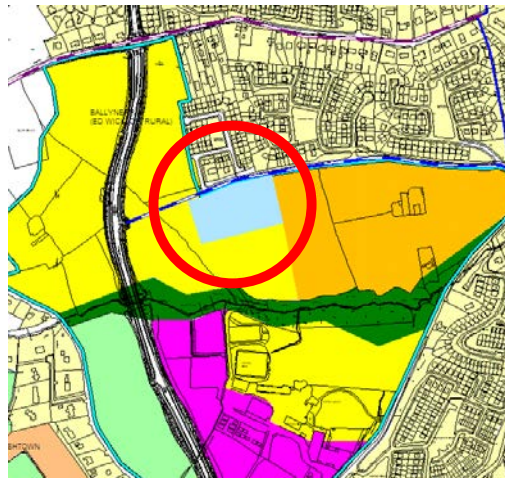
~~“The CE lands zoned in this action area shall be reserved for the development of a primary school. One site of not less than 1.6ha shall be reserved for the development of a primary school, at either of the locations identified on the map below.~~ No more than 40% of the residential development will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

(b) Amend the land use map and Map 12.2 to zone for 1.6 ha of ‘CE’ at Ballynerrin and any changes consequent.

From



to



Amendment No. 17

Relevant to submission No's 1, 2 and 7

Amend the wording of 'SLB' (p 168 and p 172)

From:

"Strategic Land Bank: *To provide a suitable land bank for future development of the settlement"*

"These are lands that are identified as being within the potential built envelope of the settlement with regard to proximity and accessibility to infrastructure. The lands are to be seen as support in achieving the objectives of the main plan and ensure delivery of an overall coherent plan"

To:

"Strategic Land Bank: *To provide a suitable land bank for future **phases of the** development of the settlement **after the lifetime of this plan**"*

*"These are lands that are identified as being within the potential built envelope of the settlement with regard to proximity and accessibility to infrastructure. The lands are to be seen as support in achieving the objectives of the main plan and ensure delivery of an overall coherent plan **However, these lands are not suitable or necessary for development during the lifetime of this plan and will be only considered for detailed zoning and development after 2019.***

Generally any development proposals within the lifetime of the plan will be considered under the Wicklow County Development Plan Rural Objectives."

Amendment No. 18

Relevant to submission No. 2

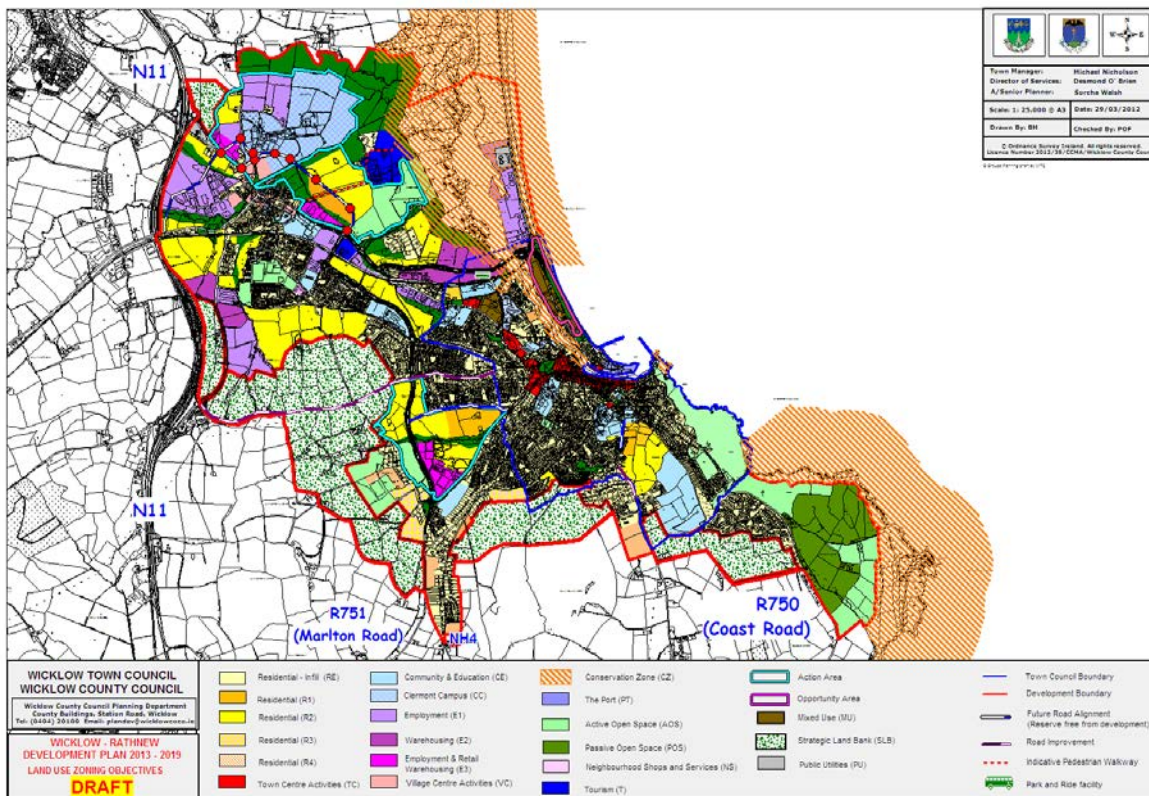
Amend in Table 13.2 Zoning Use Table where applicable (p169)

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

Amendment No. 19

Relevant to submission No. 2

Amend the colour of the ‘SLB’ zone on the Land Use Map to one shade with no underlying zoning.

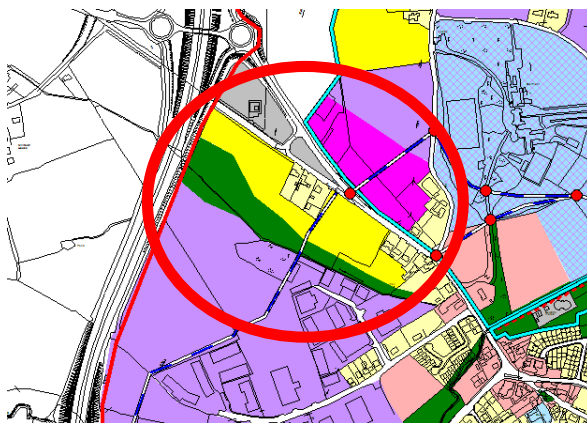


Amendment No. 20

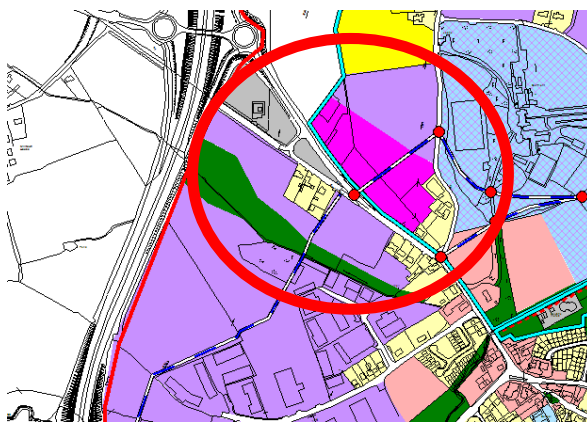
Relevant to submission No. 10

(a) Amend the Land Use Map with 3.84ha of 'Residential R2' zoning at the following location and any changes consequent arising out of this amendment to Chapter 2 'Vision and Core Strategy'.

From:



To:



(b) Amend Table 2.5 and Table 2.6; Chapter 3 'Residential Development' in particular Table 3.3 and Chapter 5 'Enterprise and Employment' Table 5.2.

Table 2.5 and Table 3.3

| | | | | | |
|----------------|-----|-----|------|-----|-----|
| Rathnew | R2 | 8 | 4.16 | 227 | 116 |
| ... | ... | ... | ... | ... | ... |

Table 2.6 and Table 5.2

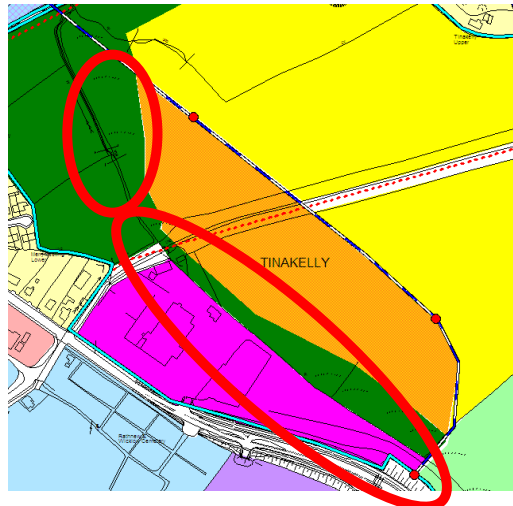
| | | | |
|----------------|-----|------------|------------------------------|
| Rathnew | E1 | 3.84 | Business Park/ Manufacturing |
| ... | ... | ... | ... |
| Total | | 86.3 90.14 | |

Amendment No. 21

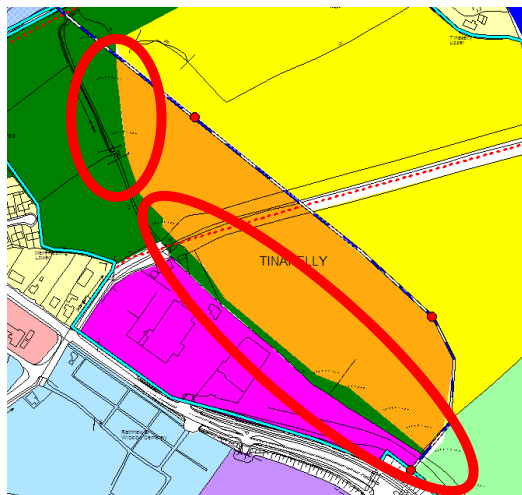
Relevant to submission No. 15

(a) Amend the land use zoning map

From



To:



(b) Make any consequent changes arising out of this amendment to Chapter 2 'vision and core strategy', in particular Table 2.5; Chapter 3 'residential development' in particular Table 3.3 and Chapter 12 'action areas'

Table 2.5 and Table 3.3

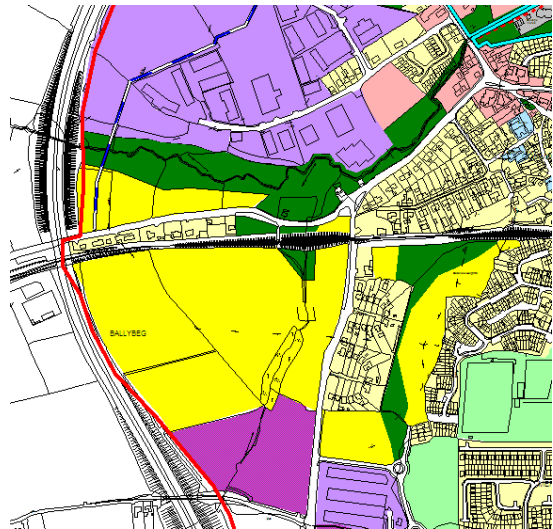
| | | | | | |
|--------------------|-----|-------|-----|-----|-----|
| AA1 Rathnew | R1 | 5.716 | 7 | 227 | 280 |
| ... | ... | ... | ... | ... | ... |
| | | | | | |

Amendment No. 22

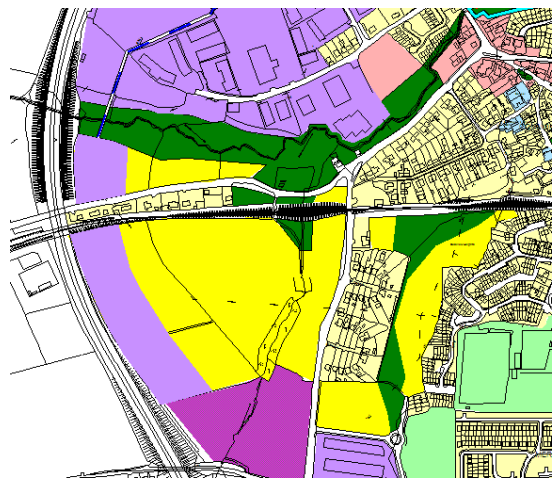
Relevant to submission No. 25

(a) Amend the Land Use Zoning map at Ballybeg

from



to



(b) Make any consequent changes arising out of this amendment to Chapter 2 'vision and core strategy', in particular Table 2.5; Chapter 3 'residential development' in particular Table 3.3 and Chapter 12 'action areas'

Table 2.5 and Table 3.3

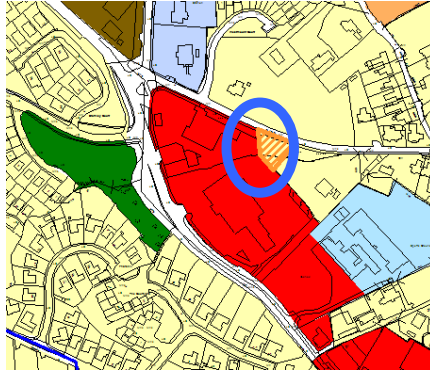
| | | | | | |
|-----------------|-----|---------------|-----|----------------|-----|
| Ballybeg | R1 | 18 | 13 | 497 | 364 |
| ... | ... | ... | ... | ... | ... |
| | | | | | |

Amendment No. 23

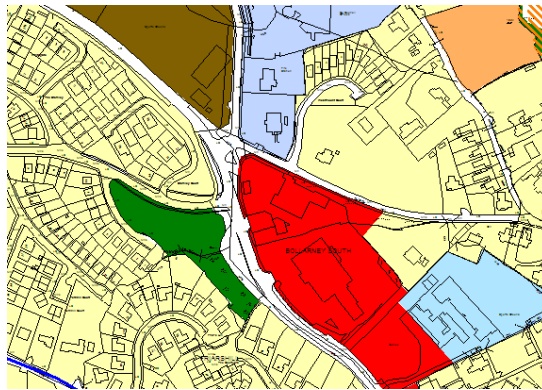
Relevant to submission No. 30

Amend the Land Use Map from 'RE' to 'TC' and any other changes consequent.

Change from



to



Section 4 List of those who made submissions

| No | Name | Agent/Representative | Relevant to | | | Amd. No. |
|----------------------|--|------------------------------------|-------------|-----|------------|---------------|
| Prescribed Bodies | | | WTC | WCC | Map | |
| 1 | Minister for the Environment, Community and Local Government | Patrick O'Sullivan | √ | √ | | 4, 17 |
| 2 | Dublin and Mid-East Regional Authorities | Jim Conway | √ | √ | WCC WTC | 4,7,17,18, 19 |
| 3 | Dublin Airport Authority | Tanya Murray | √ | √ | | |
| 4 | Education and Skills (Dept of) | Lorraine Brennan | √ | √ | WCC | 16 |
| 5 | Environmental Protection Agency | | √ | √ | | 5,13 |
| 6 | Inland Fisheries Ireland | William Walsh | √ | √ | | |
| 7 | National Roads Authority | Michael McCormack | √ | √ | | 17 |
| 8 | National Transport Authority | Hugh Creegan | √ | √ | | 4 |
| 9 | Office of Public Works | Shirley Crosbie | √ | √ | | |
| 10 | Wicklow Town and District Chamber | Susana Costello | √ | √ | WCC | 1, 20 |
| Public Submissions | | | | | | |
| 11 | Akley Properties Ltd | PD Lane Associates | | √ | WCC | |
| 12 | Aldi Stores (Ireland) Ltd | John Spain Associates | √ | √ | WCC | |
| 13 | Ballynerrin Co-Ownership | Neil Durkin | √ | √ | WCC | |
| 14 | Martin Carr | | √ | √ | WCC | 3 |
| 15 | Luke Charleton, Niall Coveney, Clonsky Ltd & Crackington Ltd | Tom Phillips & Associates | | √ | WCC | 15, 21 |
| 16 | Claremont Holdings Limited (Leslie Armstrong) | John Spain Associates | √ | √ | WCC | |
| 17 | Helen Clarke & the Clarke Family | McGill Planning | | √ | WCC | |
| 18 | Roy Conway | | | √ | WCC | |
| 19 | T.J.Foley | Padraig Smith Partnership | | √ | WCC | |
| 20 | T.J.Foley & Mr. George McGarry | Clodagh Holmes | | √ | WCC | |
| 21 | Friends of the Murrough | Ned Cussens | √ | √ | WCC | 14 |
| 22 | Noel Heatley | | √ | √ | WCC WTC | |
| 23 | Eileen M Howell | | | √ | | |
| 24 | Lusra Teoranta | | √ | √ | WCC | 3 |
| 25 | Ronan O'Caoimh | Eoin Carroll | √ | √ | WCC | 22 |
| 26 | Judy Osborne | | √ | √ | WCC | 14 |
| 27 | Rathnew Development Group | Hugh Levins | | √ | WCC | |
| 28 | RNLI | Peter Guscott | √ | √ | | 12 |
| 29 | Paul And John Sinnott | Michael Connolly Architect | √ | √ | | |
| 30 | Tesco Ireland Ltd | GVA Planning | √ | √ | WTC | 6, 23 |
| 31 | Wicklow Educate Together | Danny Haskins | √ | √ | WCC | 8, 16 |
| 32 | Wicklow Golf Club | Roger Kennedy | | √ | | 14 |
| 33 | Wicklow Head Preservation Group | Sam Conway | | √ | | |
| 34 | Wicklow Limited Partnerships | McGill Planning | √ | √ | WCC | 2 |
| 35 | Wicklow Planning Alliance | Judy Osborne | √ | √ | WCC | |
| 36 | Wicklow Port Company | Gerard Higgins & Associates | √ | | WTC | |
| Internal submissions | | | | | | |
| 37 | Community, Cultural and Social Section | Patricia Reilly& Deirdre Whitfield | √ | √ | | 9,10, 11 |

Section 5 Summary of issues raised, Manager's opinion on issues raised and Manager's policy recommendations

For all submissions, the Manager will provide an opinion on the issues raised and a recommendation in relation to the issue. Where the Manager is recommending amendments to the draft plan, these will be set out under each issue, with new text shown in **red** and deleted text in ~~blue strikethrough~~

No. 1

Relevant to Wicklow Town Council and Wicklow County Council

Minister for the Environment, Community and Local Government

1. The Minister is in support of the integration of the Wicklow Town Plan 2007, the Wicklow Environs and Rathnew Local Area Plan 2008 and the Marlton Action Area 6 Local Area Plan 2006 into a single Development Plan.
2. The Minister generally considers that the Draft Plan meets the relevant Departmental and Regional Guidelines but notes concerns with the manner in which the priority residential development land is identified in the Core Strategy. The concerns are as follows:
 - (a) There is no clarity for land owners or the general public regarding which lands are actually the priority lands for development;
 - (b) A methodology based on drawing circles from a central point does not take account of available services infrastructure, access to public transport or other factors, which should help shape the evidence-based decision regarding which are the priority development lands.
 - (c) The terminology used is too general and does not provide adequate clarity, examples being "*These lands are generally located ...*"; "*Lands closer to the core area have been substantially developed...*"; "*Some barrier is impeding...*".

It is recommended that in order to deal with the above concerns, the Core Strategy section of the Plan should:

- Set out clearly on Map 2.1 the Phase 1, Phase 2 and Strategic Reserve lands. When identifying which land goes into the different categories, issues such as sequential development, availability of infrastructure services, accessibility to public transport, lands with existing residential development permissions etc. should be taken into account; and
- Provide policies which indicate that only when a certain percentage of the Phase 1 lands have been developed would approval for development in Phase 2 lands be considered.
- The policies should also set out clearly the situation regarding Strategic Land Bank land.

Manager's Opinion

1. Noted
2. This is noted. In the process of identifying which lands should be designated for development during the plan period, within each phase and which lands should be identified as a 'Strategic Land Bank' for future development beyond the lifetime of this plan, a detailed and thorough assessment was undertaken during the crafting of the draft plan. Such planning issues as availability of infrastructure, accessibility to public transport, environmental protection and proximity to Town/Village Centres were all taken on board. It is not recommended to amend this as it is considered that the current plan reflects a sustainable development and proper planning development scenario for the settlement.

The issues on the phasing on the Core Strategy map and providing phasing policies are noted. Section 2.2.3 of the plan addresses phasing with 2 phases allowing 3,980 units up to 2019, with a number of parameters in place where permission is being considered outside of Phase 1 lands. It is recommended to amend this to include a robust phasing objective in Section 3.4 *Housing* (objective H4) to ensure appropriate implementation of the phasing of residential lands. The request for policies for the building out of Phase 1 lands before

considering phase 2 is noted and it is recommended to include parameters/targets into the phasing objective.

It is recommended to amend the wording of the 'SLB' objective to ensure the terminology is more specific and that it sets out clearly the situation regarding the Strategic Land Bank lands.

Manager's Recommendation

Amend the plan as follows:

1. Amend Section 3.3 and 3.4 Phasing (p 28 – 29)

Omit the following wording in Section 3.3:

"It is the development strategy of this plan that lands closest to the core of Wicklow Town and Rathnew Village shall be considered first for development (footnote). ~~Where permission is sought for residential development on other lands designated for significant development (as shown on Map 2.1 Core Strategy), permission will only be considered during the lifetime of this plan if:~~

~~-Lands closer to the core area have been substantially developed and have not delivered the number of housing units envisaged; or
-Some barrier is impeding the development of lands closest to the core areas; or
-Lands closer to the core areas are not being released to the market."~~

Omit the following objective in Section 3.4

~~"H4 The development of zoned land shall be phased to ensure lands closest to the centre (or to existing transport and / or community infrastructure) is developed prior to more outlying lands, unless exceptional circumstances apply."~~

Insert the following objective:

"H4 The development of the residential zoned land shall be phased generally in accordance with the sequential approach with lands closest to the core of Wicklow Town and Rathnew Village considered first for development (footnote) in line with the following:

- Development should extend outwards from centres with undeveloped land closest to the core, public transport routes and community infrastructure being given preference, i.e. 'leapfrogging' to peripheral areas shall be avoided;
- A strong emphasis should be placed on encouraging infill opportunities and better use of under-utilised lands; and
- Areas to be developed should be contiguous to existing developed areas.

Only in exceptional circumstances should the above principles be contravened, for example, where permission is sought for residential development on other lands designated for significant development (as shown on Map 2.1 Core Strategy), permission will only be considered during the lifetime of this plan if:

- Lands closer to the core area have been substantially developed and have not delivered the number of housing units envisaged, or
- Some barrier is impeding the development of lands closest to the core areas, or
- Lands closer to the core areas are not being released to the market

Any exceptions must be clearly justified by local circumstances and such justification must be set out in any planning proposal."

(footnote - These are lands generally located within 750m (as the crow flies) of the centre of Rathnew Village and 1,500m of the centre of Wicklow Town – Fitzwilliam Square (as shown on Map 2.1 Core Strategy))

2. Amend the wording of 'SLB' on p 168

From:

"Strategic Land Bank: *To provide a suitable land bank for future development of the settlement"*

"These are lands that are identified as being within the potential built envelope of the settlement with regard to proximity and accessibility to infrastructure. The lands are to be seen as support in achieving the objectives of the main plan and ensure delivery of an overall coherent plan"

To:

"Strategic Land Bank: *To provide a suitable land bank for future **phases of the** development of the settlement **after the lifetime of this plan**"*

*"These are lands that are identified as being within the potential built envelope of the settlement with regard to proximity and accessibility to infrastructure. The lands are to be seen as support in achieving the objectives of the main plan and ensure delivery of an overall coherent plan **However, these lands are not suitable or necessary for development during the lifetime of this plan and will be only considered for detailed zoning and development after 2019.***

Generally any development proposals within the lifetime of the plan will be considered under the Wicklow County Development Plan Rural Objectives."

No. 2

Relevant to Wicklow Town Council and Wicklow County Council

Dublin and Mid- East Regional Authority

1. This submission details the RPGs regional growth strategic policies and recommendations with regard to the provision of new housing, the role of the core strategy and population and housing targets for County Wicklow.
2. The proposal to incorporate the 3 existing plans for the area into 1 plan is welcomed as this will provide a clear, overarching direction for the growth and development of the area
3. The Core Strategy fulfils its role in providing the necessary detailed overview of the future development of the Plan area
4. With regard to population targets and housing allocations, the careful management and monitoring of the 'compensatory headroom' will be necessary to ensure the growth strategy and spatial patterns are aligned with the RPG targets and settlement policies. It is recommended that specific policies are incorporated within relevant sections of the core strategy and housing sections of the Draft Plan to reflect this and provisions are put in place for a mid term review of the adopted Plan perhaps also taking account of anticipated growth patterns and headroom requirements.
5. The reduction in excess housing lands during the life of the proposed plan is considered to be progressive and is welcomed by the Regional Authority. Given the current surplus of residential lands and the proposal to either zone surplus lands as 'SLB' or to change the zoning to another required land use along with the reduction of 181.34 hectares in existing residential lands and the proposed 'Strategic Land Reserve' lands is welcomed.
6. Given that the core strategy suggests that the SLB lands would not be required during the life of the plan, it is recommended the wording of the 'SLB' zoning objective should be more robust and clearly state that these lands will not be developed within the lifetime of the Plan. It may also be useful to advocate that future management proposals will take account of phase 1 and 2 provisions and sequential planning. The wording of the SLB zoning utilised in the flood risk assessment would be more appropriate as this would provide a clearer distinction between the lands identified for development within the lifetime of the Plan and those included in the Strategic Land Bank. It is therefore recommended that the following wording or similar wording be used:

“Strategic Land Bank: To provide a suitable land bank for future phases of the development of the settlement after the lifetime of this plan”

“These are lands that are identified as being within the potential built envelope of the settlement with regard to proximity and accessibility to infrastructure. However, these lands are not suitable or necessary for development during the lifetime of this plan and will be only considered for detailed zoning and development after 2019.”

“Generally any development proposals within the lifetime of the plan will be considered under the Wicklow County Development Plan Rural Objectives.”

7. With regard to lands within the strategic land bank zoning on the land use zoning maps, it is recommended they are amended to omit land use zoning distinctions or alternatively provide a uniform colour code (different from remaining lands contained within the relevant maps).
8. With regard to phasing, the principles of the phasing arrangements, as identified on the Core Strategy Map by a 1.5km and 0.75km radii from the centre of Wicklow Town and Rathnew, are considered to be acceptable however, for clarity, it is suggested an additional column is inserted into Table 2.5 ‘Proposed housing land for the Wicklow-Rathnew Development Plan 2013- 2019’ detailing whether the denoted lands are included in phase 1 or 2. It would also be useful to establish parameters or targets regarding the building out of phase 1 lands before considering development of phase 2 lands.
9. The proposed densities of the residential lands are considered to be in general accordance with those outlined in the County Development Plan and Sustainable Residential Density Guidelines.
10. It is noted that a total of 116.98ha of employment lands are to be placed in the ‘Strategic Land Bank’ or rezoned for alternative land uses. Having regard to the designation of Wicklow as a primary economic growth town in the RPGs the quantum of land retained for employment uses is considered to be generally acceptable. The location of these employment lands along key transport routes and adjacent to established industrial/employment land uses is welcomed.
11. The retail policies for Wicklow as a Level 2 Retail Centre and Rathnew as a Neighbourhood/Local Centre settlements in the Plan are generally consistent with their designation in the County Retail Strategy contained in the County Development Plan and the Retail Planning Strategy for the Greater Dublin Area.
12. The submission notes the zoning of Employment and Retail Warehousing “E3” lands however it refers to Section 3.8 of the 2012 Retail Planning Guidelines which states that *“Planning Authorities are recommended to carefully consider the zoning of land for any additional retail warehousing development in their areas, given the level of provision of this category of development in recent years in and around the main centres of population, the levels of vacancy in such centres and thus pressure to entertain uses inappropriate to the edge-of-centre or out-of-centre locations of many of these developments.”*
13. There is an objective DF1 in section 6.3 of the Draft Plan that relates to Discount Foodstores. Having regard to the fact that the Retail Planning Guidelines 2012 no longer differentiates between Discount Stores and other convenience goods stores the requirement for this objective may no longer be necessary.
14. With regard to the Flood Risk Assessment, the zoning of lands as Open Space that have been identified as lands at risk of flooding are welcomed in these vulnerable locations. There are also lands which have failed the justification test yet have been zoned for development (it is noted that these lands have already been partially developed). In such cases the onus is on the Local Authority to ensure that objective FL2 of the Draft Plan relating to the justification test is rigorously enforced.
15. The location of employment and residential lands along/in close proximity to key transport routes is welcomed.
16. It is also noted that the Plan includes an objective (PT3) to reserve c.1ha of lands for future extension of car parking facilities at the train station; this would facilitate wider access to public transport in the town, which is in accordance with sustainable transport policies.
17. It is noted that there is provision in the Plan for the enhancement of cycle ways and pedestrian walk ways in the town; this is in accordance with the recently published document “Smarter Travel – A New Transport For

Ireland 2009- 2020.”

18. With regard to community development it is noted that in accordance with Strategic Policies SIP1 and SIP2 of the RPGs (and the accompanying Strategic Recommendations), there are a number of specific objectives in the Draft Plan relating to the development of Community, Education, and Healthcare facilities. The inclusion of these objectives promotes the development of sustainable communities and the provision of community facilities.
19. The Regional Authority welcomes the strong protection afforded to natural heritage in the Draft Plan, in particular the designated sites and protected species. It is noted that the Strategic Environmental Assessment carried out in conjunction with the Draft Plan informed many of the key policies and objectives relating to the protection of the environment.

Manager's Opinion

1. Noted
2. Noted
3. Noted
4. The need for population and housing monitoring is noted. As stated in Chapter 14, *'Implementation and Monitoring'*, the Councils will continue to monitor the implementation and operation of the plan on an on-going basis. The statutory 2-year review will play an important role in reviewing the core strategy and the policies of the plan and more noteworthy the population and housing growth within the plan area and if necessary targets may be altered by way of variations to the plan.
5. Noted
6. The need for the 'SLB' zoning to be more robust and to clearly state that these lands will not be developed within the lifetime of the Plan is noted and it is recommended to amend the wording to ensure that the objective is fully coherent with the Core Strategy.
7. The recommendation regarding the colouring of 'SLB' zone in the land use zonings objectives map is noted and given that the development potential of these lands for significant development is unnecessary during the lifetime of the plan and would be contrary to the Core Strategy, it is recommended to amend the 'SLB' zone to one shade with no underlying zonings.
8. The issue on the phasing on the Core Strategy map is noted and the request for an additional column in Table 2.5, on 'Proposed Housing Land' to show what lands are in Phase 1 and 2 is noted. Section 2.2.3 of the plan addresses phasing with 2 phases allowing 3,980 units up to 2019, with a number of parameters in place where permission is being considered outside of Phase 1 lands. It is recommended to amend this to include a robust phasing objective in Section 3.4 *Housing* (objective H4) to ensure appropriate implementation of the phasing of residential lands. The request for parameters/targets for the building out of Phase 1 lands before considering Phase 2 is noted and it is recommended to include such parameters/targets into the phasing objective. Incorporating a detailed phasing scheme into Table 2.5 is considered to be too onerous and prescriptive while incorporating an appropriate objective will allow for an application to be assessed on its merits and in line with the phasing objective.
9. Noted.
10. Noted.
11. Noted.
12. With regard to retail warehousing and the DoE recommendation to carefully consider retail warehousing zonings, given the saturation of the market with existing retail warehousing and the level of vacancy in such areas, which in turn lead to inappropriate uses to locating here is noted.

It is considered that there is a very limited supply of existing retail warehousing units in Wicklow–Rathnew and of the total greenfield lands zoned for employment (E1+E2+E3), only c.14% has been zoned for 'E3' 'Employment and Retail warehousing', of which just over half has an outstanding permission for retail warehousing at Ballynerrin (Lusra Teoranta). The Retail Strategy for Wicklow–Rathnew also clearly states under point 5 (p 69) that:

In the event of the delivery of the Lusra Teoranta retail warehousing development within the plan period, no further significant retail warehousing permission will be granted other than
i. conversion of non-retail premises in the core area to retail warehousing use,
ii. renovation and expansion of existing retail warehouse premises in the core retail area,
iii. redevelopment of derelict or brownfield sites in the core and
iv. replacement of existing facilities within the town.

The level of zoning and the Development Plan Strategy regarding retail warehousing, is considered adequate to address the concerns of the Regional Authority and no changes are recommended.

13. In line with the Retail Planning Guidelines (April 2012), (*The distinction between 'discount stores' and other convenience goods stores which was contained in the 2005 Retail Planning Guidelines will no longer apply*) it is proposed to amend Section 6.3 and the zoning use tables.

14. Noted.

15. Noted.

16. Noted.

17. Noted.

18. Noted.

19. Noted.

Manager's Recommendation

Amend the plan as follows:

1. Amend the wording of 'SLB' on p 168

From:

"Strategic Land Bank: *To provide a suitable land bank for future development of the settlement"*

"These are lands that are identified as being within the potential built envelope of the settlement with regard to proximity and accessibility to infrastructure. The lands are to be seen as support in achieving the objectives of the main plan and ensure delivery of an overall coherent plan"

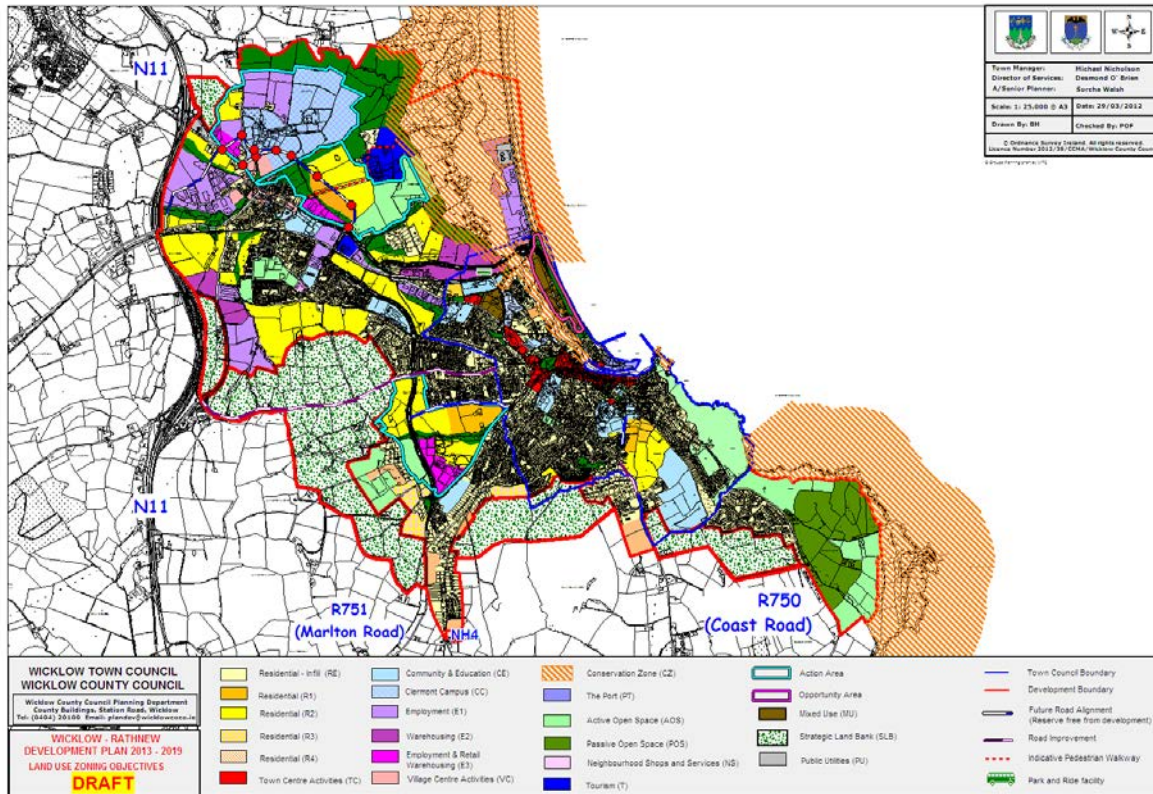
To:

"Strategic Land Bank: *To provide a suitable land bank for future **phases of the** development of the settlement **after the lifetime of this plan**"*

*"These are lands that are identified as being within the potential built envelope of the settlement with regard to proximity and accessibility to infrastructure. The lands are to be seen as support in achieving the objectives of the main plan and ensure delivery of an overall coherent plan. **However, these lands are not suitable or necessary for development during the lifetime of this plan and will be only considered for detailed zoning and development after 2019.***

Generally any development proposals within the lifetime of the plan will be considered under the Wicklow County Development Plan Rural Objectives."

2. Amend the colour of the 'SLB' zone on the Land Use Map to one shade with no underlying zoning.



3. Amend Section 3.3 and 3.4 Phasing (p 28 – 29)

Omit the following wording in Section 3.3:

"It is the development strategy of this plan that lands closest to the core of Wicklow Town and Rathnew Village shall be considered first for development (footnote). ~~Where permission is sought for residential development on other lands designated for significant development (as shown on Map 2.1 Core Strategy), permission will only be considered during the lifetime of this plan if:~~

- ~~-Lands closer to the core area have been substantially developed and have not delivered the number of housing units envisaged; or~~
- ~~-Some barrier is impeding the development of lands closest to the core areas; or~~
- ~~-Lands closer to the core areas are not being released to the market."~~

Omit the following objective in Section 3.4

~~"H4 The development of zoned land shall be phased to ensure lands closest to the centre (or to existing transport and / or community infrastructure) is developed prior to more outlying lands, unless exceptional circumstances apply."~~

Insert the following objective

- "H4** The development of the residential zoned land shall be phased generally in accordance with the sequential approach with lands closest to the core of Wicklow Town and Rathnew Village considered first for development (footnote) in line with the following:
- Development should extend outwards from centres with undeveloped land closest to the core, public transport routes and community infrastructure being given preference, i.e. leapfrogging' to peripheral areas shall be avoided;
 - A strong emphasis should be placed on encouraging infill opportunities and better use of under-utilised lands; and
 - Areas to be developed should be contiguous to existing developed areas.

Only in exceptional circumstances should the above principles be contravened, for example, where permission is sought for residential development on other lands designated for significant development (as shown on Map 2.1 Core Strategy), permission will only be considered during the lifetime of this plan if:

- Lands closer to the core area have been substantially developed and have not delivered the number of housing units envisaged, or
- Some barrier is impeding the development of lands closest to the core areas, or
- Lands closer to the core areas are not being released to the market

Any exceptions must be clearly justified by local circumstances and such justification must be set out in any planning proposal.

(footnote - These are lands generally located within 750m (as the crow flies) of the centre of Rathnew Village and 1,500m of the centre of Wicklow Town – Fitzwilliam Square (as shown on Map 2.1 Core Strategy))

4 (a) Amend Section 6.3 Discount Foodstore (p 72 and 73)

Omit

“Discount foodstores

~~Discount food store 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.”~~

(b) Amend Large foodstores (p72)

From:

“Large foodstores comprising supermarkets, superstores or hypermarkets are an accepted.....”

To:

“Large foodstores comprising supermarkets, superstores, **discount foodstores** or hypermarkets are an accepted.....”

(c) Amend Objective LF1

From:

“Large foodstores shall generally be required to be located on lands zoned ‘town centre’ or ‘village centre’”

To:

“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.”**

5. Amend in Table 13.2 Zoning Use Table where applicable

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

| |
|---|
| No. 3 |
| Relevant to Wicklow Town Council and Wicklow County Council |
| Dublin Airport Authority |
| Noted and no comment at this time. |
| Manager's Opinion |
| This submission is noted |
| Manager's Recommendation |
| No change |

| |
|---|
| No. 4 |
| Relevant to Wicklow Town Council and Wicklow County Council |
| Department of Education and Skills |
| <p>1. Information is provided in this submission regarding how the Department calculates the extent of primary and post primary provision needed in the area.</p> <ul style="list-style-type: none"> ▪ Primary: 12% of population, 24 pupils/class, new school to generally provide 8 classrooms ▪ 4-8 classrooms require 0.7ha, 8–16 classrooms require 1.14ha, 16 – 24 rooms requires 1.6ha, 24 – 32 rooms requires 2.2ha. ▪ Post primary depends on the number of pupils to cater for; a PPS of 1000+ pupils will generally not be built by the Department; 4.57ha is required for new PPS. ▪ Sites should be reserved close to community services that can be shared, and the Department is open to multi-campus school arrangements. <p>2. The draft plan population projections are noted, existing primary and post primary school capacities are noted with planned size and additional capacity shown where the Department intends to increase capacity over the coming years. The Department intends to increase primary school capacity in Rathnew and Wicklow town areas by 20 classrooms, therefore there will be a shortfall of 25 primary classrooms and thus a site reservation of 1.6 ha should be retained for this purpose. They note that there is a spare capacity of some 300 places in the newly built Colaiste Chill Mhantain, therefore additional post-primary places in the region of 895 places will be required and therefore a site reservation of 3.6ha for the provision of a post primary school should be retained.</p> <p>3. The Department's guidance document on <i>Identification and Suitability Assessment of Sites for Primary Schools & Technical Guidance Document</i> and the <i>Identification and Suitability Assessment of Sites for Post, Primary Schools Code of Practice for Planning Authorities</i> and the DoE's <i>Sustainable Residential Development in Urban Areas Guidelines</i> and the provision of schools should be referred to.</p> <p>4. With regard to existing educational sites, the Dept seeks that lands adjacent to existing schools should be where possible protected for possible future educational use to allow for expansion of these schools, if required, subject to site suitability and stakeholder agreements.</p> |
| Manager's Opinion |
| <p>1. Noted.</p> <p>2. Noted. As detailed in Section 8.3.1 'Education and Development', there is 6ha of undeveloped land zoned for Community and Education use in the draft plan, and the Marlton Action Area development objectives also require the reservation of another 1.6ha site for educational use. As some of this land may be required for a future secondary school (which could require up to 3.6ha), it is important that all of this zonings / development objectives are retained, to allow for 'market factor' or the possibility of sites not being released for school development. Furthermore, to re-inforce these zonings / development objectives, it is recommended that the</p> |

objective in the Marlton Action Area plan is strengthened to a 'zoning'. The site proposed here for the CE zoning is at the same location as the school site agreed in the Masterplan for the Action Area Six Local Area Plan 2006. It should be noted that the plan does allow for land uses to move within action areas if more suitable sites within the area are identified and also that the zoning of one site of 1.6ha in this action area will make no change to the theoretical maximum capacity of the action area as detailed in Tables 2.5 and 3.3 on Housing Land as the school site area of 1.6ha was already omitted from the "AA2 Marlton" housing units allocation. (Please see submission No 34 Point 2 also)

3. Noted; full regard was taken of these documents. All documents referred to in the plan crafting process are not specifically listed in the plan as given the quantity of EU and national primary and secondary legislation, guidelines and studies, as well as regional and local policies / programmes / that are in place with regard to planning policy in general, it would render the plan particularly cumbersome and impenetrable to refer to all such documents. Development Plans are meant to be strategic documents, and are not intended to be inventories of legislation and guidelines.
4. This is noted and where possible this has been incorporated into the plan (e.g. at the primary and post primary schools on the Convent Lands); however, given that the lands adjacent to the majority of existing schools is already built up and in central locations, this will not always be feasible.

