

PART 1: INTRODUCTION

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1.1 Development Plans

A development plan shall set out an overall strategy for the proper planning and sustainable development of the area of the development plan and shall consist of a written statement and a plan or plans indicating the development objectives for the area in question.

The written statement shall include a core strategy which shows that the development objectives in the development plan are consistent, as far as practicable, with national and regional development objectives set out in the National Planning Framework and the regional spatial and economic strategy and with specific planning policy requirements specified in guidelines under Section 28.

The written statement shall also include a separate statement which shows that the development objectives in the development plan are consistent, as far as practicable, with the conservation and protection of the environment.

A development plan shall include objectives for -

(a) the zoning of land for the use solely or primarily of particular areas for particular purposes (whether residential, commercial, industrial, agricultural, recreational, as open space or otherwise, or a mixture of those uses), where and to such extent as the proper planning and sustainable development of the area, in the opinion of the planning authority, requires the uses to be indicated;

(b) the provision or facilitation of the provision of infrastructure including -

- i. transport, energy and communication facilities,
- ii. water supplies and waste water services (regard having been had to the water services strategic plan for the area made in accordance with the Water Services Act 2007),
- iii. waste recovery and disposal facilities (regard having been had to the waste management plan for the area made in accordance with the Waste Management Act 1996), and
- iv. any ancillary facilities or services;

(c) the conservation and protection of the environment including, in particular, the archaeological and natural heritage and the conservation and protection of European sites and any other sites which may be prescribed for the purposes of this paragraph;

(ca) the encouragement, pursuant to Article 10 of the Habitats Directive, of the management of features of the landscape, such as traditional field boundaries, important for the ecological coherence of the Natura 2000 network and essential for the migration, dispersal and genetic exchange of wild species;

(cb) the promotion of compliance with environmental standards and objectives established -

- i. for bodies of surface water, by the European Communities (Surface Waters) Regulations 2009;
- ii. for groundwater, by the European Communities (Groundwater) Regulations 2010; which standards and objectives are included in river basin management plans (within the meaning of Regulation 13 of the European Communities (Water Policy) Regulations 2003);

- (d) the integration of the planning and sustainable development of the area with the social, community and cultural requirements of the area and its population;
- (e) the preservation of the character of the landscape where, and to the extent that, in the opinion of the planning authority, the proper planning and sustainable development of the area requires it, including the preservation of views and prospects and the amenities of places and features of natural beauty or interest;
- (f) the protection of structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest;
- (g) the preservation of the character of architectural conservation areas;
- (h) the development and renewal of areas, identified having regard to the core strategy, that are in need of regeneration, in order to prevent -
- i. adverse effects on existing amenities in such areas, in particular as a result of the ruinous or neglected condition of any land,
 - ii. urban blight and decay,
 - iii. anti-social behaviour, or
 - iv. a shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses;
- (i) the provision of accommodation for travellers, and the use of particular areas for that purpose;
- (j) the preservation, improvement and extension of amenities and recreational amenities;
- (k) the control, having regard to the provisions of the Major Accidents Directive and any regulations, under any enactment, giving effect to that Directive, of -
- i. siting of new establishments,
 - ii. modification of existing establishments, and
 - iii. development in the vicinity of such establishments,
- for the purposes of reducing the risk, or limiting the consequences, of a major accident;
- (l) the provision, or facilitation of the provision, of services for the community including, in particular, schools, crèches and other education and childcare facilities;
- (m) the protection of the linguistic and cultural heritage of the Gaeltacht including the promotion of Irish as the community language, where there is a Gaeltacht area in the area of the development plan;
- (n) the promotion of sustainable settlement and transportation strategies in urban and rural areas including the promotion of measures to -
- i. reduce energy demand in response to the likelihood of increases in energy
 - ii. and other costs due to long-term decline in non-renewable resources,
 - iii. reduce anthropogenic greenhouse gas emissions, and
 - iv. address the necessity of adaptation to climate change;
- in particular, having regard to location, layout and design of new development;
- o) 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,

(p) landscape, in accordance with relevant policies or objectives for the time being of the Government or any Minister of the Government relating to providing a framework for identification, assessment, protection, management and planning of landscapes and developed having regard to the European Landscape Convention done at Florence on 20 October 2000.

1.2 Timing of review

In accordance with Section 9 of the Planning and Development Act 2000 (as amended), every Planning Authority shall every 6 years make a development plan, and in accordance with Section 11 (1)(a), a Planning Authority shall give notice of its intention to review its existing development plan and prepare a new development plans for its area not later than 4 years after the making of the previous development plan.

In the normal course of events therefore the commencement of a review of the current County Development Plan 2016-2022 would not be required until November 2020.

