

**DRAFT ARKLOW AND ENVIRONS
LOCAL AREA PLAN 2018**

**CHIEF EXECUTIVE'S REPORT ON
SUBMISSIONS MADE TO THE
PROPOSED MATERIAL ALTERATIONS
TO THE
DRAFT PLAN**



WICKLOW COUNTY COUNCIL
JANUARY 2018

PART I: INTRODUCTION

1.1 Introduction

This Chief Executive's Report relates to the submissions or observations received on the Proposed Material Alterations of the Draft Arklow and Environs Local Area Plan (LAP) 2018- 2024. This Chief Executive's Report is submitted under Section 20(3)(k) of the Planning and Development Act 2000 (as amended). This report contains the following:

- (i) a list of the persons or bodies that made submissions,
- (ii) a summary of the issues raised by them,
- (iii) the opinion of the Chief Executive in relation to the issues raised, and his recommendations in relation to the proposed material alteration to the Draft LAP, including any change to the proposed material alteration as he considers appropriate, taking account of 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 for the time being of the Government or of any Minister of the Government.

The members of the planning authority are required to consider the proposed material alterations of the Draft LAP and the report of the Chief Executive.

It should be noted that submissions or observations on issues that do not relate to the Proposed Material Alterations will not be considered at this stage in the plan making process.

A number of issues have been raised in the submissions that do not relate to the Proposed Material Alterations; all submissions are available to view at the Planning Office, Wicklow County Council.

1.2 Next steps

Following consideration of this Chief Executive's Report, the local area plan shall be made by the planning authority by resolution, with all, some or none of the material alterations.

Where the planning authority decides to make the local area plan or further modify the material alteration of the local area plan by resolution, (A) shall apply in relation to the making of a resolution, and (B) shall apply in relation to any change to the material alteration proposed:

- (A) It shall be necessary for the passing of the resolution that it shall be passed by not less than half of the members of the planning authority. This requirement is in addition to, and not in substitution for, any other requirements applying in relation to such a resolution.
- (B) A further modification to the material alteration:
 - i. may be made where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site,
 - ii. shall not be made where it refers to
 - (a) an increase in the area of land zoned for any purpose, or
 - (b) an addition to or deletion from the record of protected structures.

When performing their functions under this subsection, the members of the planning authority shall be restricted to considering 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 for the time being of the Government or of any Minister of the Government.

In this regard, this report is being issued to the members in January 2018, and will appear on the agenda of the next Council meeting in February 2018.

The local area plan shall have effect four weeks from the day that it is made.

1.3 Strategic Environmental Assessment and Appropriate Assessment

In accordance with the relevant legislative requirements, the draft Local Area Plan was accompanied by the Strategic Environmental Assessment - Environmental Report, an Appropriate Assessment screening and a Strategic Flood Risk Assessment; the Proposed Material Alterations to the draft LAP were accompanied by an Addendum to the Environmental Report, an Addendum to the Appropriate Assessment Screening Report and an Addendum to the Strategic Flood Risk Assessment. This Chief Executive Report should be read in conjunction with all of these reports, with specific reference to the addendums as they assess the Proposed Material Alterations.

A further modification to Proposed Material Alteration No.13 has been proposed here, the original assessment of proposed material alteration no.13 as presented in the addendum reports still stands and therefore it is not considered necessary to prepare additional addendums to this Chief Executive's report.

SEA - The Proposed Alterations to the Draft Local Area Plan have been evaluated in the manner set out in the SEA Regulations and the findings of that analysis were published with the Proposed Amendments. **This SEA analysis has determined that a number of the Proposed Alterations would, if not mitigated, conflict with the protection of the environment.** No further SEA assessment of the further modification is required as the original assessment of proposed material alteration No. 13 covers the further modification.

AA - An Appropriate Assessment- Screening Report accompanied the Draft Local Area Plan 2018- 2024. The Proposed Alterations to the draft plan have also been evaluated in this manner and it has been determined that none of the Proposed Material Alterations to the LAP have been considered to have the potential for significant effects on Natura 2000 sites. No further AA assessment of the further modification is required as the original assessment of proposed material alteration No. 13 covers the further modification.