Manager's Recommendation

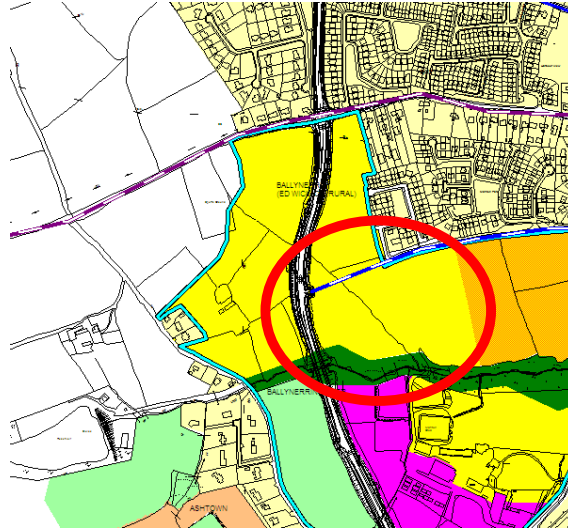
Amend the plan as follows:

(a) Amend the text of the Marlton Action Area (Section 12.3 – p 160 Point 1) as follows:

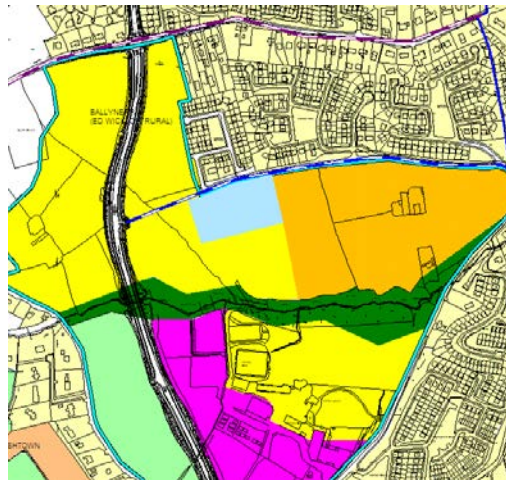
~~"The CE lands zoned in this action area shall be reserved for the development of a primary school. One site of not less than 1.6ha shall be reserved for the development of a primary school, at either of the locations identified on the map below.~~ No more than 40% of the residential development will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

(b) Amend the land use map and Map 12.2 to zone for 1.6 ha of 'CE' at Ballynerrin and any changes consequent.

From



to



No. 5

Relevant to Wicklow Town Council and Wicklow County Council

Environmental Protection Agency

1. General

- 1.1 The Draft Plan should be set in the context of the planning hierarchy and a clear statement should be provided as to the function of the Plan and what the Plan can and cannot do. Where other Plans/Programmes/Strategies are responsible for implementing relevant policies / objectives / initiatives, these should be acknowledged and fully referenced in the Plan.

2. Development Plan

- 2.1 The Plan provides a strong commitment to protect environmental vulnerabilities and promote sustainable development. The key environmental challenges identified within the SEA have clearly influenced the preparation of draft Plan and numerous specific objectives have been put forward to protect environmental

vulnerabilities, manage and control development within or adjacent to sensitive areas and also ensure the promotion of sustainable development, increased use of public transportation. It is acknowledged that where other Plans / Programmes are responsible for the management of particular sensitivities such as water quality, the Plan commits to integrating these higher level plans. This is in particular evident in relation to the Eastern River Basin Management Plan and the Offshore Renewable Energy Development Plan.

- 2.2 While it is noted that the Plan includes specific objectives to implement the Flood Risk Management Guidelines and incorporate SUDS technologies, a number of land use zonings have failed the required justification tests as identified within the Flood Risk Assessment. It should be ensured that the nature and extent of further development takes reflects the vulnerability of the land to flooding and that the vulnerability of the land use reflects the risk of flooding identified.
- 2.3 There may be merits in considering the establishment of a joint masterplan for the development of the Port and its environs in association with Wicklow Port Company. A similar approach has been carried out in both Rosslare Port and Dun Laoghaire Harbour related masterplans.
- 2.4 The promotion of use of public transport in *Chapter 9 Traffic, Transport and Accessibility* is acknowledged. In particular, the intention to reserve lands adjacent to the train station for future use as park and ride style facilities, and continued encouragement of integrated public transport systems are acknowledged. There would, however, be merits in making reference to the Greater Dublin Area Draft Transport Strategy.
- 2.5 *Chapter 10 Services Infrastructure: Water, Waste, Energy & Telecommunications* includes numerous strong objectives for protecting water quality, providing and maintaining drinking water and waste water treatment infrastructure, incorporation of SUDS technologies, implementing the Flood Risk Management Guidelines. The intention to take into consideration the Offshore Renewable Energy Development Plan in any proposed offshore wind energy projects is in particular acknowledged.
- 2.6 *Chapter 11 Built Heritage and Natural Environment* includes specific Objectives which clearly provides for the protection of designated and undesignated sites of biodiversity importance including the Murrough Wetlands cSAC/SPA. A strong commitment to implement the Water Framework Directive (and associated River Basin and Sub basin Management Plans) and EU Groundwater Directives through Objective WS1 which is welcomed and acknowledged.
- 2.7 Consideration should be given in *Chapter 12 Action Areas and Murrough Opportunity Area* to establishing a green infrastructure strategy for the Plan area which will be incorporated into each of the action areas as appropriate. This approach would provide for an integrated coordinated approach to the development of the area as a whole. In addition and in the context of ensuring the protection of environmental sensitivities, there would be merits in also establishing environmental management plans for each action area.

3. Environmental Report

- 3.1 The SEA Environmental Report overall is thorough and clearly identifies the significant environmental challenges to be protected in implementing the Plan in *Section 5: Key Environmental Challenges*. The main environmental challenges, including servicing sustainable population growth, maximising efficient road/public transport usage, protection of water quality, protection of designated biodiversity sites, addressing flood risk, landscape character protection, climate change adaptation, maintaining good air quality and protecting soil quality) are acknowledged. The challenge will be to ensure that these issues are appropriately mitigated for and monitored over the Plan period to ensure measures are adequate and appropriate for their protection / control and management where relevant.
- 3.2 The inclusion of a cumulative sensitivity map for the Plan area provides for the identification of potential areas of overlapping environmental vulnerabilities which need to be afforded particular protection in implementing the Plan.
- 3.3 Non-Technical Summary (NTS)
 - (a) The inclusion of the cumulative sensitivity map for the Plan area in Section 6 *Current State of the Environment* is noted and acknowledged.
 - (b) The section on *National Policies and Statutory Instruments* should consider the inclusion of a reference to the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011).
 - (c) It should be ensured that the main SEA related objectives of the Plan are outlined in the NTS, as per the requirements of Schedule 2A of the SEA Regulations.
 - (d) Clarification should be given as to which option or combination of options was selected as the chosen alternative, and the reasons for choosing this option.

4. Relationship of the Draft Development Plan 2013-2019 with other Plans and Programmes

- 4.1 Reference should be made to the European Communities (Birds and Natural Habitats) Regulations 2011, (S.I. No. 477 of 2011), which should be taken into account in implementing the Plan.

5 Current State of the Environment

- 5.1 The inclusion of Figure 4.17 *Baseline Map of Environmental Sensitivities* (the cumulative sensitivity map) and the description of how the map was generated (including which environmental sensitivity data/maps which were included, and the weighting scores each vulnerability was assigned) are noted and acknowledged.
- 5.2 It should be ensured that the maps included in this section, and elsewhere in the Plan, are accompanied by relevant and legible keys/legends. It should also be clarified which Fossitt habitat type is being discussed in the text of Section 4.2.5 *The County Wicklow Wetland Survey*, and illustrated on Figure 4.5 *Wetlands*.
- 5.3 It is noted that the lifetime of the existing Wicklow Town and Rathnew LAP, as mentioned in Section 4.11.1 *Retention of Surplus Land and Development of Unsustainable Settlement Pattern*, extends from 2008 to 2014, while the lifetime of this draft (Wicklow-Rathnew Development Plan) will be from 2013-2019. It should be clarified whether this draft Plan will take precedence over the existing LAP upon adoption.

6 Environmental Protection Objectives

- 6.1 The Environmental Protection Objectives as described in this Section are detailed and comprehensive. Consideration should be given in SEO PHH1 to considering the dezoning or rezoning of inappropriately zoned lands in flood risk areas.

7 Consideration of Development Plan Alternatives

- 7.1 It should be ensured that the maps of each alternative are accompanied by relevant and legible keys/legends.
- 7.2 It is noted that “the ‘preferred strategy’ for the Draft Plan is likely to reflect a combination of different parts of the alternatives...” In addition to assessing the impacts of each alternative on the SEOs, consideration should be given to clearly describing which aspects of each of the alternatives have been selected in the determination of final preferred alternative. There would be merits in providing the above in tabular format to reflect to addressing the Key Environmental Challenges as referred to in Section 5.
- 7.3 The assessment of the impact of each of the alternatives on the combined environmental sensitivities, as set out in Section 7.2.2 *Cumulative Environmental Assessment of Alternatives*, is noted. The potential for cumulative effects in combination with other Plans and Programmes within and adjacent to the Plan area should also be described for each of the alternatives, particularly the preferred alternative.

8 Assessment of Likely Environmental Effects of the Draft Wicklow-Rathnew Development Plan 2013-2019

- 8.1 The identification of specific policies/objectives of the Plan which act as mitigation measures for specific likely significant effects identified in this section is noted and acknowledged.

9. Mitigation

- 9.1 The inclusion of the specific Plan objectives responsible for protecting/managing particular environmental sensitivities as identified in the Plan is noted and acknowledged. Consideration should however be given to strengthening Water Service objective WS6 as follows “*To ensure that any development or activity with potential to impact on groundwater has to take account of the GSI Groundwater Protection Scheme*”.

10. Flood Risk Assessment

- 10.1 It is noted that a number of justification tests (in Flood Risk Zone A & Zone B lands) have failed for certain land use zoning proposals (Town Centre and Residential) in Rathnew, Murrough and Bollarney in particular, whereas it is still the intention to proceed with development given that the lands are to some extent developed.
- 10.2 It should be noted that residential zoning is classed as a ‘high vulnerability land use’ under the statutory Guidelines on ‘*The Planning System and Flood Risk Management*’. In this context it is recommended, in keeping with the Guidelines, that proposed residential zoned land and other high vulnerability land uses, in areas assessed as in flood risk Zone A within the Plan area in particular, are appropriately de-zoned / re-zoned to reflect the level of flood risk.
- 10.3 It is also noted in Wicklow Town, both land use zonings RE(B) and TC (A & B) have failed a justification test in the text however the associated table shows all the boxes checked as having succeeded. This should be clarified.

11. Water/Waste/ Flooding

11.1 Water Framework Directive

- (a) The Plan should include provisions to ensure that any proposed land use zoning or development associated with the Plan is not in breach of the requirements of the Water Framework Directive, refer to

- the EU's Common Implementation Strategy for the Water Framework Directive (2000/60/EC – Guidance Document No. 20).
- (b) The Plan should refer to and incorporate the recent Surface Water legislation Environmental Objectives (Surface Waters) Regulations 2009 (S.I. No. 272 of 2009), where relevant and appropriate.
- (c) The Plan should refer to the recent Water Quality in Ireland 2007 – 2009 (EPA, 2011) as appropriate and relevant.
- 11.2 Drinking Water/Water Supply
- (a) The Plan should implement the European Communities (Drinking Water)(No.2) Regulations 2007 and should implement and include, as appropriate, the relevant recommendations set out in *The Provision and Quality of Drinking Water in Ireland – A Report for the Years 2008-2010*, (Office of Environment Enforcement- EPA, 2012).
- (b) The Plan should seek to implement best practice in the provision of appropriate drinking water to service the Plan area. Where disinfection of drinking water is concerned, refer to the *Water Treatment Manual: Disinfection* (EPA, 2011).
- 11.3 Waste Water Treatment
- The Plan should implement the Urban Waste Water Treatment Regulations 2001 and 2004 and promote, as appropriate, specific provisions for the implementation of the relevant recommendations set out in *Focus on Urban Waste Water Discharges in Ireland* report (EPA, 2012).
- 11.4 Bathing Water
- The most recent report on bathing water quality *The Quality of Bathing Water in Ireland – A Report for the Year 2011*, (EPA, 2012) sets out the status of Irish Seawater and Freshwater Bathing areas. Refer to this report.
- 11.5 Flood Prevention and Management
- The Plan should promote the appropriate zoning of lands and restriction of use in areas liable to flooding to avoid increased risk of flooding of the lands either within or adjoining the zoned areas. The implications of Flood Risk likely to be associated with already zoned and undeveloped lands in the Plan area should also be considered. This should be considered in the context of possible rezoning options as appropriate.
12. Biodiversity
- 12.1 Green Infrastructure –
- (a) Consideration should be given to including policies/objectives in the Plan for the development of green infrastructure within the Plan area. It should be noted that the new EU Biodiversity strategy promotes green infrastructure, and an EU strategy on green infrastructure is likely to emerge in 2012. Publications on green infrastructure should be considered.
- (b) Consideration should be given to providing a Plan lead approach to the inclusion of green infrastructure taking into account the above guidelines as relevant and appropriate.
13. Energy Conservation/Renewable Energy
- 13.1 Consideration should be given to the inclusion in the Plan, as appropriate, of a Policy/Objective in relation to the preparation and implementation of “An Energy Conservation Strategy” and associated awareness campaign within the Plan area. Specific timescales should be assigned to the preparation of such a strategy.
14. Environmental Impact Assessment (EIA)
- 14.1 The Plan should highlight that under the EIA and Planning and Development Regulations certain projects that may arise during the implementation of the Plan may require an Environmental Impact Assessment. There are also requirements with regard to EIA for sub-threshold development. In this regard, refer to the following Publications: (Guidelines on Information to be contained in Environmental Impact Statements (EPA, 2002) and Advice Notes on Current Practice in the preparation of Environmental Impact Statements, (EPA, 2003) and in addition, refer to the Department of the Environment, Community and Local Government's Publication: “*Environmental Impact Assessment (EIA) Guidance for consent Authorities regarding sub-threshold development*”, (DoEH&LG, 2003))
- 14.2 It should be noted that the Projects would also be required to be screened with respect to the requirement for Habitats Directive Assessment/Appropriate Assessment as required by Article 6 of the Habitats Directive. (Refer to the DoEHLG guidance available in relation to Appropriate Assessment ‘*Appropriate Assessment of Plans and Projects in Ireland*’ (DoEHLG, 2009))
15. Strategic Environmental Assessment (SEA)
- 15.1 Consideration should be given to the inclusion of a specific Policy/Objective in the Plan to ensure full compliance with the requirements of *Directive 2001/42/EC on the assessment of the effects of certain*

plans and programmes on the environment – The SEA Directive and the associated *Planning and Development (Strategic Environmental Assessment) Regulations, 2004*.

15.2 The new SEA Regulations should be referenced and integrated into the Plan and SEA process. The two amending SEA Regulations were signed into Irish law on 3rd May 2011:

- European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011, (S.I. No. 200 of 2011), amending the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. No. 435 of 2004)
- Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011, (S.I. No. 201 of 2011), amending the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No. 436 of 2004), and refer to DoECLG Circular (PSSP 6/2011) to each County/City Manager, Director of Services and Town Clerk in relation to *Further Transposition of the EU Directive 2001/42/EC on Strategic Environmental Assessment (SEA)* and should be referred to and integrated into the Plan.

15.3 Wicklow County Council needs to be cognisant of its responsibilities with respect to the SEA Directive and related SEA Regulations through the Plan.

15.4 The Plan should promote the development and implementation of Procedures to ensure compliance with the requirements of the SEA Directive and related SEA Regulations for all Land Use Plans within the Plan area.

16. Obligations with National Plans & Policies & EU Environmental Legislation

16.1 The Plan should refer to Wicklow County Council's responsibilities and obligations in accordance with all national and EU environmental legislation. It is a matter for Wicklow County Council to ensure that, when undertaking and fulfilling their statutory responsibilities, it is at all times compliant with the requirements of national and EU environmental legislation.

17. EPA Report: Ireland's Environment 2012 "Main Environmental Challenges"

17.1 The Plan should ensure relevant Policies and Objectives are included, to address, where appropriate, the "Environmental Challenges and Priorities" for Ireland as set out in Chapter 10 of EPA *Ireland's Environment 2012* (EPA, 2012). These are as follows:

Environmental Goals

- Limiting and Adapting to Climate Change
- Protecting Water Resources
- Sustainable Use of Resources
- Clean Air
- Protection of Soil and Biodiversity
- Integration and Enforcement

Environmental Challenges

- Valuing and Protecting our Natural Environment
- Building a Resource-Efficient, Low Carbon Economy
- Implementing Environmental Legislation
- Putting the Environment at the Centre of Decision Making
- Meeting the Challenges to Build a Sustainable Ireland

17.2 Wicklow County Council, in implementing the Plan and in fulfilling its responsibilities, should ensure Plan-making authorities take into account and address, where appropriate, the relevant Environmental Challenges" set out above.

Manager's Opinion

1.1. Chapter 1 addresses the context of the plan and its functional area within the hierarchy of Wicklow County Plans and Programmes

2.1. Noted

2.2. Flood Management Objectives FL1 to FL7 address flooding. Objective FL2 refers to proposed developments that are in high or moderate flood risk areas where it is sought that an assessment is carried out in accordance with the relevant guidelines allowing the planning authority to make an informed decision.

- 2.3 The issue of considering a joint masterplan for the development of the Port and its environs is noted. The Port is considered an important asset to the settlement and the county therefore there is merit in this and it is recommended to include an objective to consider the feasibility of a Masterplan.
- 2.4 This is noted. With regard to making reference to the GDA Draft TS this is noted however this is a draft document and subject to change therefore it is considered premature to refer to this draft document. The transport section has incorporated a number of objectives in line with the spirit of the draft strategy.
- 2.5 Noted. Strong objectives for protecting water quality, providing and maintaining drinking water and waste water treatment infrastructure, incorporation of SUDS technologies, implementing the Flood Risk Management Guidelines have been incorporated into the draft plan in Chapter 10
- 2.6 Noted.
- 2.7 'Green Infrastructure' is broadly defined as *'an interconnected network of green space that conserves natural ecosystem values and functions and provides associated benefits to human populations. Green Infrastructure is the ecological framework needed for environmental, social and economic sustainability – in short it is a nation's natural life sustaining system'*. It is considered that the plan, through various strategies and objectives, in particular the overall development strategy of development from the centres out, reutilisation of brownfield lands and minimisation of new greenfield development to that necessary to meet higher level goals, protection of riverine corridors and designated site, along with objectives set out in Chapter 8 (in particular Section 8.3.5) and Chapter 11, and the integration of outcomes of various environmental assessments carried out, including Strategic Environmental Assessment and Appropriate Assessment, have resulted in the plan providing for an appropriate 'green infrastructure' strategy. With regard to 'environmental management plans' it is unclear what type of plan the EPA is referring to. With regard to environmental management generally within the plan area, it is a high level goal of this plan as set out in the plan vision and various parts of the plan to ensure that the environment is protected and enhanced, and that the provisions of the plan as well as development that may arise from it are controlled and monitored to ensure that the environment is adequately managed and protected.
3. Noted – This issue has been dealt with in the SEA addendum.
4. Noted – This issue has been dealt with in the SEA addendum.
5. Noted – This issue has been dealt with in the SEA addendum.
6. Noted – This issue has been dealt with in the SEA addendum.
7. Noted – This issue has been dealt with in the SEA addendum.
8. Noted – This issue has been dealt with in the SEA addendum.
9. Noted – This issue has been dealt with in the SEA addendum with point 9.1 noted and this issue has been dealt with in the SEA addendum with recommendation below.
10. Noted – This issue has been dealt with in the SEA addendum with point 10.3 noted and and it is recommended to amend the following:
- Volume 2 - Flood Risk Assessment – Justification Test for Development Plan
- p. 25 Wicklow 2 RE B, TC A and TC B; "~~Test is FAILED~~" should be amended to "Test is satisfied as these lands meet all of the criteria of the justification test". This change is considered to be a minor amendment to the FRA not warranting a Managerial Recommendation for changes to the draft plan. The correction will have no effect on the plan.
- 11.1 – 11.4
- (a) (b) (c) Given the quantity of EU and national primary and secondary legislation, guidelines and studies, as well as regional and local policies / programmes / that are in place with regard to environmental protection in general, it would render the plan particularly cumbersome and impenetrable to refer to all such documents. EU and national primary and secondary legislation requires to be complied with – it is not the

responsibility of a land-use plan to ensure all such laws are complied with. Furthermore, it is not the function of a land-use plan to direct the various departments within a local authority to comply with their obligations under their own remit; for example, when it comes to the protection of water, the water and environmental services section of the local authority are aware of their own obligations and have their own strategies and plans set out to comply with same. Development Plans are meant to be strategic documents, and are not intended to be inventories of legislation and guidelines.

11.5 Section 10.3 of the draft plan addresses the issues raised - it identifies areas at risk of flooding and quantifies that risk, based on detailed flood studies carried out. Zoning decisions and restrictions on the use of land were then based on the level of risk identified in each location. The assessment and process carried out are considered to be fully in accordance with *'The Planning System and Flood Risk Management' Guidelines* (DoEHLG 2009). In particular, the zoning of all lands within areas identified as at a moderate or high risk of flooding was either justified or zoning was removed.

12.1 (a) Given the quantity of EU and national primary and secondary legislation, guidelines and studies, as well as regional and local policies / programmes / that are in place with regard to environmental protection in general, it would render the plan particularly cumbersome and impenetrable to refer to all such documents. EU and national primary and secondary legislation requires to be complied with – it is not the responsibility of a land-use plan to ensure all such laws are complied with. Furthermore, it is not the function of a land-use plan to direct the various departments within a local authority to comply with their obligations under their own remit; for example, when it comes to the protection of water, the water and environmental services section of the local authority are aware of their own obligations and have their own strategies and plans set out to comply with same. Development Plans are meant to be strategic documents, and are not intended to be inventories of legislation and guidelines.

12.1 (b) Noted.

13.1 'Energy conservation' refers to reducing the use of energy and reducing the waste of energy. The principal energy users are transport, electricity and heating. The plan directly addresses energy use in all of these areas in Chapter 10 of the plan and seeks to both reduce energy consumption but also to exploit and develop alternative energy sources. It is considered that the strategies, policies and objectives in this chapter provide in essence an energy conservation strategy and therefore the production of a separate strategy is not warranted

14.1 Any primary and secondary legislation relevant to the making and assessment of any planning application must be adhered to, and therefore it is not necessary to include a policy or objective in the plan setting out the EIA requirements for applications. The legislation clearly sets out where an EIA may be required and what an EIA must address.

14.2 Refer to 14.1 above

15.1 The Strategic Environmental Assessment Directive is implemented in Ireland through the Planning & Development (Strategic Environmental Assessment) Regulations 2004. It is not considered necessary to insert a policy / objective in the plan requiring compliance with this national legislation that must be complied with in accordance with these regulations.

15.2 Wicklow County Council are cognisant of their responsibilities with respect to the SEA Directive and related SEA Regulations.

15.3 This point is somewhat unclear and is clearly a pro-forma comment with regard to development plans. This is the land-use plan for this plan area and has undergone Strategic Environmental Assessment in accordance with legislation.

16.1 It is considered that Chapter 1 of the draft plan clearly sets out the role of the plan and the framework in which it is crafted and will operate, namely under the provisions of the Planning & Development Acts. Given the quantity of primary and secondary legislation, as well as regional and local policies / programmes, that is in place with regard to environmental protection in general, it would render the plan particularly cumbersome and impenetrable to list all such document and set out the role and responsibilities of each. National primary and secondary legislation requires to be complied with – it is not the responsibility of a land-use plan to ensure that all such laws are complied with or advertised. However,

| |
|--|
| <p>the plan does set out, particularly in the chapters relating to water, habitats and the natural environment, the key pieces of EU and national legislation that relate to each topic.</p> <p>17.1 It is considered that the draft plan as crafted fully addresses these concerns, insofar as the remit of land-use plan. In particular, the draft plan provides strategies, policies and objectives relating to:</p> <ul style="list-style-type: none"> (i) Managing population growth and associated environmental impacts of unbridled extension of development; (ii) Transportation, in particular the reduction of vehicular movements and the freer flow of traffic to reduce emissions; (iii) Reducing generally the production of wastes including soil and liquid wastes, wastewater and emissions to the atmosphere; (iv) Renewable energy and reduction in fossil fuel dependency; (v) Sustainable housing design, which reduces demands for finite resources and creates fewer environmental impacts and emissions; (vi) Reducing flood risk and adapting to the potential of increased flood risk due to climate change; (vii) Protection of water, soil and geological resources; (viii) Protection of natural habitats and species therein, including both protected and non-protected sites. <p>17.2 Furthermore, by carrying out a Strategic Environmental Assessment and integrating the findings of same into the plan making process, environmental considerations have been brought to the core of the land-use planning process.</p> |
| <p>Manager's Recommendation</p> <p>Amend the plan as follows:</p> <p>1. In Section 4.4 Wicklow Port and Harbour Strategy under 'The Port and Quays' add in the following objective:</p> <p>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.</p> <p>2. In Section 11.3.2 'Water Systems' amend the following objective (Please see SEA Addendum):</p> <p>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."</p> |
| <p>No. 6 Relevant to Wicklow Town Council and Wicklow County Council</p> <p>Inland Fisheries Ireland</p> <ol style="list-style-type: none"> The plan area is traversed by the Rathnew and Vartry (EU Salmonid) rivers and smaller surface water channels. Only clean uncontaminated surface waters should leave the development area and drain to the river network. Water Systems Objective "WS4" and Energy Objectives "E5" are strongly endorsed by the IFI. Sufficient treatment capacity must be available within the receiving sewerage system. Infrastructural development should precede all actual developments. The sourcing of additional water from Ashford or Avonmore should not undermine the ground water quality in these areas. <p>Manager's Opinion</p> <ol style="list-style-type: none"> Noted |

2. Noted: as stated in Section 10.2.2 'Wastewater' (p114) the capacity of the waste water treatment system is 34,000pe and is currently (2012) operating at 17,500pe capacity
3. Noted.
4. Noted: water objective W7 addresses the protection of water resources in the town and environs area.

Manager's Recommendation

No change

No. 7

Relevant to Wicklow Town Council and Wicklow County Council

National Roads Authority

1. The Authority supports the development of policies and objectives that promote the objective of maintaining and protecting the safety and efficiency of national roads given their central role in catering for business travel and movement of goods to key markets, ports and airports.
2. The Authority refers the Planning Authority to the Government's *Infrastructure and Capital Investment 2012 – 2016: Medium Term Exchequer Framework* (November, 2011) which requires Councils to prioritise and ensure adequate maintenance of the national road network to protect previous investment.
3. The NRA notes that the draft plan acknowledges the N11/M11 as a strategic radial corridor as identified in the National Spatial Strategy and that the N11/ M11 provides the main access and connecting link for the settlement to the north and south of the region. The N11/M11 therefore represents both a nationally important strategic route and a regionally important link.
4. The Authority notes that the Draft Plan makes no reference to the DoECLG Spatial Planning and National Roads Guidelines (2012). The Authority would therefore, welcome reference to the DoECLG Spatial Planning and National Roads Guidelines in the Development Plan prior to its adoption.
5. The Authority welcomes Section 9.7 relating to the requirement for 'Traffic and Transport Assessments' and 'Road Safety Audits'. In addition, the Authority welcomes the inclusion of Retail Objective RT4 concerning retail development in proximity to strategic traffic routes.
6. The Authority notes that the Draft Plan has not extended the zoned envelope and welcomes the clear sequential approach to development outlined for Residential Development in Section 3.3 and for Retail Development outlined in Objective RT5.
7. The Authority is of the opinion that the Draft Plan would benefit by providing clarity as to the procedure/mechanisms to be applied in the preparation and adoption of plans for Action Areas. Similarly for the procedure/mechanism for development of residential 'integrated schemes' within such Action Areas (Residential Objective NH2 refers). It is not clear who has responsibility for the preparation of such plans, the identification and phasing of infrastructure requirements, etc. and consultation requirements and procedures for adoption do not appear to be set out.
8. The Authority would welcome clarity as to the proposed phasing of development in such zonings as the 'Strategic Land Bank' designations. It is noted that lands subject to the Strategic Land Bank designation are not included in either Phase 1 or Phase 2 of the lands designated for significant development in the Core Strategy, however, Table 13.2 indicates that generally any development proposals on the Strategic Land Bank lands within the lifetime of the plan will be considered under the provisions of the Wicklow County Development Plan Rural Objectives, thereby, not identifying any sequencing or phasing of development for the lands in accordance with the Core Strategy. The Authority would welcome clarification of the phasing/sequencing relationship of the Strategic Land Bank lands with that of the Core Strategy having regard to the proximity of the designated lands to the N11 and associated junctions and the scope of land uses provided for in Chapter 8 Rural Economy of the County Development Plan.
9. The Authority notes that Section 9.7 of the Draft Plan considers 'Roadside Signage', it is noted that no reference is made to the provisions of Section 3.8 of the Spatial Planning and National Roads Guidelines for

Planning Authorities which addresses signage in relation to national roads. The Authority would welcome a cross reference with the DoECLG Guidelines in respect to signage with Section 9.7 of the Draft Plan. The Council will also be aware that the NRA issued the 'Policy on the Provision of Tourist and Leisure Signage on National Roads' (March, 2011). The purpose of this document is to outline the National Roads Authority's policy on the provision of tourist and leisure information signs on national primary and national secondary roads in Ireland.

10. The Authority previously advised of the requirements to undertake a strategic traffic and transport assessment for the area to be serviced by the proposed Rathnew Relief Road in a submission on the Wicklow Environs and Rathnew Local Area Plan in 2008. Although it is noted that the objective for the Rathnew Inner Relief Road remains in the current Draft Plan (Objective Rathnew 9 and Roads Objectives RP2 and RP7 all refer), it is not clear that the proposed route has been subject to a strategic transport assessment nor is it clear that the proposal was included in the earlier Wicklow & Environs Integrated Framework Plan for Land Use and Transportation.

The Authority acknowledges the revised approach to zoning objectives/designation in the area, it is the opinion of the Authority that the requirement for an appropriate strategic transport assessment remains, having regard to:

- a) the proximity of the junction of the proposed Relief Road with Regional Road R-750 to the Rathnew Ashford Junction (junction 16) on the N11/M11,
- b) the extent of development planned for the area and to be served by the proposed relief road,
- c) the identification of the Action Area (formerly AA1), including the Clermont Campus, identified as a 'potential Regional employment hub',
- d) the absence of a clearly outlined mechanism for the agreement/adoption of proposed action area plans in the plan area,
- e) the requirement of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

Manager's Opinion

1. Noted
2. Noted
3. Noted
4. The draft plan has had regard to the provisions of these guidelines but did not make specific reference to them. All documents referred to in the plan crafting process are not specifically listed in the plan as given the quantity of EU and national primary and secondary legislation, guidelines and studies, as well as regional and local policies / programmes / that are in place with regard to planning policy in general, it would render the plan particularly cumbersome and impenetrable to refer to all such documents. Development Plans are meant to be strategic documents, and are not intended to be inventories of legislation and guidelines.

In particular, the key components of these guidelines are:

- Development plans must include measurable objectives for securing more compact development that reduces overall demand for transport and encourages modal shift towards sustainable travel modes.
- Development plans must include policies which seek to maintain and protect the safety, capacity and efficiency of national roads and associated junctions, avoiding the creation of new accesses and the intensification of existing accesses to national roads where a speed limit greater than 50 kmh applies.
- Planning authorities and the NRA must work together during the early stages of plan preparation to identify any areas where a less restrictive approach may apply.
- Development plans must include clear policies and objectives with regard to planning and reservation of new routes and/or upgrades.
- Planning authorities should consult at a very early stage with transport infrastructure providers (including the NRA) and, in the Greater Dublin area, with the National Transport Authority.

This plan has put in place such a framework and in particular

- the draft plan does not provide for new development directly accessing off the N11 or associated junctions;
- the draft plan does not prejudice any known N11 improvement projects;
- the plan promotes more compact urban development and brownfield regeneration in line with the Government's 'Smarter Travel' strategy which will help minimise the need for travel

- the draft plan has made provision for a range of land uses, including residential, employment, retail, education etc all within the plan boundary that can be internally accessed using existing or local roads, while at the same time allowing any uses that require access to the national road such as manufacturing, warehousing etc are located such that easy access to the N11 is facilitated;
- the land use and transportation objectives all have at their core the desire to increase the use of alternative modes of transport such as walking and cycling, thus reducing the overall need for car trips;
- with the development of the PAR and TRR, along with further objectives for new roads / road improvements, the plans makes provision for traffic within the settlement to flow better thus reducing the need to make a long detour around the town on the N11 to access a local destination
- it should be also taken on board that the relationship between the settlement and the N11 does not make the use of the N11 a realistic 'short cut' for local journeys
- with regard to consultation, statutory consultation has been carried out with the NRA and the planning team worked closely with the NTA in terms of overall transport strategy and land bank assessment

5. Noted.

6. Noted.

7. The proposed action areas are part of this draft plan; therefore this development plan preparation process including the public consultation stages and consideration/amendments/adoption stages by the members of the Councils includes the action areas, which are open to the public, interest groups, prescribed bodies and the Members to consider. It is stated in Chapter 12 that 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. An overall Action Area Plan has to be agreed in writing with the Planning Authority prior to the application of any significant development proposal. The final details will be addressed through the development management process where there will as normal be the ability of the public to input to the decision making process through the normal planning application process. The planning department will as a matter of course consult informally with any other agency in its assessment of action area plans where it deems it necessary. With regard to Objective NH2 the onus is on the developer to ensure compliance with this objective and it will be assessed through the development management process whether the objective is complied with or not.

8. This is noted and it is proposed to amend the 'SLB' description in the zoning use table (p172) to ensure the SLB lands description defines more clearly the development potential of the lands. This will ensure that the Core Strategy of the draft plan is not undermined while the objectives of the County Development Plan will still apply to any development proposal.

9. In crafting the plan objectives relating to signage, the draft plan has had regard to all relevant guidelines and standards. As the N11 is not located within the plan boundary, it was not considered necessary to refer to the national road signage standards specifically. However this matter is addressed in details in the County Development Plan.

10. There is no need for a traffic and transportation assessment for the small amount of land catered for by the Rathnew relief road. The Wicklow/Rathnew LUTS 2005 is still relevant. This relief road is primarily to service the lands it traverses, which have been zoned since 1999. Its only strategic role is to divert one stream of traffic away from the centre of Rathnew village. There is no further traffic generated by the route, and no possible reason why traffic generated by these lands would use route M11 for internal town trips.

The possible junctions, contrary to what has been submitted, are not proximate to the M11, indeed the more likely of the two junctions to be developed is the existing R761/R750 junction. Any employment generated at Clermont (or in fact anywhere within the Plan area) will have the impact of reducing turning movements on the M11 junction, as currently only 45% of the workforce is employed within the plan area, with the bulk of the balance use the M11 currently to access employment.

Particularly having reference to the national straightened circumstances, carrying out a traffic and transportation study for such a relatively minor parcel of land would be a frivolous use of scarce public funds.

Manager's Recommendation

Amend the plan as follows:

Amend Strategic Land Bank (SLB) (p172) as follows

From:

"Strategic Land Bank: To provide a suitable land bank for future development of the settlement"

"These are lands that are identified as being within the potential built envelope of the settlement with regard to proximity and accessibility to infrastructure. The lands are to be seen as support in achieving the objectives of the main plan and ensure delivery of an overall coherent plan"

To:

"Strategic Land Bank: To provide a suitable land bank for future **phases of the** development of the settlement **after the lifetime of this plan**"

*"These are lands that are identified as being within the potential built envelope of the settlement with regard to proximity and accessibility to infrastructure. The lands are to be seen as support in achieving the objectives of the main plan and ensure delivery of an overall coherent plan. **However, these lands are not suitable or necessary for development during the lifetime of this plan and will be only considered for detailed zoning and development after 2019.**"*

Generally any development proposals within the lifetime of the plan will be considered under the Wicklow County Development Plan Rural Objectives."

No. 8

Relevant to Wicklow Town Council and Wicklow County Council

National Transport Authority

1. The National Transport Authority acknowledge the positive discussions with Wicklow County Council on the overall approach to development in the County, with particular attention to the linking of population growth to employment growth in order to foster a higher degree of self-sufficiency in the designated RPG centres.
2. The submission supports the policy to grow Wicklow-Rathnew in a more self-sufficient manner, tying population growth to employment growth, therefore reducing car dependency.
3. The submission supports the consolidation of zoning land in central areas. Recommends a phasing scheme be introduced strengthening the policy of applying sequential approach to residential growth from the centre out.
4. Express concern over the application of 100% headroom to the zoning of employment land and recommend that lands are designated for development in a phased manner as extant permissions are realised and Infill Employment Lands identified are developed. Additionally, there is a recommendation that account be taken of the potential jobs yielded from the development of Clermont Campus through the zoning of employment land.
5. The submission supports the plan-led approach to the phasing provision of schools in tandem with population growth. The location of primary schools at the centre of neighbourhoods and secondary schools at the centre of the town or district is encouraged to maximise access by walking and cycling.
6. The submission recommends that policies are inserted into the plan which state that access by walking and cycling are optimised to the site(s) from residential areas of Wicklow-Rathnew and drop-off facilities are provided appropriately in relation to the location of schools.
7. Reiteration of their comments posed at the Issues Paper stage; recommending that non-residential development proposals in the GDA be subject to maximum parking standards. Notwithstanding policy P1; aiming to reduce the level of parking required in certain locations or for certain types of development, the application of maximum standards could be location-specific.

Manager's Opinion

1. Noted.
2. Noted.
3. The issue on the phasing is noted and the request for a scheme to be introduced is noted. Section 2.2.3 of the plan addresses phasing with 2 phases allowing 3,980 units up to 2019 with a number of parameters in place where permission is being considered outside of Phase 1 lands. It is recommended to amend this to include a robust phasing objective in Section 3.4 *Housing* (objective H4) to ensure appropriate implementation of the phasing of residential lands.
4. The concerns of the submission have been noted; however as stated in Section 5.2, the 'Employment Growth Strategy' shows the need for the number of jobs within the settlement to grow significantly given the current low job ratio and it is considered reasonable to have a high level of headroom of 'greenfield' employment lands to reduce barriers to job creation. With regard to the inclusion of Clermont Campus jobs potential, this was not considered appropriate given that the key concept behind the development of these lands is to develop them as a 'Centre of Excellence in Enterprise, Education and Innovation', which will in time create an environment that will attract 'Knowledge Based Industry and Enterprise'. As this is a long-term project, it is not clear what final manifestation the project will take, how many jobs it might generate or when these jobs will be created and this is considered a potential 'Regional' employment hub rather than a local employment development site (p 60).
5. Noted.
6. Section 8.4.10 '*Education*' details the requirements of new schools to provide pedestrian and cycle access. Additionally Section 9.2 further reiterates these objectives
7. Maximum parking standards are only appropriate where there is adequate, frequent and reliable public transport, coupled with parking enforcement. The parking standards set out in the draft plan acknowledge that car parking provision should be effectively managed where such public transport is available, to discourage the use of the private car. It is considered that objective P1, which sets out that deviations from the minimum car-parking requirement (which would include waiving the need to provide car parking) can be considered where the development is in close proximity to a transport interchange or in proximity to the town centre where there is effective parking enforcement, provides sufficient flexibility for variations from the car parking standards set out in Table 9.2 on a case by case basis which is more appropriate to the needs of the plan area.