However, for the purpose of enabling the incorporation of the National Planning Framework and the Regional Spatial and Economic Strategy into the development plan, where notice of a development plan review to be given in accordance with Section 11 (1)(a) (a) would be more than the period of 26 weeks after the making of the relevant Regional Spatial and Economic Strategy, then each planning authority concerned shall, within that period, either -

- (I) give notice of a development plan variation in accordance with section 13, or
- (II) give notice of a development plan review.

i.e. within 26 weeks of the making of the Regional Spatial and Economic Strategy for the Eastern and Midland Region on 28 June 2019, Wicklow County Council must either initiate a variation or review the existing County Development Plan to ensure that the provisions of the NPF and RSES have been fully integrated in the County Development Plan.

Given that a variation can potentially take up to 32 weeks to make, not accounting for any delays or extra time needed during the process for various assessments that may be necessitated, and given that a full review of the County Development Plan would be due to commence in November 2020, it was recommended by the Chief Executive that ‘review’ rather than a ‘variation’ would be commenced before 27 December 2019.

1.3 Review process

1.3.1 Stage 1 - Notification and public consultation

In accordance with Section 11 of Planning Act 2000, Wicklow County Council commenced the review of the Wicklow County Development Plan 2016-2022 and the preparation of the new ‘Wicklow County Development Plan, 2021-2027’ by way of publication of notice of its intention to review the existing plan and prepare a new plan on **06 November 2019**.

Said notice was given to the Minister, prescribed authorities, any adjoining planning authorities, the Board, the relevant regional assembly and the local community development committee within the

functional area of the local authority and was published in one or more newspapers circulating in the area to which the development plan relates and

- stated that the planning authority intends to review the existing development plan and to prepare a new development plan,
- indicated that submissions or observations regarding objectives and policies to deliver an overall strategy for the proper planning and sustainable development of the area of the development plan may be made in writing to the planning authority within a specified period (which shall not be less than 8 weeks),
- indicated that children, or groups or associations representing the interests of children, are entitled to make submissions or observations
- stated that the planning authority intends to review the zoning of the area of the development plan and indicate that requests or proposals for zoning of particular land for any purpose shall not be considered at this stage
- indicated the time during which and the place or places where any background papers or draft proposals (if any) regarding the review of the existing plan and the preparation of the new development plan could be inspected.

The pre-draft consultation stage ran for just over 9 weeks eight weeks until **10 January 2020**. The aim of the consultation process was to enable the public and interested parties to give their observations on the review of the existing plan and the preparation of the new plan, including what planning issues the new plan should address. The consultation process included the following:

- Advertisements in local print media
- Advertisements in free newsletter ‘Coutywise’ (winter 2019 edition)
- Notification on Council’s website, Facebook and twitter pages
- Setting up on an online portal for making submissions
- Erection of posters in all Council offices and libraries
- Distribution of ‘Wicklow County Development Plan 2016-2022 Issues Booklet’ to all Council offices and libraries
- Distribution of information and posters to all County Post Offices
- Notification to all elected representatives and prescribed bodies
- Notification to all known community groups via Wicklow PPN
- Notification to all known infrastructure providers
- Holding of public meetings in Arklow, Blessington, Bray, Greystones Wicklow Town, and Tinahely.

A total of 156 written submissions (hard copy, e-mail and online portal) were received within the statutory time period. A list of these submissions is included in Appendix 6. All written submissions are considered in this report; **however, any submission or any part of a submission relating to a request or proposals for zoning of particular land for any purpose does not appear in this report.**

All submissions have been scanned and are available for public viewing on Wicklow County Council’s website. The original hard copies of the written submissions can also be examined at the County Buildings Planning Department public counter.

1.3.2 Stage 2 - 1st Chief Executive’s Report

This report forms part of the statutory procedure for the review of the existing plan and the preparation of the new plan. Its purpose is to report on the outcome of the statutory consultation process and to set out the Chief Executive’s response to the issues raised in the submissions received during the statutory public consultation period.

In accordance with the Planning Act, this stage of the review shall be **strategic** in nature for the purposes of developing:

- a) the objectives and policies to deliver an overall strategy for the proper planning and sustainable development of the area of the development plan, and
- b) the core strategy,

and shall take account of the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.

1.3.3 Stage 3 – Members consideration of this Report

This report is submitted to the Members for their consideration. The Members, following consideration of the report, may issue directions to the Chief Executive regarding the preparation of the draft Development Plan and any such directions shall be **strategic in nature**, consistent with the draft Core Strategy and shall take account of the statutory obligations of the local authority and any relevant policies or objectives for the time being of the Government or of any Minister of the Government. In issuing directions, Section 11 (4)(f) of the Act states that the Members shall be restricted to considering the proper planning and sustainable development of the area to which the development plan relates.