SFRA - The Proposed Alterations have had a Stage 1 Strategic Flood Risk Assessment carried out and presented in the addendum to the proposed material alterations. **A number of the Proposed Alterations are shown to be within the Flood Zone A and Flood Zone B.** No further SFRA is required on the proposed 'further modification' to the proposed material alterations therefore there is no SFRA addendum to this second Chief Executive's report.

It is incumbent on the elected members to take account of these findings and to have regard to same in their decision whether to adopt or modify the plan / proposed alterations. In all cases, it will be necessary for a full record to be made of any decision made and how the environmental considerations were taken account of in the decision making process.

1.3 Consultation Process & List of Submissions

The Proposed Material Alterations of the Draft Arklow and Environs Local Area Plan (LAP) 2018-2028 were on public display during the period 22.11.2017 to 19.12.2017.

During this period, a total of 7 submissions were received.

Group A Prescribed bodies

No.	Organisation	Representative
A1	Department of Housing, Planning and Local Government	Niall Cussen
A2	National Transport Authority	Michael McAree
A3	Department of Education	Liz Marriott
A4	Environmental Protection Agency	David Galvin
A5	Transport Infrastructure Ireland	Michael McCormack

Group B General Submissions (Public individuals and groups)

No.	Group	Representative
B1	Dawnhill Properties / Windhill Properties	McGill Planning
B2	Roadstone Ltd	SLR consulting

1.4 Considering the Submissions

The written submissions have been analysed by the Planning Executive of the County Council. The individual submissions are summarised and the opinion and recommendations of the Chief Executive have been given in Part III. The Chief Executive has recommended that

- **9 of the proposed alterations be made**
- **6 of the proposed alterations should not be made**
- **1 proposed alteration should be further modified and be made**

Wherever the published proposed amendments are referred, changes are shown as follows: Amended / new text in **red**, deleted text in **blue strikethrough**.

Each proposed material alteration and the recommended further modification has been assessed for impacts on the environment and / or impacts on designated Natura 2000 sites. Section 1.2 is still applicable should a proposed material amendment be made.

This Report is submitted to the Members for their consideration.

1.5 Guidance for the Elected Members

Responsibility for approving a local area 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 20 of the Act.

In making the local area 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 local area plan or to amend the plan.

PART II: CHIEF EXECUTIVE'S RECOMMENDATED FURTHER MODIFICATION TO THE PROPOSED MATERIAL ALTERATIONS OF THE DRAFT ARKLOW AND ENVIRONS LOCAL AREA PLAN 2018-2024

Proposed material alterations to the written statement of the Draft Local Area Plan (LAP) are indicated as follows: new text in **red**, deleted text in **blue-strikethrough**. The proposed alterations are ordered in the sequence of the LAP and should be read in conjunction with the Draft LAP.

One 'further modification' is proposed to the 'Proposed Material Alterations' of the Draft LAP and the further modifications are indicated as follows: new text in **purple**, deleted text in **purple-strikethrough**.

Proposed Further Modification**FURTHER MODIFICATION PROPOSED TO PROPOSED ALTERATION NO. 13 AND ASSOCIATED APPENDIX****APPENDIX D - PHASING AND IMPLEMENTATION****INTRODUCTION**

This appendix of the Local Area Plan deals with the infrastructure delivery schedule and sequential development phasing programme linked with necessary investment in infrastructure. The sequential development of the settlement, alongside the phased delivery of the necessary infrastructure including open space, waste water, drainage, educational and recreational amenities and local service provision, is key to the sustainable development of Arklow. It is critical that the Local Area Plan ensures that development within the Local Area Plan lands progresses in an ordered way which avoids 'leapfrogging' to peripheral areas that are geographically isolated from the existing settlement and infrastructural provision.

In order to ensure the successful delivery of the objectives of this plan, Wicklow County Council takes a positive proactive approach in active plan management in order to expedite the delivery of new homes as part of the new residential neighbourhoods planned within the Local Area Plan. Wicklow County Council liaises with all relevant authorities in a collaborative process to resolve any potential blockages to deliver residential development. Further to this any sites in Arklow in need of development or renewal within the Town Centre (TC), Waterfront (WZ) and Residential zones will be examined in order to determine if there are sites where the Vacant Site Levy should be applied.