Manager's Recommendation

Amend the plan as follows:

Amend Section 3.3 and 3.4 Phasing (p 28 – 29)

Omit the following wording in Section 3.3:

"It is the development strategy of this plan that lands closest to the core of Wicklow Town and Rathnew Village shall be considered first for development (footnote). ~~Where permission is sought for residential development on other lands designated for significant development (as shown on Map 2.1 Core Strategy), permission will only be considered during the lifetime of this plan if:~~

~~–Lands closer to the core area have been substantially developed and have not delivered the number of housing units envisaged; or~~

~~–Some barrier is impeding the development of lands closest to the core areas; or~~

~~–Lands closer to the core areas are not being released to the market."~~

Omit the following objective in Section 3.4

~~"H4 The development of zoned land shall be phased to ensure lands closest to the centre (or to existing transport and / or community infrastructure) is developed prior to more outlying lands, unless exceptional circumstances apply."~~

Insert the following objective

H4 The development of the residential zoned land shall be phased generally in accordance with the sequential approach with lands closest to the core of Wicklow Town and Rathnew Village considered first for development (footnote) in line with the following:

- Development should extend outwards from centres with undeveloped land closest to the core, public transport routes and community infrastructure being given preference, i.e. 'leapfrogging' to peripheral areas shall be avoided;
- A strong emphasis should be placed on encouraging infill opportunities and better use of under-utilised lands; and
- Areas to be developed should be contiguous to existing developed areas.

Only in exceptional circumstances should the above principles be contravened, for example, where permission is sought for residential development on other lands designated for significant development (as shown on Map 2.1 Core Strategy), permission will only be considered during the lifetime of this plan if:

- Lands closer to the core area have been substantially developed and have not delivered the number of housing units envisaged, or
- Some barrier is impeding the development of lands closest to the core areas, or
- Lands closer to the core areas are not being released to the market

Any exceptions must be clearly justified by local circumstances and such justification must be set out in any planning proposal.

(footnote - These are lands generally located within 750m (as the crow flies) of the centre of Rathnew Village and 1,500m of the centre of Wicklow Town – Fitzwilliam Square (as shown on Map 2.1 Core Strategy))

No. 9

Relevant to Wicklow Town Council and Wicklow County Council

Office of Public Works

1. The Office of Public Works (OPW) welcomes the carrying out of a comprehensive Flood Risk Assessment, and that the 'The Planning System and Flood Risk Management - Guidelines for Planning Authorities' have been followed.
2. The inclusion of Flood Management objectives FL1, FL2, FL3, FL4, FL5, FL6 and FL7 in the Draft Plan are welcomed. Objective WS5 is also welcomed and it is stated that any proposed bridges or culverts across watercourses require approval by the OPW under Section 50 of the Arterial Drainage Act (1945).
3. This submission seeks clarification in the Flood Risk Assessment (FRA) on the following:
 - (a) Pages 12 and 13, a zoning 'VS' is referred to in Areas Rathnew 2 and Rathnew 3. However, this zoning does not appear elsewhere in the Draft Plan.
 - (b) The FRA goes into good detail in applying the Flood Risk Management Guidelines Development Plan Justification Test to different zonings in the Plan area which are shown to be at potential flood risk: however it is not always clear which piece of land is being referred to, nor how the Justification Test is being satisfied for some plots of land.

Manager's Opinion

1. Noted.
2. Noted.
3. The 'VS' zoning referred to is a typing error and should state 'VC' Village Centre Activities. This will be amended to 'VC' and is considered to be a minor amendment to the FRA not warranting a Managerial Recommendation for changes to the draft plan. The correction will have no effect on the plan.

This change is considered to be a minor amendment to the FRA not warranting a Managerial Recommendation for changes to the draft plan. The correction will have no effect on the plan.

Manager's Recommendation

No change

No. 10

Relevant to Wicklow Town Council and Wicklow County Council

Wicklow Town and District Chamber

1. The Chamber seeks to name the plan “The Wicklow Town – Rathnew and Environs Development Plan 2013 - 2019” as the current “Wicklow- Rathnew” name is confusing and appears to place the same emphasis on Rathnew Village as Wicklow Town.
2. There is need for recognition of the fact that a development plan is not just about land zoning and buildings. It must be about how a community functions, the way in which sections of the plan relate to each other and how any local development will contribute to a rich, vibrant and diverse urban environment while providing for the commercial, retail and cultural needs of our community.
3. Nothing which could impair growth or inward investment should be “built in” to the new plan.
4. A new Vision for Wicklow Town as the county town, the administrative capital and a Primary Growth Development Centre needs to be central to this Plan, which must recognise and deliver Wicklow as a Primary Growth Centre. The Town’s sea heritage should be developed from a Tourist and a Commercial perspective. The vision has to include connections to South Quay and its redevelopment. Wicklow Town is unique in its infrastructure having road, rail, and sea converging in the one location. The Chamber consider that the Plan as proposed has the potential to undermine the Town’s position as the Primary Growth Development Centre.
5. Strategic Land Bank adjacent to Wicklow Town
 - a. The Chamber does not support any reduction in the zonings in the hinterland, however should lands have to be zoned ‘SLB’ they are done so in a way to maximise Wicklow Town’s growth potential balanced with Rathnew which is already overdeveloped.
 - b. The NSS targets Wicklow Town, as Primary Growth Centres that there is a *“need to aim at a population level that supports self-sustaining growth”* and targets *“an ultimate population horizon of up to 40,000 people”*.
 - c. The draft plan is contrary to the NSS with the proposed ‘SLB’ lands around Wicklow Town and unrestricted lands around Rathnew.
 - d. Zoning land as ‘SLB’ is contrary to the stated objectives in the proposed plan under *“Land Zoning Principles”*: *“Maximum utilisation of existing infrastructure, particularly new roads, water and social infrastructure”*.
 - e. The strategic reserve zoning appears to follow the 80metre contour, however with the recent announcement of the replacement of the water main from Vartry to Cronroe as part of the Wicklow Town water supply scheme, the limitation on the availability of water up to now is no longer an issue.
 - f. Some of the area currently zoned for development, and now proposed to be ‘SLB’ has already been through a significant and expensive planning process. The ‘SLB’ zonings should not restrict development instead any future planning application should be considered on its own merit and permission granted once the application has been considered by the local authority and passed through the legitimate planning process.
6. The Chamber is of the opinion that the draft plan has placed an undue emphasis on the development of the Rathnew Environs and does not recognise the importance of Wicklow Town; there is a comprehensive lack of understanding of the fundamental differences between Wicklow Town and Rathnew Village and the need for a balanced approach to the development of the two. This balance between Rathnew and Wicklow Town needs to be addressed drastically. CSO census data highlights what has been happening, where in the past 10 years the population of Rathnew Village has grown by 105% while Wicklow Town’s population has increased only 10.7%. The proposed zoning map has approximately 57% of the lands zoned for residential development falling within the Rathnew Village with c. 43% in the Wicklow Town area.
7. Lands zoned in inappropriate locations such as residential and employment directly under major power lines should be examined as the likelihood that these lands will be developed in the short term is slim.
8. Wicklow Town Centre The proposed Town Centre area is not large enough for a Town of 20,000+ people. The existing retail offer in the Town Centre is poor and does not satisfy shopper needs. Wicklow Town needs a larger more varied town centre which can serve the long term needs of the local and hinterland population. The proposal to reduce the potential availability of Town Centre lands by the rezoning of lands on the Marlton

Road from 'Development Centre' to 'High Density Residential' lacks long term vision. This is a large, edge of centre site, which can deliver opportunities now and long into the future which no other site in the plan area can offer. The Retail Strategy for the GDA specifically say *"The retail strategy and local area / town centre plans for Wicklow Town will need to address the issue of identifying suitable locations for new retail as an overarching objective to allow town centre expansion and provide opportunities to diversify the retail offer"*

9. Wicklow Chamber would like to see an Action Area plan included in the overall Development Plan for the South Quay to include improved linkages to the Main Street. This will require a real and constructive commitment on behalf of the Town Council to help implement such a policy.

Employment

10. The Chamber suggests that it is preferable to have industry located close to the road network than to have trucks passing through residential areas.
11. The Chamber would like to see a real and substantive commitment made in this plan to encourage and support enterprise with start-ups and established business actively encouraged to base themselves in the Wicklow Town and Rathnew and Environs area.
12. The Chamber suggests that existing properties with an active commercial use on the Murrough North should be assisted in their pursuit for additional occupants and investment, which in turn will result in local revenue and employment. The CZ zone will compromise employment development at the Murrough. The chamber has the view that existing employment zoned lands could be maintained while providing for the proposed POS additions.
13. The plan should contain the vision for Clermont and actively work to drive this vision forward. The "Vision for Clermont" needs to be advanced and its proposals implemented as a matter of urgency. It is suggested that the following wording be used for the Clermont vision (p 14, bullet point 2) "...To facilitate the ~~educational potential~~ of potential for Innovation, Enterprise and Education at Clermont Campus for the benefit of the local and regional community"
14. A separate Employment Strategy should be devised to achieve the objectives and strategies outlined in this plan and to include interested parties, both national and local.

Specific Areas

15. There should be nothing in the proposed plan that would hinder the opportunity to develop the only commercial port on the east coast south of Dublin in the future. With the location and surrounding road network within the Plan area, there is the potential for a Roll-On, Roll-Off service, which will bring goods and tourists straight to the heart of the county. Wicklow Chamber suggests that the draft plan makes provision for the expansion of the port and facilitate the construction of a new jetty. It is suggested that the plan needs to include an objective for an additional port facility on the Wicklow coastline.
16. There is a need to develop a fore shore protection strategy for the Murrough in conjunction with Iarnród Éireann and the Department of Environment as part of this plan.
17. Wicklow Chamber urges a review of Rathnew By -Pass route so that this road exits straight off the roundabout at the N11 and leads directly to Wicklow Town and Wicklow Port with limited traffic lights and junctions. This route should run to the eastern side of Clermont College and not cut the campus off from the Village.

Tourism

18. The plan needs to include a strategy for Wicklow Town to develop Fáilte Ireland's touring route opportunities under the Kildare/ Wicklow destination (a driving route to be rolled out in 2012).
19. A 'Cultural Quarter', which includes a theatre/museum/exhibition area to encourage heritage and cultural tourism, should be included in the plan. A cultural/visitor centre could be developed that would provide other entertainment options to dovetail into the activities of the Historic Gaol.
20. The plan should include a strategy for embracing the emerging water/adventure activities to establish Wicklow Town as the outdoor adventure hub. This plan needs to make the provision of a Marina an objective to be delivered during the life of the plan. The Murrough needs greater recognition of its recreational potential.

Communications

21. The availability of quality high, fast broadband is the most important factor associated with future growth, allowing people affordable and efficient access to basic amenities and to be attractive for business to locate here, therefore a realistic and deliverable strategy to support this requirement has to form part of the proposed development plan. There is a need for a focused effort to be made to connect to the fibre grid that already exists. Clermont Campus could be a perfect model for the rollout of high speed broadband with its fibre optic cable passing the gate.

Education

22. Wicklow Chamber submits that this plan reviews the number and 'peppered' locations of school sites proposed with a view to a more campus style location which could service a number of schools and share play facilities. This would also provide use for sports outside school hours by the community. This would also reduce school traffic and promote school bus use .

23. There are two large existing school sites within the town which should be redeveloped for continued education purposes.

Other Issues

24. Wicklow Chamber submits that this plan facilitates the return of the sitting of the courts in the courthouse in the town.

25. Wicklow Chamber submits that a strategy needs to be put in place as part of this plan to identify areas that need improvement and a deliverable strategy put in place, for example:

- i. Cycling and walking connections between Rathnew and Ashford need to be improved.
- ii. The provision of safely crossing the M11 by foot and bicycle needs to be addressed
- iii. The quality of footpaths on the Ashford side of the M11 needs to be addressed.
- iv. There is no provision for foot or cycle traffic from Glenealy to Rathnew.
- v. There is little or no provision for foot or cycle traffic along the coastal access route to Brittas Bay

Manager's Opinion

1. Noted; however, the title 'The Wicklow Town – Rathnew and Environs Development Plan 2013 - 2019' is considered too lengthy and cumbersome for the title. It is also misleading in that it could be interpreted as only be referring to the environs of Rathnew, and not the environs of Wicklow. The plan is very clear from the outset in Section 1.1 '*Plan Title*' as to the area that it refers to. The Wicklow County Development Plan 2010-2016 is clearly different to the Wicklow-Rathnew Development Plan 2013 - 2019.

2. A development plan is a land use framework written statement and plan that sets out an overall strategy for the proper planning and sustainable development of an area. How a community functions is not within the remit of the development plan however through the land use and development objectives, the plan would seek to facilitate and support a well functioning community.

3. The overriding purpose of the plan is to encourage growth in a sustainable and environmentally responsible manner. It is not the intention of the plan to 'curtail' development, on the contrary the purpose is to facilitate development but where the need for certain types of development at certain location cannot be shown to meet higher level planning and sustainable development objectives, then there is no point in allowing development for development's sake alone. Development must be planned for in a rational and sustainable manner and these are the principles underlying this plan.

4. This is noted and has been addressed with the vision incorporated in Section 2.1 *Vision*, as part of the Core Strategy.

5(a)The assessment of the pre existing development plan affecting the area at the earliest stage of the process clearly identified that there was a surplus of zoned land in the settlement having regard to the population targets set by the RPGs and the County Development Plan. Therefore it has been necessary to reduce the amount of land that may be developed within the lifetime of this plan with the remainder being designated a 'strategic land bank' for the future. The adverse consequences of 'over zoning' are well established at this stage, for example excessive housing construction on greenfield lands without matching services such as schools or public transport, resultant lack of development in town centres and urban decay, dependency of private car use and expensive servicing of lands which may end up being borne by the tax

payer, to name but a few impacts. The zonings that have been retained for development during the lifetime of this plan have been selected carefully following assessment of planning issues such as proximity to Wicklow town centre and Rathnew village centre, availability of infrastructure, accessibility to public transport and environmental protection.

Regarding the 'balance' of new residential development between Wicklow town and Rathnew village, while the plan allows for a relatively even split between the two settlements in terms of new housing, one must consider both the 'starting point' of each settlement and the requirement for the plan to be consistent with the County Development Plan in terms of population growth and housing / zoning.

There are currently c.4,220 occupied residential units in Wicklow town and its sphere of influence, that being taken to be the area south of the town centre to the plan boundary, the area west of the town centre to the plan boundary as far north as Rockey Road and the area east of the TRRPAR as shown on the map below (marked yellow). These units account for c.78% of the existing housing in the entire plan area. On the other hand, there are currently c.1,170 units in Rathnew village and its sphere of influence (area marked pink) – 22% of total.

The draft plan allows for the development of c. 2,994 new dwelling units (52%) in Wicklow (being the area coloured yellow in the map below) and c. 2,705 new dwelling units (48%) in Rathnew (that being the area marked pink in the map below). This would bring the Wicklow town and its environs total up to c.7,222 units (c. 65% of the total 2022 target) while Rathnew and its environs would potentially come up to c. 3,876 units (or c. 35% of the total 2022 target).

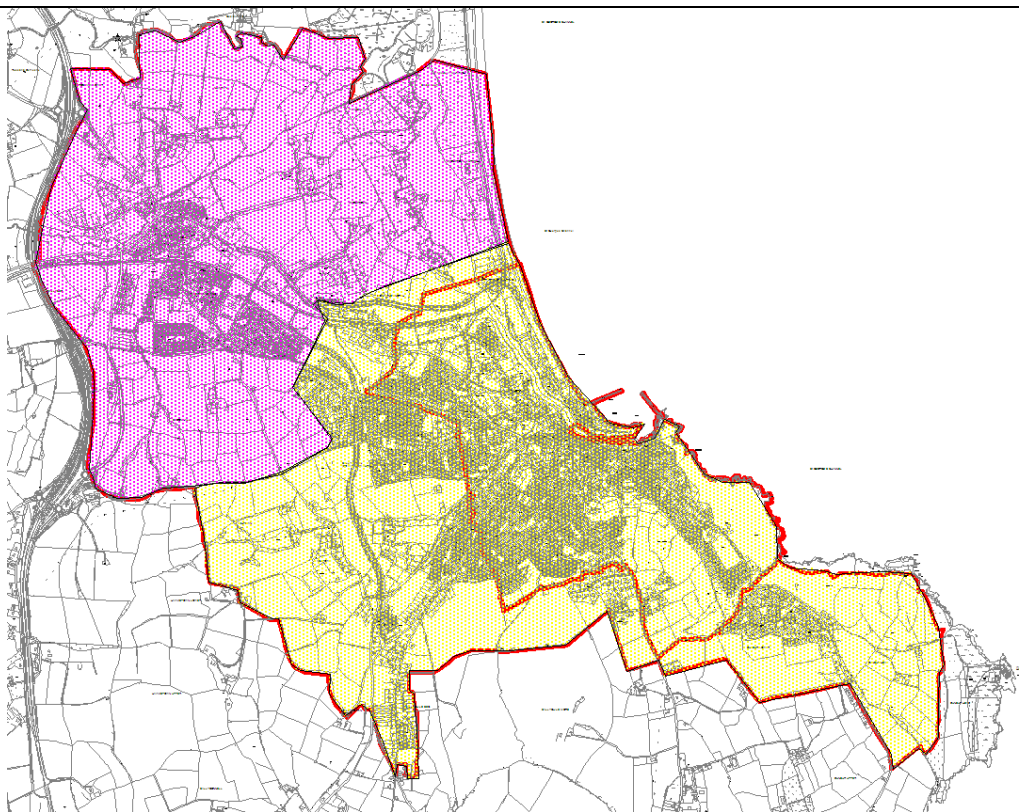
Therefore it is acknowledged that the plan would allow for a higher rate of growth in Rathnew and its environs than in Wicklow town and its environs and would allow for a larger proportion of the population of the wider settlement to live in the Rathnew environs area rather than the Wicklow environs area than currently prevails. However, Rathnew would still remain the smaller of the settlement in terms of overall housing and population by a considerable degree.

This outcome is not a result of some explicit or implicit desire to encourage the development of Rathnew village *at the expense of* Wicklow town. The reality is that the growth of Wicklow town is somewhat constrained by the following factors:

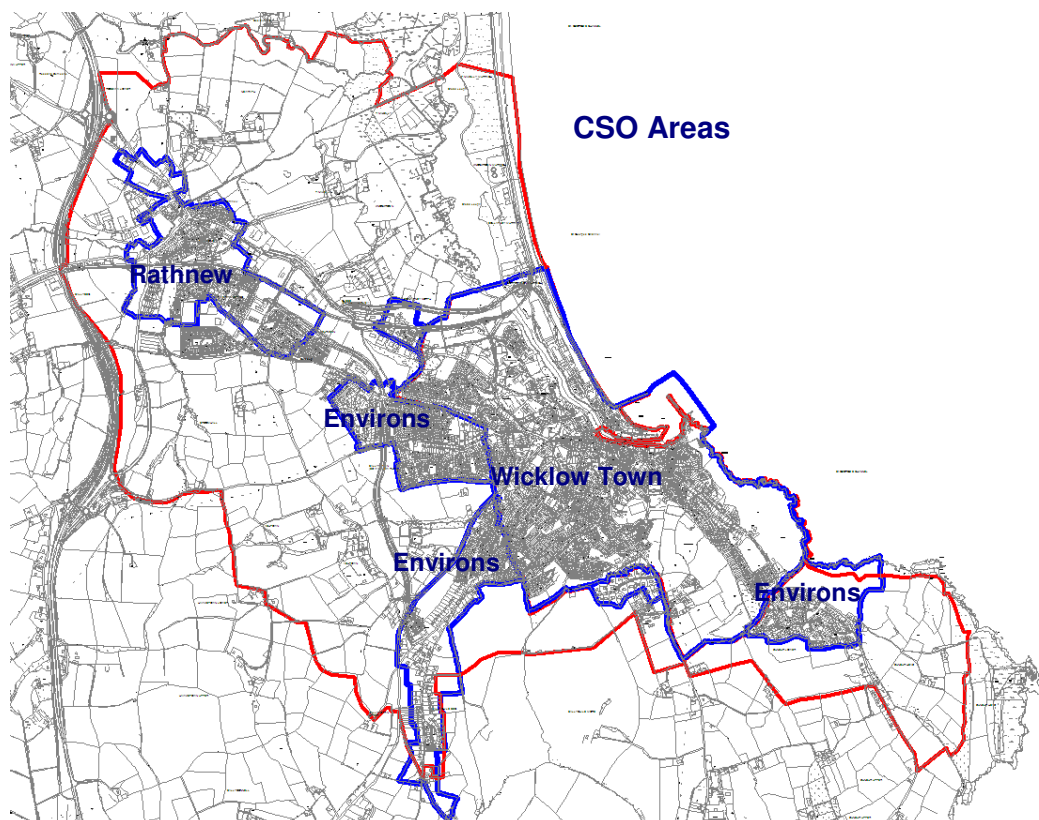
- the fact that most of the 'town' area i.e. those lands within the Town Council boundaries, are already developed and limited redevelopment opportunities exist
- the scenic beauty and amenity / recreational value of the lands to the immediate south and south-west of the town which makes them undesirable for development
- the topography of much of the lands in proximity to the town which makes them either difficult to develop or service, particularly by water supply infrastructure
- the designation of protected areas to the east and north east of the town

As part of the plan making process, a full and detailed assessment of all lands in proximity to Wicklow town was carried out and any lands that were found to be suitable for residential development, having regard to the constraints outlined above, have been zoned for development. However, this still left a shortfall, having regard to the housing and population target for the settlement as provided for in the County Development Plan. As in previous development plans for this area, it is considered that the 'next best' areas to consider for new housing are those lands in proximity to Rathnew village, where services are available. Given there are considerable tracts of undeveloped, zoned land surrounding Rathnew that are relatively close to the village centre and to community and transportation services, and that much of the lands can be easily serviced, it was possible to make up the deficit of the housing required in Rathnew and its immediate environs.

This is considered proper planning and sustainable development - lands that are close to services, both in terms of transportation (e.g. roads, footpaths, public transport links etc), water services (e.g. water supply and wastewater disposal) and social / community services such as shops, schools, community centres etc are designated for development in the short to medium term. In the longer term, further lands may be designated for development on the basis of the enhancement of this infrastructure or the provision of new infrastructure in the growing locations. This is development from the 'centre out' which is logical and rational and reduces the possibility of new housing areas being developed which are dislocated from the services they need and which are completely dependent of the private car to access all services.



- (b) While the National Spatial Strategy and Regional Planning Guidelines may have had population ranges of the different designation of towns, they do not give populations for individual towns. The National Spatial Strategy office decides on regional populations, the Regional Planning Guidelines decide on county populations, and the County Development Plan decides on target populations of the individual towns. It is not an option in this process to adjust the target population of the town, as it must be consistent with the core strategy of the County Development Plan.
 - (c) The draft plan is not contrary to the National Spatial Strategy in any respect, and the extent of zoning has to be constrained to comply with legislation, particularly with the Planning and Development (Amendment) Act passed in 2010.
 - (d) The SLB zoning is not contradictory to the land zoning principle '*Maximum utilisation of existing infrastructure, particularly new roads, water and social infrastructure*'. The vast majority of the lands in the SLB are not currently serviced nor are they readily serviceable without considerable investment and substantial infrastructural works.
 - (e) The relevance of the 80m contour has nothing to do with the limitation on availability of water, but how this water can be delivered under gravity and stored locally.
 - (f) Whether land has been through a planning process is not relevant to the draft plan. Permissions only last, typically, 5 years, and such permissions can still be developed within such periods or periods subject to extension of time, regardless of the draft plan.
5. This point is substantially addressed under point 5 (a) above. With regard to the Census data quoted, it is correct that 'Wicklow town' and its 'environs' (both as geographically defined by the CSO) grew by 10.7% between 2002 - 2011 and Rathnew grew by 106% over the same period. However, the picture is not as simple as these figures would suggest. Firstly, the geographical definition of 'Wicklow town', 'Wicklow environs' and 'Rathnew' by the CSO does not include all housing in the plan area and in fact excludes a number of housing developments in the Keatingstown / Broomhall area and therefore the figures must be treated with a degree of caution (see map below). Secondly, if one takes a longer view, this apparent 'imbalance' in growth does not appear as stark as the pattern that only emerged in the last few years. Given the nature of the property boom that occurred it is perhaps unwise to consider only recent patterns.



If one considers the data from 1996:

| Year | Wicklow Town | Wicklow Environs | Rathnew |
|------|--------------|------------------|---------|
| 1996 | 6416 | 874 | 1437 |
| 2002 | 7031 | 2324 | 1441 |
| 2006 | 6930 | 3140 | 1849 |
| 2011 | 6761 | 3595 | 2964 |

- the data shows a slight increase in 'Wicklow town' population over the 15 year period, although over the last 10 years the population has been declining; between 2002 and 2011 the population declined by 4%;
- the data show substantial growth in the 'Wicklow environs' area over 15 years, in the order of 310%; the most rapid period of growth was between 1996 and 2002 (growth rate of 166%), with the growth rate moderating to 35% between 2002 -2006 and 15% between 2006-2011
- the data shows growth in Rathnew of 106% over 15 years, with the fastest period of growth being between 2006-2011 (60%).

It is clear therefore the area that has experienced the highest rate of growth over the longer timeframe is the 'Wicklow environs' area and not Rathnew. It is normal in a larger settlement for area to grow at different times depending on numerous factors such as the role out of services and the release of lands to the market. The purpose of a land use plan is to ensure that over the longer term, balanced development occurs.

6. The zoning of lands under power lines is noted as an issue. Employment uses are more suited for lands under power lines as any development can be designed to take account of the restrictions with power lines in accordance with Chapter 14 objective GE2 in the County Development Plan. There are 3 main areas under high voltage lines - SLB lands in Newrath, the E1 land at Rathnew Industrial Estate and the strip of R2 land between Rathnew Village and the N11 interchange. The employment zones of these lands are considered appropriate; however the residential 'R2' lands between Rathnew Village and the N11 interchange will be recommended to be changed to employment 'E2' given their proximity to the N11 and surrounding proposed land uses.

7. The size of the Town Centre zoning is considered acceptable. It is important to note that Wicklow Town is a 'Level 2' County Town in the Retail Hierarchy as set out in the Regional and County Retail Strategy with a specific quantum of convenience and comparison retail floorspace required to fulfil its role. With the convenience retail quantum satisfied and comparison retail quantum satisfied with permissions outstanding but not built yet, any increase in Town Centre zonings would not be consistent with the adopted County and Regional Retail Strategies. Specifically with regard to the land current zoned for 'development centre' on Marlton Road, the development of such lands for a major retail development could potentially put the viability of the existing town centre at risk from trade diversion.
8. The inclusion of a specific Action Area Plan for the South Quay is not considered feasible given the number of individual properties and property owners. However this draft plan includes for the first time a 'Wicklow Town Centre Strategy' in Chapter 4 which refers to the South Quay Area. This is considered appropriate and the right tool to guide future development of this area. The strategy has general objectives for the development of this area with objective PR5 supporting the creation of better linkages between the Main Street and the South Quay.
9. Noted and agreed
10. Chapter 5 sets out an employment and enterprise strategy, which is relevant to and implementable through a land use plan. A Development Plan is a land use document and undertaking enterprise commitments is not within the remit of this document. The Plan strategies and objectives aim to complement and enhance the strategies of the County Development Board, the Enterprise Boards, Enterprise Ireland and the IDA who are the main bodies who are responsible for enterprise and employment creation.
11. Noted. This is a land use plan and actively assisting existing businesses is not within the remit of such a plan; however, the zoning and objectives for the Murrough North area facilitate the continued operation of established and permitted commercial activities. The draft plan proposes to zone these lands for employment uses E1. The CZ designation overlays this zoning and simply serves to make it clear to the public, the landowners and decision makers that development proposals in these areas will be very carefully considered with regard to any possible impacts on the adjacent protected site (Natura 2000 and / or pNHA sites). It does not sterilise land from development and any development that can be shown by way of appropriate study to not adversely affect the integrity or conservation value of any site, may be open to consideration. It is considered only fair to landowners to make them aware of the potential sensitivity of their land to development and allow them to make commercial decisions on the basis that securing permission on such lands may be more time consuming and require resources for various studies.
12. This is noted and it is recommended to amend the plan.
13. Promised future legislation will provide for a combined land use and economic development plans, but in the interim this plan, as a land use plan, can only put in place a planning framework which in turn complements and enhances the strategies of the County Development Board, the Enterprise Boards, Enterprise Ireland and the IDA, who are the main bodies who are responsible for enterprise and employment creation
14. The draft plan facilitates the development of the port, with the Wicklow Port and Harbour Strategy and Harbour and Port infrastructure objectives, however there are a number of EU, national, county and local objectives that have to be adhered to that may influence the future development of the port area, for example environmental designations, etc. The suggestion that the plan include specific objectives for the construction of a new jetty and additional port facilities are noted, however it is considered that objectives HP1 and HP2 (p106) are sufficient to facilitate the future commercial and recreational development and expansion/relocation of the port.
15. The foreshore is currently under the remit of the Department of Agriculture, Food and the Marine (Aquaculture and Foreshore Management) and in the past under the Department of the Environment, Community and Local Government, therefore any strategy for this area would have to be initiated by this department. Wicklow Local Authorities would provide all assistance necessary in crafting such a strategy.
16. The possible routes for the proposed Rathnew Inner Relief Road were chosen so that they could primarily serve the purpose of servicing the lands they pass through, with the added bonus of providing a relief road for Rathnew village. This is a realistic funding option for the short to medium term. There is nothing to be gained

by bringing the road directly onto the M11 roundabout. Indeed, by having an extra arm on that roundabout would decrease the capacity of that roundabout, and conceivably have an adverse impact on the M11. The road as proposed would be urban in character, would be designed for low speeds, but would have a high capacity. Junctions and traffic lights do not necessarily reduce the capacity of properly designed urban roads. The main parameter is to ensure it does not split the extended Rathnew village centre. A 6m wide road carriageway would not cut off the village from the campus. To divert the road east of Clermont with no junctions, would entail the road being of a different character with higher speeds, and with no junctions to serve adjoining lands. The funding of such a road would be unlikely.

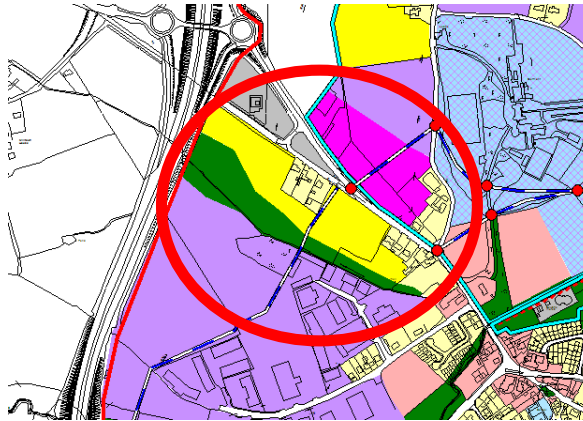
17. This is a land use plan and it is not within the remit of the plan to develop a Failte Irelands touring route. The plan facilitates and supports tourism and recreation development in the policies and objectives of Chapter 7, and specifically with objectives TF1 and TF2 promoting and facilitate improvements to infrastructure and to co-operate with tourism bodies like Failte Ireland in facilitating the development of tourism.
18. It is not considered to be within the remit of the development plan or indeed consistent with proper planning and sustainable development to designate a particular area for a particular use in the plan where no funding stream to support that development or its operational costs is available. The plan however would facilitate the development of cultural facilities as set out in Section 8.3.4 '*Cultural Facilities*' with objectives CA1 to CA4 facilitating, supporting and encouraging cultural, arts and library facility development. The plan also supports the implementation of the County Arts Plan and works with the CDB who act as the agency co-ordinator in implementing the cultural strategy for the County. It is envisaged and typically permitted that cultural uses can develop within Town Centre, Village Centre, Tourism, Enterprise and Employment, Open Space, Mixed Use Community and Education and Port zones.
19. This Plan facilitates the development of recreational activities through objectives on sports facilities (p92), recreational harbour and leisure uses (p97) and tourism recreation (p78). The plan facilitates the provision of a Marina with objectives Harbour 3 (p52), TTP1 (p80) and HP1 (p106).
20. Noted. The plan facilitates the development of such infrastructure through 'Energy and Telecommunication' objectives as detailed in Section 10.5 and objective ICT1 (p122).
21. The submission seeks a more campus style approach to the locations of schools as opposed to a 'peppered' approach. It is important to note that the Dominican Convent has a primary and post primary school on the site and provision has also been made in the draft plan for a school campus at the Marlton Road CE zoning. In addition, the site already permitted for a new 2-school primary campus in Rathnew is in very close proximity to the new secondary school and existing sports grounds. All of the potential school sites have been considered suitable having considered the DoE Guidelines on *The Provision of Schools and the Planning System* (July 2008) and taking account of the proper planning and sustainable development of the area. It is considered that all of the CE zonings comply with the requirements of the guidelines' recommendations on *Location of Schools – Planning Considerations*. Objective ED2, (p88) also promote campus style school developments. Objectives ED6 promotes the use of school facilities outside of school hours.
22. In Section 8.3.1 'Secondary Education', it is recognised that the relocation of the De La Salle and the Abbey College secondary schools out of the town centre to the new secondary school at Burkeen may provide an opportunity to develop one or both of these sites for school use. Such use however, is a matter for the owners of these properties.
23. The plan fully facilitates the return of the sitting of the Courts in the courthouse with the appropriate land use zoning and Town Centre objectives for the provision of such a use. It is not within the remit of the plan to return the sittings of the Court to the Courthouse.
24. The draft plan facilitates the development of foot and cycleways throughout the settlement in Section 9.2 *Walking and Cycling*. The cycling and walking projects detailed in this submission are for the most part outside the Plan area, and are more a matter for the County Development Plan.

Manager's Recommendation

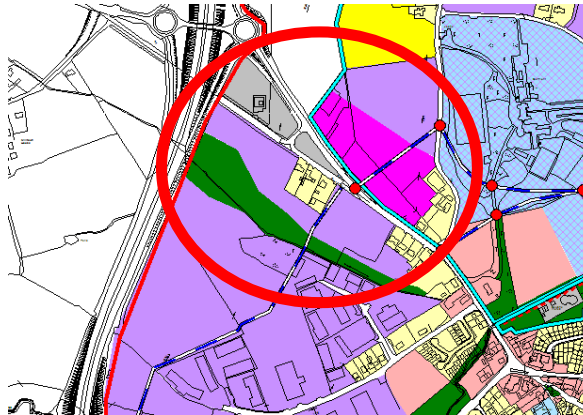
Amend the plan as follows:

1. (a) Amend the Land Use Map with 3.84ha of 'Residential R2' zoning at the following location and any changes consequent arising out of this amendment to Chapter 2 'Vision and Core Strategy',

From:



To:



- (b) Amend Table 2.5 and Table 2.6; Chapter 3 'Residential Development' in particular Table 3.3 and Chapter 5 'Enterprise and Employment' Table 5.2.

Table 2.5 and Table 3.3

| | | | | | |
|----------------|-----|-----|------|-----|-----|
| Rathnew | R2 | 8 | 4.16 | 227 | 116 |
| ... | ... | ... | ... | ... | ... |

Table 2.6 and Table 5.2

| | | | |
|----------------|-----|-----------------------|------------------------------|
| Rathnew | E1 | 3.84 | Business Park/ Manufacturing |
| ... | ... | ... | ... |
| Total | | 86.3 90.14 | |

2. Amend Section 2.1 'Vision' point 2 with the following:

"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"

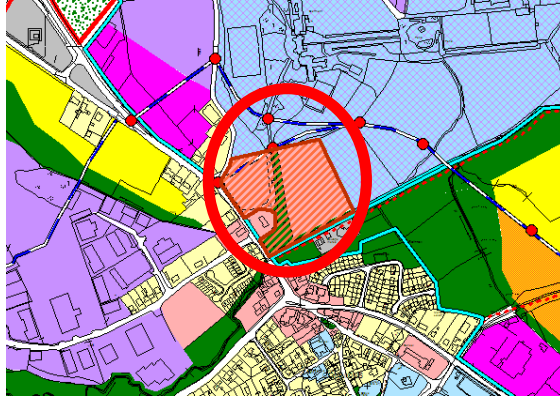
No. 11

Zoning issues relevant to Wicklow County Council ONLY

Akley Properties Ltd

Akley Properties Ltd owns lands immediately east of Rathnew Main Street, to the immediate south of Clermont Campus and to the west of the proposed Rathnew Relief Road, the total land holding in the ownership of Akley comprises c. 9.5 acres (3.82 hectares). It is proposed to be zoned 'Village Centre' VC and 'Passive Open Space' POS in the draft plan.

Map



1. With regard to the Village Centre zoning in Rathnew, this submission seeks to amend the uses "Typically Permitted" in the 'Village Centre' zone to include 'discount foodstore', 'Office-based Employment', 'Nursing Home', 'Motor Sales Outlet' and 'Petrol Station'.

The reasons put forward for this change is the following:

- a) The current zoning is 'Town Centre Activities' which allows for motor sales outlet, hospital/nursing home and petrol station; however it does not specifically mention discount food store, office-based employment as not normally permitted/prohibited.
 - b) The gateway location of these lands is ideal for these uses at the junction of the existing village centre and proposed link roads.
 - c) The quantum of residential development in the surrounding Rathnew area calls for these uses.
 - d) There is a significant distance between these lands and the TC lands in Wicklow.
2. The existing and proposed open space zonings and objectives for the section of the landholding where the Old Avenue to Clermont meets the Main Street of Rathnew is somewhat inflexible with regard to delivering a Village Square with buildings defining and overlooking an active square, this area should be considered for a more appropriate land use zoning objective that can accommodate a Village Square defined by buildings with active uses.

Manager's Opinion

1. The retail strategy in the plan, which is consistent with the Regional and County Retail strategies, provides for retail provision in the village being on par with the scale of retail envisaged for 'local centres / small towns'. The 'Village Centre' VC zonings for Rathnew reflects this, facilitating a *small group of shops, typically comprising newsagent, small supermarket/ general grocery store, sub-post office and other small shops of a local nature serving a small, localised catchment population.*

The draft development plan indicates that 'retail services' and 'shop' uses are 'typically permitted' in the VC zone as are 'offices'.

'Nursing homes', 'discount foodstores' and 'petrol stations' while not being indicated as 'typically permitted' are not identified as 'not permissible' either so the only use suggested that is not at least 'open for consideration' in this zone is 'motor sales outlet'. This form of use is not considered appropriate in a village centre where the

vision is to provide for a vibrant mixed use centre with streets and squares of shops with small businesses and residences overhead. Motor sales outlets would require large footprints and a large car parking areas which would be completely at odds with providing a pedestrian friendly and high quality urban realm. Therefore it is not recommended to make any amendment to the VC zoning uses typically permitted.

2. The current 'Passive Open Space' POS zoning at this location (which runs along the Old Avenue linking Clermont to the Village Centre) is considered optimal as there are a number of mature trees along here in a mature setting, and the POS zonings will allow for the preservation of this mature green setting. The location of this area close to the Town Centre and mainly undeveloped character has the potential for the provision of a Village Square incorporating the existing mature planting, the site-specific issues of the design and layout of the area and village square is a matter that will be dealt with through the development management process. It is not recommended to make any changes in this regard.

Manager's Recommendation

No change

No. 12

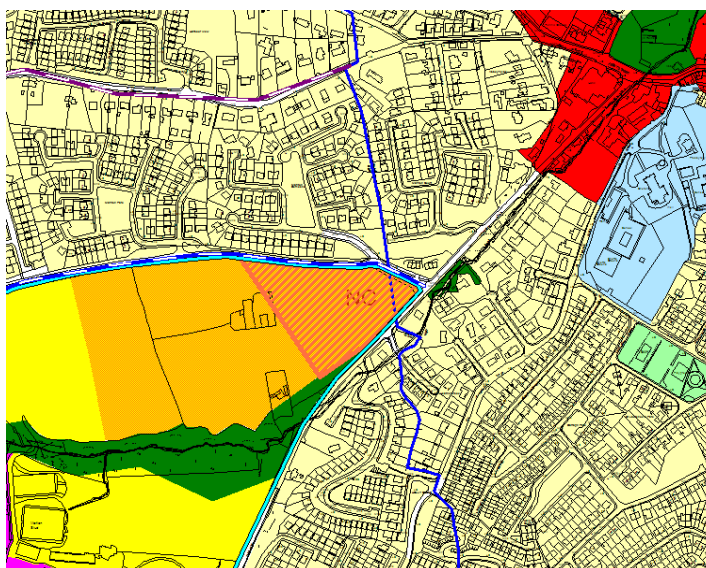
Zonings issues relevant to Wicklow County Council

General issues relevant to Wicklow Town Council and Wicklow County Council

Aldi Stores (Ireland) Ltd

This submission relates to both discount retailing generally but also specifically to Aldi's desire to locate in Wicklow Town. It is put forward that the ideal site would be on Marlton Road at the junction of Marlton Road with the road serving the Marlton Demesne / Marlton Park housing developments (site of 6 acres, proposed to be zoned R1 in the draft plan).