Any such directions must be issued not later than 10 weeks after the submission of this report to the elected Members.

Following the consideration of this Chief Executive’s Report by the Elected Members and the issuing of directions regarding the preparation of the draft Development Plan, a 12-week period is allotted by the Act for the preparation of a proposed draft Wicklow County Development Plan 2021-2027.

Members will then consider the proposed draft Plan and have 8 weeks to adopt / amend it before it goes on public display.

1.3.4 Note on timeframes

Once the review of a development plan is commenced by way of publication of notice under Section 11 (1) of the Act, the Act sets out the various steps and stages of the plan making process, and sets out timeframes for each. Having regard to the commencement of the review process in November 2019, the members would have been due, in accordance with these timeframes, to have received this report in March 2020.

However, having regard to the exceptional circumstances that have arisen with the COVID pandemic, which has impacted on both the work practices of Wicklow County Council and other key state agencies such as the Regional Assembly, it has not been possible to complete and issue this report until June 2020.

While all efforts will be made moving forward to make up this lost time and adopt a new County Development Plan before the end of 2021, the members are advised that:

- In accordance with Section 12 (16) of the Planning Act, the validity of the County Development Plan cannot be questioned in the event that the various phases of the plan (other than the minimum public consultation periods) were not completed within the time required under the relevant subsection;
- The current County Development Plan is a valid Development Plan until November 2022 and therefore there will not be a period during which no development plan will be in effect.

1.4 Content and format of this report

The Chief Executive’s Report on submissions is prepared and submitted in accordance with the requirements of Section 11 of the Planning Act 2000 (as amended).

Section 11(4) of the Act sets out the requirements in relation to the preparation of the Chief Executive’s Report. The Chief Executive’s Report on submissions is required to:

- List the persons or bodies who made submissions or observations, as well as any persons or bodies consulted;
- Summarise the issues raised in the submissions and during the consultations, where appropriate but shall not refer to a submissions relating to a request or proposals for zoning of particular land for any purpose;
- Give the opinion of the Chief Executive to the issues raised, taking in to account 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
- State the Chief Executive’s recommendations on the policies to be included in the Draft Development Plan.

In the case of each planning authority within the Greater Dublin Area (of which Wicklow forms part), this report shall summarise the issues raised and the recommendations made by the NTA and outline the recommendations of the Chief Executive in relation to the manner in which those issues and recommendations should be addressed in the draft development plan.

This report must also summarise the issues raised and recommendations made by the relevant regional assembly and outline the recommendations of the Chief Executive in relation to the manner in which those issues and recommendations should be addressed in the draft development plan.

This report is required to be submitted to the members of the planning authority, or to a committee of the planning authority, as may be decided by the members of the authority, for their consideration. In this instance it is being submitted to the Members of Wicklow County Council.

The purpose of this stage of the plan making process is to determine the objectives and policies to deliver an overall strategy for the proper planning and sustainable development of the area of the development plan, and to develop the core strategy.

To aid in reading this report, **Part 2** of the report will set out the proposed **Core Strategy** that has been crafted in light of the Council’s statutory obligations, compliance with the Planning Act, with Ministerial guidelines, with higher order plans and taking into account the submissions received.

Following this, **Part 3** sets out a list of policy / objective recommendations by the Chief Executive arising from the public consultation process. It should be noted that it is intended to review and update if necessary all existing objectives in the current plan; as this review has not been completed, the policy / objective recommendations in Part 3 of this report will focus on any **new policies or objectives** that are being recommended, or any policies / objectives that it is proposed to **significantly alter**.

Thereafter **Part 4** will summarise and assess submissions received. Due to their special statutory status, submissions from elected representatives and prescribed bodies are each assessed individually and an individual response given to each issue raised. With respect to public submissions, the submissions are assessed according to topic.

Part 5 provides an assessment of submissions received with respect to Strategic Environmental Assessment / Habitats Directive (Appropriate) Assessment.

Part 6 provides a number of appendices referred to in the report.

1.5 Strategic Environmental Assessment & Habitats Directive Assessment

The new plan must undergo Strategic Environmental Assessment and Habitats Directive (Appropriate) Assessment. Whilst submissions were being sought on the overall plan, including issues relating to the environment and environmental assessment, the designated Strategic Environmental Assessment/Appropriate Assessment environmental authorities and the public were invited to make submissions on the scope and level of detail required for the Strategic Environmental Assessment and on any issue relating to the Appropriate Assessment. A report on any submissions received from either the environmental authorities or the general public with respect to the Strategic Environmental Assessment / Appropriate Assessment is set out in **Part 5** of this report.