SPATIAL DEVELOPMENT STRATEGY

The spatial development strategy for Arklow is based on the following sustainable principles:

- Application of the 'sequential approach' whereby zoning extends outwards from the town centre, contiguous to the existing built up part of the settlement;
- promotion of the concept of 'walkable' neighbourhoods, whereby undeveloped lands within 10 minutes walking distance of the settlement centre and 5 minutes walking distance of any neighbourhood / village centres are prioritized;
- promotion of a sustainable land use and transportation pattern, whereby undeveloped lands that are accessible to public transport routes are considered most suitable for development. In this regard, undeveloped land within 1 km of the train station or 500m of bus routes will be prioritized;
- lands already or easily serviced by a gravity fed water supply system and waste water collection system will be prioritized;
- cognisance will be taken of the need to provide upmost protection to the environment and heritage, particularly of designated sites, features and buildings;
- promotion of the development of lands adjacent to existing or planned community and social infrastructure, such as schools and open space sites/zones

The development of zoned / designated land should generally be phased in accordance with the sequential approach:

- Development shall extend outwards from the town centre with undeveloped land closest to the centre and public transport routes being given preference, i.e. 'leapfrogging' to peripheral areas shall be resisted;
- a strong emphasis shall be placed on encouraging infill opportunities and better use of under-utilised lands; and
- areas to be developed shall be contiguous to existing developed areas.

Only in exceptional circumstances should the above principles be contravened, for example, where a barrier to development is involved. Any exceptions must be clearly justified by local circumstances and such justification must be set out in any planning application proposal.

Notwithstanding the zoning / designation of any land for residential purposes, the development management process shall monitor and implement the population targets for the town as set out in the Core Strategy and shall phase and restrict, where necessary, the granting of residential planning permissions to ensure these targets are not exceeded.

In accordance with these principles, the priority development areas for the Arklow are as follows (in order of priority):

Priority 1 Existing town centre
Waterfront Zone
Infill in already developed areas

Priority 2 Action Area 1
Action Area 2
Zoned 'greenfield' housing land in Lamberton, Ballyraine, Knockenrahan

The development of Action Area 1 is the highest priority in terms of 'greenfield' lands as it is the most proximate land to the built-up centre of the settlement. However, there is currently no access point available into AA1 from the built up area to the north of AA1. While the Local Authority will endeavour to determine or provide such a route, vehicular access to AA1 may be dependent on a new road via AA2. Therefore it is considered optimal to allow for both AA1 and AA2 in 'Phase 1'.

The development of AA1 and AA2 will also allow for the delivery of the 'port access road' which is deemed an essential piece of road infrastructure for the wider town to remove port bound traffic from the main street and town centre.

Priority 3 Action Area 3
Action Area 4
Zoned 'greenfield' housing land to the north of the river

These lands are more distant from the town centre and the majority of higher order services that are located to the south of the river. While it is noted that there are local shops and services to the north of the river and indeed a new major shopping centre on the north quay, this is not considered sufficient justification to promote new development lands in AA3 and AA4 above lands to the south of the river.

Furthermore, the full development of these lands is dependent on the construction of a new 'western distributor road' and a new Avoca River bridge, in order to avoid additional pressure on the existing '19 Arches' Bridge; the provision of such an alternative route will also allow for potential traffic re-routing of the town centre and allow for improvements for pedestrians and cyclist to be made in the town centre. This is however a longer term objective, as the road and bridge have yet to be designed, approved and funded.

INFRASTRUCTURE DELIVERY SCHEDULE

This section sets out the key infrastructure necessary, in a staged delivery schedule, in order to achieve the phased delivery of the objectives of this plan. This section focuses on the key road, recreational, community and educational infrastructure. It is acknowledged that there is a broad range of infrastructure necessary in order to enhance the services to the homes, businesses and schools of Arklow. The development and continued delivery of telecommunications, energy and Arklow Port is addressed under the County Development Plan and Wicklow County Council continues to liaise and work with the necessary telecommunications and energy providers of such infrastructure to continue to enhance these services. Arklow Port is a function of Wicklow County Council.