Map



The submission points out that these lands are currently zoned 'district centre' and it is proposed in the draft plan to rezone these lands as R1 – high density residential, within the Marlton 'Action Area'. The draft plan provides that a neighbourhood centre shall be developed as part of the overall development and that this neighbourhood centre shall be located on the northern part of the action area, near the Town Relief Road / Rockey Road junction and shall not exceed 1,000sqm in gross floor area with no single retail area exceeding 200sqm in size.

The following points are made in the submission:

1. The provisions of the draft plan would not allow a discount food store to be developed in this action area
2. The location identified for the neighbourhood centre is not optimal as is not well connected to adjoining residential areas and has limited visibility and profile; furthermore it is put forward that development in this area would require significant infrastructural improvements which would render development commercial unviable.
3. It is requested that the neighbourhood centre for this action area be located to the Marlton Road site described. It is put forward that this location would allow all existing / planned residential areas to be within 10 minutes walk of either a core retail area or a neighbourhood centre.
4. It is requested that the size restriction be revised to allow for a discount store / convenience foodstore of 1,500sqm gross floor area. It is put forward that this scale of retailing is modest in the context of what could be achieved with the existing 'district centre' zoning on these lands.

Manager's Opinion

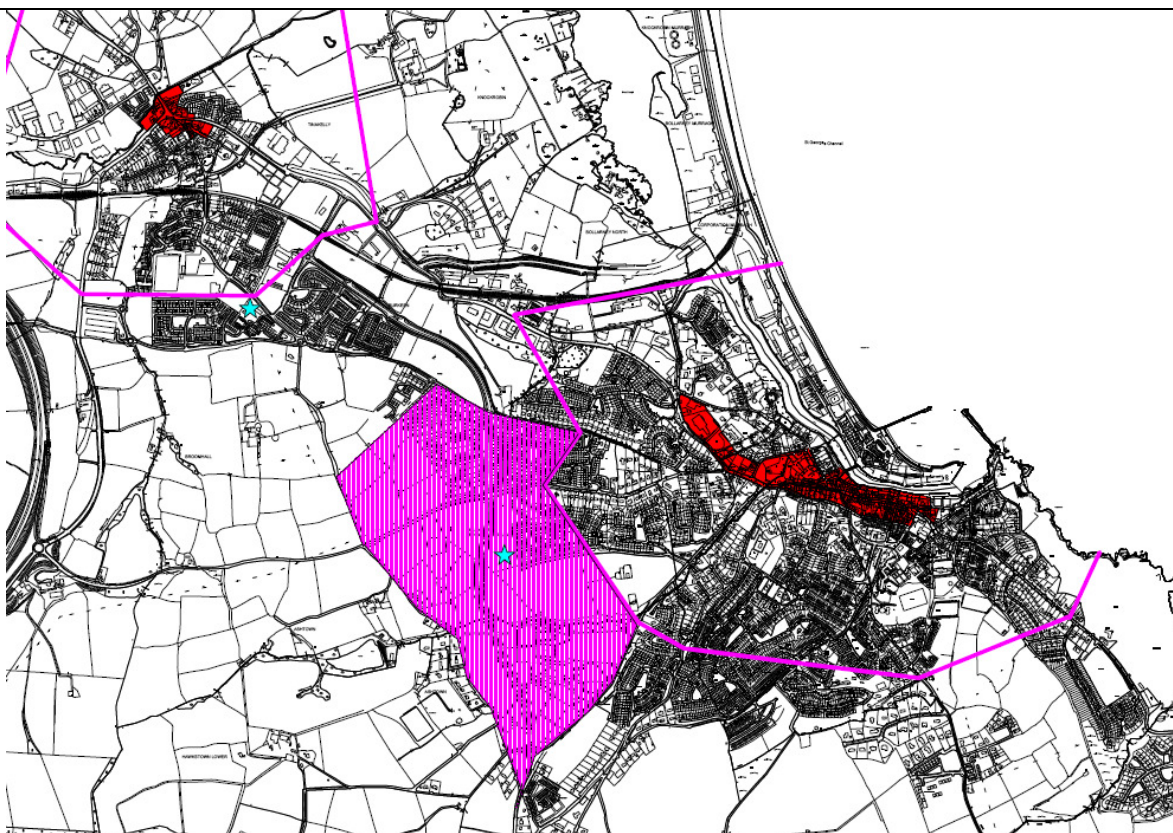
1. Location of the proposed neighbourhood centre

As part of the plan preparation process, the plan team identified the existing core retail areas in the settlement, being Wicklow town centre and Rathnew village centre. Existing neighbourhood centre outside these core areas were also identified. Walking distance to each centre type was calculated and mapped. The only area in the settlement that is outside the 10 minutes walking band for any centre is that area where Rockey Road intersections the Town Relief Road.

The map to follow shows this analysis:

- the red areas are the existing core retail areas of Wicklow town and Rathnew village
- the pink line represents the area within 10 minutes walk of these core area
- the blue star close to Rathnew represents the location of the new neighbourhood centre at Broomhall.
- the pink shaded area represents the lands not within 10 minutes walking distance of either the core retail areas or the Broomhall neighbourhood centre
- the preferred location of a second neighbourhood centre in this area between Wicklow and Rathnew is one that services the widest possible range within the pink shaded area. Therefore the ideal location is considered to be close to the Town Relief Road / Rockey Road junction as shown with a blue star

This map clearly shows that the site requested to be zoned for retail use by Aldi is actually within a 10 minute walking band of Wicklow core retail area. It is considered that the development of a significant retail development at this location would be likely to result in trade draw from the core retail area of Wicklow town. This would be completely at odds with both the County and Regional retail strategies and the Retail Planning Guidelines.



2. Scale of the proposed neighbourhood centre

The overall scale proposed for this neighbourhood centre and the retail element contained therein is considered appropriate to the scale of the area to be served. It is the vision that this centre will just serve the 'top-up' shopping needs of those living in the immediate vicinity, whereas major / weekly shopping trips will still be directed towards the core retail areas in order to maintain the vitality and viability of the core retail areas.

3. It is recognised that discount retailing is a desirable form of shopping from a consumer's perspective. Given that there are already 2 large supermarkets and one discount retailer in Wicklow town, it is envisaged that the more appropriate location for another discount retailer in the wider settlement would be in the core retail area of Wicklow town (given that the existing discount retailer is very much at the periphery of the town) or in Rathnew village.

Manager's Recommendation

No change.

No. 13

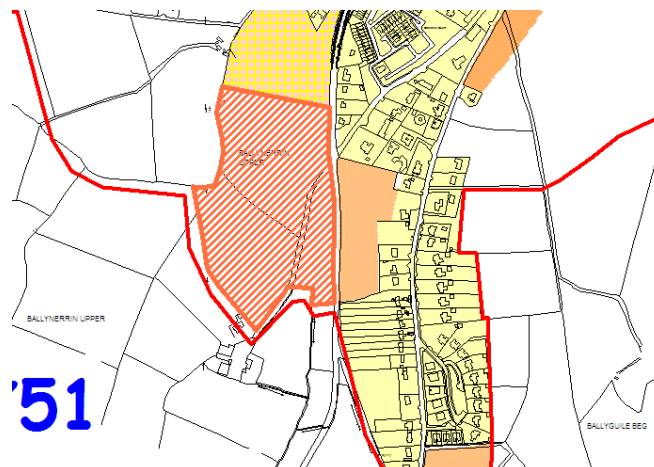
Zonings issues relevant to Wicklow County Council only

General issues relevant to both to Wicklow Town Council and Wicklow County Council

Ballynerrin Co-Ownership

Ballynerrin Co-Ownership own lands to the south-west of Wicklow Town, on the western side of Marlton Road at Ballynerrin Upper, the total land holding in their ownership comprises of c. 20 acres (8 hectares). It is proposed to be zoned 'Strategic Land Bank' SLB in the draft plan.

Map



This submission is requesting land in the SLB zoning to be rezoned and for the wording of SLB zoning objective and description to be amended.

1. This submission is requesting that the lands described be rezoned from Strategic Land Bank (SLB) to Residential (R3) zoning.
2. The wording and description of the 'Strategic Land Bank' in the Draft Plan zoning Table 13.1 and Table 13.2 be amended to the following:

Zone: SLB Strategic Land Bank

Description: **To provide a suitable land bank for future development of the settlement.** ~~The lands are seen as support in achieving the objectives of the main plan and ensure delivery of an overall coherent plan.~~

Objective: **These are lands that are identified as being within the potential built envelope of the settlement with regard to proximity and accessibility to infrastructure.**

~~The lands are seen as support in achieving the objectives of the main plan and ensure delivery of an overall coherent plan. The lands are to be seen as support in achieving the objectives of the main plan and ensure delivery of an overall coherent plan. Development on the SLB lands shall be in accordance with Section 2.2.3 Housing and Phasing of the Plan. The Plan Lands shall retain their existing zoning uses as per 2008 Plan.~~

Strategic Land Bank (SLB)

Generally any development proposal within the lifetime of the plan will be considered ~~under the Wicklow County Development Plan Rural Objectives~~ **if the applicant can demonstrate that the objectives set out in 2.2.3 of the plan have not been met and or the lands can be serviced and/or deliver community or public gain. The SLB lands shall retain their existing use as per the 2008 plan.**

It is put forward that the SLB lands here are suitable for the R3 zoning for the following reasons:

- a) The lands are currently zoned for development in the 2008 LAP
- b) The lands are at a gateway location into Wicklow Town along the Marlton Road.
- c) The lands are easily accessed by existing roads and the Town Relief Road.
- d) The lands can be readily developed, in the medium term future with all services running through the lands.
- e) The lands if developed could realign the 'Leg of Mutton' junction, which in turn would help facilitate the bus service to Wicklow Town.
- f) The lands are not land locked.
- g) The lands provide development potential to the west/ northwest of the town.
- h) They are close to other lands of the same qualities that have been zoned for development, therefore this land should be zoned too.

Manager's Opinion

1. The zonings of the draft plan are consistent with the County Core Strategy, as set out in the Wicklow County Development Plan.

It is important to note that:

- (a) The population target for the settlement must be consistent with the CDP and RPG and there is no scope for deviation from this;
- (b) Based on this population target, an appropriate amount of land has be zoned for housing to meet the requirements of the target population, (having regard to expected household size and assuming a range of densities);
- (c) Enough land has be zoned in the plan to meet the target for 2019 (the lifetime of the plan) plus an additional 3 years beyond the life of the plan up to 2022 as recommended in Ministerial guidelines on development plan ('headroom').
- (d) In accordance with the guidelines from the DoE (Core Strategy guidelines) the most appropriate lands have been selected for development with the surplus of existing zoned land from the current plans either,
 - i. designated as 'strategic land reserve' ('SLB' zoning) for the future that will not be allowed to develop within the plan period or
 - ii. to change the zoning of the surplus residential land to some other land use that is required during the lifetime of the plan.

Option (i) has been chosen here.

The zonings of these lands from 'SLB' to 'R3' would increase the residential development potential within the settlement and allow for the population of the settlement population to extend beyond that allocated under the Regional and County population allocations and would therefore be considered not consistent with the Regional and County Strategy. Given the location of these lands outside of the centres of Wicklow and Rathnew, with limited infrastructure, no existing/ planned/ funded water supply and at the periphery of the settlement, it would be unsustainable to zone these lands for significant development. Any development proposed here will be considered in line with the rural development objectives of the County Development Plan at the development management stage to ensure the proper development of the area.

Therefore no change is recommended.

2. Amending the 'SLB' zonings objective and description to a less restrictive wording to allow for the future development of these lands is not considered appropriate and would be contrary to the County and Regional objectives for the area. Opening up the 'SLB' zoning for potential significant development would be contrary to the Core Strategy of the area allowing for an increased yield in the housing provision of the settlement and therefore potentially allowing for a significant increase in the population of the settlement beyond that of the population allocation. Allowing for significant development in the 'SLB' zoning would facilitate 'leapfrogging' development, with developments being provided on the rural fringe of the settlement, poorly connected to the main settlement and away from the existing and proposed services.

While the development of these lands might allow for improvements to the existing public road network in the area, there are a number of other infrastructural issues that need to be considered, in particular, water supply. Regarding the suggestions that these lands could be easily serviced, a detailed analysis of water supply has been carried out for the settlement and it has been found that there would not be adequate supply using existing / planned infrastructure to service these lands. In particular, these lands can only be served by the Seacrest Reservoir and network extending from this reservoir down Ballyguile to Marlton Road. There is inadequate supply in this network to serve these peripheral areas without serious compromising the supply and pressure between this site and the reservoir.

Therefore no change is recommended.

Manager's Recommendation

No change

No. 14

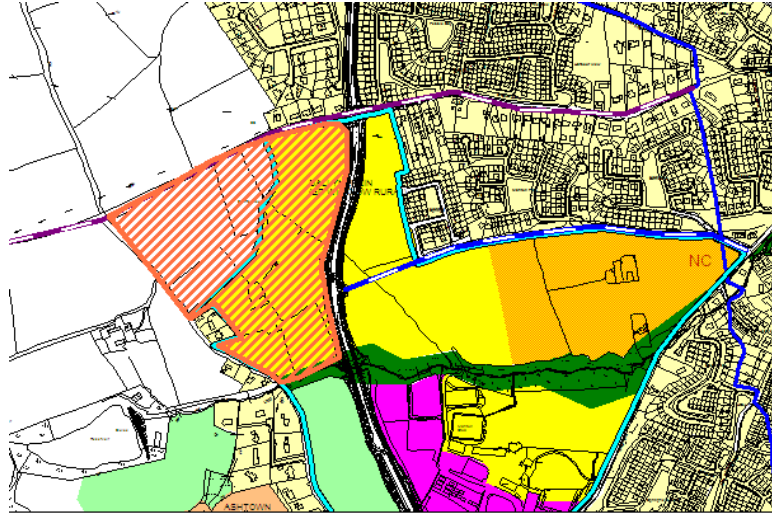
Zonings issues relevant to Wicklow County Council only

General issues relevant to both to Wicklow Town Council and Wicklow County Council

Martin Carr

This submission relates to the 'SLB' zoning generally, to the Marlton Action Area and specifically to lands owned by Martin Carr at Ballynerrin Upper and Ashtown, which are proposed to be zoned 'Strategic Land Bank' SLB in the draft plan.

Map



1. This submission is requesting that all the lands proposed for Strategic Land Bank (SLB) designation be reinstated to their current 2008 LAP zonings.

It is put forward that these lands are suitable for development for the following reasons:

- a) Water supply appears to be the main reason for down zoning, however funding has been approved for the Vartey to Cronroe watermain that will alleviate this issue.
- b) The land owners here provided up to 40 acres of land to facilitate the development of the Port Access and Town Relief Road with the agreement that this would open up land for development in this area.
- c) It would appear that the majority of the land retaining development zoning is located around Rathnew rather than Wicklow town, contrary to its designation as a Primary Growth Development Centre and the County Town.

2. There is no justification to change the name of 'AA6' to 'Marlton Action Area' or 'AA2'. This will lead to confusion, as there is a current AA2. It is suggested that should an Action Area be proposed that it is referred to as 'AA6' or purely 'Marlton Action Area'
3. It is put forward that the objectives of the Marlton Action Area are unrealistic and undeliverable as the landowners concerned are being expected to deliver a wide range of facilities and are faced with restriction that have not been placed on other zoned lands. It is put forward that the development of the action area would not be economically viable with these objectives
4. This submission is requesting 9.61ha of land on the Marlton Road in the Marlton Action Area be rezoned from Residential (R1) to Town Centre (TC).
It is put forward that these lands are suitable for TC zoning for the following reasons:
 - a) There is plenty of residential lands around the town other than this site
 - b) This large site has the potential for the town centre to expand.
5. This submission is in support of the Wicklow Town and District Chamber of Commerce's proposal to call the plan "The Wicklow Town – Rathnew and Environs Development Plan 2013 - 2019" as the current "Wicklow-Rathnew" name is confusing and appears to place the same emphasis on Rathnew as Wicklow Town.

Manager's Opinion

1. The proposed zonings of the plan are consistent with the County Core Strategy, as set out in the Wicklow County Development Plan.

It is important to note that:

- (a) The population target for the settlement must be consistent with the CDP and RPG and there is no scope for deviation from this;
- (b) Based on this population target, an appropriate amount of land has been zoned for housing to meet the requirements of the target population, (having regard to expected household size and assuming a range of densities);
- (c) Enough land has been zoned in the plan to meet the target for 2019 (the lifetime of the plan) plus an additional 3 years beyond the life of the plan up to 2022 as recommended in Ministerial guidelines on development plan ('headroom').
- (d) In accordance with the guidelines from the DoE (Core Strategy guidelines) the most appropriate lands have been selected for development with the surplus of existing zoned land from the current plans either,
 - i. designated as 'strategic land reserve' ('SLB' zoning) for the future that will not be allowed to develop within the plan period or
 - ii. to change the zoning of the surplus residential land to some other land use that is required during the lifetime of the plan.

Option (i) has been chosen as the best resolution for these lands

The zonings of these lands from 'SLB' to their current 2007/2008 zonings will increase the residential development potential within the settlement and allow for the population of the settlement population to extend beyond that allocated under the Regional and County population allocations and would therefore be considered not consistent with the Regional and County Strategy. Given the location of these lands outside of the centres of Wicklow and Rathnew, with limited infrastructure, no existing/ planned/ funded water supply and on the periphery of the plan area, it would be unsustainable to zone these lands for significant development. Any development proposed here will be considered in line with the rural development objectives of the County Development plan at the development management stage to ensure the proper development of the area.

Funding approval was announced in September 2012 facilitating the Water Services Section to tender "Wicklow Water Supply Contract 8A – Vartry to Conroe" allowing for a new watermain from Callowhill to Cronroe with a larger capacity to feed Cronroe from Vartry. This will provide access to increased amounts of water, with less leakage, for Wicklow Town and Environs; however this will only feed existing water reservoirs and this will NOT feed lands higher than the 80m contour line or existing higher tanks to the south of the town.

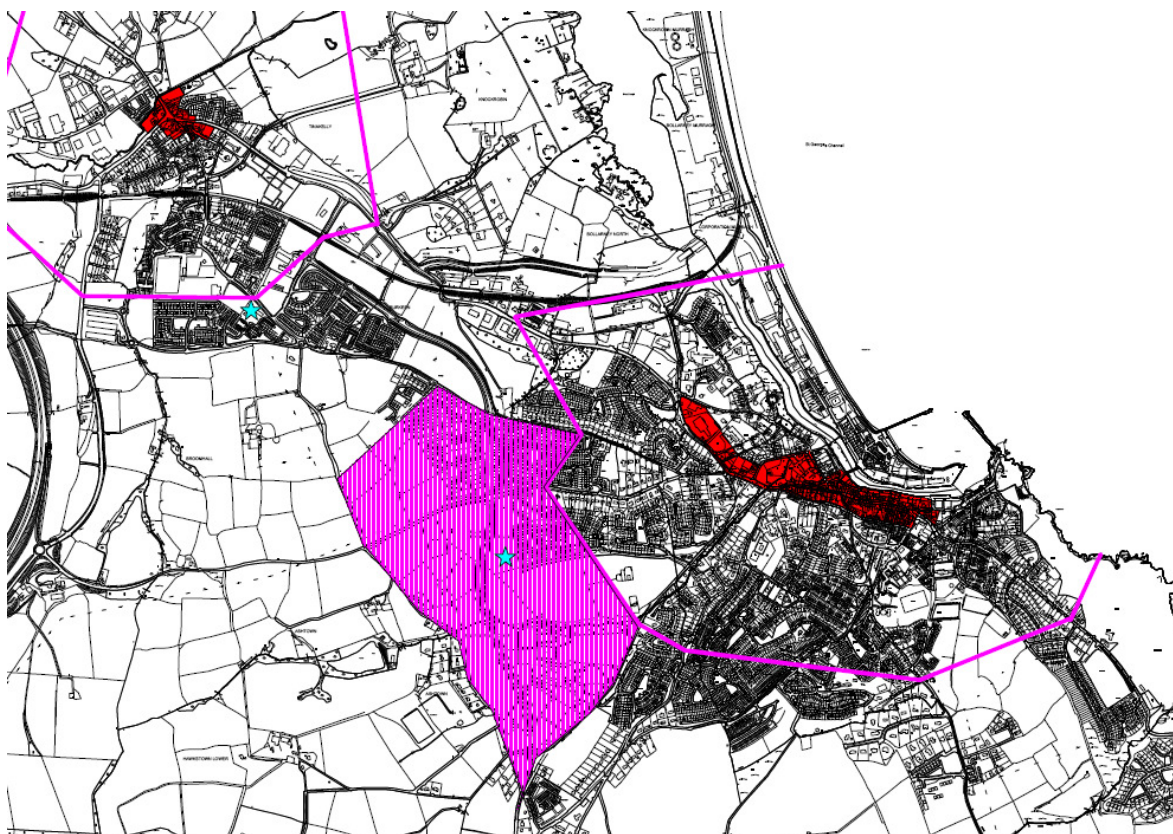
2. This issue is noted and it is recommended that any reference to Action Area 2 shall be amended to 'Marlton Action Area' throughout the plan.
3. Given the significant development potential of the Marlton Action Area it is vital for the proper planning of the area that there are commercial, community, employment etc, facilities provided in tandem with any significant development proposed. It is not considered that the landowners in this action area are excessively burdened with the delivery of facilities. In particular:
 - the entire area measures 55 ha; of this 35ha is zoned for housing at medium to high densities and 8ha is zoned for employment – these are both profit generating land uses
 - within these zones allowance is also made for a neighbourhood centre and a school site – both of which are profit generating land uses
 - the passive open space area of 4.6ha is the existing stream and its banks i.e. undevelopable lands and the requirement is for a walkway to be developed in this area
 - the active open space measures 4.6ha and this is required to be laid out and developed for sporting activities. This is the only use in this action area where high gain to the developer is not likely, having said that a sports club could purchase the lands.
 - there are no additional major roads or infrastructural services required for the development of these lands to be funded by the landowners.
4. As part of the plan preparation process, the plan team identified the existing core retail areas in the settlement, being Wicklow town centre and Rathnew village centre. Existing neighbourhood centres outside these core areas were also identified. Walking distance to each centre type was calculated and mapped. The only area in

the settlement that is outside the 10 minutes walking band for area centre is that area where Rockey Road intersects the town relief road.

The map to follow shows this analysis:

- the red areas are the existing core retail areas of Wicklow town and Rathnew village
- the pink line represents the area within 10 minutes walk of these core area
- the blue star close to Rathnew represents the location of the new neighbourhood centre at Broomhall.
- the pink shaded area represents the lands not within 10 minutes walking distance of either the core retail areas or the Broomhall neighbourhood centre
- The preferred location of a second neighbourhood centre in this area between Wicklow and Rathnew is one that services the widest possible range within the pink shaded area. Therefore the ideal location is considered to be close to the town relief road / Rockey Road junction as shown with a blue star

This map clearly shows that the site described in this submission is actually within a 10 minute walking band of Wicklow core retail area. It is considered that the development of a significant retail development at this location would be likely to result in trade draw from the core retail area of Wicklow town. This would be completely at odds with both the County and Regional retail strategies and the Retail Planning Guidelines.



5. Noted; however, the title 'The Wicklow Town – Rathnew and Environs Development Plan 2013 - 2019' is considered too lengthy and cumbersome for the title. It is also misleading in that it could be interpreted as only be referring to the environs of Rathnew, and not the environs of Wicklow. The plan is very clear from the outset in Section 1.1 'Plan Title' as to the area that it refers to. The Wicklow County Development Plan 2010- 2016 is clearly different to the Wicklow-Rathnew Development Plan 2013 - 2019.

Manager's Recommendation

Amend the plan as follows:

Amend the name of 'Action Area-2' to 'Marlton Action Area' throughout the plan and in Chapter 12 on Action Areas (p160).

No. 15

Relevant to Wicklow County Council ONLY

Luke Charleton, Niall Coveney (joint receivers) for Clonsky Ltd & Crackington Ltd (in receivership)

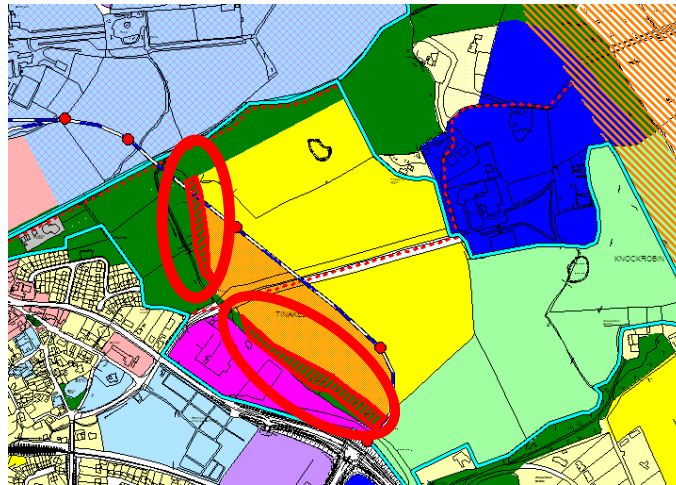
Luke Charleton and Niall Coveney are joint receivers to the lands at Tinakilly House in Rathnew, the total land holding in their receivership comprises c. 75 hectares.

1. This submission is requesting that c.2ha of the landholding at Tinakilly be rezoned from Passive Open Space (POS) to Residential (R1).

It is put forward that these lands are suitable for residential development for the following reasons:

- a) The justification for the change in zoning from residential to open space appears to be a flood risk assessment carried out by the Council. As the Council indicates that their study is 'indicative only' a more detailed study has been carried out by the landowner. This study shows that the area at risk of flooding is not as extensive and therefore it is requested that this study be considered and the area of open space be reduced accordingly and the land zoned for residential development
- b) A reduction in the area zoned open space will not undermine the overriding objective to provide for passive open space along the watercourse.
- c) The provision of additional residential development at this location would support the overriding objective to provide for new housing as close as possible to existing town and village centre

Map



2. The submitters point out that an action area plan has already been agreed for the former AA1 (B) (Note: AA1 was previously divided into two sectors A and B – B being generally south of Rathnew stream). Clarity is requested regarding the status of this agreement particularly as the boundaries of the action area has now changed.
3. It is put forward that the change in the boundary of this action area will make delivery of the objectives difficult to ensure, particularly with regard to the requirement that not more than 70% of the residential development will be permitted in advance of the full completion of the AOS and riverine park for the following reasons:
 - while the submitters landholding makes up the majority of the lands in the former AA1 (B), the area zoned for AOS are actually in separate ownership. These AOS lands are now not connected to the delivery of any other land use category which would not encourage the delivery of this AOS
 - additional residential lands to the north of former AA1 (A) have now been added to the action area (these lands were formerly zoned for employment use) which complicates the manner in which the 70% can be developed
4. This submission seeks further clarification of the zoning objective areas in Table 2.5. It is requested that the Council confirms that the lands now excluded from the boundary of AA1 (B) are not included in these figures.

Manager's Opinion

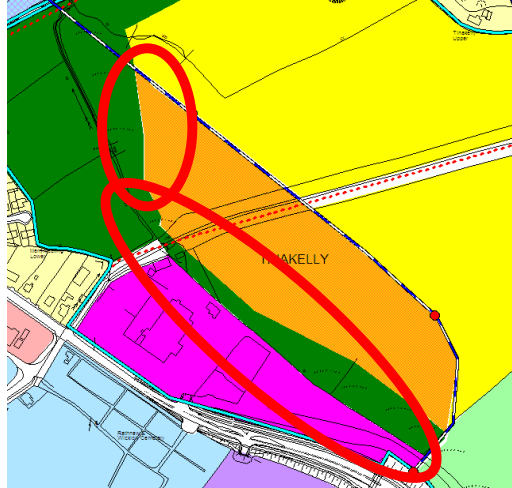
1. The study submitted is considered robust and accurate and while it generally reinforces the Council's previous assessment of flood risk in the area, it allows for slight alterations to the open space zoning designation. It is recommended therefore that an area of c.1.3 ha proposed as POS in the draft plan be changed to R1.
2. Upon adoption of the new plan, it will be necessary to revise the former action area agreement to reflect to new provisions of the plan. However, the fundamentals of this action area are not significantly altered and it is considered that it should be relatively straight forward to make the required amendments.
The Planning Authority is always open to alternative proposals if one or more landowners choose not to engage in this process and the plan clearly states that separate applications for sections of action areas can be considered so long as the objectives of the action area are not undermined.
3. In order to address this question, and in particular to avoid a 'ransom strip' of AOS being created it is recommended that the boundaries of this action area be amended to include an area of zoned residential land to the immediate south of the AOS zone as is the case in the current plan.
4. In Table 2.5 both "AA1 Rathnew R1" and "AA1 Rathnew R2" zonings refer to the plot within the proposed Action Area boundary. "Knockrobin & Bollarney R2" includes lands that were in the Action Area 1(B) of the 2008 Environs Local Area Plan

Manager's Recommendation

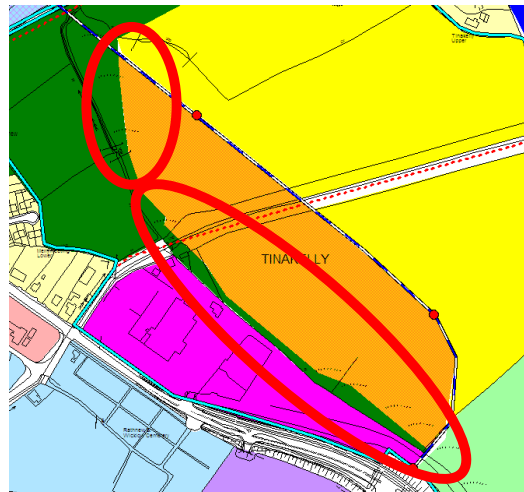
Amend the plan as follows:

1. (a) Amend the land use zoning map

From



To:



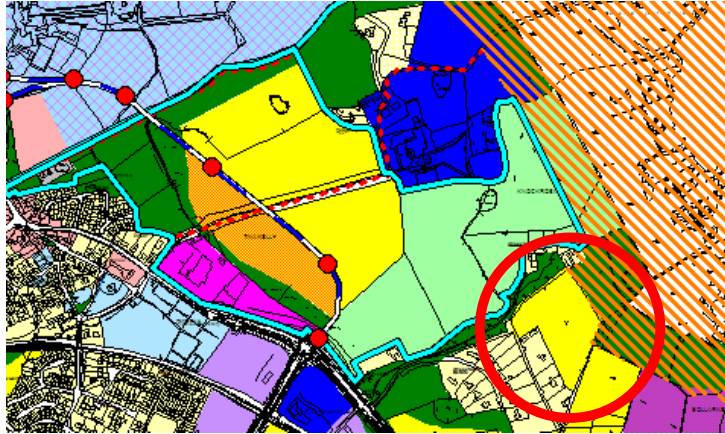
- (b) Make any consequent changes arising out of this amendment to Chapter 2 'vision and core strategy', in particular Table 2.5; Chapter 3 'residential development' in particular Table 3.3 and Chapter 12 'action areas'

Table 2.5 and Table 3.3

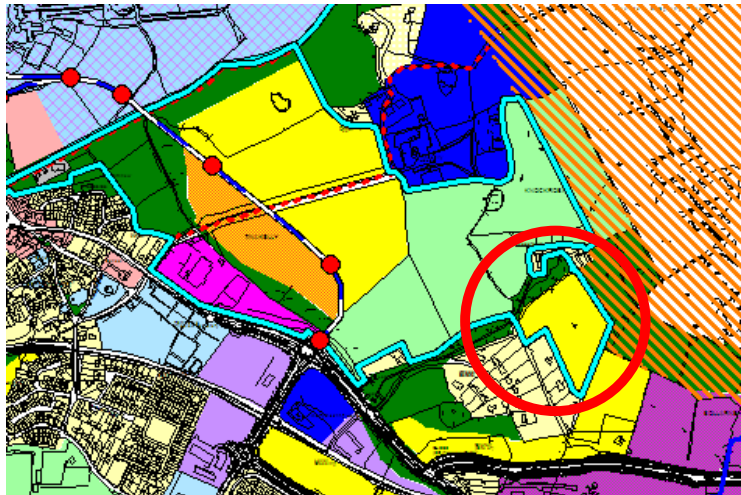
| | | | | | |
|--------------------|-----|-------|-----|-----|-----|
| AA1 Rathnew | R1 | 5.716 | 7 | 227 | 280 |
| ... | ... | ... | ... | ... | ... |
| | | | | | |

2. Amend the Action Area boundary in the Land Use Map and Chapter 12 (p 159) and make any changes consequent.

From



To



No. 16

Zonings issues relevant to Wicklow County Council only

General issues relevant to both to Wicklow Town Council and Wicklow County Council

Claremont Holdings Limited (Leslie Armstrong)

Claremont Holdings Ltd own lands to the east of the Main Street in Rathnew Village. This submission comprises two documents – a main ‘planning’ submission and a ‘legal’ submission. They are dealt with separately to follow. A full copy of the legal submission has been included as an appendix to this report.

Main submission

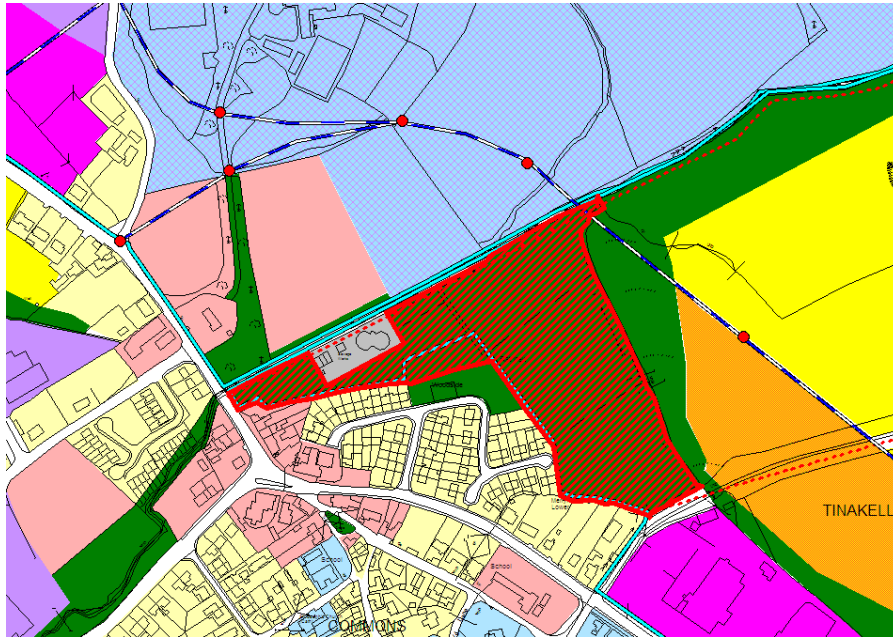
1. This submission is requesting that 4.8ha (12.571 acres) to the east of Main Street, Rathnew be rezoned from Passive Open Space (POS) to Village Centre (VC) and Residential (RE).

It is put forward that these lands are suitable for VC and RE for the following reasons:

- a) Their location close to the village centre of Rathnew
- b) The lack of justification for the change in zoning

- c) The fact that the down zoning has been justified on the basis of flood risk approach taken by Wicklow Council that was not in accordance with the guidelines on 'The Planning System and Flood Risk Management' (2009)
- d) A report commissioned by the landowner demonstrates that not all of the subject lands are prone to flooding
- e) The Council failed to appropriately carry out a Justification test which allows for the zoning of lands at risk of flooding in specific circumstances such as when the lands represent the next logical and sequential lands for development
- f) The Council has applied the Justification Test on other lands found to be at risk of flooding from the same watercourse and proposed that these lands be zoned (for example at Clermont College)

Map



- 2. The draft plan should include a revised alignment for the route of the Rathnew Inner Relief Road in order to ensure that all development lands are accessible from the proposed road and ransom strips are not created.
- 3. The Development Plan should confirm that the new adopted plan shall supersede any previous Action Area Plans prepared and adopted and appropriate measures should be put in place to ensure that any future Action Plan be prepared by independent appropriate consultants and ensure the Action Plan is prepared in an open and transparent manner in line with Government Local Area Plan guidelines.

Manager's Response

- 1. The flood risk assessment submitted has been considered carefully by the technical staff of the Council. In addition, the Council has considered other reports on the stream and flows therein available, in particular the JB Barry report 'Wicklow Town River Analysis' (2004) and any other flood risk data submitted as part of adjacent planning applications (for example the SM Bennett flood risk report submitted under PRR 11/4408). The level of flood risk in the area has been re-examined and the Manager is satisfied that the Flood Zones A or B delineated in the FRA are reasonable.

With regard to the application of the 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' and the 'Justification Test', these issues are also addressed in detail in the 'legal' submission and the Manager's response to these points are set out to follow.

- 2. The specific alignment of the Rathnew Inner Relief Road will be finalised through the development management process with the final alignment having regard to appropriate road design standards and the servicing of the maximum amount of land. The creation of ransom strips will be avoided, as planning permission would not be granted on lands that would block access to that road from other zoned lands.

3. The current 2008 LAP clearly states that Action Areas must be developed during the forthcoming plan period (2008 - 2014). Agreed Action Area Plans are separate agreements to a development plan, with objectives in place to ensure that any development is in line with the specific plan in place at the time. This agreement is between the landowners and the Council with Manager Order's in place to confirm the agreement. It is clearly stated in Section 1.5 *Purpose of the Plan* that this plan replaces the Wicklow Town Plan 2007, Wicklow Environs and Rathnew Local Area Plan 2008 and the Action Area Six Local Area Plan 2006. As action area agreements are non-statutory, it would not be appropriate to carry out a statutory consultation process as set out for LAPs for such agreements. The public, interested parties and landowners are invited however to input to these plans during this plan making process.

Legal Submission

Point 1: The Council acted in an unfair manner by failing to:

- - carry out a flood risk assessment of the land
- - apply the Justification Test prior to down zoning the lands (in the same manner as it applied to the Clermont lands)

Manager's response: The Council carried out a flood risk assessment of the draft plan, as required by legislation and guidelines. This study forms part of the plan and was published as Appendix A. There is no requirement to carry out a flood risk assessment of the existing plan.

In light of the identification of these lands in question in Flood Zone A, it was proposed in the draft plan to change the zoning of these lands from R2 to POS. POS zoning is compatible with Flood Zones A and B as set out in the FRA.

The submission is correct in that the FRA document does not set out a detailed assessment of the lands in question, as at an early stage of the plan crafting process it was determined that the lands were located in Flood Zone A and that the existing zoning objectives for the land (residential development) as set out in the prevailing Wicklow Environs and Rathnew LAP plan did not pass the justification test.

This assessment was not set out in the published FRA as this only dealt with the provisions of the draft plan.

Set out below is FRA for these lands vis-à-vis the current (LAP) zoning (residential):

| Zoning within flood zone | Flood Zone | Vulnerability Vs Flood Zone | | | | | | |
|--------------------------|------------|--|--------------------|--------|---------|--------|--------|--|
| Residential | A | Justification Test (as per Table 3.2 of the guidelines) | JUSTIFICATION TEST | | | | | <p>Test is failed</p> <p>the development of these lands is not essential to facilitate regeneration and/or expansion of the centre of the urban settlement</p> <p>the development of these lands are not essential in achieving compact and sustainable urban growth</p> <p>there are alternative lands for the particular use or development type in areas not at risk of flooding within or adjoining the core of the urban settlement</p> |
| | | | 2 (i) | 2 (ii) | 2 (iii) | 2 (iv) | 2 (iv) | |
| | | | X | √ | √ | X | X | |
| | | | | | | | | |

Other possible other land uses have also been considered. Having regard to the location of the lands, the only other possible land use that was considered was 'village centre' (VC). This possible zoning also failed the Justification Test:

With regard to the Clermont lands (zoned CC), these lands were assessed and were deemed to have failed the justification test. However, in light of:

- ### Manager's Report

uses in either Flood Zones A or B,

- given the large size of the CC area it would be possible to locate any flood vulnerable uses on lands not within flood zones A and B,
- the provisions of objective FL2 of the plan which requires:

FL2 Applications for developments in high or moderate flood risk areas (Flood Zones A and B) shall be assessed in accordance with 'The Planning System and Flood Risk Management Guidelines (Nov 2009 DEHLG & OPW)'. Where the planning authority is considering proposals for new development in areas at high or moderate risk of flooding that include types of development that are vulnerable to flooding and that would generally be inappropriate as set out in Table 3.2 of the Guidelines, the planning authority shall be satisfied that the development satisfies all the criteria of the Justification Test for development management, as set out in Box 5.1 of the Guidelines. Flood Risk Assessments shall be in accordance with the requirements set out in the Guidelines.