The lifetime of the Local Area Plan is six years. The delivery schedule is divided in to the following four phases as well as an on-going stage with delivery throughout the plan lifetime and beyond:

<u>Immediate term</u>	Year 1 and Year 2
<u>Short term</u>	Year 3 to Year 5
<u>Medium term</u>	Year 5 to Year 10
<u>Long term</u>	10 years plus
<u>On - going</u>	Through-out the plan lifetime and beyond

There are a number of stakeholders involved in the delivery of all the infrastructure projects. All projects are dependent on funding. There are also numerous other matters that need to fall in line in order for each infrastructure project to be delivered, like land acquisition, securing the appropriate planning approval, sourcing the funding, etc. One significant obstacle in the delivery of any new development in Arklow in the short term is the lack of a waste water treatment plant. New development is not encouraged in the absence of such a key piece of infrastructure; however once Irish Water has secured the appropriate permission for the plant, new development may be permissible with an occupancy holding condition until the plant is in operation. The resolution of waste water issues, in effect, removes the most fundamental blockage to commencing development, therefore following this resolution, the focus will be the establishment of sustainable and smarter travel patterns, including the delivery of new / upgrading of existing roads.

More local level infrastructure is to be provided within the key development parcels including school and crèche provision, neighbourhood centre facilities, pocket parks, cycle and pedestrian routes, civic spaces and public realm improvements. Wicklow County Council will work particularly with the Department of Education and Skills (DoEd) and individual developers to secure the co-ordinated delivery of essential school provision.

The LAP identifies a range of strategic and local infrastructure necessary to facilitate development in the Plan Area. The timely and co-ordinated delivery of such infrastructure across a number of state agencies will be a key focus of Wicklow County Council.

The key funding sources for the delivery of infrastructure are:

<u>Developer</u>	The developer of the land / infrastructure provides the funding to deliver the infrastructure or provides the infrastructure themselves.
<u>State</u>	LIHAF funding, Smarter Travel funding, Irish Water (IW), Transport Infrastructure Ireland (TII), National Transport Authority (NTA), OPW, Department of Education, LEADER/SICAP funding, other government departments, etc
<u>Wicklow County Council</u>	WCC Development contribution schemes, WCC Capital Works Programme, etc.

This schedule is a living programme. It will be reviewed at regular intervals to assess how the implementation is progressing, available resources and as new sources of funding and/or providers emerge.

Implementation & Infrastructure Delivery Schedule Table

Infrastructure	Delivery Schedule	Funding
Transport		
Southern Port Access Road	Medium term	Developer, State, WCC
Avoca River Bridge	Long term	Developer, State, WCC
Leinster Outer Orbital Route	Long term	State
Western distributor route	Medium term	Developer, State, WCC
Third interchange at Lamberton	Long term	State
Upgrading of bridge over railway line from Knockmore to Tinahask	Short term	Developer, State
Distributor road access between AA1 to AA2	Short term	Developer, State
General Road Improvements	On-going	Developer, State, WCC
General Footpath Improvements	On-going	Developer, State, WCC
General Cycle Improvements	On-going	Developer, State, WCC
General Car parking Improvements	On-going	Developer, State, WCC
Sanitary Services		
Wastewater Treatment Plant	Short term	State (IW)
Replace the combined surface water system with a separate network to the waste water	On-going	State (IW), WCC
Avoca River Flood Defence Scheme	Immediate - Short term	State (OPW), WCC
Social Infrastructure		
AOS at Churchview including e.g. MUGA	Medium term	Levies / Developer/ WCC
AOS at AA1 Tinahask	Short term	Developer
AOS at AA2 Tinahask	Medium term	Developer
AOS at AA3 Kilbride	Medium term	Developer
AOS at AA4 Coolboy	Long term	Developer
Crèche/ Childcare facilities	Short - Medium term	Developer
Community facilities (Audit required ¹)	Short - Medium term	Developer
School site in Kilbride	Immediate term	State (DoEd)
Future 2 Primary School sites and 1 Post Primary School site at AA1 & AA2 Tinahask Upper/ Money Big	Medium term	State (DoEd)
Graveyard	Immediate term	Developer / WCC

PHASING

Accordingly, as set out in Chapter 11, the phasing of development will be linked with the overall development strategy for the Local Area Plan whereby the existing settlement will expand geographically from the centre,

¹ Where specified by the Planning Authority, new significant residential or mixed use development (This is determined to be any proposed development in: (a) settlement levels 1 to 4 of 150+ residential units, (b) settlement level 5 of 75+ residential units and (c) settlement level 6 of 30+ residential units.) proposals, may be required to provide a social and community facility/facilities as part of the proposed development or the developer may be required to carry out a social infrastructure audit, to determine if social and community facilities in the area are sufficient to provide for the needs of the future residents. Where deficiencies are identified, proposals will be required to either rectify the deficiency, or suitably restrict or phase the development in accordance with the capacity of existing or planned services.

through the development of physically adjoining lands in a coherent manner. New development will integrate with the established settlement of Arklow and will be supported by the required infrastructure provision.