It was determined that the zoning of the lands for CC would not be incompatible with the FRA carried out and the relevant legislation / guidelines.

| |
|---|
| Clermont Campus (CC) |
| Typically Permitted |
| Car Park, Community Facility, Crèche, Education, Enterprise Centre, Industry (Light), Laboratory, Office-Based Employment, Open Space, Public Services, Recreational Building, Recreational Facility/Sports Club, Residential ¹ , Restaurant/ public house ² |
| Typically Not Permitted |
| Betting Shop, Caravan Park, Cash and Carry Outlet, Cemetery, Cinema, Disco or Nightclub, Discount Food Store, Extractive Industry, Funeral Home, Garda Station, Garden Centre, Guest House, Heavy Vehicle Park, Holiday Homes, Home Based Economic Activity, Motor Sales Outlet, Petrol Station, Recycling Centre, Residential Institution, Retail Warehouse, Scrap Yard, Service Garage, Shop – Local, Shop Other, Take Away, Travellers Accommodation, Warehouse, Waste Transfer Station, Wholesale Outlet. |

In comparison, the lands that are the subject of this submission:

- are not partially developed
- if zoned as per the current plan would be for uses that are highly vulnerable to flood risk
- are wholly located within Flood Zone A and therefore there are no options for relocating vulnerable development to lands outside the flood risk area

Point 2: The subject lands comply with the definition of 'development land' under both the planning and revenue legislation and adjoining the core of the urban settlement are deemed to be underutilised land. Accordingly they satisfied S. 2 (i) (ii) (iii) and (iv) of the justification test.

Manager's response: This is not agreed; in particular:

- the development of these lands is not considered essential to facilitate regeneration and/or expansion of the centre of the urban settlement. These lands are located to the rear of the street frontage of Rathnew village and are not visible from the main street and their development would not regenerate the main street in any way. The development of these lands is not essential to the expansion of the centre of the village as there are other lands in and around the village that would serve this need. It is necessary to remember also that Rathnew is designated a village and not a large urban centre and somewhat limited new development is required and planned for in this area.
- the development of these lands is not essential in achieving compact and sustainable urban growth.

¹ Only student accommodation related to the college

² Strictly only to meet the needs of the student population.

Point 3: The subject lands also pass test 2 (v) as the lands adjoin the core of the urban settlement and are at a lower risk of flooding

Manager's response: There are alternative lands for the particular use or development type (residential development and village centre development) in areas not at risk of flooding within or adjoining the core of the urban settlement e.g.

- VC lands to the north of this site
- R1 and R2 lands to the east of this site

Point 4: The proposed zoning of the land is unworkable and unfair and imposes a grossly disproportionate public burden on the landowner vis-a-vis other landowners

Manager's response: The lands are proposed to be zoned POS and are intended to form part of a public park along Rathnew stream for the benefit of the public. This park is intended to provide a complete recreational and ecological route between the village centre and the Murrough to the east. The development of these lands as a park is achievable and workable and there are no obvious impediments to its delivery. Its delivery will be a requirement of the development of the action area as a whole and therefore it will be necessary for the owners of potential development land within the action area to make an agreement with the owners of lands designated POS in order for other development to go ahead.

Point 5: This public burden is unique to this landowner and it is clear that other landowners who have been burdened with Flood Zone designation have been richly compensated in having their land zoned.

Manager's response: The majority of lands within Flood Zone A in and around this area, other than those sites already developed, have been proposed for POS zoning i.e. landowners have been treated in the similar manner. Others lands in the immediate area have been designated POS such as the lands to the immediate east of this particular holding, lands to the south along the stream and lands to the west on the far side of the bridge.

The only lands within Flood Zone A in this area which are not zoned for OS are the CC Clermont Campus lands. The objective for this zone is:

To develop Clermont Campus in conjunction with the Carlow Institute of Technology and other stakeholders as a third level education facility and as a centre of excellence for enterprise development, education, training, research and development. This will entail the development of appropriate infrastructure and facilities necessary for the development of a third level college in particular classrooms, lecture theatres, labs etc and necessary student facilities such as student accommodation, sports facilities and other student services.

This area is also identified as suitable for the development of a high technology / R&D enterprise park, including corporate HQs, of the highest quality layout, setting and design in a landscaped setting.

³ Only Student accommodation related to the college

⁴ Strictly only to meet the needs of the student population.

⁵ Only Student accommodation related to the college

⁶ Strictly only to meet the needs of the student population.

The land uses allowable in this zone are as follows:

| |
|---|
| Clermont Campus (CC) |
| Typically Permitted |
| Car Park, Community Facility, Crèche, Education, Enterprise Centre, Industry (Light), Laboratory, Office-Based Employment, Open Space, Public Services, Recreational Building, Recreational Facility/Sports Club, Residential ³ , Restaurant/ public house ⁴ |
| Typically Not Permitted |
| Betting Shop, Caravan Park, Cash and Carry Outlet, Cemetery, Cinema, Disco or Nightclub, Discount Food Store, Extractive Industry, Funeral Home, Garda Station, Garden Centre, Guest House, Heavy Vehicle Park, Holiday Homes, Home Based Economic Activity, Motor Sales Outlet, Petrol Station, Recycling Centre, Residential Institution, Retail Warehouse, Scrap Yard, Service Garage, Shop – Local, Shop Other, Take Away, Travellers Accommodation, Warehouse, Waste Transfer Station, Wholesale Outlet. |

These lands are zoned as part of an 'action area'. In action areas, the position, location and size of the land use zonings shown on the land-use zoning map associated with the plan are **indicative only** and may be altered in light of eventual road and service layouts, detailed design and topography, subject to compliance with the criteria set out for the Action Areas below. **However, any lands that are located in Flood Zone A as per the Flood Risk Assessment that forms part of this plan shall be restricted to 'water compatible uses' as set out in Table 3.1 of 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' (2009) and any lands that are located in Flood Zone B as per the Flood Risk Assessment that forms part of this plan shall be restricted to 'less vulnerable uses' and 'water compatible uses' as set out in Table 3.1 of 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' (2009).**

Therefore while part of the CC zone is in Flood Zones A and B, the plan clearly limits the uses in these zones.

Point 6: The down zoning of the subject lands is an extraordinary piece of spot zoning without any explanation whatsoever as to why these lands have been unilaterally selected for down zoning. The impression is given that the County Council is proposing to use these lands for some specific purpose which obviously is irrelevant to any private developer and by down zoning the lands at this stage to reduce the amount of compensation that would be payable for its compulsory acquisition

Manager's response: The explanation for the change in the zoning of lands in high risk flood zones is provided in the draft plan and associated appendices. These lands are located in Flood Zone A and as they do not pass the Justification Test for residential development or village centre development, have not been zoned for same. No other water compatible uses, other than POS, present themselves as suitable at this location.

The development process *is* unilateral in that the elected members of the Council may make decisions regarding the zoning of certain lands without direct consultation and / or agreement of the landowner. The members are restricted to considering the 'common good' and 'proper planning and sustainable development' in this regard. The public, including affected landowners, do however have the right to make their views known in relation to any proposals, and the members are required to consider these views in the plan making role.

It is correct that these lands are proposed to be zoned for development as a public park i.e. for a specific use benefitting the wider public. The purpose of planning is to ensure that development occurs in a manner that benefits society, not individual landowners to the expense of the public good.

There is no intention on behalf of the Council to compulsorily purchase these lands. The development of this public park is intended to be carried out by the developers of the action area as part of a programme for the delivery of housing, employment and education developments, along with the delivery of 'public goods' including service infrastructure, roads and open spaces.

Point 7: While it is acknowledged that development lands can be downzoned for the common good, the down zoning of these lands by the Council while retaining financially lucrative development zoning on its own lands at Clermont is perverse in the extreme. The Clermont lands would be more suited to POS as (a) part of the lands are within Flood Zones A and B and (b) the lands adjoin a third level college and accordingly the zoning of these lands as POS would enable the lands to be used for recreational purposes for the college and the wider community

Manager's response: As set out above in response to point (5) the objective for the CC zone is:

To develop Clermont Campus in conjunction with the Carlow Institute of Technology and other stakeholders as a third level education facility and as a centre of excellence for enterprise development, education, training, research and development. This will entail the development of appropriate infrastructure and facilities necessary for the development of a third level college in particular classrooms, lecture theatres, labs etc and necessary student facilities such as student accommodation, sports facilities and other student services.

This area is also identified as suitable for the development of a high technology / R&D enterprise park, including corporate HQs, of the highest quality layout, setting and design in a landscaped setting.

The land uses allowable in this zone are as follows:

| |
|---|
| Clermont Campus (CC) |
| Typically Permitted |
| Car Park, Community Facility, Crèche, Education, Enterprise Centre, Industry (Light), Laboratory, Office-Based Employment, Open Space, Public Services, Recreational Building, Recreational Facility/Sports Club, Residential ⁵ , Restaurant/ public house ⁶ |
| Typically Not Permitted |
| Betting Shop, Caravan Park, Cash and Carry Outlet, Cemetery, Cinema, Disco or Nightclub, Discount Food Store, Extractive Industry, Funeral Home, Garda Station, Garden Centre, Guest House, Heavy Vehicle Park, Holiday Homes, Home Based Economic Activity, Motor Sales Outlet, Petrol Station, Recycling Centre, Residential Institution, Retail Warehouse, Scrap Yard, Service Garage, Shop – Local, Shop Other, Take Away, Travellers Accommodation, Warehouse, Waste Transfer Station, Wholesale Outlet. |

These lands are zoned as part of an 'action area'. In action areas, the position, location and size of the land use zonings shown on the land-use zoning map associated with the plan are **indicative only** and may be altered in light of eventual road and service layouts, detailed design and topography, subject to compliance with the criteria set out for the Action Areas below. **However, any lands that are located in Flood Zone A as per the Flood Risk Assessment that forms part of this plan shall be restricted to 'water compatible uses' as set out in Table 3.1 of 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' (2009) and any lands that are located in Flood Zone B as per the Flood Risk Assessment that forms part of this plan shall be restricted to 'less vulnerable uses' and 'water compatible uses' as set out in Table 3.1 of 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' (2009).**

Therefore while part of the CC zone is in Flood Zones A and B, the plan clearly limits the uses in these zones.

In this regard, given the range of uses that would need to be developed as the campus grows, it is unlikely that any other use other than open space use would be considered or allowed for the lands within flood risk zones.

Point 8: The Council failed to have regard to the guidelines in that it failed to address particular concerns for other lands in the action area (in particular land zoned PU and CC) and give reasonable consideration to these concerns.

Manager's response: This is not correct. The FRA carried out was done in accordance with the guidelines and the OPW, which is the main public body with expertise and responsibility in this area, has indicated general overall satisfaction with the study. The FRA addresses the PU and CC zones.

Point 9: The Council as the registered owner of lands that are located with Flood Zones and A and B has a financial interest in the outcome of the zoning and accordingly demonstrated a direct bias against Claremount Holdings Ltd while favouring its own lands

Manager's response: The logic behind the alterations of the zoning of the lands in question has been clearly set out in response to the previous points above. The Council's land has also been identified as being partially at risk of flooding to varying degrees, and the provision of the plan will not allow these lands to be developed for anything other than 'water compatible uses' (in Flood Zone A) or 'less vulnerable uses' (Flood Zone B). The Council's land is therefore subject to the same restrictions as the Claremont Holdings Ltd lands, which being in Flood Zone A, will only be considered for 'water compatible uses'.

Point 10: Any fair minded persons could correctly assume that the benefits to be enjoyed by the Council and Ascal Properties Ltd stand in stark contrast to the position of Claremont Holdings Ltd despite its land being located nearer to the centre of Rathnew. There should be proportionality between the aims of the planning regime as a whole and the effect on individuals whose position may be affected by decisions made in the planning process.

Manager's response: As set out above, the majority of lands within Flood Zone A have been designed for water compatible uses, such as open space, and Claremont Holdings Ltd are not the only landowner to be affected in this regard. Those lands held by Wicklow County Council and other owners that are at risk of flooding have, through the objectives of the plan, had the uses allowable on their lands curtailed also. The fact of the matter is that the entirety of the Claremont Holdings Ltd landholding at this location is in Flood Zone A whereas only a proportion of the landholding of Wicklow County and Ascal Properties Ltd is located in this flood zone and therefore the proportional affect on Claremont Holdings Ltd cannot but be higher.

The purpose of managing development in flood risk zones is to ensure that life and property are not put at undue risk from flooding. The rights of the landowner to develop his land and sell / let properties therefore must be balanced with the rights of those who may occupy these properties and the knock on affects that the development of this land could have on other landowners / properties.

In the acquisition of zoned land for the purpose of development, one takes the risk that the prevailing conditions regarding zoning or developability will not continue in perpetuity, particularly having regard to the provisions of Section 10 (8) of the Planning and Development Act 2000 (as amended), which states that *'there shall be no presumption in law that any land zoned in a particular development plan (including a development plan that has been varied) shall remain so zoned in any subsequent development plan'*.

Point 11: The Council has failed to give reasons why it chose to downzone the subject lands while zoning other lands for development within the same action area that were also located within Flood Zones A and B.

Manager's response: It is clearly set out in Chapter 1 of the draft plan that particular regard had been paid to the 'The Planning System and Flood Risk Management - Guidelines for Planning Authorities' (November 2009). There are numerous references in the plan to the need to address flood risk as an overarching concern of the plan crafting process and it is clearly stated in the plan (in Section 2.2.7) that one of the 'land zoning principles' of the plan is to only designate land at high risk of flooding for appropriate uses as per the guidelines. The plan is also supplemented with a 'Flood Risk Assessment' which at the very outset (in the introduction), states that the approach taken in the plan has been to avoid development in area at risk of flooding and where this cannot be avoided to take a sequential approach to flood risk management based on avoidance, reduction and mitigation of risk.

It would not be possible or feasible and indeed it is not required of the Council to explain the reasoning behind every line, objective and zoning in the draft plan. The plan making process gives the opportunity to the public and affected landowners to put these questions to the Council during the consultation phase. This is the stage at which the Council will set out detailed response to any queries that arise in relation to its decisions.

Point 12: In the absence of reasons, the decision of the Council must be regarded as irrational or unreasonable

Manager's response: It is considered that the reasons have been set out in this response, the draft plan and the FRA. Conversely, it would be irrational and unreasonable for the Council to designate land for housing where there is a risk of flooding (which is not disputed in the consultants report submitted by the landowner), subjecting these residents to risk to life and property.

Point 13: The successful opportunism of Crackington Ltd and its related companies Akley and Ascal Properties Ltd having regard to the relationship they maintain with the County Council (the full extent of which remains to be investigated) raises serious concerns about the independence of the entire planning process and Claremont Holdings Ltd reserves its right in all respects.

Manager's response: This is not considered a planning matter for consideration in the Managers Report however given the comments made earlier in relation to points 1, 5 and 7 in particular this point is rejected in its entirety.

Point 14: Claremont Holdings Ltd reserves its right further in relation to the extent to which the property rights under the Constitution and ECHR have been compromised in the process, although it obviously is too early to draw conclusions in this regard.

Manager's response: This is not considered a planning matter for consideration in the Managers Report however this reservation should be noted.

Manager's Recommendation

No change

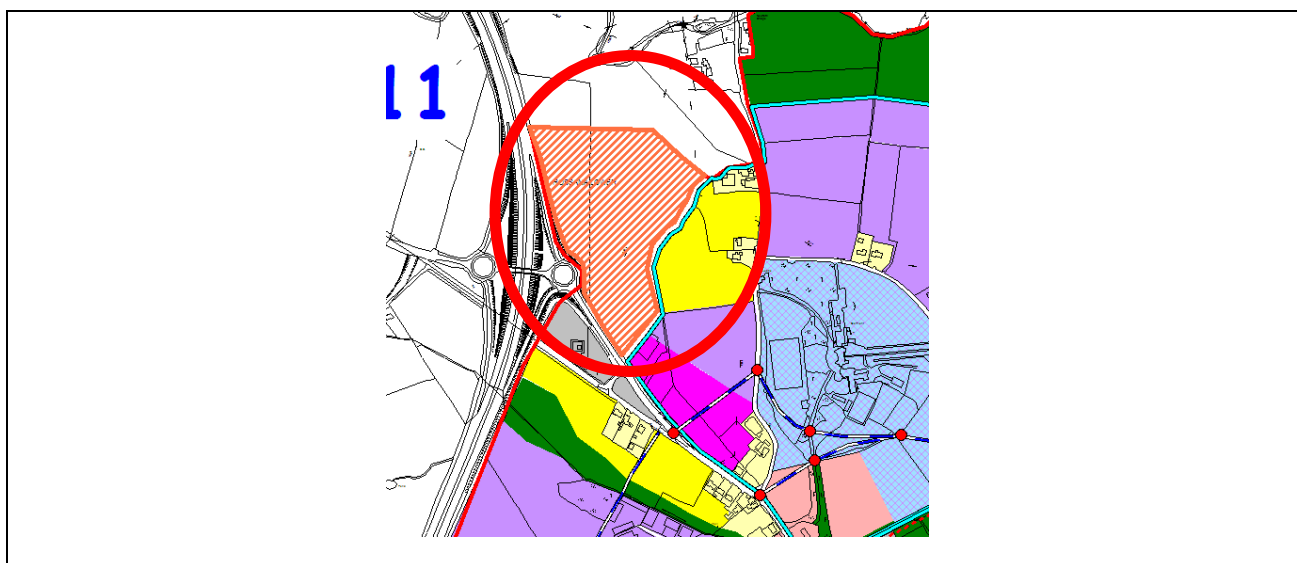
No. 17

Relevant to Wicklow County Council ONLY

Helen Clarke & the Clarke Family

The Clarke Family own lands to the north west of Rathnew Village between the R772 and the R761, the total land holding in their ownership comprises c.18.5 hectares with c. 7 ha the subject of this submission. It is proposed to be zoned 'Strategic Land Bank' SLB in the draft plan.

Map



This submission is requesting that 7ha at Rossana, Rathnew be rezoned from Strategic Land Bank (SLB) to Employment (E1) and Employment and Retail Warehousing (E3).

It is put forward that these lands are suitable for employment for the following reasons:

- a) Their location close to the M11 and Rathnew Village
- b) There is insufficient land zoned to reach the employment target
- c) With the plot ratio of 0.4 applied to employment land the existing employment lands in Rossana will not yield sufficient jobs
- d) The other plots of Employment land around Rathnew have more limitations to development than this land

Manager's Opinion

The proposed zonings of the plan are consistent with the County Core Strategy, as set out in the Wicklow County Development Plan.

With regard to the quantum of employment zoned land provide in the draft plan, it is important to note that it has been derived from the population target for the settlement, which in turn has been drawn from the CDP and RPGs.

3.4 Based on this population target, an appropriate amount of land has be zoned for employment to meet the jobs requirements of the target population, (having regard to expected employment type and assuming employee densities);

3.5 Enough employment land has been zoned in the plan to meet the target for 2019 (the lifetime of the plan) plus an additional 100% to allow for headroom.

3.6 In accordance with the guidelines from the DoE (Core Strategy guidelines) the most appropriate lands have been selected for development with the surplus of existing zoned land from the current plans either,

- i. designated as 'strategic land reserve' ('SLB' zoning) for the future that will not be allowed to develop within the plan period or
- ii. to change the zoning of the surplus residential land to some other land use that is required during the lifetime of the plan.

Option (i) has been chosen as the best resolution for these lands.

The zonings of these lands from 'SLB' to 'Employment' would increase the employment development potential within the settlement. Given the location of these lands outside of the centres of Wicklow and Rathnew, with limited infrastructure, on the periphery of the plan area, it would be unsustainable to zone these lands for significant development. Any development proposed here will be considered in line with the rural development objectives of the County Development Plan at the development management stage to ensure the proper development of the area.

Manager's Recommendation

No change

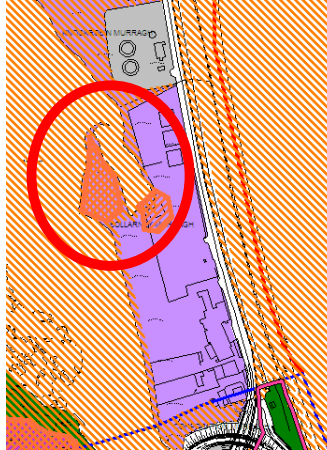
No. 18

Relevant to Wicklow County Council ONLY

Roy Conway

Roy Conway owns lands on the Murrough North. It is proposed to be zoned 'Employment' E1 in the draft plan.

Map



This submission relates to land at Murrough North, which is proposed to be zoned for employment use (E1) which the landowner believes will be compromised by the identification of part of the landholding as being within the Murrough 'conservation zone'. It is put forward that these lands are suited to commercial development having regard to the following:

- the lands are already partially developed and in commercial use
- the lands would be suitable for high quality, low profile office type development
- commercial activities on these lands related to green technologies would complement ideals being promoted through Clermont campus
- the development of this area would complement development in the Murrough opportunity area
- the property has been acquired in good faith on the basis of the existing commercial zoning and to the landowner has an expectation to be able to develop the property in line with the current zoning; any effort to restrict intended use and devalue the property is questionable
- any proposals to develop the land would be subject to various controls, measures and processes already in place to ensure that only appropriate development takes place

Manager's Opinion

It is not proposed to alter the zoning of these lands. The draft plan proposes to zone these lands for employment uses E1. The CZ designation overlays this zoning and simply serves to make it clear to the public, the landowners and decision makers that development proposals in these areas will be very carefully considered with regard to any possible impacts on the adjacent protected site (Natura 2000 and / or pNHA sites). It does not sterilise land from development and any development that can be shown by way of appropriate study to not adversely affect the integrity or conservation value of any site, may be open to consideration. It is considered only fair to landowners to make them aware of the potential sensitivity of their land to development and allow them to make commercial decisions on the basis that securing permission on such lands may be more time consuming and require resources for various studies.

Manager's Recommendation

No change

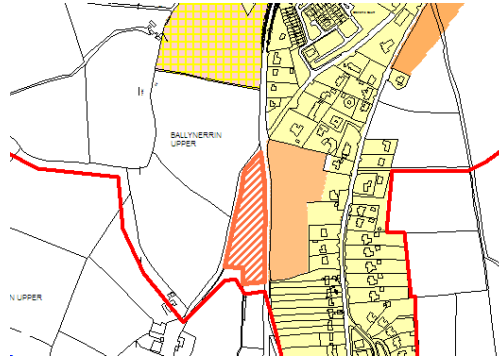
No. 19

Relevant to Wicklow County Council ONLY

T.J.Foley

T.J. Foley owns lands to the west of the Marlton Road in Ballynerrin Upper, with c. 1.264 ha the subject of this submission. It is proposed to be zoned 'Strategic Land Bank' SLB in the draft plan.

Map



This submission is requesting 1.264ha of land at Ballynerrin Upper, Marlton Road to be rezoned from Strategic Land Bank (SLB) to be Residential (R4).

It is put forward that these lands are suitable for R3 zoning for the following reasons:

- The lands are considered suitable in the current plan for residential
- These lands would be appropriate for rural fringe development, with similar development nearby and it is within the plan boundary.
- These lands are low lying and can be serviced by an adequate water supply from existing tanks.
- The lands are accessible to all services and infrastructure.
- These lands were the subject of a residential application PRR05/2947

Manager's Opinion

The proposed zonings of the plan are consistent with the County Core Strategy, as set out in the Wicklow County Development Plan.

It is important to note that:

- The population target for the settlement must be consistent with the CDP and RPG and there is no scope for deviation from this;
- Based on this population target, an appropriate amount of land has been zoned for housing to meet the requirements of the target population, (having regard to expected household size and assuming a range of densities);
- Enough land has been zoned in the plan to meet the target for 2019 (the lifetime of the plan) plus an additional 3 years beyond the life of the plan up to 2022 as recommended in Ministerial guidelines on development plan ('headroom').
- In accordance with the guidelines from the DoE (Core Strategy guidelines) the most appropriate lands have been selected for development with the surplus of existing zoned land from the current plans either,
 - designated as 'strategic land reserve' ('SLB' zoning) for the future that will not be allowed to develop within the plan period or
 - to change the zoning of the surplus residential land to some other land use that is required during the lifetime of the plan.

Option (i) has been chosen as the best resolution for these lands

The zonings of these lands from 'SLB' to Residential 'R4' zonings would increase the residential development potential within the settlement and allow for the population of the settlement population to extend beyond that allocated under the Regional and County population allocations and would therefore be considered not consistent with the Regional and County Strategy. Given the location of these lands outside of the centres of Wicklow and

Rathnew, with limited infrastructure, no existing/ planned/ funded water supply and on the periphery of the plan area, it would be unsustainable 'leapfrogging' to zone these lands for significant development. It would also be contrary to Core Strategy where it is the vision to strengthen and consolidate the existing centres and to allow for sequential development from the centre out. Any development proposed here will be considered in line with the rural development objectives of the County Development plan at the development management stage to ensure the proper development of the area.

Regarding the suggestion that these lands could be serviced by existing water reservoir, a detailed analysis of water supply has been carried out for the settlement and it has been found that there would not be adequate supply using existing / planned infrastructure to service these lands. In particular, these lands can only be served by the Seacrest Reservoir and network extending from this reservoir down Ballyguile to Marlton Road. There is inadequate supply in this network to serve these peripheral areas without serious compromising the supply and pressure between this site and the reservoir.

With regard to the previous application for permission, it should be noted that this application was refused for the following reasons:

1. Prematurity pending the determination of the road layout for this area (this matter is now resolved)
2. Inadequacy of water supply in the area
3. Traffic hazard due to interference with the free flow and safety of traffic on the regional road and lack of footpaths and cycleways in the area.

Therefore no change is recommended.

Manager's Recommendation

No change

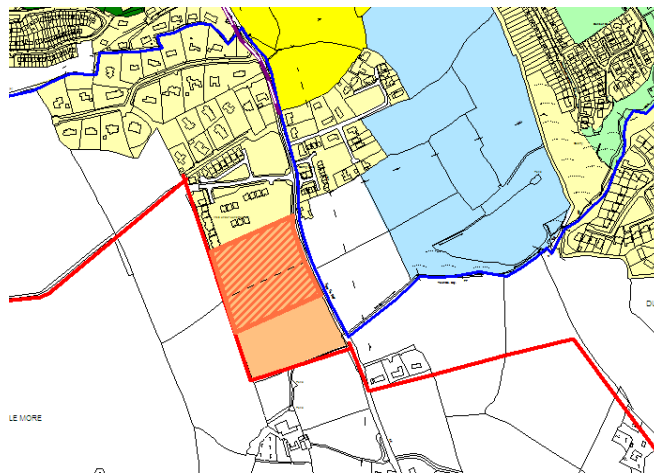
No. 20

Relevant to Wicklow County Council ONLY

T.J.Foley & George McGarry

This submission relates to lands measuring 5.2ha to the immediate south of the existing Mariner's Point housing development, Greenhills Road. The draft plan proposes to zone these lands for R4 – low density residential (10/ha).

Map



It is requested that the land be zoned as follows:

- the 3ha closest to the existing Mariner's Point development be rezoned R3 (20/ha)
- the more southern 2.2ha retain the proposed R4 zoning (10/ha)

It is put forward that these lands are suitable for R3 zoning for the following reasons:

- a) Recent improvements to infrastructure in the area, provided by the landowner, that facilitate the development of the site

- b) This level of density would be an appropriate transitional zoning from urban to rural.
- c) The pattern of development in this area - predominantly medium density housing developments.

Manager's Opinion

In the **proposed** draft development plan issued to the members, the County Manager did not recommend the zoning of these undeveloped lands.

However, during the process of adopting the draft plan, the elected members resolved to zone these lands R4 (10/ha). It was noted in the published draft plan that additions to the residential zonings provisions has resulted in the housing provision exceeding Core Strategy population target by c. 100 units. To consider the proposal to increase the density on these lands and therefore their potential housing yield would further increase the residential development potential within the settlement and allow for the population of the settlement population to extend beyond that allocated under the Regional and County population allocations and would therefore be considered not consistent with the Regional and County Strategy.

Given the location of these lands outside of the centres of Wicklow and Rathnew, with limited infrastructure and on the periphery of the plan area, it would be unsustainable to zone these lands for significant development. It would also be contrary to Core Strategy where it is the vision to strengthen and consolidate the existing centres and to allow for sequential development from the centre out.

The substandard junction of Greenhills Road and Convent Road is a limiting factor to development in this area and unless this can be resolved, the zoning of this land alone would not facilitate the development of the land. There are no current solutions under consideration for the improvement of this junction, which would be likely to require acquisition of land currently occupied by private dwellings. It is not therefore optimal or sustainable to zone such lands for substantial development when other more readily developable lands are available in the settlement for zoning.

Therefore no change is recommended.

Manager's Recommendation

No change

No. 21

Relevant to Wicklow Town Council and Wicklow County Council

Friends of the Murrough (FoM)

1. This submission expresses dismay that despite the importance of tourism and recreation to the area, a key tourist attraction in the town, namely the walk on the Murrough, is not being adequately protected.
2. The FoM consider that the Murrough walk has been seriously damaged and the Council has failed to enforce planning and permit conditions. FoM think that this can be remedied by suitable objectives in the plan. It is requested that the following objective be inserted:
"That the coastal strip be identified as a key resource for eco-tourism development and an integrated Action Plan be developed to regulate development proposals in line with its potential to provide active and passive outdoor recreation and associated amenities that do not compromise the biodiversity or tranquillity of the area"
3. The Wicklow Town Plan proposal for an Action Area Plan at The Murrough has not been progressed and the worthy objectives of past plans have not been fulfilled. Currently a number of recycling businesses have established and appear to be difficult to regulate sufficiently to avoid public nuisance including noise and visual intrusion. The objectives of the current Environs Plan have proved too vague to contribute anything useful.
4. The 'Murrough North' has seen a number of tentative proposals for development, mainly quite inappropriate for the area and none designed to take advantage of the natural environment or to develop its tourism potential. The plan for the Murrough should have a clear vision so the stakeholders are clear in their role. There is an adequate amount of land for employment in the plan area and there is no justification for expanding the development in the Murrough North. FoM are not in support of any proposal for more industrial development of this area, including a new port. This submission is requesting all of the Murrough North lands

to be rezoned from Employment (E1) to Passive Open Space (POS) with EMP11 amended as follows:
Delete EMP11 and insert:

"EMP11 In 'Murrough North' it is the objective of the Council to encourage existing operators to improve the overall visual amenity of the area including the provision of additional landscaping using native species appropriate to this natural coastal setting. All further developments or change of use should be restricted and the area to be rezoned to passive open space"

5. The plan should clearly identify the following rights of way:
 - a. along the Murrough and the circular walk around the sea side of Broadlough
 - b. along the cliffs from Black Castle to Wicklow Head
 - c. the circular walk from the Dunbur Coast Road (opposite red gates to lighthouse) running along the back of Sea Point and Sea Field to exit at Dunbur Park near the hockey pitch.

Manager's Opinion

1. No specific example of the inappropriate development has been included in the submission however it is important to note that any permitted development has been thoroughly assessed through the development management processes to ensure that it is appropriate development for the area in line with the relevant Development Plan and in line with the Planning Act and associated Regulations. The issue of unauthorised development and non-compliance with conditions is an issue for Development Management and Planning Enforcement.
2. The importance of the coast as a tourism amenity is recognised and objectives TTP3, TTP4 (p80) address this. It is important to be aware that this is a land use plan and the development of an Integrated Action Plan for the tourism and recreational use of Murrough Coast is not within the remit of this Plan. This is an issue for the tourism and nature conservation bodies to consider and the Council will endeavour to work with such bodies in developing such initiatives. With regard to the enforcement of planning and permit conditions, this is a planning / environmental control issue and not a matter for this plan.
3. The concerns from Friends of the Murrough are noted. Feasibility studies have been carried out with regard to the Murrough Masterplan in the current Town Plan; however the Masterplan process has not been progressed recently as the Town Development Plan is under review with the Murrough Opportunity Area proposed in place of the Masterplan.
4. The Murrough Opportunity Area is clear and concise in its vision for the more southerly Murrough lands (i.e. those lands in the TC area). Objective EMP11 regarding the employment development on the lands in the 'Murrough North' is also clear and concise in what it requires for this area - seeking environmental improvements from the existing developments on the Murrough North - while restricting their development is not considered a reasonable approach. It is considered that the existing developments on the Murrough North have to be recognised and their future development managed in an appropriate manner. The rewording of the Murrough North objective and changing the zoning to restrict new development and to strictly control existing development on the Murrough North is acknowledged as having merit to facilitate the protection of this sensitive location, however during the process of adopting the draft plan, the elected members resolved to amend this objective to recognise the job creation potential of these lands. The current objective recognises the existing employment in this area and ensures its development is managed in balance with the environmental sensitivities of the area. This will allow for an appropriate balance to be achieved here, therefore no change is recommended.
5. With regard to the PROWs suggested in this submission, further investigations into this matter has found that some or parts of these routes are already legally designated PROWs, namely:
 - From the Wicklow Town boundary, along the coastline of Bollarney Murrough, Knockrobin, Murrough and Tinakilly Murrough
 - From the Wicklow Town boundary along the coastline to Brides Head and Lime Kiln Bay
 - Along old coast road at Dunbur Lower from Seafield housing estate to public road

These PROWs (and one further PROW) have already been formally established under the provisions of the 1994 Wicklow Town Environs Plan, which formed part of the then County Development Plan. For clarity, it is proposed to include the routes as PROWs in this plan.

With regard to the inclusion of additional PROWs, previous efforts to realise public right of ways have resulted in legal difficulties in the past therefore the inclusion of specific public right of ways at this stage is considered too contentious for this stage of the plan process and this is a subject that requires a significant amount of research and analysis prior to incorporating it into a draft plan.

Manager's Recommendation

Amend the plan as follows:

(a) Add the following text under '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

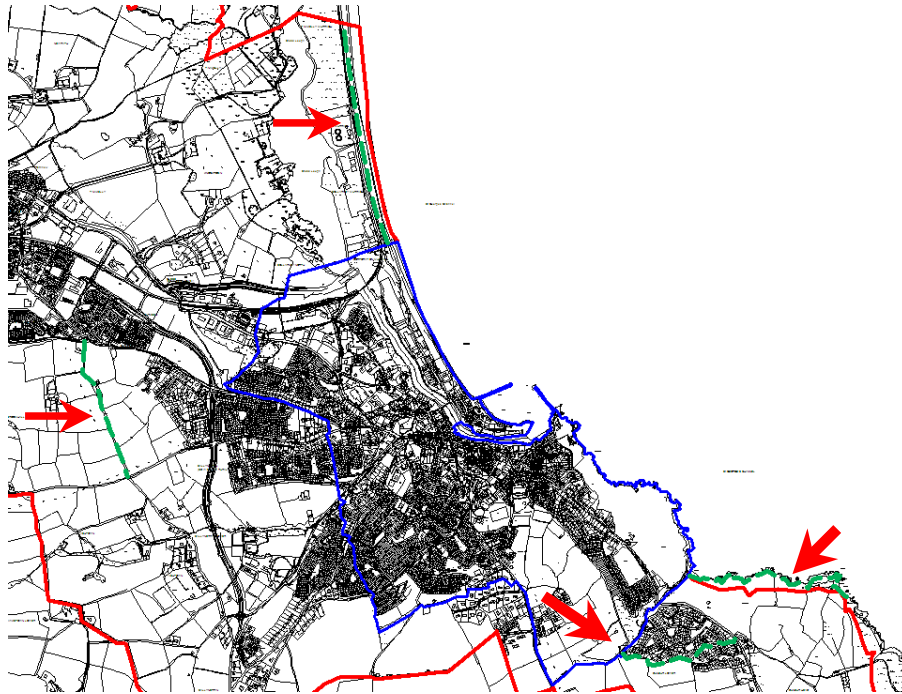
ROW1 To preserve existing public rights of way at the locations detailed in Table 11.11 **Existing Public Rights Of Way** and Rights of Way which give access to seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility.

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

| Reference | Description |
|-----------|--|
| 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 Seafeld housing estate to public road. |

(b) Amend the map to include the existing Public Rights of Way:



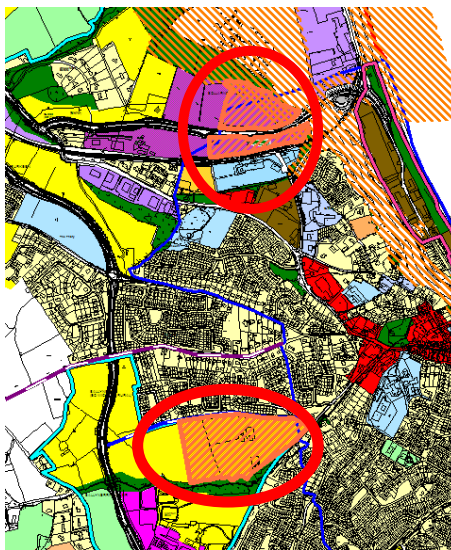
No. 22

Relevant to Wicklow Town Council and Wicklow County Council

Noel Heatley

This submission relates to a number of aspects of the plan but specifically also refers to two identified parcels of land shown on the map below.

Map



1. This submission seeks to call the plan “The Wicklow Town – Rathnew and Environs Development Plan 2013 - 2019” as the current “Wicklow- Rathnew” name is confusing.
2. This submission is requesting 9.61ha of land on the Marlton Road to be rezoned from Residential (R1) to Town Centre (TC). It is put forward that these lands are suitable for TC zoning to give Wicklow a head start when the economy changes and keep people in the town to shop.
3. This submission is requesting 6.2ha of land at Bollarney in both the Town and County Council areas be rezoned from Warehousing (E2) to be Residential (R2).
It is put forward that these lands are suitable for R2 zoning for the following reasons:
 - (a) The change in proposed zoning is contrary to the current residential permission on the site and the agreed Action Areas.
 - (b) During previous discussion with the Planning Authority industry/employment here was seen with a negative view.
 - (c) The topography of these lands do not lend themselves to the construction of large floor areas and appropriate road gradients/access as required by regulations.
 - (d) There is one single agreed access point off the Port Access Road to the northern lands; the residential zoned land here would have to be accessed through the employment lands.

Manager's Opinion

1. Noted; however the title ‘The Wicklow Town – Rathnew and Environs Development Plan 2013 - 2019’ is considered too lengthy and cumbersome for the title. The plan is very clear from the outset in Section 1.1 ‘Plan Title’ as to the area that it refers to. The Wicklow County Development Plan 2010- 2016 is clearly different to the Wicklow-Rathnew Development Plan 2013 - 2019.
2. Wicklow has been designated as a ‘Level 2 County Town Centre’ and the location and scale of the ‘Town Centre’ ‘TC’ zoning reflects this. The retail strategy focuses on promoting and encouraging enhancement and expansion of the existing retail floor space and town centre activities and to strictly control the growth of convenience floorspace as set out in the County Retail Strategy. The zoning of the ‘R1’ lands at Marlton to ‘TC’ is not considered consistent with the Regional and County Retail Strategy for the following reasons:
 - Allowing for a significant increase in the Town Centre zonings at this location, separate from the existing town centre may have a negative impact on the existing town centre given the increase of the town centre zoning proposed and its location.
 - It is important that retail growth is facilitated and directed into the existing Town Centre, into infill sites or opportunity areas within the town.
 - The existing development centre zoning as part of Action Area Six Local Area Plan 2006 has a planning history of a refusal for a retail/mixed use development for reasons of having an adverse impact on the existing town centre’s vitality and viability and poor physical connectivity with the town centre.

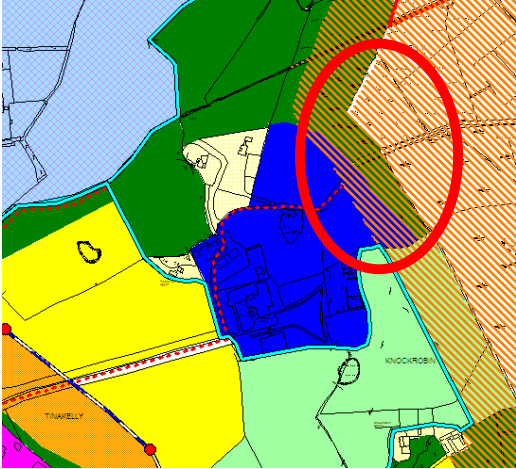
In recognition of the local retail needs that would arise were the Marlton and adjoining area to develop in the manner envisaged, this plan makes provision for a ‘neighbourhood centre’, strategically located to ensure that local ‘top up’ needs are met without undermining the retail role of the town centre.

3. The proposed zonings of the plan are consistent with the County Core Strategy, as set out in the Wicklow County Development Plan.