In order to fulfil the core strategy and the population and housing objectives of the Local Area Plan, the plan requires the key new residential areas of the town centre, waterfront, and 4 Action Areas to be developed as part of the future growth of Arklow.

Phasing Schedule Table

	Area/Zone	Key Infrastructure to be delivered prior to the delivery of development	Infrastructure to be delivered on a phased basis during development (in order of priority)
PHASE ONE	Town Centre (opportunity sites), Waterfront, Infill development	Wastewater treatment plant	
	Action Area Plan 1	Wastewater treatment plant	<p><i>The development of the AAP shall be delivered in phases such that the strategic road infrastructure and major active open space is provided in the first phase accompanied by no more than 50% of the residential development.</i></p> <p>Strategic Road Infrastructure: Link road from AA2</p> <p>Major Active Open Space: A minimum area of 3.75ha shall be developed as public open space, of which a minimum area of 3.2ha shall be laid for active sports uses in a range of track, pitch and court types suitable for a variety of sports and shall include necessary car parking, lighting and changing facilities; remaining open areas shall be laid out as informal parks and walks;</p>
	Action Area Plan 2	Wastewater treatment plant	<p><i>The development of the Action Area shall be delivered in phases such that adequate road infrastructure and local services are provided for each phase; in particular, the strategic road infrastructure (providing access to the AA1 lands to the north) and local shops & services sites shall be provided in Phase 1 accompanied by no more than 50% of the residential development; and the major open space, employment facilities and Southern Port Access link road shall be provided no later than Phase 2 accompanied by no more than 75% of the residential units (an additional 25% on top of Phase 1).</i></p> <p>Phase 1</p> <p>Strategic Road Infrastructure: Upgrading of bridge over railway line from Knockenrahan to Tinahask, distributor road access to AA1 and to the south</p> <p>Local shops and services: A local shops and services zone, on a maximum site area of 1ha to service both the future resident and working population of the</p>

			<p>action area, of a scale commensurate with the needs of the future population shall be provided. This local centre shall comprise of a small group of shops including 1 medium size foodstore/ general grocery store (not a supermarket), and other such retail and non-retail services as shall be determined as warranted following the carrying out of a Retail Impact Assessment.</p> <p>Phase 2</p> <p>Strategic Road Infrastructure: Southern Port Access link road</p> <p>Major Open Space: A minimum area of 5ha shall be developed as public open space, of which a minimum area of 3ha shall be laid for active sports uses; remaining open areas shall be laid out as informal parks and walks, and shall include at least 1 equipped children's play area;</p>
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	Area/Zone	Key Infrastructure to be delivered prior to the delivery of development	Infrastructure to be delivered on a phased basis during development (in order of priority)
PHASE TWO	Action Area Plan 3	Wastewater treatment plant	<p><i>The development shall be delivered in phases such that adequate road infrastructure and local services are provided for each phase; in particular, the road infrastructure to serve the action area and local shops & services sites shall be provided in Phase 1 accompanied by no more than 50% of the residential development; and the open space and strategic road infrastructure shall be provided no later than Phase 2 accompanied by no more than 75% of the residential units (an additional 25% on top of Phase 1).</i></p> <p>Phase 1</p> <p>Road Infrastructure: Vehicular access to the Action Area shall be provided from the L-6179 or from the Regional Road if it is possible, with the roads configuration of the development providing / facilitating a possible future third Avoca river crossing; other, secondary access routes from the adjacent road network shall also be provided as may be possible;</p> <p>Local shops and services: A local shops and services centre, of scale commensurate with the needs of the future population of the Action Area shall be provided, on a site of c. 1ha.</p> <p>Phase 2</p> <p>Strategic Road Infrastructure: Avoca River Bridge</p> <p>Major Open Space: A minimum area of 12ha shall be developed as public open space, of which a minimum area of 4.5ha shall be laid for active sports uses; remaining open areas shall be laid out as informal parks and walks, and shall include a minimum of 2 equipped children's play areas</p>
	Action Area Plan 4	Wastewater treatment plant	Major Open Space: 2ha active open space zone

IMPLEMENTATION, MONITORING & REVIEW

Wicklow County Council is committed to taking a pro-active approach to progress the delivery of the Plan. The LAP will have effect for a period of six-years from the date of adoption, unless otherwise extended, amended or revoked, as per the Planning and Development Act 2000 (as amended). Prior to the fifth year from adoption, the Planning Department will carry out a review of the LAP to inform whether the Plan should be extended (for a maximum of another five years) or revoked. The findings of the review will be presented to the Elected Members for their consideration.

PART III: SUMMARY OF ISSUES RAISED AND CHIEF EXECUTIVE'S OPINION AND RECOMMENDATIONS ON THE PROPOSED MATERIAL ALTERATIONS

The Proposed Material Alteration are presented in the order they appear in the Local Area Plan. The Proposed Material Alterations are presented in the 'Proposed Material Alterations to the LAP' document published in November 2017.

CHAPTER 1 INTRODUCTION & VISION

No alterations

CHAPTER 2 OVERALL DEVELOPMENT STRATEGY

PROPOSED MATERIAL ALTERATION No. 1

Submissions

Department of Education & Skills

It is noted that the projected population targets remain as published previously at 23,000 by 2028. However the proposed alterations to the draft plan provide for an increase in the housing targets to 2028 and Table 3.1 outlines the new residential developments at Yellow Lane amounting to 19 additional units and Seabank amounting to 40 additional units. Taking into account the request for sites for 3 primary and 1 post primary school previously made by the department there will be sufficient capacity to cater for the requirements above.

Opinion of Chief Executive

The submission is noted.

This proposed alteration was recommended by the Chief Executive in his previous report on foot of the Minister for Planning's submission and is still recommended.

Recommendation of Chief Executive

To proceed with Proposed Material Alteration No.1

CHAPTER 3 RESIDENTIAL DEVELOPMENT**PROPOSED MATERIAL ALTERATION No. 2****Submissions****Department of Housing, Planning and Local Government**

Several of the Proposed Material Alterations relate to changes to zonings in the plan at various locations including at **Coolboy (MA No.2)**, at Money Little (MA No.3) and at the Shelton Abbey industrial site (MA No.7). These changes are relatively minor in the overall context of new zonings in the town.

National Transport Authority

The NTA is of the view that the development of the lands at Coolboy, including those lands outside Action Area 4, would be difficult to serve in a manner consistent with the Transport Strategy. As such, the maintenance of a residual 3.46 hectares for low-density housing as proposed is not supported. All of the zoning in this location should therefore be removed.

Opinion of Chief Executive

This amendment was proposed by the Elected Members at the County Council meeting in November 2017.

With respect to the NTA submission, while it is noted that the lands in question are at the periphery of the settlement, it is considered that they are serviceable by public transport and that walking and cycling will be a viable option for access to town services as they are within 500m of the Dublin Road, a key artery for transport services and within 500m of a new school campus, neighbourhood centre and the link road to the future Avoca Bridge in Action Area 3.

The Chief Executive had advised against this amendment previously, as it involved a reduction in zoned land in the area, which was needed to meet population and housing targets. However, in light of the views of the members, and the NTA's general lack of support for zoning in this area, the CE is happy to support this amendment.

Recommendation of Chief Executive

To proceed with Proposed Material Alteration No.2

PROPOSED MATERIAL ALTERATION No. 3**PROPOSED MATERIAL ALTERATION No. 3****Submissions****Department of Housing, Planning and Local Government**

Several of the Proposed Material Alterations relate to changes to zonings in the plan at various locations including at Coolboy (MA No.2), at **Money Little (MA No.3)** and at the Shelton Abbey industrial site (MA No.7). These changes are relatively minor in the overall context of new zonings in the town.

National Transport Authority

This alteration would lead to the development of an isolated edge-of-town site for residential development, severed from the rest of the built-up area of the town by a large Tourism development, surrounded by employment uses on its other side, and close to the M11 interchange. Such a pattern of development would not align with the principles of sequential development as set out in the Transport Strategy. As such, it is recommended that this alteration is not adopted.

Opinion of Chief Executive

This amendment was proposed by the Elected Members at the County Council meeting in November 2017.