It is important to note that:

- (a) The population target for the settlement must be consistent with the CDP and RPG and there is no scope for deviation from this;
- (b) Based on this population target, an appropriate amount of land has be zoned for housing to meet the requirements of the target population, (having regard to expected household size and assuming a range of densities);
- (c) Enough land has be zoned in the plan to meet the target for 2019 (the lifetime of the plan) plus an additional 3 years beyond the life of the plan up to 2022 as recommended in Ministerial guidelines on development plan (‘headroom’).
- (d) In accordance with the guidelines from the DoE (Core Strategy guidelines) the most appropriate lands have been selected for development with the surplus of existing zoned land from the current plans either,
 - i. designated as ‘strategic land reserve’ (‘SLB’ zoning) for the future that will not be allowed to

| | |
|--|---|
| ii. | develop within the plan period or to change the zoning of the surplus residential land to some other land use that is required during the lifetime of the plan. |
| Option (ii) has been chosen as the best resolution for these lands | |
| The zonings of these lands from 'E2' to 'R2' would increase the residential development potential within the settlement and allow for the population of the settlement population to extend beyond that allocated under the Regional and County population allocations and would therefore be considered not consistent with the Regional and County Strategy. | |
| Given the location of these lands along the Port Access Road with excellent access and links to the N11/M11 and the Port, the 'E2' zoning on these lands is considered appropriate at this location. | |
| Manager's Recommendation | |
| No change | |

| | |
|---|--|
| No. 23 Relevant to Wicklow County Council ONLY | |
| Eileen M Howell | |
| The submission refers to area zoned for Tourism 'T' and Passive Open Space 'POS' around Tinakilly House. | |
| Map | |
|  | |
| <ol style="list-style-type: none"> 1. The layout of the walkway along the Rathnew River is welcomed however no provision for security or safety has been proposed. The potential for trespass or anti-social behaviour has not been considered or addressed. Other walkways like the boardwalk in Dublin is a good example of how walkways can go wrong. 2. The Tourism (T) zoning close to the Murrough needs to be reconsidered. It is noted from the flood impact assessment some of these lands flood and are now zoned POS. This is also close to the observers dwelling and she feels that the FRA should be reconsidered to assess if the POS zone should be increased. 3. There is no reference to how the access lane to the dwellings past Tinakilly House will be maintained or resurfaced. | |
| Manager's Opinion | |
| <ol style="list-style-type: none"> 1. The route of the walkway is an indicative line on the Land Use Map with the specific layout and design, including the issues of passive surveillance, etc of the walkway decided at the development management stage with any significant development proposals for the area, which will be open to third party consultation. | |

Best practice and proper planning will be implemented in considering the layout of the walkway.

2. The Flood Risk Assessment 'FRA' of river and coastal flooding was carried out in accordance with the relevant National Flooding Guidelines having regard to a number of sources with an indicative flood Zone Map created. As a result of the FRA, the Tourism 'T' zoning at Tinakilly House has been assessed and partially rezoned to Passive Open Space 'POS' due to flooding concerns. It is important to note that the FRA is not to be used to suggest that any area is free from flood risk therefore the Flood Management Objectives, especially objective FL3 (*Notwithstanding the identification of an area as being at low or no risk of flooding (Flood Zone C) where the Planning Authority is of the opinion that flood risk may arise or new information has come to light that may alter the flood designation of the land, an appropriate flood risk assessment may be required to be submitted by an applicant for development permission*) is in place to ensure that during the development management process further and more detailed flooding analysis can be considered. Therefore it is not considered necessary to reduce the 'T' zoning at this stage.
3. The specific issue of how the maintenance and resurfacing of specific roads will be carried out is not a matter for the development plan.

Manager's Recommendation

No change

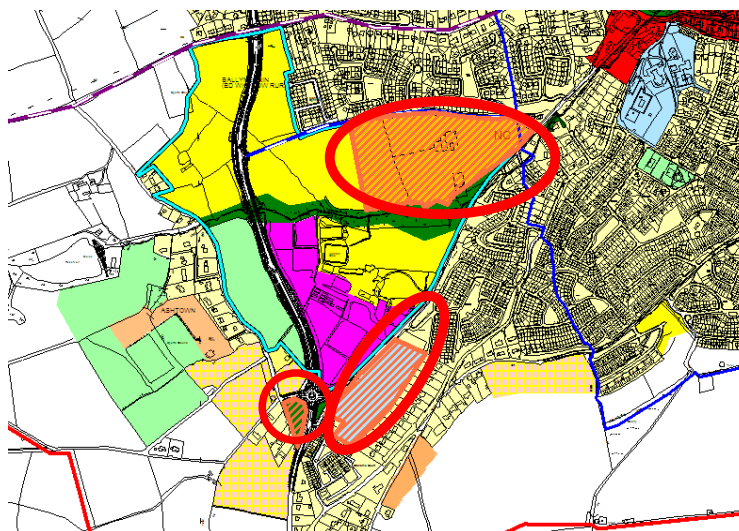
No. 24

General issues relevant to Wicklow Town Council and Wicklow County Council
Zonings issues relevant to Wicklow County Council ONLY

Lusra Teoranta

This submission relates to a number of aspects of the plan but specifically also refers to three identified parcels of land shown on the map below.

Map



1. The draft plan is taking a very short term view of the future of Wicklow Town while continuing to encourage the overdevelopment of Rathnew Village. The proportion of residential land in Rathnew is higher than Wicklow which will restrict the population increase in Wicklow and significantly increase the population in Rathnew.
2. This submission is requesting lands in the current AA4 and at Ballinabarney be rezoned from the proposed Strategic Land Bank (SLB) back to the current Wicklow Environs LAP 2008 zonings. Currently Action Area 4 is zoned mainly Residential with Open Space, Employment and Community and Education. The zonings at Ballinabarney are currently Employment and Retail Warehousing.
It is put forward that these lands are suitable for their current zoning for the following reason:
 - a) Lack of water supply above the 80m contour line has been the justification to limit development but with

the recent approval by the Minister of Environment to upgrade the Vartry to Cronroe pipe as part of the Wicklow Town Water Supply Scheme, this is no longer an issue but will actually increase the water supply to Wicklow.

3. This submission is requesting 9.61ha of land on the Marlton road be rezoned from Residential (R1) to Town Centre (TC).

It is put forward that these lands are suitable for TC zoning for the following reasons:

- i. This is the only large block of land which is edge of centre for the expansion of the town centre.
- ii. Development of these lands would have minimal impact on the existing town centre.
- iii. Their proximity to the Town Relief Road.
- iv. The lands are in single ownership and not in NAMA.
- v. No flood risk.

4. The objectives as set out in the Marlton Action Area and the Tinakilly Action Area are extraordinarily onerous and unrealistic. No development will take place as it is not fundable and therefore undeliverable. It is proposed that no action area is required for these lands and should it be considered necessary realistic objectives should be proposed.

5. There is no justification to change the name of 'AA6' to 'Marlton Action Area', 'AA2'. This will lead to confusion. It is sought that should an Action Area be proposed that it is referred to as 'AA6' or purely 'Marlton Action Area'

6. This submission is requesting lands of 3.58ha on the Marlton road, southwest of Marlton Grove, be rezoned from Community and Education (CE) to Residential (R2).

It is put forward that these lands are suitable for R2 zoning for the following reasons:

- a) Lands are topographically challenged.
- b) In previous decisions on a Business Park for these lands, An Bord Pleanála clearly stated that this site was not suitable for large buildings.
- c) Small buildings can be integrated into the landscape.

7. This submission is requesting lands on the Town Relief Road / Marlton Road roundabout, be rezoned from Passive Open Space (POS) to Local Objective M1 (for the provision of a Garage).

It is put forward that these lands are suitable for a garage zoning for the following reasons:

- a) This is a gateway site and requires an impressive building.
- b) No justification for it to be open space

8. The Passive Open Space (POS) proposed in the Marlton Action Area needs to be reviewed, given the location in a small valley which would require on-going maintenance and with the lack of maintenance around the new roads and the lack of a parks department and the nature of these lands do not lend themselves to passive overlooking.

9. There is 22.7ha of Active Open Space (AOS) proposed in the Marlton Action Area; the timing of the delivery of this proposal needs to be reviewed in light of the limited resources in the Council to maintain such a vast amount of open space.

10. This submission is in support of the Wicklow Town and District Chamber of Commerce's proposal to call the plan "The Wicklow Town – Rathnew and Environs Development Plan 2013 - 2019" as the current "Wicklow-Rathnew" name is confusing and appears to place the same emphasis on Rathnew as Wicklow Town.

Manager's Opinion

1. It is the development strategy for the draft plan to focus development closest to the core of Wicklow Town and Rathnew Village with lands within 1,500m of the centre of Wicklow and 750m from the centre Rathnew being considered priority development lands. Having regard to these identified 'spheres of influence', c.62% of the total of undeveloped residential land is in the Wicklow area, therefore it is clear that the focus is on Wicklow as opposed to Rathnew.

2. The proposed zonings of the plan are consistent with the County Core Strategy, as set out in the Wicklow County Development Plan.

It is important to note that:

- (a) The population target for the settlement must be consistent with the CDP and RPG and there is no

- scope for deviation from this;
- (b) Based on this population target, an appropriate amount of land has been zoned for housing to meet the requirements of the target population, (having regard to expected household size and assuming a range of densities);
 - (c) Enough land has been zoned in the plan to meet the target for 2019 (the lifetime of the plan) plus an additional 3 years beyond the life of the plan up to 2022 as recommended in Ministerial guidelines on development plan ('headroom').
 - (d) In accordance with the guidelines from the DoE (Core Strategy guidelines) the most appropriate lands have been selected for development with the surplus of existing zoned land from the current plans either,
 - i. designated as 'strategic land reserve' ('SLB' zoning) for the future that will not be allowed to develop within the plan period or
 - ii. to change the zoning of the surplus residential land to some other land use that is required during the lifetime of the plan.

Option (i) has been chosen as the best resolution for these lands

The rezoning of these lands from 'SLB' to their current 2007/2008 zonings would increase the residential development and development potential in general within the settlement and allow for the population of the settlement population to extend beyond that allocated under the Regional and County population allocations and would therefore be considered not consistent with the Regional and County Strategy. Given the location of these lands outside of the centres of Wicklow and Rathnew, with limited infrastructure, no existing/ planned/ funded water supply and on the periphery of the plan area, it would be unsustainable to zone these lands for significant development. Any development proposed here will be considered in line with the rural development objectives of the County Development plan at the development management stage to ensure the proper development of the area.

Funding approval was announced in September 2012 facilitating the Water Services Section to tender "Wicklow Water Supply Contract 8A – Vartry to Conroe" allowing for a new watermain from Callowhill to Cronroe with a larger capacity to feed Cronroe from Vartry. This will provide access to increased amounts with less leakage of water for Wicklow Town and Environs however this will only feed existing water reservoirs and this will NOT feed lands higher than the 80m contour line or existing higher tanks to the south of the Town.

3. Wicklow has been designated as a Level 2 County Town Centre with the location and scale of the 'Town Centre' 'TC' zoning reflecting this. The retail strategy focuses on promoting and encouraging enhancement and expansion of the existing retail floor space and town centre activities and to strictly control the growth of convenience floorspace as set out in the County Retail Strategy. The rezoning of the 'R1' lands at Marlton to 'TC' is not considered consistent with the Regional and County Retail Strategy. Allowing for a significant increase in the Town Centre zonings at this location, separate from the existing town centre may have a negative impact on the existing town centre given the increase of the town centre zoning proposed and its location. It is important that retail growth is facilitated and directed into the existing Town Centre, into infill sites or opportunity areas within the town. It is important to note also that the existing development centre zoning as part of Action Area Six Local Area Plan 2006 has a planning history of a refusal for a retail/mixed use development for reasons of having an adverse impact on the existing town centre's vitality and viability and poor physical connectivity with the town centre. The location of the proposed NC is strategically located to ensure commercial synergy with the existing town centre and for the balanced development of the settlement ensuring basic retail services is at appropriate locations throughout the plan area. The zoning of the 'R1' lands at Marlton to 'TC' is not considered consistent with the Regional and County Retail Strategy and therefore not recommended.
4. Action Areas are necessary to allow for the comprehensive development of an area, ensuring that sustainable, phased and managed development takes place. It is important that developers provide physical, social infrastructure and employment generating developments concurrent with new residential developments. Omitting the Action Areas or changing the objectives to minimise the requirements of the developers would facilitate the piecemeal development of the area with residential development allowed to occur without the necessary services and facilities. It is not considered appropriate or in the wider interest of the settlement to omit the Action Areas nor to minimise the objectives of the AAs.
5. This is noted and it is recommended to name AA2 solely the 'Marlton Action Area' (p160).

6. The proposed zonings of the plan are consistent with the County Core Strategy, as set out in the Wicklow County Development Plan. All of the potential school sites, including the 'CE' lands at the Marlton Road (close to existing and planned residential areas, close to the Town Relief Road, existing infrastructure, excellent access and links to surrounding areas, etc, these lands have the potential for a campus style educational facility) have been considered suitable having considered the DoE's Guidelines on The Provision of Schools and the Planning System (July 2008) and taking account of the proper planning and sustainable development of the area. It is considered that all of the CE zonings comply with the requirements of the guidelines' recommendations on *Location of Schools –Planning Considerations*. It is important to note that:
- a) The population target for the settlement must be consistent with the CDP and RPG and there is no scope for deviation from this; an appropriate amount of land has been zoned for housing to meet the requirements of the target population, with any surplus residential lands either designated as 'strategic land reserve' ('SLB' zoning) or to change the zoning of the surplus residential land to some other land use that is required during the lifetime of the plan. In this case, Wicklow needed land for a primary and secondary school campus
 - b) This land has been assessed in accordance with Dept of Education guidelines and by a team from the DoEd and is deemed suitable for educational use having regard to the proximity to existing and proposed residential development, excellent road links and connections to the settlement, serviced and the site topography, layout and size.
 - c) The previous refusal on this land (PRR99/650) related to a c. 15,000sqm business park comprising 6 buildings each comprising 3-storey / 2-storey over basement structures, spread across the site and in relative proximity to residences on adjacent lands. This is not comparable to a school development, which would likely to comprise a much smaller number of buildings and generous open areas for playing pitches, courts etc.
 - d) The rezoning of these lands from 'CE' to 'R2' would increase the residential development potential within the settlement and allow for the population of the settlement population to extend beyond that allocated under the Regional and County population allocations and would therefore be considered not consistent with the Regional and County Strategy.
7. Rezoning these lands to facilitate the provision of a garage is considered premature for this draft plan. It is noted that the current Local Area Plan for the area provides for the provision of a garage here however given the significant changes in the zonings to the west and south of the site with low density residential zonings adjacent to the site and the lands on the periphery of the plan area zoned as 'SLB' this site is now on the edge of the development boundary of the settlement, which is currently an area of rural character with agricultural lands surrounding, therefore facilitating the development of a garage at this site is not considered appropriate. This is a gateway location into the settlement and the provision of a garage here would not be considered visually appropriate nor in line with proper planning. Given the gateway location and visible nature of the site this would be an ideal location for a soft landscaping feature, perhaps a statement sculpture or civic space making one's entry to the settlement.
8. The 'POS' zoning is considered acceptable along the Marlton Stream. This is an area identified as being within flood zone B therefore retaining the existing open space zoning on these lands is considered appropriate. The specific layout and design of the lands surrounding the stream will be dealt with at the development management stage. Any significant application for development that is applied for will consider design and management proposals to address these issues, therefore it is not considered necessary to amend the draft plan.
9. The issue of Active Open Space 'AOS' in the Marlton Action Area is noted; however the delivery and maintenance of this AOS is not an issue for the Development Plan.
10. Noted however the title 'The Wicklow Town – Rathnew and Environs Development Plan 2013 - 2019' is considered too lengthy and cumbersome for the title. The plan is very clear from the outset, in Section 1.1 'Plan Title' as to the area that it refers to. The Wicklow County Development Plan 2010- 2016 is clearly different to the Wicklow-Rathnew Development Plan 2013 - 2019.

Manager's Recommendation

Amend the plan as follows:

Amend the name of ~~Action Area 2~~ to 'Marlton Action Area' throughout the plan and in Chapter 12 on Action Areas.

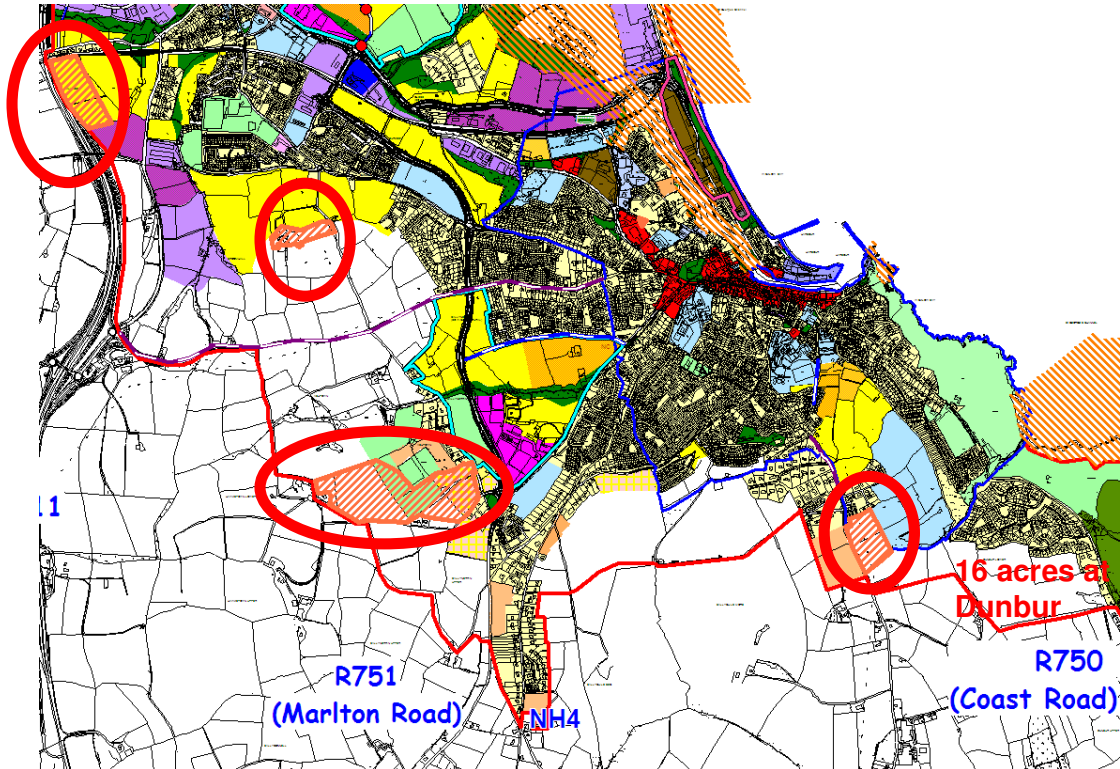
No. 25

General issues relevant to Wicklow Town Council and Wicklow County Council
Zoning issues relevant to Wicklow County Council ONLY

Ronan O'Caoimh

Ronan O'Caoimh own lands throughout the settlement, the total land holding in his ownership comprises of c.55 ha (138 acres) with c. 37ha (92 acres) the subject of this submission. This submission relates to a number of aspects of the plan but specifically also refers to four identified parcels of land shown on the map below.

Map



1. This submission is requesting the following plots of land to be rezoned from Strategic Land Bank (SLB) back to the current Wicklow Environs LAP / Wicklow Town Plan zonings.
 - 44 acres (17.8ha) from SLB at Ashtown Lane (previously AA4 lands) [WCC]
 - 22 acres (8.9ha) from SLB at Broomhall House (previously AA9 lands) [WCC]
 - 16 acres (6.5ha) from SLB at Dunbur - (previously AA8 lands) [WCC]
 - 10 acres (4ha) from SLB at Greenhill Road – previously zoned R – Residential [WTC]

It is put forward that these lands are suitable for their current zoning for the following reasons:

- a) The owner has invested great time and expense in the land and in the development of Action Area Plans
- b) The Planning Authority has not zoned adequate amounts of residentially zoned land to accommodate the projected growth of Wicklow Town / Rathnew. Higher residential densities are proposed in the draft plan however higher densities are not suited to Wicklow / Rathnew with the topography. There is no market demand for apartments, which is required under the higher densities. A higher market factor percentage should be used.
- c) The lands at Ashtown Lane are located beside the newly constructed Inner Relief Road and have stunning sea views adjacent to the rolling countryside to the west of Wicklow Town. In comparison, lands owned by the submitter at adjacent to the M11 at Rathnew are proposed to maintain their

residential zoning, although they are in a hollow between the motorway and the railway line and would suffer from motorway noise disturbance. It is put forward that the Ashtown Lane lands are more suitable for residential development and it is suggested that the residential zoning be **swapped** from the M11 lands to the Ashtown Lane lands. It is further suggested that the M11 lands would be more suited to an Enterprise and Employment type zoning.

- d) NAMA are willing to finance the works required to provide the Ashtown Lane Reservoir/Tank, which is understood to be the main reason why these lands have been de-zoned.
 - e) The land owner has bank support to build the required roads and services required for the development of the Ashtown Lane lands.
2. This submission is also requesting the rezoning of 5.6ha of land at Ballybeg from Residential (R2) to Employment E1. The reason for this is that these lands are considered to be inappropriate for residential development given their proximity to the N11/M11 and the railway line.
3. **OR** if the lands are not rezoned
The wording and description of the Strategic Land Bank in the Draft Plan zoning Table 13.1 and Table 13.2 be amended as follows:-

From

| | Objective | Description |
|------------------------------------|---|--|
| Strategic Land Bank SLB | To provide a suitable land bank for future development of the settlement. | These are lands that are identified as being within the potential built envelope of the settlement with regard to proximity and accessibility to infrastructure. The lands are seen as support in achieving the objectives of the main plan and ensure delivery of an overall coherent plan. |

To

| | Objective | Description |
|------------------------------------|--|--|
| Strategic Land Bank SLB | To provide a suitable land bank for future development of the settlement. The lands are seen as support in achieving the objectives of the main plan and ensure delivery of an overall coherent plan. | These are lands that are identified as being within the potential built envelope of the settlement with regard to proximity and accessibility to infrastructure. Development on the SLB lands shall be in accordance with Section 2.2.3 of this Plan. These lands shall retain their existing zonings as per the 2007-2013 Wicklow Town Plan and the 2008 – 2014 Environs LAP |

4. Remove the restaurant use restriction permitted in Employment zone E2 (only small restaurants servicing the needs of those employed in the zone). The submitter draws the Council's attention to a previous grant of permission for a restaurant on E2 lands at Broomhall (PRR 07/2333). While the prevailing development plan only allows in such zones for a small restaurant serving the needs of those working in the zone, the submitter puts forward that permission was in fact granted for a restaurant with no conditions restricting the usage. It is requested that the new plan recognises this grant of permission and removes this caveat on restaurant use in the E2 zone.

Manager's Opinion

1. The proposed zonings of the plan are consistent with the County Core Strategy, as set out in the Wicklow County Development Plan.

It is important to note that:

- (a) The population target for the settlement must be consistent with the CDP and RPG and there is no scope for deviation from this;
- (b) Based on this population target, an appropriate amount of land has been zoned for housing to meet the requirements of the target population, (having regard to expected household size and assuming a range of densities);
- (c) Enough land has been zoned in the plan to meet the target for 2019 (the lifetime of the plan) plus an additional 3 years beyond the life of the plan up to 2022 as recommended in Ministerial guidelines on development plan ('headroom').
- (d) In accordance with the guidelines from the DoE (Core Strategy guidelines) the most appropriate lands have been selected for development with the surplus of existing zoned land from the current plans either,
 - i. designated as 'strategic land reserve' ('SLB' zoning) for the future that will not be allowed to develop within the plan period or
 - ii. to change the zoning of the surplus residential land to some other land use that is required during the lifetime of the plan.

The first option has been chosen as the best resolution for these lands

The zonings of these lands from 'SLB' to their current 2007/2008 zonings will increase the residential development and development potential in general within the settlement and allow for the population of the settlement population to extend beyond that allocated under the Regional and County population allocations and would therefore be considered not consistent with the Regional and County Strategy. Given the location of these lands outside of the centres of Wicklow and Rathnew, with limited infrastructure, no existing/ planned/ funded water supply and on the periphery of the plan area, it would be unsustainable to zone these lands for significant development. Any development proposed here will be considered in line with the rural development objectives of the County Development Plan at the development management stage to ensure the proper development of the area.

It is suggested by the submitter that the lack of a suitable water supply to these lands is the main impetus for the change in zoning of the lands. This is not correct. Once the appropriate demographic and housing analysis had been carried out and agreed with the working group of Council members and planning staff, it was necessary to so alter the existing zonings of the previous plan to ensure that enough land was zoned for housing, and allowed for 'market factor' or 'headroom' above the minimum needed. A detailed analysis of all existing zoned land was undertaken in the plan area and all lands banks were ranked according to the following criteria: (a) proximity to the town centres and employment hubs (economic/retail strategy), (b) fit with desired spatial 'urban form'- consolidating the centres, (c) impacts on environmentally sensitive, protected areas or other natural area worthy of protection (d) accessibility to transport infrastructure/ public transport and near services and (e) availability of water supply or potential to be serviced by existing / planned water supply schemes. These lands ranked poorly on a number of fronts, in particular:-

- Ashtown Lane lands ranked low on proximity to economic/retail hubs, spatial urban form and transport.
- Broomhall House lands ranked low on transport, water infrastructure, spatial urban form and proximity to economic/retail hubs
- Dunbur lands ranked low on transport, spatial urban form and proximity to economic/retail hubs
- Greenhill Road lands ranked low on environmental sensitivity, transport and scored medium on spatial urban form and proximity to economic/retail hubs

In this regard, resolving the water supply issue in this area would not necessarily mean that these lands could or should be zoned. Furthermore, were these lands to be zoned for development during this plan period, it would be necessary to reduce the development potential at some other location in the plan area so that population targets as set out in the County Development Plan and Regional Planning Guidelines would not be breached.

It is noted that the submitter indicates that the question of the funding of a new water supply for this area has been discussed with NAMA and that NAMA has indicated that it would fund this infrastructure. The

submission does not include any verification of this from NAMA. It should also be taken on board that any such reservoir, which would be at a high level to service the lands in question, would require pumping of water, which would have knock on impacts on the efficiency and operation of the water reticulation system for the town and would have a cost implication which would have to be borne in the longer term by the society. The fact is that there are other lands within the plan boundary which do not require new water systems or reservoirs in order to be developed, the development of which would fulfil the population and housing targets for this plan period. It is unsustainable to leap-frog the development of such serviced lands.

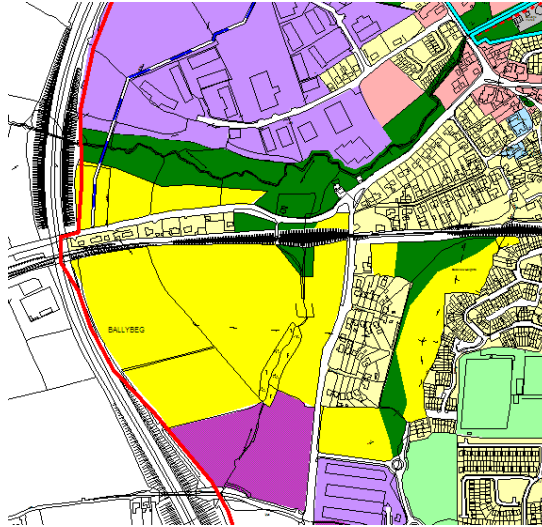
2. On foot of this submission and the submission from the Chamber of Commerce (no. 10) a full assessment of lands within 100m of the N11 was carried out. Having regard to the County Development Plans requirement under Section 11.7.6 for 100m set back for residential development from the N11, it is proposed to rezone the residential lands at Ballybeg from residential to employment.
3. The proposal to change the 'SLB' zoning objective to allow for significant development on the proposed 'SLB' lands is not considered appropriate. The 'SLB' zoning objective and description ensures that the overall plan and its zonings are consistent with the County Core Strategy, as set out in the Wicklow County Development Plan. The point of identifying a land reserve bank is to show lands that are considered suitable in the longer term for development but are not required for development during this plan period. It is considered to be contrary to proper planning, misleading and unfeasible to designate an area 'SLB' and then to state that it can be developed during the life of the plan. The wording of the 'SLB' zonings objective and description is in line with the government guidelines and the 'SLB' zone ensures the draft plan is consistent with Regional and County policy. The 'SLB' zoning should be clear and straightforward in its meaning and therefore no change is recommended here.
4. It is not recommended to omit the restaurant use restriction on 'E2' lands. The restaurant permitted under PRR07/2333 was considered by the Planning Authority to be a small restaurant servicing the needs of those working in the zone and therefore the grant of permission in no way conflicts with the provision of the prevailing or the proposed plan and no change is required. The fact that the developer was required to reduce the size of the restaurant from 453sqm to 288sqm during the development management process was reflective of the position and interpretation of the Planning Authority of the zoning provisions.

Manager's Recommendation

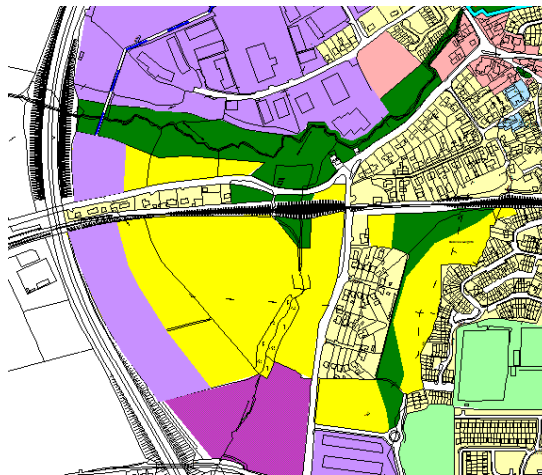
Amend the plan as follows:

(a) Amend the Land Use Zoning map at Ballybeg

from



to



(b) Make any consequent changes arising out of this amendment to Chapter 2 'vision and core strategy', in particular Table 2.5; Chapter 3 'residential development' in particular Table 3.3 and Chapter 12 'action areas'

Table 2.5 and Table 3.3

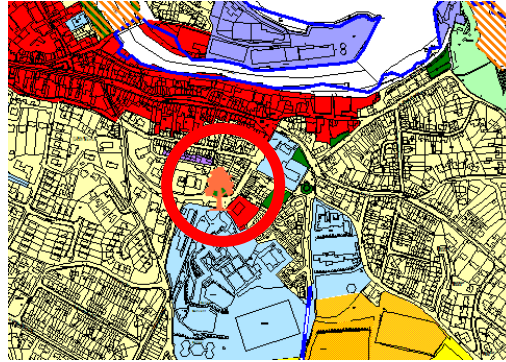
| | | | | | |
|-----------------|-----|---------------|----|----------------|-----|
| Ballybeg | R1 | 18 | 13 | 497 | 364 |
| ... | ... | ... | | ... | |
| | | | | | |

No. 26

General issues relevant to Wicklow Town Council and Wicklow County Council
Map issues relevant to Wicklow Town Council ONLY

Judy Osborne

1. To include in Table 11.8 'Trees and Groups of Trees considered for preservation': The cherry blossom trees at the Barrow Green.



2. The Planning Amendment Act (2010) provides for the mandatory listing and mapping of public rights of way by county councils. It is now a requirement that all county development plans must include these lists. The County Council should comply with the law and list and map known rights of way. While 'Access Routes' have a role to play they do not supersede rights that already exist.
3. There is no sufficient commitment to monitoring the impact of the development plan over time. A range of indicators have been tested in other counties and the submitter believes this would be of benefit in Wicklow in the drafting of the next plan. Quality of life and welfare measures need to be included.

Manager's Opinion

1. From assessing the trees on Barrow Green and consulting with the Heritage Officer, there are 5 Cherry Blossoms and 1 Sycamore tree on a well-maintained and landscaped open green space. Sycamore and Cherry Blossoms are not normally trees that would receive Tree Preservation Orders as while attractive in a streetscape they generally grow quickly, have a relatively short life span, and cherry in particular can lead to problems with root spread. It is important to note that this space is zoned Passive Open Space which in turn offers protection of the green space and the plants and trees within it by not facilitating any significant redevelopment.
2. The Wicklow Environs and Rathnew Local Area Plan 2008 has 4 Public Right Of Ways (PROWs) identified at
 - The Murrough,
 - Dunbur Lower,
 - Brideshead/Dunbur Head and
 - Broomhall
 However, these were not carried forward into this draft Wicklow – Rathnew Development Plan as some uncertainty existed about the legality of PROWs identified in LAPs. However, this matter has now been investigated further and while it has been determined that PROWs cannot be formally established under LAPs, they can be under 'Development Plans' and further, that these PROWs have actually already been formally established under the provisions of the 1994 Wicklow Town Environs Plan, which formed part of the then County Development Plan. For clarity, it is proposed to include the routes as PROWs in this plan.
3. As far as practicable, the objectives of the plan have been crafted to be as specific, measurable, achievable and realistic as possible. The measurement and success of the Core Strategy and the objectives will be a complex process; the Council will carry out the statutory 2 year review after the adoption of the plan. This review is considered sufficient with regard to monitoring the impact of the development plan. A reasonable approach has to be considered here given the resources and time that is required to carry out the main 6 year review of the development plan and the 2 year review. It is important to note that the Environmental Report (SEA) under the SEA Directive requires that the significant environmental effects of the implementation of the Plan are monitored. This is monitored in line with the Development Plan. Section 6 of the SEA details the

environmental protection objective, target, indicator and responsible authority to carry out the monitoring and ensure the target is not breached. Further to this with regard to residential development, there are annual assessment and reporting of the status of developments permitted and constructed within the settlement that will monitor the residential development. It is important to note that this is a Land Use Plan and assessing quality of life and welfare measures is not currently within the plans remit.

Manager's Recommendation

Amend the plan as follows:

(a) Add the following text to Natural Environment Section:

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

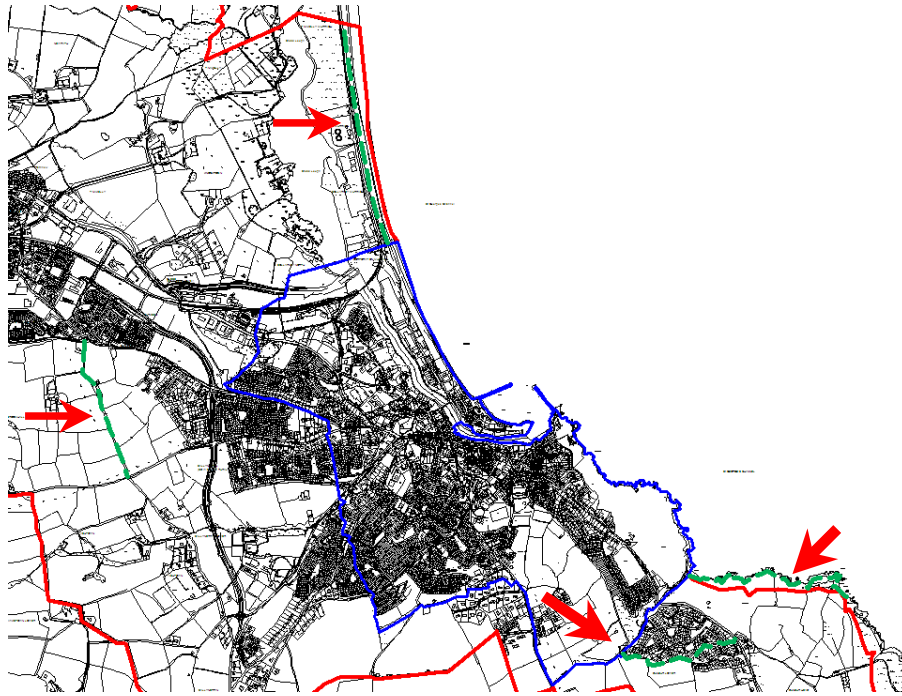
ROW1 To preserve existing public rights of way at the locations detailed in table 11.11 **Existing Public Rights Of Way** and Rights of Way which give access to seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility.

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

| Reference | Description |
|-----------|--|
| 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 Seafeld housing estate to public road. |

- (b) Amend the map to include the existing public Rights of Way:
(c)



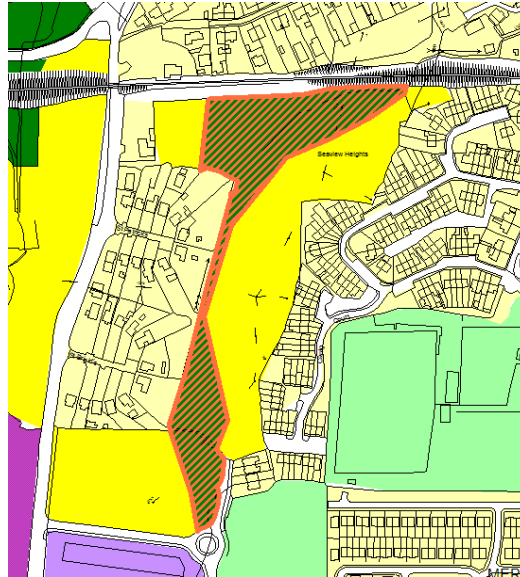
No. 27

Relevant to Wicklow County Council ONLY

Rathnew Development Group

The Rathnew Development Group own lands to the south of Rathnew Village at Ballybeg, the total land holding in their ownership comprises c.11.88 ha with c. 4.29 ha the subject of this submission. It is proposed to be zoned 'Passive Open Space' POS in the draft plan.

Map



1. This submission is requesting 4.29 acres of land in Ballybeg, Rathnew be rezoned from Passive Open Space (POS) to Residential (R2). (Note: These lands were zoned 'R' in the previous LAP and a portion of this zoning has now been changed to 'POS' in light of the high flood risk identified on part of the lands)
It is put forward that these lands are suitable for R2 zoning for the following reasons:
 - a) The current planning permission (PRR06/6163, valid until 2019) was granted following the inclusion of proposals to address possible flood risk
 - b) The risk of flooding has been designed out of the scheme therefore the zoning does not have to change from the current Residential.
2. The omission of AA10 and the proposed transport interchange as recommended as part of the LUTS is questioned as this was seen as a key component towards a sustainable transport and planning model and should be retained.

Manager's Opinion

1. A portion of these lands along the Rathnew stream have been rezoned from 'R' to 'POS' having been identified as lands liable to flooding in the FRA carried out as part of the draft plan preparation process. There is an existing residential permission on the site until 2017 (not 2019), permitted under PRR06/5046 & PRR06/6163 and extended under PRR12/6534.
This permission was originally granted prior to the publication of the National Flooding Guidelines; however it incorporated a number of flood defence and mitigation measures. This permission may still be implemented albeit the zoning has changed. However it is not recommended to amend the zonings as the POS lands have been identified as lands liable to flooding and it is clearly stated in the Guidelines that *the presence of flood protection structures should be ignored in determining flood zones... as areas protected by flood defences still carry a residual risk of flooding from overtopping or breach of defences and the fact that there may be no guarantee that the defences will be maintained in perpetuity.* Zoning land that may flood through the development plan process is different from granting planning permission on land that may flood through the

development management process i.e. once a Flood Zone has been identified as having a high, moderate or low probability of flooding through the development plan process, lands in high or moderate zones cannot be zoned for highly and less vulnerable development unless they pass the justification test. These lands are in Flood Zone A which is highly vulnerable and residential use would be considered a highly vulnerable use that has not passed the justification test.

2. The concept of a transport interchange at this location was predicated primarily on the possibility of the second station being provided in this settlement around the location of the old Rathnew station. It would appear with the passage of time that this is unlikely to happen. Furthermore, the LUTS study which put forward this option was carried out in 2001 and there has been a considerable shift in transport policy since that time. The current thinking is to maximise use of existing transport assets and improve connectivity between them, focusing on consolidating existing centres and maximising usage of existing infrastructure. The plan focuses on the existing train station in Wicklow Town, given its central location within the whole settlement with bus and taxi links connecting the [station to the settlement and to the main towns within the county and to Dublin](#). The rezoning of these lands from the current high density zoning ensures that the overall plan and its zonings are consistent with the County Core Strategy

Please note that from submission No.'s 10 and 25 a portion of these lands along the N11 is proposed to be amended from 'Residential' to 'Employment' to take account of the 100m set back required from the N11 under the County Development Plan.

Manager's Recommendation

No change.

No. 28

Relevant to Wicklow Town Council ONLY

RNLI

The proposed inclusion of the Lifeboat station at South Quay in Wicklow Town on the Record of Protected Structures is noted however the RNLI seeks that this structure is not included in the RPS as it is likely that within the lifetime of this development plan a new larger lifeboat will be allocated to the station and may require alterations/modifications to both the building and adjacent slipway.

Manager's Opinion

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.

Manager's Recommendation

It is recommended to omit the proposed protected structure number 29, The Lifeboat House, South Quay from the Record of Protected Structures Table 11.1 (p136) with a change to the number of the list following on from this.

Table 11.1 Record of Protected Structures

| Wicklow Town Council | | |
|--------------------------------------|---|---|
| Proposed Protected Structures | | |
| RPS 29 | The Lifeboat Houses, South Quay | The lifeboat house built in 1866. In 1880's the RNLI moved to the east pier and it is now in use as the Comhaltas Ceoltoiri Eireann Building |

No. 29

Relevant to Wicklow Town Council and Wicklow County Council

Paul & John Sinnott

The submitters are the owners of 'Sinnott Autos' and 'Diamond Bowl / Kidzone' located at Bollarney North. The submitters make reference to a previous application which was made to change the use of the ground floor of 'Diamond Bowl / 'Kidzone' to a retail unit (PRR 11/4119). The submitters put forward that it is their understanding that the application was recommended for refusal because the retail proposals did not comply with the zoning objectives for the land (employment). The planning application was withdrawn before the decision was issued.

This submission is requesting that the proposed Employment (E1) zoning allows for 'Retail Services' uses to be 'Typically Permitted' and it is put forward that any such retail units allowed could be restricted in size. The following case for this change is put forward:

- a) Diamond Bowl has not reached a profitable level of trading and remains at risk of closing and allowing it to diversify with a retail service would allow for retail facilities to be provided on site.
- b) The Diamond Bowl building is ideally suited for a small Multi Service Retail Business with parking and safe access onto the Dublin Road.
- c) There are already a number of business which provide retail services in this area (Topaz, Wicklow Hire, Wicklow Veterinary Clinic and McCrea Florist)
- d) Allowing retail services would allow for more jobs to be provided in the area.

Manager's Opinion

While the submitters have requested that '**retail services**' be allowed in principle in the E1 zone, it is assumed that what is mean is '**retail**' as '**retail services**' are not the same as 'shops', but comprise uses such as cafes, hairdressers, banks etc.

Allowing for retail provision in the employment 'E1' zoning would allow for such uses to be typically permitted in all 'E1' zonings throughout the settlement, this is not considered proper planning or sustainable. Wicklow Town's Retail Hierarchy has already been set by the Regional and County Retail Strategy with the County Retail Strategy setting the necessary policies and objectives for the development of Wicklow Town's retail offer. Wicklow has been designated as a Level 2 County Town Centre with the location and scale of 'Town Centre' 'TC' zoning reflecting this. The retail strategy focuses on promoting and encouraging enhancement and expansion of the existing retail floor space and town centre activities within the Town Centre. The 'TC' zone is complemented with the Village Centre 'VC' zonings in Rathnew and the Neighbourhood Centre zonings and objectives throughout the settlement. Permitting retail in 'E1' zoned lands would allow for increased retail provision within the settlement and would impact negatively on the existing town and village centres. Given the locations of the 'E1' lands throughout the settlement any retail provision would be dependent on trips by the private car which will have little opportunity for multi-purpose trips and little opportunity for commercial synergy between the retail development in 'E1' and existing Town Centre, this would have a negative impact on the existing Town Centre. Permitting retail use on 'E1' zoned lands is considered to be conflicting with the uses typically permitted in employment lands and may lead to negative impacts on the surrounding uses and amenities.

This location is considered particular poor for the provision of retail usage due to its location separate from the existing town centre or major areas of residential development and all trips would be car based with impacts on the traffic movements on the access road. Note that the other uses here are not 'retail' but 'retail services' which has different impacts and are seen as having a supporting role for the achievement of the overall objectives for the zone as an employment area.

Manager's Recommendation

No change

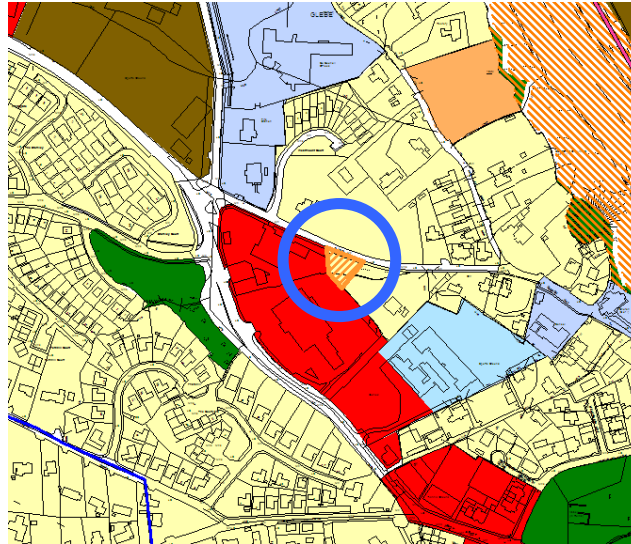
No. 30

General issues relevant to Wicklow Town Council and Wicklow County Council
Zoning relevant to Wicklow Town Council ONLY

Tesco Ireland Ltd

This submission relates to a number of aspects of the plan but specifically also refers to an identified parcel of land shown on the map below.

Map



1. There is a need for greater retention of retail expenditure to improve the overall vitality of Wicklow Town for the betterment of all traders and businesses.
2. Objectives are required which allow for flexibility in development proposals and encourage economically viable developments which deliver qualitative improvements.
3. The general 20% cap on the comparison element of foodstores should be omitted or to exclude Town Centre lands in keeping with the 2012 RPGs.
4. Retailers have specific operational needs relating to parking, deliveries, signage and accessibility and this need to be allowed for.
5. The zoning matrix should be amended to clearly indicate that all types of foodstore are permitted in accordance with the Retail Planning Guidelines (eg Supermarket, Superstore and Hypermarket).
6. This submission is requesting that all of the Tesco Site should be zoned Town Centre with 0.08ha on Church Hill be rezoned from Residential – Infill (R1) to Town Centre (TC)
It is put forward that these lands are suitable for TC zoning for the following reasons:
 - a) Its location as part of the site relative to the neighbouring Tesco Site.
 - b) It is not suitable for residential use

Manager's Opinion

1. Noted. It is a key component of the Core Strategy Vision to strengthen and consolidate Wicklow Town as the County Town to ensure that it remains the economic hub of the community. This vision is further enhanced with the County Retail Strategy and Chapter 6 on Retail in the draft plan.

2. This is noted however, the retail objectives of this plan are derived from the Regional and County Retail Hierarchy which have a well defined quantitative and qualitative retail strategies for Wicklow. The draft plan's retail objectives have to be consistent with the retail hierarchy and the quantitative objectives of the county strategy however it is important to note that objective RT6 allows for some flexibility, *where an application for a new retail development is made within the defined core retail area it will not always be necessary to demonstrate the quantitative need for retail proposals in assessing such proposed development*. The plan in the retail objectives allows for certain flexibility within the qualitative standards of retail developments with the development management standards (Section 6.5). Allowing for further flexibility within the main strategy is not encouraged given the need for consistency with the retail hierarchy and in order to protect the vitality and viability of the existing town centre.
3. In the 2012 Retail Guidelines (Section 2.4) it is stated that... *"In.. mixed comparison/convenience retailing stores..., there is no cap on the amount of non-grocery or comparison space delineated for the relevant store, for example on the planning application drawings"*, however the guidelines further state the following;

Section 2.4

In very exceptional circumstances in preparing retail strategies County Councils outside the Greater Dublin Area and the other larger Gateways such as Cork, Limerick, Galway and Waterford could introduce a small downward revision to the floorspace cap in appropriate circumstances where the size of existing town centres is small in relation to the scale of the cap, and the potential for convenience goods expenditure growth is limited and where accordingly development of convenience stores up to the full extent of the relevant floorspace cap could have a negative impact on the vitality and viability of the town in question. However, if a planning authority wishes to propose a small downward revision to the floorspace cap the justification should be fully substantiated by an expert study, which would demonstrate how effective local competition and consumer choice would be protected.

Section 4.11.1

Large convenience goods stores should be located in city or town centres or in district centres or on the edge of these centres and be of a size which accords with the general floorspace requirements set out in the development plan/retail strategy to support and add variety and vitality to existing shopping areas and also to facilitate access by public transport for shoppers.....

Where a proposal for large convenience goods stores development involves the sale of a significant amount of comparison goods (as is common now in many supermarkets, superstores and hypermarkets), the planning application drawings should clearly delineate the floorspace 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.

Therefore given the size of Wicklow Town's main street, the size of the 'Town Centre' zoning, the current level of comparison and convenience goods available and its location close to the metropolitan gateway of Dublin City it is not recommended to fully omit the general 20% cap on comparison elements of large foodstores. However given the changes in the 2012 Retail Guidelines, it is recommended to amend objective LF2.

4. Development Management Standards relating to parking, deliveries, signage and accessibility are covered in the County Retail Strategy. Therefore any changes sought here is a matter to be considered under the review of the County Retail Strategy.
5. It is not recommended to amend the zoning matrix to delineate between the different types of foodstores as currently they are considered to be 'other uses' and will be considered in relation to the general policies of the plan the zoning description and objectives of the particular area.
6. Part of the plot of land identified to the rear of Tesco is in fact zoned TC in the current Wicklow Town Development Plan 2007 – 2013. It is recommended to amend the plan to include the area suggested into the TC zone.

Manager's Recommendation

Amend the plan as follows:

1. Amend **objective LF2** (page 72)

From:

"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."

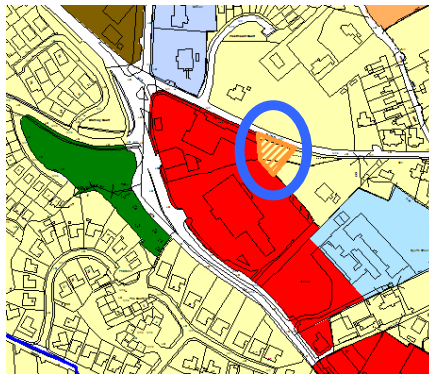
To:

"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.** ~~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~~ **may** be limited to a maximum of 20% of retail floor area."

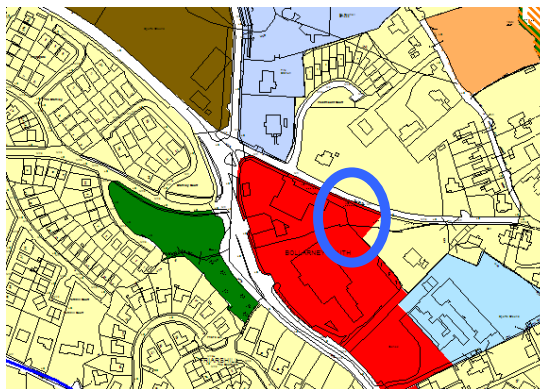
2. Amend the Land Use Map from 'RE' to 'TC' and any other changes consequent

Map

Change from



to



No. 31

Relevant to Wicklow Town Council and Wicklow County Council

Wicklow Educate Together National School (WETNS)

1. Section Four - Infrastructure, Section 8.3.1 Education and Development, (p87) states that WETNS has 8 classes. The school currently has 10 classes and an ASD unit, albeit in totally unsuitable temporary accommodation with undersized classrooms, and continues to have to turn children away due to lack of space.
2. WETNS commends the inclusion of objective ED4 (*'Where practicable, education, community, recreation and open space facilities shall be clustered, however schools shall continue to make provision for their own recreational facilities as appropriate'*) but notes that there is already a shortage of facilities/suitable grounds available to the existing sports clubs. Ensuring zoning of adequate and suitable land for the provision of schools with proper recreational facilities would therefore also help objective ED6 (*'To promote the use of education facilities after school hours / weekends for other community and non-school purposes, where possible'*).
3. WETNS would be concerned if the provision of a primary school on either of the two proposed sites in the Marlton Action Area were dependent on further residential development, given the current economic climate.
4. The two primary schools currently seeking a permanent site have both now been in temporary accommodation for over 10 years and primary enrolments are up every year as is widely reported. There is an **urgent** need for the provision of new school buildings.

Manager's Opinion

1. While it is noted that WETNS is currently a 10-classroom school, in terms of school planning Wicklow Local Authorities, in accordance with Department of Education guidelines, assess and plan for primary schools in blocks of 8 classrooms. This has no material bearing on the analysis of this plan.
2. Noted. This plan makes provision for zoning for schools and education separate from active open space / sports grounds i.e. it does not plan for there uses to 'double up' although this might be desirable. Therefore more than adequate land is zoned for such community and recreational uses.
3. There is nothing in the action plan objectives that would prevent a school being constructed ahead of any other development in the action area. The timing of the delivery of any site would be matter between the landowner and the Dept of Education who would have to purchase and construct the school. As detailed in Section 8.3.1 'Education and Development', there is 6ha of undeveloped land zoned for Community and Education use in the draft plan, and the Marlton Action Area development objectives also require the reservation of another 1.6ha site for educational use. As some of this land may be required for a future secondary school (which could require up to 3.6ha), it is important that all of this zonings / development objectives are retained, to allow for 'market factor' or the possibility of sites not being released for school development. Furthermore, to re-inforce these zonings / development objectives, it is recommended that the objective in the Marlton Action Area plan is strengthened to a 'zoning'. The site proposed here for the CE zoning is at the same location as the school site agreed in the Masterplan for the Action Area Six Local Area Plan 2006. It should be noted that the plan does allow for land uses to move within action areas if more suitable sites within the area are identified and also that the zoning of one site of 1.6ha in this action area will make no change to the theoretical maximum capacity of the action area as detailed in Tables 2.5 and 3.3 on Housing Land as the school site area of 1.6ha was already omitted from the "AA2 Marlton" housing units allocation. (Please see submission No 34 Point 2 also)
4. Noted. The development plan is a land use document and its role lies in zoning and facilitating for school sites. The actual provision of sites is a matter for the schools themselves or the Department of Education

Manager's Recommendation

Amend the plan as follows:

1. On page 87 make the following amendment:

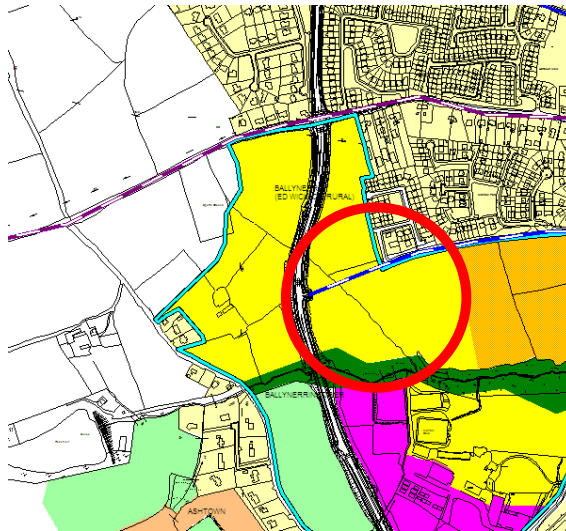
Wicklow Educate together 8 10 classrooms (2012)

2. (a) Amend the text of the Marlton Action Area (Section 12.3 – p 160 Point 1) as follows:

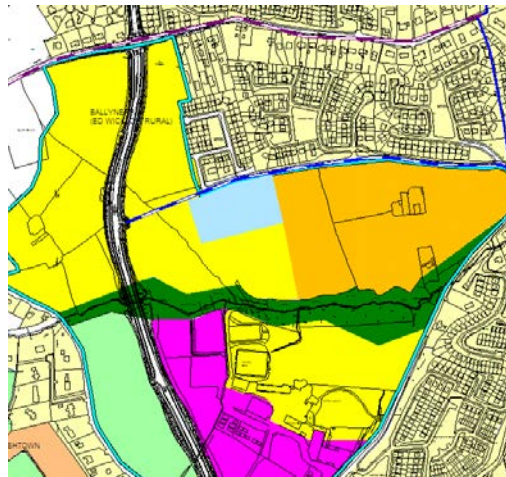
~~“The CE lands zoned in this action area shall be reserved for the development of a primary school. One site of not less than 1.6ha shall be reserved for the development of a primary school, at either of the locations identified on the map below.~~ No more than 40% of the residential development will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

- (b) Amend the land use map and Map 12.2 to zone for 1.6 ha of 'CE' at Ballynerrin and any changes consequent

From



To



No. 32

Relevant to Wicklow County Council ONLY

Wicklow Golf Club

This submission is seeking the inclusion of a specific objective in the draft plan in respect of the existing Public Right of Way from Wicklow Town boundary to Brides Head and Lime Kiln Bay.

Suggested objective *"To allow for the preservation and future maintenance of the existing public right of way from Wicklow Town Boundary to Brides Head and Lime Kiln bay and that sufficient funds be put in place by the Planning Authority to immediately deal with the coastal erosion that is currently threatening this public amenity".*

Reference is made to the objective in the current Local Area Plan, OS4, regarding the tourist trail from the Glen Strand to Wicklow Head.

The submitter states that during the making of the Wicklow Town Environs Plan 1994, the walk from Glen Strand to Brides head was declared a public Right of Way.

It is stated that under the Planning Act it is the responsibility of the Planning Authority to maintain the PROW.

Over the years erosion has taken place at the Glen Strand, with maintenance works carried out by the Local Authority however the walk is in need of maintenance works with further erosion from the sea and the walk is in a state of disrepair.

The submitter draws attention to the fact that the 7th hole of the golf course is immediately inland from the beginning of the PROW may be at risk in the long term from erosion in the same way that the PROW is. The Club is not in a position to facilitate any movement of the 7th hole or a change in layout of the course should a portion of the Clubs land be required to re-route the PROW. Any change here would be contrary to the objective CZ4 (to retain the golf club at its present location as it acts as a buffer are between the town and recreation areas further to the south)

Manager's Opinion

The Wicklow Environs and Rathnew Local Area Plan 2008 has 4 Public Right Of Ways (PROWs) identified at

- The Murrough,
- Dunbur Lower,
- Brideshead/Dunbur Head and
- Broomhall

However, these were not carried forward into this draft Wicklow – Rathnew Development Plan as some uncertainty existed about the legality of PROWs identified in LAPs. However, this matter has now been investigated further and while it has been determined that PROWs cannot be formally established under LAPs, they can be under 'Development Plans' and further, that these PROWs have actually already been formally established under the provisions of the 1994 Wicklow Town Environs Plan, which formed part of the then County Development Plan. For clarity, it is proposed to include the routes as PROWs in this plan.

While it is not explicit from the submission, it would appear that the general thrust of this submission is the Golf Club's request that the Council maintain the existing public ROW at the location agreed in 1994 and do not make any attempts to move it inland onto golf club lands just because the Council failed in its duty to protect the designated route from coastal erosion.

As matters stand, a particular route has been legally designated a PROW and if that route no longer exists on the ground, then the PROW ceases to exist at that location. The Local Authority would have to go through a new formal process of consultation with the landowners and the public to re-establish the PROW at a new location. The maintenance of any PROW by the Council is an operational matter, rather than a development plan issue.

Manager's Recommendation

Amend the plan as follows:

(a) Add the following text to the Natural Environment Section:

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

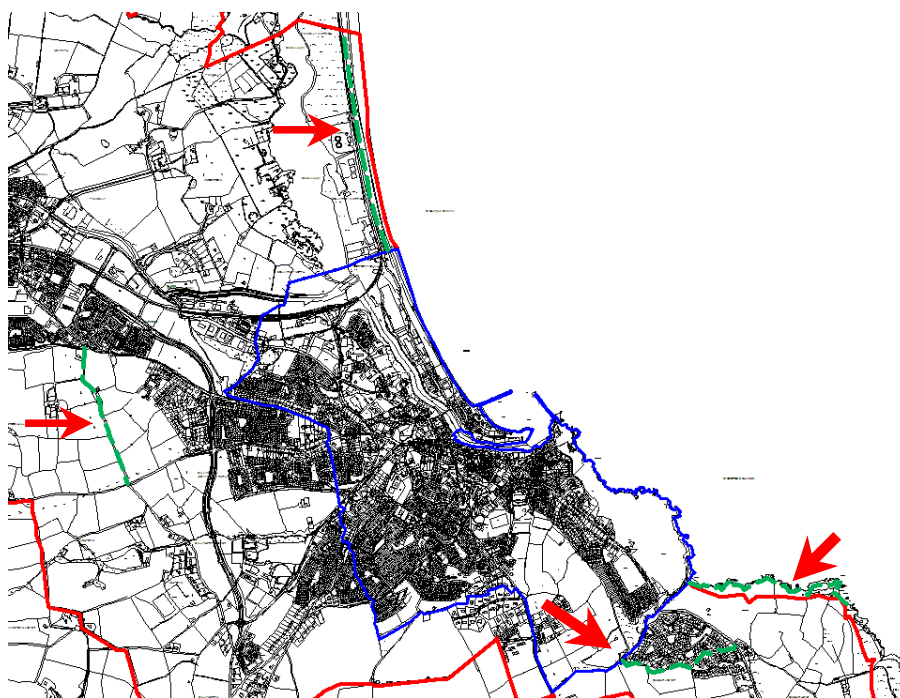
ROW1 To preserve existing public rights of way at the locations detailed in table 11.11 **Existing Public Rights Of Way** and Rights of Way which give access to seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility.

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

| Reference | Description |
|-----------|--|
| 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 Seafeld housing estate to public road. |

(b) Amend the map to include the existing public Rights of Way:



No. 33

Relevant to Wicklow County Council ONLY

Wicklow Head Preservation Group

This submission refers to their previous submission sent in as part of the commencement of the plan review process in August 2011 in relation to the Town Council owned land, zoned Active Open Space (AOS) at Wicklow Head. It is noted that there is nothing in the draft plan regarding what plans the Town Council have for their lands here. The lighthouse road won the Best Natural Heritage Mile award (certificate attached), this shows how important Wicklow Head is and it must be preserved.

Manager's Opinion

The Development Plan is a land use plan, but not primarily an operational use plan for the lands in public ownership. The original submission sought that Wicklow Head should be used for non sport orientated recreation and a whole host of environmentally friendly activities which would attract tourism, walking trails should be provided, the right of way along Brides Head should be brought into the development plan and upgraded to a safe level for walkers.

The parts of Wicklow Head that are located within the draft Plan area are zoned for a mixture of Active Open Space (AOS) and Passive open Space (POS). Both of these existing zones allow for active sports and recreational use. In turn then should the owner (the Town Council) of these lands decide to develop these lands for sports, recreation or other open space compatible uses, the specific use intended is not a matter for the development plan stage but will be assessed through the development management process.

Manager's Recommendation

No change

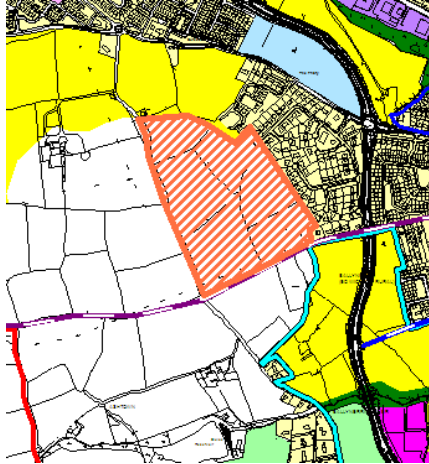
No. 34

General issues relevant to Wicklow Town Council and Wicklow County Council
Zoning issues relevant to Wicklow County Council ONLY

Wicklow Limited Partnership

Wicklow Limited Partnership owns and control lands to the west of Wicklow in the townland of Keatingstown, the total land holding in their ownership comprises c.21 hectares with c.18ha within the 'Strategic Land Bank' SLB in the draft plan.

Map



1. This submission welcomes parts of the vision and the Core Strategy but expresses concerns that the plan vision has not been fully translated into a sustainable settlement strategy. The submission goes through the existing Action Area Five and provides details on the existing planning permission (PRR06/6726) on the lands, for the Friary residential estate of which 15 dwellings are complete. The submission goes through a planning policy review of a number of government planning guideline documents and then undertakes an overview of the draft plan in light of the planning guidelines.

There are further concerns over the methodology used to zone lands and the 'SLB' zone with the following issues:-

- a. There are concerns over the defining of the core areas for each centre and the reasoning why certain lands have been chosen outside of the main centres and others not chosen
 - b. It is unsure why Rathnew is included in the settlement.
 - c. It is an objective to keep Rathnew and Wicklow separate however it is estimated that there is 3 times more residential lands zoned outside of the core area of Rathnew than Wicklow's Core Area which is disproportionate and contrary to the vision for Wicklow Town,
 - d. The submission goes further into analysis of other lands outside of the core areas, that have retained their development zoning and showing how the subject lands are just as viable for development as these other lands which have been zoned for development albeit they are outside the core areas.
 - e. The subject lands are further analysed through the SEA scenarios where it is shown in a number of scenarios to be ideal for development.
2. It is put forward that some of the calculations in the plan are incorrect and therefore not enough land has been zoned to meet the population target. For example the calculations of the AA2 Marlton lands (R1- 9.61ha 384 units and R2 – 32ha – 655 units) are incorrect. They should read R1- 6.35ha and R2 – 26.75 ha. Which in turn will decrease the 'housing theoretical capacity' and will allow for increased in other residential zoned lands.
 3. This submission is requesting that all of the lands measuring 17.8ha (of their total land holding of 20.61ha) be rezoned from Strategic Land Bank (SLB) to Residential (R2)
It is put forward that these lands are suitable for R2 zoning for the following reasons:
 - (a) The lands have access off Rockey Road and Ashtown Lane and are close to the town relief road.
 - (b) There are a number of newly developed residential estates adjacent to the lands and the Merrymeeting Neighbourhood centre is 600m east of the lands with Wicklow Town 1km to the east.
 - (c) The site is directly across from Coláiste Chill Mhantáin.

| |
|---|
| <p>(d) The Friary development has a planning permission extension (12/6171) until April 2017 for a total 34 dwellings with the largest part of the lands having a ten year permission until April 2019 for 500+ dwellings and other services.</p> <p>(e) Water supply seems to be the only limitation to the site and this can be addressed through the provision of a water storage tank that is a solution used elsewhere in the settlement (eg Seacrest, Greenhills & Mariners Point).</p> <p>(f) Reference has been made to a number of Government Planning Guidelines documents with details of how these lands should be considered for development as they comply with the recommendations of these planning guidelines.</p> |
| <p>Manager's Opinion</p> |
| <p>1. In the process of identifying which lands were optimal to allow to develop within the lifetime of the plan (and which lands to reserve as a 'SLB' for future development) a detailed and thorough assessment was undertaken of all existing zoned lands during the crafting of the draft plan. Such planning issues as availability of infrastructure, accessibility to public transport, environmental protection and proximity to the Town/Village Centres were all evaluated. All land blocks were then scored and ranked according to these criteria, which had been informed by the Strategic Environmental Assessment and other studies.</p> <p>This methodology for the assessment of land was debated and agreed with the elected members of the two Councils on a number of occasions and the draft plan was crafted following agreement of the methodology.</p> <p>The submission is suggesting that it seems that the 'proximity' to centres' criteria was the primary factor used to assess land and that being the case, this land bank should be zoned. However, the reality is that all factors were considered and this lack of water supply to this land emerged as a key limiting factor. These lands cannot be served by the existing water supply system as they are uphill of the Broomhall reservoir, which can only serve up to an elevation of 80m. The only way to service this land would be the construction of a higher level reservoir.</p> <p>While a plan to develop a high level reservoir at Ashtown has been part of the long term plan for the settlement, these works appear to be no longer likely in the short to medium term due to lack of funding and a reduction in the amount of zoned housing land that would need such a reservoir. The alternative of a series of smaller reservoirs being constructed to facilitate development has been considered but this would not comprise an efficient or sustainable water supply system with major pressure being put on the system through excessive pumping, the financial cost of which would also have to be borne eventually by the public purse.</p> <p>2. In Tables 2.5 and 3.3 the Residential R2 lands in the Marlton Action Area total 23.4 ha (25ha including 1.6ha for the school) at 28 units per hectare which has a theoretical maximum capacity of 655 units. There is an error in the total hectares column where the plot with the school objective was added in twice, with and without the school site. The unit capacity was not affected; therefore the theoretical capacity of 655 units is not to change.</p> <p>The R1 zonings in Marlton have been measured and are correct at 9.61ha with a theoretical unit capacity of 384 units. Therefore it is recommended to amend the table to change the 32ha to 25ha with the total amended from 203.7 to 196.5469. This is no change to the theoretical maximum capacity figures as these calculations are correct and not affected by these changes.</p> <p>3. The proposed zonings of the plan are consistent with the County Core Strategy, as set out in the Wicklow County Development Plan.</p> <p>It is important to note that:</p> <p>(a) The population target for the settlement must be consistent with the CDP and RPG and there is no scope for deviation from this;</p> <p>(b) Based on this population target, an appropriate amount of land has be zoned for housing to meet the requirements of the target population, (having regard to expected household size and assuming a range of densities);</p> <p>(c) Enough land has be zoned in the plan to meet the target for 2019 (the lifetime of the plan) plus an additional 3 years beyond the life of the plan up to 2022 as recommended in Ministerial guidelines on development plan ('headroom').</p> <p>(d) In accordance with the guidelines from the DoE (Core Strategy guidelines) the most appropriate lands</p> |

have been selected for development with the surplus of existing zoned land from the current plans either,

- i. designated as 'strategic land reserve' ('SLB' zoning) for the future that will not be allowed to develop within the plan period or
- ii. to change the zoning of the surplus residential land to some other land use that is required during the lifetime of the plan.

The first option has been chosen as the best resolution for these lands.

The zonings of these lands from 'SLB' to 'R2' will increase the residential development and development potential in general within the settlement and allow for the population of the settlement population to extend beyond that allocated under the Regional and County population allocations and would therefore be considered not consistent with the Regional and County Strategy. Given the location of these lands outside of the centres of Wicklow and Rathnew, with limited infrastructure, no existing/ planned/ funded water supply on the periphery of the plan area, it would be unsustainable to zone these lands for significant development. Any development proposed here will be considered in line with the rural development objectives of the County Development Plan at the development management stage to ensure the proper development of the area.

It is important to note that any existing planning permission on a site is valid until the day the permission ends and can be implemented in full even where the zoning has been changed

Manager's Recommendation

Amend the plan as follows:

Amend the following typing error in Table 2.5 (p22), Table 3.3 (p28), in 'Proposed Housing Land'(p21) and in 'New Residential Zones' (p27)

Table 2.5 and Table 3.3

| | | | |
|--------------------|-----|--|-----|
| AA2 Marlton | R2 | 32 23.4 (25 inc. school site) | 655 |
| ... | ... | ... | ... |
| Total | | 203 187.39 | |

'Proposed Housing Land'(p21)

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~~ 203ha as set out in Table 2.5 .

'New Residential Zones' (p27)

This plan will provide for c. ~~187.39~~ 203-hectares of 'greenfield' zoned residential land.....

No. 35

General issues relevant to Wicklow Town Council and Wicklow County Council

Map issue relevant to Wicklow County Council ONLY

Wicklow Planning Alliance

1. This submission is commending of the draft plan as a model of sustainability, espousing international and national standards for development in County Wicklow. It is put forward that much of the draft is well crafted, well structured, containing many concepts and design standards. The fact that the draft de-zones much of the excess residential and employment land that found its way into the last couple of plans despite protests is welcomed. However, the WPA is uneasy about the plan with regard to the issues of employment and housing.
2. With regard to employment,
 - (a) The plan is flawed as there is no real chance of the projected employment figure being achieved, the basic assumption of constant growth is not feasible. An appropriate plan for Wicklow at this time might include more focused on consolidating what we have and focusing on our assets eg. coastal position, redevelopment, retrofitting, qualitative development and a focus on protecting good quality land for growing etc. The plan could also focus on redevelopment of derelict land, recycling of land and

buildings, adaptation of infrastructure to changed needs etc – for example consolidating and improving existing industry along the Murrough rather than seeking to further develop industry with inevitable negative impacts.

- (b) As is acknowledged in the draft plan, the excessive zoning of land for employment is a fruitless approach, although the location of zoned land remains important. The main areas of employment at Ballinabarney, Rathnew and Merrymount are now firmly established. Clearly lands adjacent to the new Port Access Route and Town Relief Road are also suitable for new green field development but to include land in the prime tourist area along the Murrough is bizarre. It is clearly possible to redevelop an area like the Murrough (such as the approach being taken for the Murrough Opportunity area) but this should not occur further north away from the town.
- (c) The zoning E1 is not appropriate for Murrough North as it contains 'general industry'. This is not compatible with either its sensitive location or its tourism potential (while the draft plan recognises the role of tourism in the area, this is not reflected in the political insistence that the lands at Murrough north be promoted for dirty development). The Wicklow Planning Alliance submits that the first two paragraphs of EMP11 be deleted and replaced with an objective to resist further development of the land at Murrough North.
- (d) It is noted that the contribution of tourism to employment figures is not identified in Table 5.1 presumably this is difficult to isolate however it is self evident that many other employment groups are dependent on tourism as is acknowledged in the section on tourism and its objectives.

3. With regard to residential development:-

- (a) Whilst it is noted that Wicklow County Council must comply with national and regional plan it is beholden on the Council to challenge these plans and seek a reverse as soon as possible. Early review of the National Spatial Strategy 2002-2020 (NSS) is essential;
- (b) With the fine seaside and rural location, and easy access to Dublin, it is unlikely that Wicklow will shrink as much as many other smaller villages in the county but it is most unlikely that the town will over double in size, from 10-24K in the next decade.
- (c) The two factors of population and employment for local people are interconnected therefore in a shrinking economy, with increasing challenges of climate change, resource depletion and increasing energy costs the type of employment the council should be chasing must also change.

4. The following additional requests for smaller changes are also made

(a) Section 3.6.6 Design Quality: (4) Green Issues (page 36)

Insert: **All buildings will be required to provide fixings for washing lines to prevent the reliance on electrical drying machines.**

(b) Section 5.5.13 Lighting, Noise and Air emissions

insert after 'nursing homes' the phrase **'walking areas'** thus, A detailed study may be required prior to the commencement of development in sensitive locations (e.g. adjacent to dwellings, nursing homes, **walking areas** etc) to outline probable impacts and mitigation measures.

(c) Section 5.5.15 Signage

Insert the phrase. **"Totem signs and neon lighting will not be permitted"**. This should also be incorporated in the section on road signage

Identification Signage on Sites / Buildings Page 113

Insert: **Totem signs frequently used on garages and supermarkets, will not be permitted.**

(d) Insert at the end of TF2 (page 80)

TF2 To cooperate with Wicklow County Tourism, Fáilte Ireland and other appropriate bodies in facilitating the development and erection of standardised and branded signage for tourism facilities and tourist attractions **and require the careful location of all signage.**

(e) Table 11 Page 154

Insert 'listed prospect' towards the sea from the Town Relief Road

(f) Maps

There is a slight error in all the maps (including 8.2 Open spaces and both land use and heritage maps) that do not show that land has been taken into private ownership at the north end of the river walk.

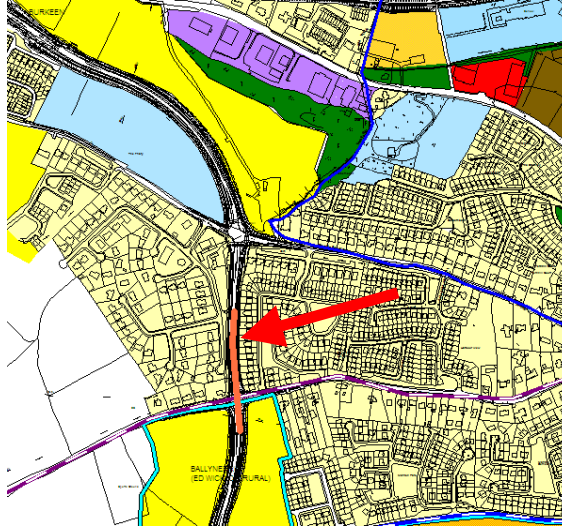
Manager's Opinion

1. Noted
2. The employment strategy of the draft plan is to promote the successful economic development and growth in employment of the town and environs. It is important to note that County Wicklow residents are currently highly dependent on jobs located elsewhere in the region and therefore in order to make the County more self-sufficient and improve the quality of life of Wicklow residents by making their employment locations closer to where they live, it will be necessary to increase the number of jobs available in the County. There was a 45% jobs ratio in Wicklow-Rathnew in 2006, therefore, given Wicklow is the County Town, it is considered reasonable to aim to increase this to 80% for the target year of 2022. This will require the number of jobs in the settlement to grow from c. 2,600 in 2006 to c. 9,400 in 2022. While a land-use plan has no direct role in creating jobs or bringing new employers to the County, the plan can ensure that sufficient zoned land is available for employment uses and can set out objectives to facilitate this aim. It has been assumed that 50% of these jobs will be located on developed land/sites with 50% on greenfield sites, with sufficient 'employment' land zoned for potentially double the required amount of jobs, hence 86.3 hectares of land has been zoned with a jobs potential of 9,984.

With regard to the employment land at Murrough North the plan acknowledges that there are existing employment uses here and the plan has included objectives to ensure any future development of this area is balanced with the environmental sensitiveness of the Murrough. The Murrough Opportunity Area is clear and concise in its vision for the Murrough lands to the south. Objective EMP11 regarding the Murrough north is also clear and concise in what it is seeking for this area. Seeking environmental improvements from the existing developments on the Murrough North while restricting their development is not considered a reasonable approach however, it is considered that the existing developments on the Murrough North have to be recognised and their development managed in an appropriate manner. The rewording of the Murrough North objective and changing the zoning to restrict new development and to strictly control existing development on the Murrough North is acknowledged as having some merit to facilitate the protection of this sensitive location, however it is noted that there is existing employment in this area and ensuring its development is managed in balance with the environmental sensitivities of the area, will allow for an appropriate balance to be achieved. No change to the existing objective is recommended. It is acknowledged in the draft plan the role tourism has in employment in the County however as stated in the submission it is difficult to calculate the contribution of tourism to the employment figures hence it has not been included.

3. The need for a review of national and regional policy is an issue for the NSS and RPGs. The population target for the settlement must be consistent with the CDP and RPG and there is no scope for deviation from this. With regard to the type of employment sought, a land-use plan has no direct role in creating jobs or bringing new employers to the County, the plan can ensure that sufficient zoned land is available for employment uses and can set out objectives to facilitate this aim.
4. (a) To include the development management standard seeking the provision of fixings for washing lines to residential buildings is not considered feasible here as this is a general standard that will not be possible in some developments. This is a worthy objective, but too detailed for a Development Plan.
(b) The inclusion of 'walking areas' here is considered to be unreasonable as there is no definition or clarification as to the type of walking area to be assessed. Lighting, noise and air emissions impacting on walking areas within environmentally sensitive areas would generally be covered within any EIA or AA carried out, and elsewhere it would be considered unreasonable to require such a study to be carried out.
(c) Noted however it is not considered necessary to include such a restriction with regard to totem signs and neon lighting. This can be addressed through the development management process in assessing light impact and impact of advertisements of a specific application.
(d) The inclusion of the proposed wording is not considered necessary as objective TF1 refers to the promotion and facilitation of tourism infrastructure, which includes signage, subject to the proper planning and sustainable development of the area. This objective, along with carrying out the necessary on site assessment during the development management stage is considered appropriate here to ensure signage is located carefully.
(e) The specific location of the suggested prospect from the road referred to in the submission is not made clear but from a site visit carried out a prospect was noted between the Pebble Bay and Keatingstown estates (as shown on the map below). Given the location of the road between built up lands, and the natural height of the lands here the view of the sea and Murrough is already protected to a certain level given the natural height

of the lands and the existing road. Furthermore given the location of this prospect in the centre of the settlement, its proposed inclusion may inhibit the development of the residential and employment lands in its view; this is an urban settlement designated for significant development as a Large Growth Town where development at the zoned locations is imperative to the sustainable and compact development of the settlement.



(f) It is unclear the specific location of these lands in question however the issue of whether land is in private ownership or not is not an issue for the development plan.

Manager's Recommendation

No change

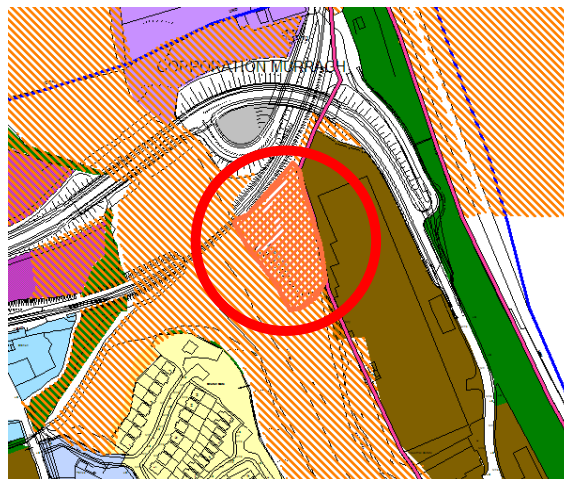
No. 36

Relevant to Wicklow Town Council ONLY

Wicklow Port Company

Wicklow Port Company own lands to the west of the Old Vaha factory on the Murrough south of the Port Access Road, c.0.7 ha in total. It is proposed to be zoned 'Conservation Zone' CZ in the draft plan.

Map



This submission is requesting that lands measuring 0.31ha (0.78acres) in Corporation Murrough be rezoned from Conservation Zone (CZ) to Port (PT).

It is put forward that these lands are suitable for PT zoning for the following reasons:

- (a) The current and historic usage of the compound for up to 40 years and its strategic value to the Wicklow Port Company.
- (b) The site is a recently re-instated, upgraded surface and fenced commercial storage compound.
- (c) The site has access off the recently reinstated and upgraded access road off the Port Access Road, these upgrading works were carried out as part of an agreement with WCC to facilitate the construction works of the Port Access Road.
- (d) Having a CZ zone here would be contrary to the strategic objective of the plan to support the Port and its development.
- (e) The site is already developed and is already established as a commercial storage facility, in the past this was used for storage of cargo.
- (f) Wicklow Port Company allowed this is to be used as a site compound during construction works of the Port Access Road.
- (g) In recognition of the existence of a pedestrian right of way through the compound, along the riverbank, a landscaped pathway has been created here in cooperation with WCC.

Manager's Opinion

These lands are adjacent to the Leirim River **with the majority of the plot of land part being located in the Murrough SPA** (004186) with the Murrough pNHA and cSAC nearby. Therefore these lands cannot be designated for development without an extensive and detailed assessment process being carried out in accordance with EU Habitats Directive that proves no adverse significant impacts on the conservation status of the Natura 2000 would arise.

If this can be proven and indeed if the land can be removed from the SPA boundary, the possibility of development would be more realistic and it could be possible to use the material contravention process to progress a planning application.

Manager's Recommendation

No change

No. 37

Relevant to Wicklow Town Council and Wicklow County Council

Community, Cultural and Social Section WCC

1. On page 3 under Ministerial Guidelines, other guidelines to include are:

Urban Design Manual – A Best Practice Guide (May 2009), Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007) and The Provision of Schools and the Planning System: A Code of Practice (2008)

2. With regard to education (page 89) change the first sentence of objective ED4 to the following

“Where practicable, education, community, recreational and open space facilities shall be clustered **and in locations that maximize opportunities for the sharing of facilities.....**”

3. Children's play facilities to change objective **CP2** (p 91) to 75 units as this would contain enough children to justify the provision of a small play area, to “In all new significant residential development in excess of **200-units 75 units**, 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” .

4 To include the following objectives:

(a) In Children's Play Facilities (p91) **Objective: CP5 To facilitate the provision of a neighbourhood playground in Keatingstown/Broomhall or Burkeen/Merrymeeting area.**

(b) In the Rathnew Village Strategy (page 47)

Rathnew 4 To facilitate the provision of a neighbourhood playground in an area close to the community centre.

(c) In the Marlton Action Area (p159) include a new objective “**To facilitate the provision of a neighbourhood playground in the Marlton Action Area.**”

5. For Community Centre (p 91) to include the following in CM2 “New community buildings/facilities shall be **fit-for-purpose** and multi-purpose, designed to facilitate...”

6. In Section 8.4.3, Equipped Play Spaces (p 97/98), include the *additional Bullet Points*

- **Formal and informal games/recreational areas for parents and other adults should also be integrated within residential schemes to encourage intergenerational mingling.**
- **Pedestrianisation in the vicinity of play/recreational areas should be maximized, and traffic should be eliminated or traffic-calming measures put in place. In addition, these spaces should be made identifiable by appropriate “play” signage and there should be a network of routes linking homes with these spaces which enable children to travel around freely by foot/bicycle/wheeled play equipment.**
- **Redevelopment proposals on sites containing a pre-existing play/recreational use should ensure that this use in terms of floor/ground space is no less than that on site prior to redevelopment, and if possible should represent increased provision in this regard.**
- **The *Principles for Designing Successful Play Spaces* as outlined in Play England (2008), Making Space for Play – A Guide to Creating Successful Play Spaces.’ shall be applied.**

7. In section 8.4.8 Community Facilities (p99) to include “ **New community facilities shall be fit-for-purpose and incorporate best practice guidelines.**”

8. In Section 12.4.8 of the Murrough Opportunity Area (p163) to include “skatepark” in objective **MB7** i.e. MB7 To facilitate the development of a landscaped linear public park along the coastal edge of the Murrough connecting to the Murrough Wetlands / Broadlough, complete with playground, **skatepark**, designated walkways, toilet and washroom facilities, boardwalk areas, seating, fishing stands, signage and lighting.

Manager’s Opinion

1. Noted; however, given the quantity of EU and national primary and secondary legislation, guidelines and studies, as well as regional and local policies / programmes / that are in place with regard to planning policy in general, it would render the plan particularly cumbersome and impenetrable to refer to all such documents. Development Plans are meant to be strategic documents, and are not intended to be inventories of legislation and guidelines.
2. Noted and it is recommended to amend the draft plan accordingly.
3. Noted and it is recommended to amend the draft plan accordingly.
4. Playgrounds are covered in Section 8.3.3 ‘Children’s Play Facilities’ and ‘Facilities for Teenagers and Young Adults’ with objectives CP2 and OS8 specifically referring to the provision of play zones and skate parks respectively. It is an objective of the plan to seek the delivery of playgrounds in ‘Passive Open Space’ (Section 8.3.5 p94) and they are sought in any large scale housing development. Playgrounds are typically permitted in Residential, Enterprise and Employment, Port, Clermont, Community and Education, Open Space and Mixed Use Zones. In no zone are playgrounds typically not permitted therefore it is not considered necessary to include the objectives proposed.
5. Noted and it is recommended to amend the draft plan accordingly.
6. Noted however the provision of equipped play areas is addressed in section 8.4.3 of the plan, the inclusion of further requirements and guidance here is not considered necessary as the inclusion of equipped play areas is further assessed at the development management stage ensuring the play area is designed appropriately for the proposed development and site itself. It is not recommended to amend the draft plan.
7. Noted however through the development management process, all community buildings are sought to be fit for purpose and designed in accordance with best practice guidelines. This has also been addressed under point 3 here. It is not recommended to amend the draft plan as this will allow for .
8. Noted however it is not recommended to amend the draft plan as Open Space Objective OS8 states the following to address this issue *To facilitate the provision of a skate-park within the town. In this regard, the development of a skate-park will be ‘open for consideration’ in a number of zones of this plan and in particular, it shall be a desired use in the Murrough Opportunity Area.*

Manager's Recommendation

Amend the plan as follows:

1. Amend education (page 89) to change the first sentence of objective ED4 to the following
"Where practicable, education, community, recreational and open space facilities shall be clustered **and in locations that maximize opportunities for the sharing of facilities.....**"
2. Amend Objective CP2 for Children's play facilities and omit the footnote as follows
"In all new significant residential development (footnote), 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 – 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."
3. Include the following in objective CM2 "New community buildings/facilities shall be **fit-for-purpose and** multi-purpose, designed to facilitate....."

Section 6 Consideration of the proposed addition to the Tree Preservation Orders

As part of the development plan process, pursuant to Section 205 (3) (a) (i) of the Planning & Development Act 2000, as amended, **Wicklow Town Council** as the Planning Authority proposes to make an order to preserve ***the Chestnut Tree at the Parochial Hall, St. Patrick's Road, Wicklow Town*** in the Record of Tree Preservation Orders as part of the Draft Wicklow - Rathnew Development Plan 2013 to 2019.

In accordance with Section 205 (5) of the Act, the Planning Authority, having considered the proposal and any submissions or observations made in respect of it, may by resolution, as it considers appropriate, make the order, with or without modifications, or refuse to make the order, and any person on whom notice has been served informing them of the Planning Authorities intention to preserve the tree shall be notified accordingly.

Please note that **no submissions or observations** have been received with regard to the proposed addition to the Tree Preservation Orders.

Proposal

Table 11.7 Existing tree Preservation Orders

| Number | Description |
|--------|--|
| (tbc) | Chestnut Tree at Parochial Hall, St.Patrick's Road, Wicklow Town |

Map



Appendices

- Appendix **A** Table 2.5 and Table 3.3 with proposed amendments
- Appendix **B** Legal submission as part of submission number 16. Claremont Holdings Ltd (Leslie Armstrong)
- Appendix **C** Residential Land Assessment
- Appendix **D** Appropriate Assessment Addendum
- Appendix **E** Strategic Environmental Assessment Addendum

Appendix A
Table 2.5 and Table 3.3 Amendments

Proposed housing land for the Wicklow – Rathnew DP 2013 - 2019

| Sub. No. | Locations | Zoning | Area (ha) | Theoretical Maximum Capacity | Change |
|----------|------------------------------------|-------------|------------------|------------------------------|----------------------|
| | Bollarney | R2 | 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 | R2 | 3.881 | 109 | |
| | AA1 Clermont | TC | 3 | 127 | |
| | AA1 Rathnew | R2 | 16 | 448 | |
| 16 | AA1 Rathnew | R1 | 5.716 7 | 229 208 | From POS (FRA) |
| | AA2 Marlton | R1 | 9.61 | 384 | |
| 34 | AA2 Marlton (25ha inc School Site) | R2 | 32 23.4 | 655 | Error |
| | 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 | 100m buffer from N11 |
| | Rathnew | TC | 2 | 61 | |
| 10 | Rathnew | R2 | 8 4.16 | 227 116 | To Employment (E1) |
| | 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 | |
| | | | | | |
| | Total | | 203.07 187.39 | 5,759 5,566 | |
| | | | | | |
| | Phase 1 (2013-2019) | | | 3,980 | |
| | Phase 2 (post 2019) | | | 5,759 5,566 | |

Appendix B

Legal submission as part of submission No. 16 - Claremont Holdings Ltd (Leslie Armstrong)

Claremount Holdings Ltd

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

Friday, 28 September 2012

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

LEGAL SUBMISSION ON DRAFT WICKLOW RATHNEW DEVELOPMENT PLAN 2012-2012

I, Leslie Armstrong, director of Claremount Holdings Ltd. make the following legal submission in respect of the proposed downzoning by Wicklow County Council (hereinafter referred to as "the Council") of my company lands (hereinafter referred to as "the subject lands") to the East of the Main Street, Rathnew.

I am of the opinion that the Council did not exercise its discretion and decision making in an open and fair manner when it chose to downzone the subject lands. In particular I submit that:-

7.1 The Council acted in an unfair manner by failing to:-

- carry out a Flood Risk Analysis on the subject lands.
- apply the Justification Test¹ to the Subject lands (in the same manner as it applied this Test to the Clermont Campus lands) prior to downzoning the subject lands.

7.2 The subject lands comply with the definition of "Developed land" under both Planning² and Revenue³ legislation⁴, and adjoining the core of the

¹ The Flooding System and Flood Risk Management – Guidelines for Planning Authorities (November 2009) Department of Environment Heritage and Local Government

² Section 3(1) Planning and Development Act 2000 states:- "In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land."

urban settlement are deemed to be underutilised land. Accordingly they satisfy s.2 (i) (ii) (iii) and (iv) of the Justification Test for development plans "The Flooding System and Flood Risk Management – Guidelines for Planning Authorities and accordingly should have been considered under this Test.⁵

7.2 The subject lands also satisfy s.2(v) of the Justification Test for development plans "The Flooding System and Flood Risk Management – Guidelines for Planning Authorities as the lands:-

- adjoin the core of the urban settlement; and
- are at lower risk of flooding.⁶

7.3 The proposed zoning of the subject lands is unworkable and unfair and imposes a grossly disproportionate public burden on Claremount Holdings Limited vis-à-vis other landowners.

7.4 This extent of public burden is unique to Claremount Holdings Limited and it is clear that other landowners who have also been burdened with Flood Zoning A and B have been richly compensated in terms of the proposed development zoning of their lands.

7.5 The down zoning of the subject lands is a most extraordinary piece of spot zoning without any explanation whatsoever in any part of the draft plan as to why these lands have been unilaterally selected for downzoning in the absence of a comprehensive Flood Risk Analysis being carried out by the Council prior to downzoning or the application of the Justification Test. The impression given is that the County Council is proposing to use these lands for some specific purpose which obviously is irrelevant to any private developer, and, by down-zoning the subject lands at this stage to reduce at a stroke the amount of compensation that would be payable for its compulsory acquisition.

7.6 While it is acknowledged that development lands can be downzoned for the common good, the downzoning by the Council of the subject lands while retaining financially lucrative development zoning on its own lands zoned Clermont Campus is perverse in the extreme. The Clermont Campus lands are more suited to zoning for Passive Open Space 'POS' for the following reasons:-

³ Section 2 Value-Added Tax Consolidation Act 2010 states:- "development", in relation to any land, means:-

(a) the construction, demolition, extension, alteration or reconstruction of any building on the land, or
(b) the carrying out of any engineering or other operation in, on, over or under the land to adapt it for materially altered use;"

⁴ as the development works on the lands have materially altered the lands.

⁵ As stipulated in the Planning System and Flood Risk Management – Guidelines for Local Authorities (2009) p. 37.

⁶ S. 2(v) Justification Test for development plans "The Flooding System and Flood Risk Management – Guidelines for Planning Authorities (November 2009) Department t of Environment Heritage and Local Government p. 37.

Directors: L. Armstrong and L.S. Armstrong

(a) Part of the Clermont lands are zoned Flood Zone A and B both by the OPW and the Council; and

(b) The Clermont lands adjoin a third level college and accordingly the zoning of these lands as Passive Open Space enables the lands to be used for recreational facilities for the college and for the local community.

7.7 The Council failed to have regard to the Planning System and Flood Risk Management – Guidelines for Local Authorities (2009) in that it failed to address particular concerns for other lands⁷ in the Action Area Plan 1 and to give reasonable consideration to these concerns.⁸

7.8 The Council as the registered owner of lands that are also zoned Flood Zone A and B has a financial interest in the outcome of the zoning and accordingly demonstrated a direct bias against Claremount Holdings while favouring its own lands and the lands jointly owned by the Council and Ascal Properties Limited - also zoned Flood Zone A and B to the point that :-

“ a fair minded and informed observer, having considered the facts, would conclude that there was a real possibility that the planning process was biased”.⁹

7.9 Any fair minded person could correctly assume that the benefits to be enjoyed by the Council and Ascal Properties Limited stand in stark contrast to the position of Claremount Holdings Limited despite its lands being located nearer the centre of Rathnew. In a recent case Clarke J in the High Court stated:-

“....it seems to me that there must be some proportionality between the aims of the planning regime as a whole and the effect on individuals whose position may be affected by decisions made in that planning process.”¹⁰

7.10 The Council failed to give the reasons why it chose to downzone the subject lands while zoning other lands for development within the same Action Area Plan 1 that were also zoned Flood Zone A and Flood Zone B. The legal position in respect of giving reasons in Development Plans was clarified by Clarke J in the High Court when he stated:-

⁷ And in particular the lands comprising the Pumping Station 'PU' zoned Flood Zone A and Clermont Campus 'CC' zoned Flood Zone A and flood Zone B.

⁸ *McEvoy v. Meath County Council* [2003] 1 I.R.208.

⁹ *Porter v. Magill* [2001] UKHL 67.

¹⁰ *Christian v Dublin City Council* [2012] IIEHC 163

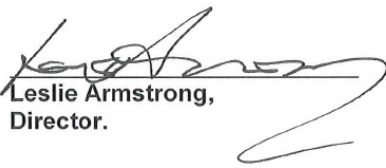
Directors: L. Armstrong and L.S. Armstrong

"..it seems to me that when a potential plan gets down to the nuts and bolts in a way which has the potential to specifically affect the rights of individuals, both those who may wish to develop their own lands or those who may have their own interests interfered with by the development of neighbouring lands, then it seems to me that it is necessary to give at least some reasons for the precise means of implementing the overall strategy or policy adopted. The extent of the reasons required to be given will depend on the nature of the specific provisions of the development plan under consideration."¹¹

Judge Clarke went on to state that:-

".....the development plan will set out a reasoned basis for zoning a certain amount of land."

- 7.11 In the absence of reasons, the decision by the Council to downzone the subject lands must be regarded as "irrational" or "unreasonable".¹²
- 7.12 The successful opportunism of Crackington Limited and its related companies Akley and Ascal Properties Limited, having regard to the relationship they maintain with the County Council (the full extent of which remains to be investigated) raises serious concerns about the independence of the entire planning process and Clermont Holdings Limited reserves its rights in all respects.
- 7.13 Clermont Holdings Limited reserves its rights further in relation to the extent to which its property rights under the Constitution and the European Convention on Human Rights have been compromised in this process, although it is obviously too early to draw conclusions in this regard.
- 7.12 The successful opportunism of Crackington Limited and its related companies Akley and Ascal Properties Limited, having regard to the relationship they maintain with the County Council (the full extent of which remains to be investigated) raises serious concerns about the independence of the entire planning process and Clermont Holdings Limited reserves its rights in all respects.
- 7.13 Clermont Holdings Limited reserves its rights further in relation to the extent to which its property rights under the Constitution and the European Convention on Human Rights have been compromised in this process, although it is obviously too early to draw conclusions in this regard.


Leslie Armstrong,
Director.

¹¹ *Christian v Dublin City Council* [2012] IIEHC 163

¹² Is the decision fundamentally at variance with reason and common sense? *O'Keeffe .v. An Bord Pleanala* (1993) 1 I.R. 39 ;

Directors: L. Armstrong and L.S. Armstrong

Appendix C

Residential Land Assessment

The proposed zonings of the plan are consistent with the County Core Strategy, as set out in the Wicklow County Development Plan.

It is important to note that:

- (a) The population target for the settlement must be consistent with the CDP and RPGs and there is no scope for deviation from this;
- (b) Based on this population target, an appropriate amount of land has been zoned for housing to meet the requirements of the target population, (having regard to expected household size and assuming a range of densities);
- (c) Enough land has been zoned in the plan to meet the target for 2019 (the lifetime of the plan) plus an additional 3 years beyond the life of the plan up to 2022 as recommended in Ministerial guidelines on development plan ('headroom').
- (d) In accordance with the guidelines from the DoE (Core Strategy guidelines) the most appropriate lands have been selected for development with the surplus of existing zoned land from the current plans either,
 - i. designated as 'strategic land reserve' ('SLB' zoning) for the future that will not be allowed to develop within the plan period or
 - ii. changed to some other land use that is required during the lifetime of the plan.

The most appropriate lands have been selected for development by carrying out a thorough proper planning and sustainable development assessment of the lands within the settlement and zoning the lands most appropriate for development.

Each plot of undeveloped residential land within the current Plans were evaluated and scored on a number of planning criteria. They are:

- Environmental
 - Environmental designations and Rivers
 - Lands with the least environmental impact based on the SEA assessment.
 - Flood Risk Assessment
- Transport Infrastructure
 - Lands close to public transport, retail centres, close to existing distributor road or lands needed to deliver strategic local infrastructure.
- Water Infrastructure
 - Serviced by existing water infrastructure
- Spatial planning
 - Within the spatial model of zones of influence around each settlement and the corridor areas linking the two
- Retail and Economic Model
 - Within or close to retail core areas or neighbourhood centres and lands with easy access to employment hubs nor does it prejudice the good economic model.

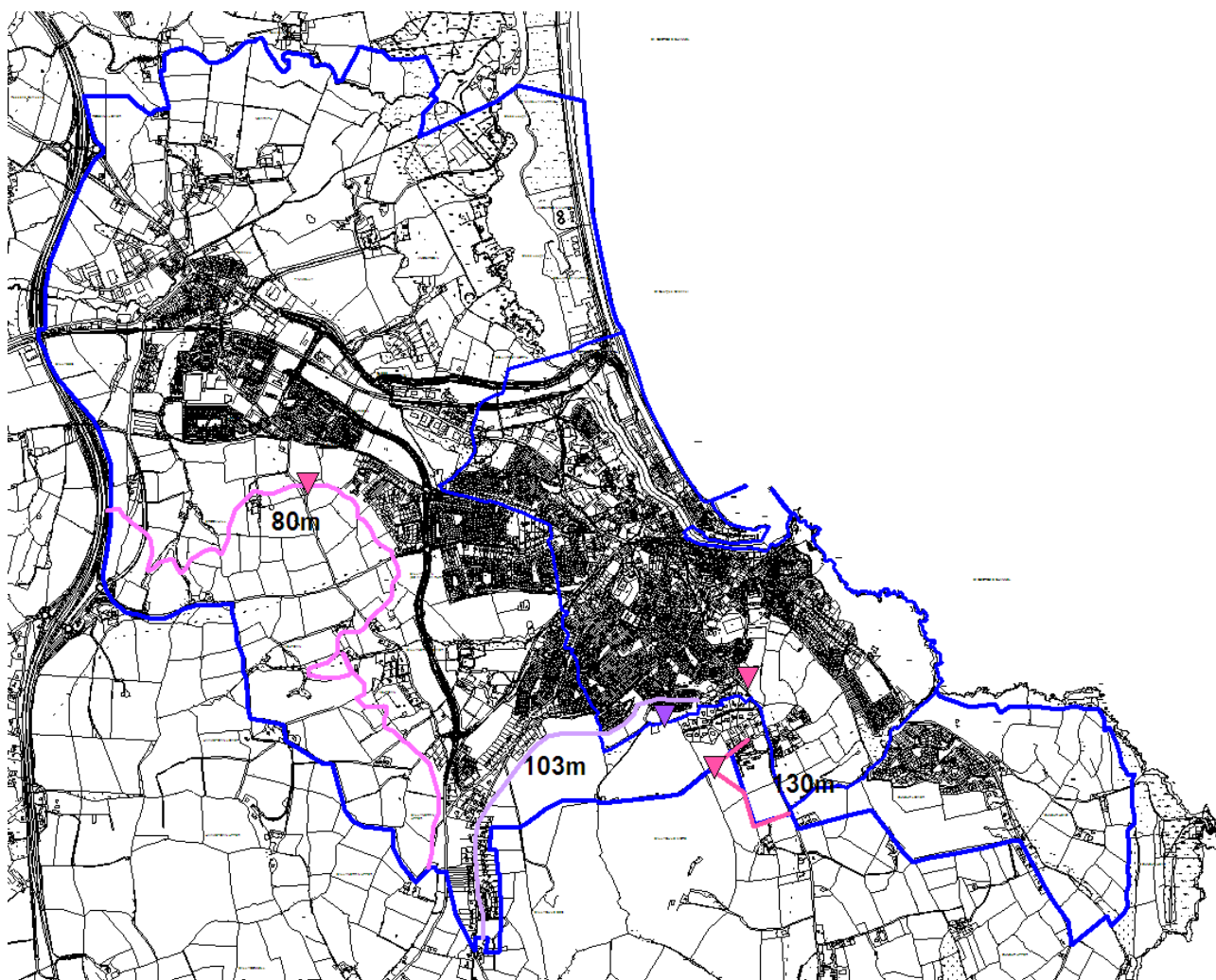
In this regard five maps have been attached here that illustrate the criteria above.

Map 1

Water Infrastructure –

The 'Wicklow Water Supply Scheme' is the water supply for the plan area. The majority of the water comes from the Dublin Regional Supply at Vartry Reservoir in Roundwood and is piped to Cronroe in Ashford where the supply is augmented by water treated at the Cronroe Water Treatment Plant. From the Reservoir in Cronroe the water is piped across the Glenealy Road into 2 distinct supply areas:

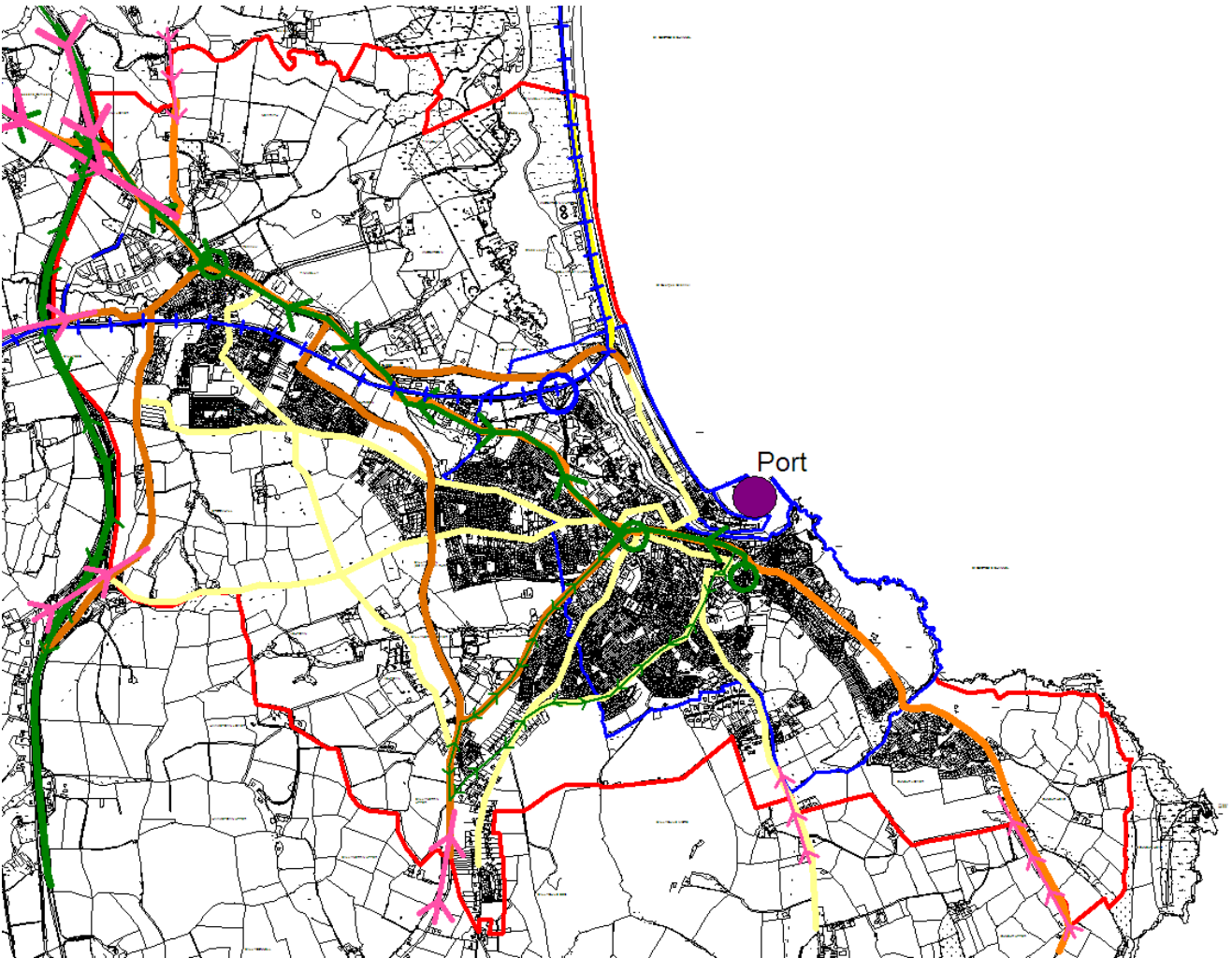
- (a) Broomhall Reservoir which supplies Rathnew, the Port Area and most areas of Wicklow Town.
- (b) Cronroe Water Treatment Plant supplies part of the town directly from the trunk main. In addition this also supplies the Ballynerrin Reservoir which is then pumped up to the Seacrest Reservoir. It also supplies the Greenhills Reservoir which is also then pumped up to and onto the Mariner's Point Reservoir.



Map 2

Transport Infrastructure—

The main public transport routes are shown which connect Wicklow and Rathnew by bus and Wicklow to Dublin and Rosslare by bus and train. There are two main access points off the N11/M11 to the settlement with minor roads providing access from the south and north. There are limited local roads servicing lands to the north and south of the settlement. The Port is also at the centre of Wicklow Town which is an important international freight transport mode.



Map 3 (a) (b) and (c)

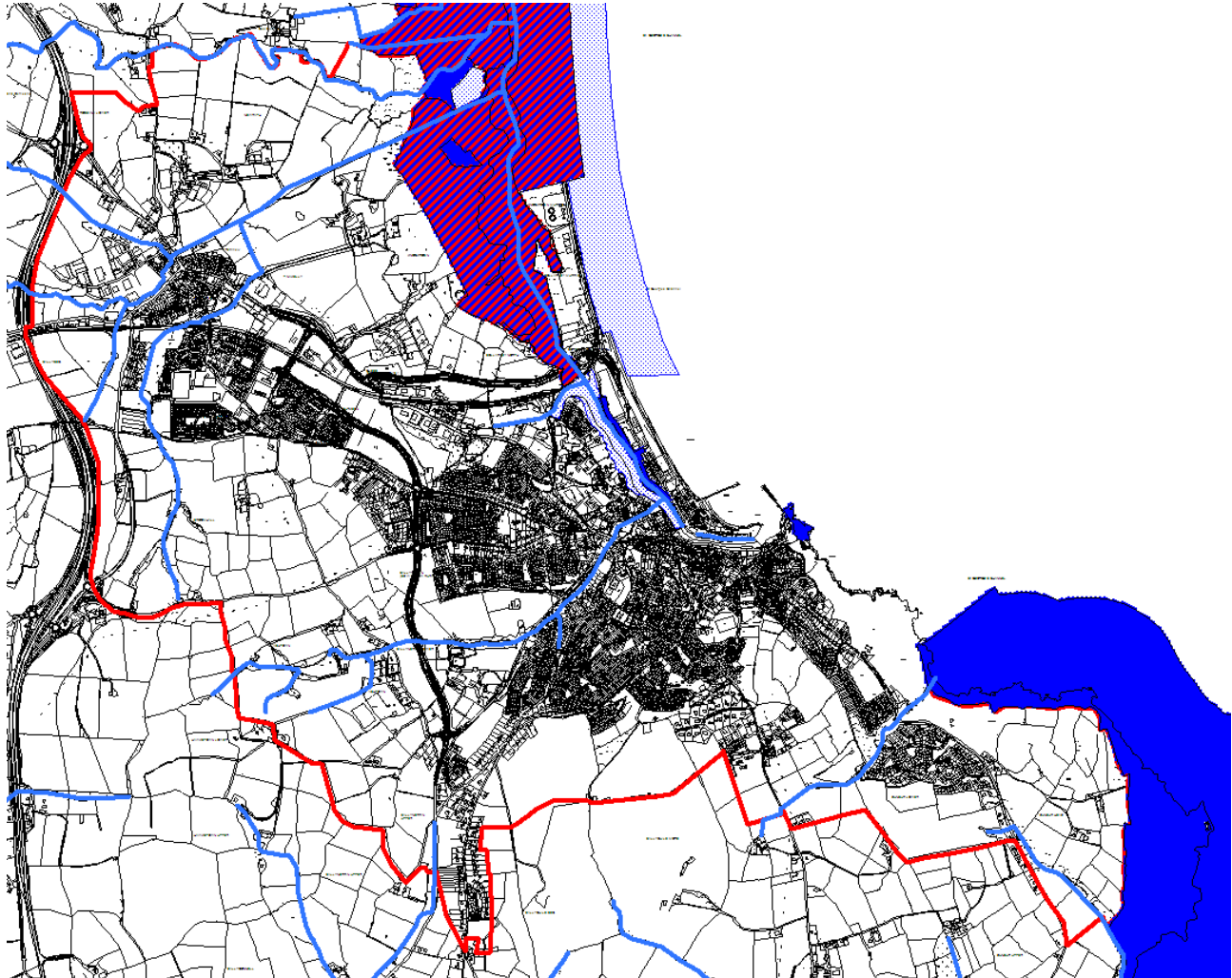
Environmental Designations & Rivers, SEA Environmental Sensitivities and the Flood Risk Assessment Maps–

Map 3 (a) details the environmental designations and rivers. The designated sites are located along the coastal area of the Murrough and Wicklow Head. The rivers traverse Rathnew, Wicklow and south of the settlement. Some of these rivers are culverted underground in built up areas.

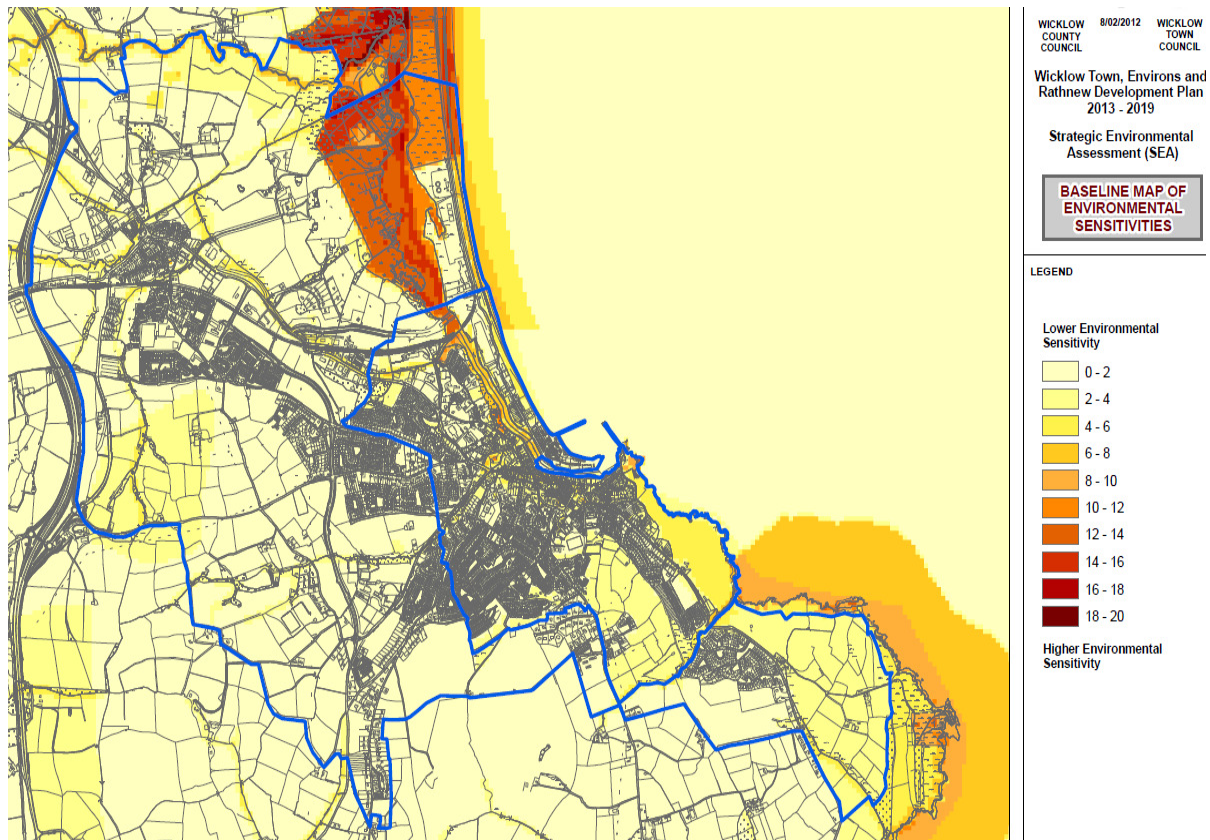
Map 3 (b) details the environmental sensitivities of the area. Please refer to the Environmental Report (SEA) report for the full environmental assessments as this is the baseline map that is shown here.

Map 3 (c) is the Flood Risk Assessment flood zone map. Please refer to Chapter 10 of the plan and The Flood Risk Assessment Appendix of the main plan for full details of this.

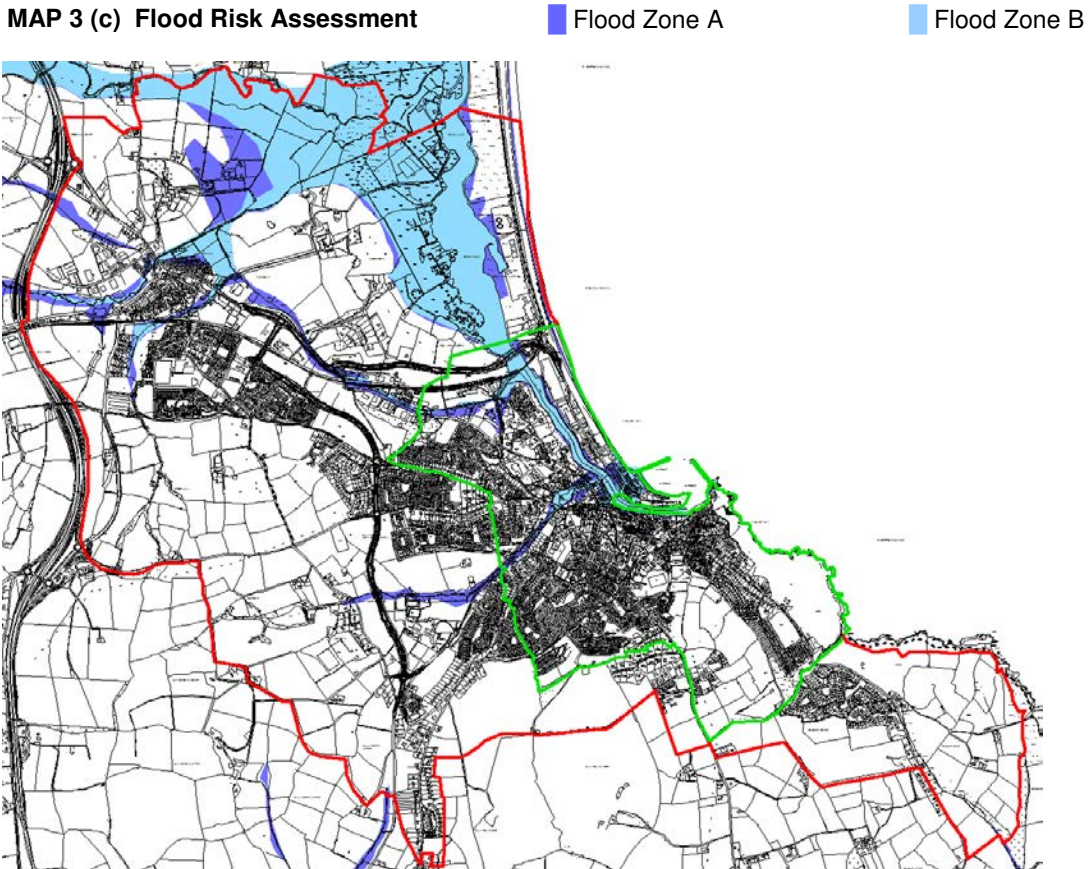
MAP 3 (a) Environmental Designations & Rivers



MAP 3 (b) SEA Environmental Sensitivities



MAP 3 (c) Flood Risk Assessment

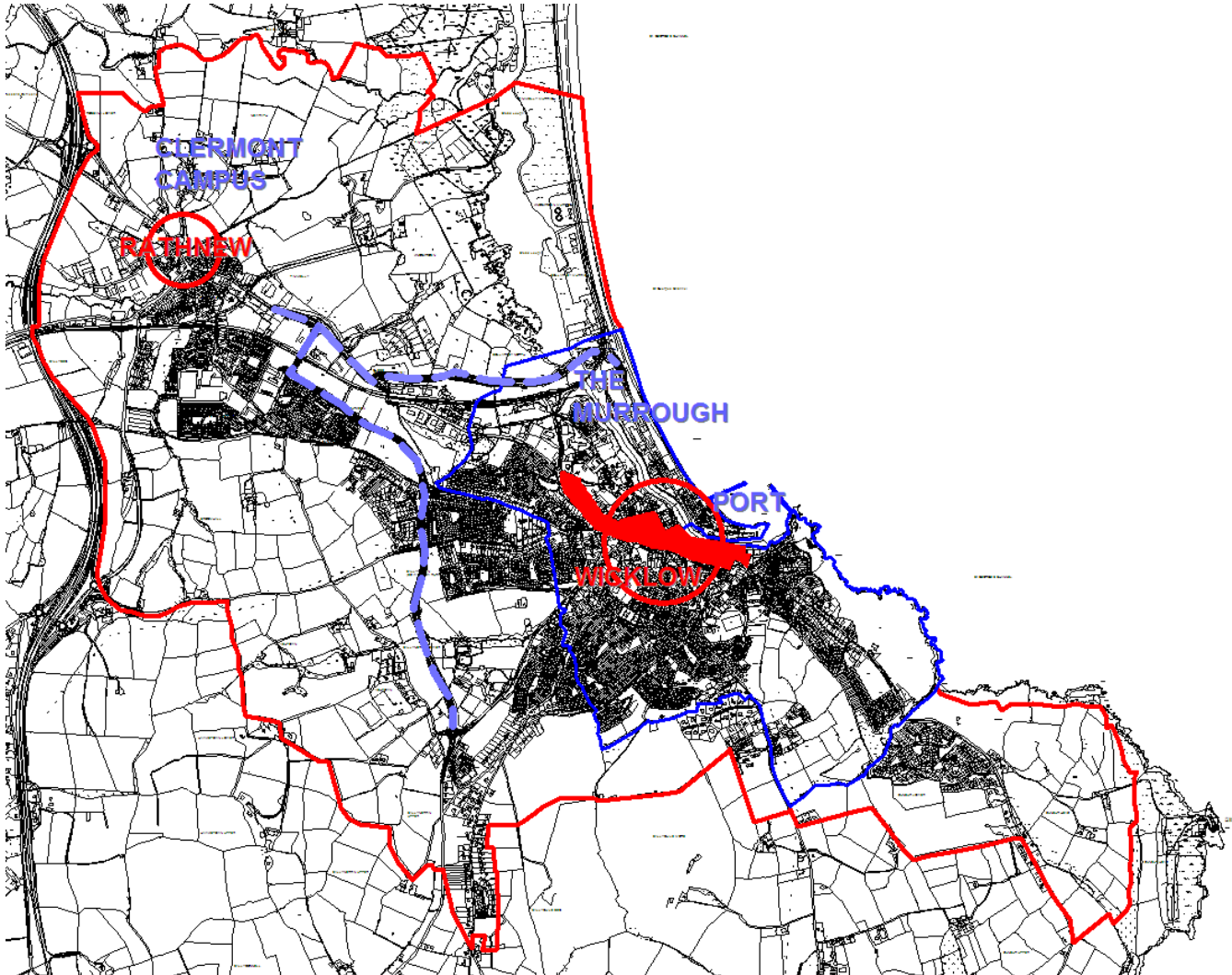


Map 4

Economic and Retail Strategy -

Wicklow Town is a Level 2 County Town Centre and Rathnew is a Level 4, Small Village, Local Centre with the retail core area of Wicklow Town highlighted in line with the requirements of Section 10 (2A) (g) (i) of the Planning Act. The employment strategy is focused on the development of the following area;

- Wicklow town centre and Rathnew village centre;
- The Murrough and other lands serviced by the new Port Access Road;
- The Port and
- Clermont Campus.



Map 5
Consolidating Development in the Town and Village centres –
Concentric Circles and Links

This map details the pragmatic planning method of concentric circles to show where to focus development to consolidate the existing centres and to sustainably develop closer to existing services and facilities. 1km and 1.5km circles have been shown for Wicklow Town, as this is a Large Growth Town with Rathnew having 0.5km and 0.75km circles as this is a village, but one that has an important gateway and complementary role to Wicklow.

The two centres have been linked showing the lands around the new Port Access and Town Relief Roads to show best planning practice to locate close to existing infrastructure.