The Chief Executive does not support this amendment for the following reasons:

- Having regard to the Core Strategy and Arklow's designation as a Large Growth Town, these lands are considered optimal for residential development in line with the zoning principles as set out in the County Development Plan.
- This site is not close to any established tourism attraction and is out a distance from the town centre where there are other tourist facilities to support tourism accommodation or other tourist uses; to allow such peripheral development without any particular need may undermine the viability of such town centre tourism businesses;
- Having regard to the 'gateway' location of the site on the main road into Arklow, the site is not considered suitable for the type of tourism accommodation that has been suggested (caravan park).

Recommendation of Chief Executive

To **not** proceed with Proposed Material Alteration No.3

PROPOSED MATERIAL ALTERATION No. 4

PROPOSED MATERIAL ALTERATION No. 4
Submissions
<p>Department of Education & Skills</p> <p>It is noted that the projected population targets remain as published previously at 23,000 by 2028. However the proposed alterations to the draft plan provide for an increase in the housing targets to 2028 and Table 3.1 outlines the new residential developments at Yellow Lane amounting to 19 additional units and Seabank amounting to 40 additional units. Taking into account the request for sites for 3 primary and 1 post primary school previously made by the department there will be sufficient capacity to cater for the requirements above.</p>
Opinion of Chief Executive
<p>The submission is noted.</p> <p>This amendment was proposed by the Elected Members at the County Council meeting in November 2017.</p> <p>The Chief Executive has no issue with this amendment.</p>
Recommendation of Chief Executive
To proceed with Proposed Material Alteration No.4

CHAPTER 4 ECONOMIC DEVELOPMENT & EMPLOYMENT**PROPOSED MATERIAL ALTERATION No. 5 (This is also applicable to Chapter 3 Residential)****Submissions****Department of Housing, Planning and Local Government**

The Proposed Material Alteration at Seabank provides for piecemeal and speculative zonings that are contrary to national planning guidelines.

Two substantial zonings are proposed under MA No. 5 at Seabank to the north east of the town. Proposed Material Alteration No. 5 seeks to zone greenfield lands (5.9 ha) west of the R750 for Residential - Objective 'R Special' to accommodate 40 new residential units (Objective H9) and also zone 5.4 ha for Objective E1 *Employment*. The site at Seabank is located outside the settlement boundary identified in the local area plan and is between 0.5-1km from the *Cluain Ard* housing estate which is the most northerly existing development on the northern eastern side of the town. Development of this isolated site would represent piecemeal and uncoordinated development of the town into the surrounding countryside and would, over time, result in a continuous stretch of development along the R750.

The Arklow LAP provides for significant existing residential and employment zonings to assist the growth of the town to the south and west and additional random zonings are not justified on the basis of need, infrastructural provision or spatial sequencing for either residential or employment development.

The proposed zoning at Seabank is ad hoc and piecemeal in nature. It is completely contrary to the statutory *Development Plans Guidelines* (2007) which clearly state that new zonings should '*extend out from the centre of an urban area, with undeveloped lands closest to the core and public transport routes being given preference (i.e. 'leapfrogging' to more remote areas should be avoided)*' (section 4.19 of the *Development Plans Guidelines*, 2007).

Proposed Material Alteration No. 5 is contrary to the Development Plans Guidelines (2007) and your authority is requested not to adopt these alterations and thereby delete these proposed zoning objectives in the Local Area Plan.

Having regard to the significant and serious concerns of this Department to the rationale and approach adopted in the Proposed Material Alteration to the Arklow Local Area Plan, your authority is requested to take the following steps;

1. Include additional safeguards in the Proposed Material Alterations that ensure that new housing development areas are developed on a spatially sequential and phased basis that is informed by the anticipated delivery of the required enabling infrastructure.
2. Omit Proposed Material Alteration No. 5 (Seabank)

Where your authority substantively addresses the points above, it would be unnecessary to consider the use of powers under Section 31 of the Act to ensure consistency in key legislative and policy aspects as outlined above.

Department of Education & Skills

It is noted that the projected population targets remain as published previously at 23,000 by 2028. However the proposed alterations to the draft plan provide for an increase in the housing targets to 2028 and Table 3.1 outlines the new residential developments at Yellow Lane amounting to 19 additional units and Seabank amounting to 40 additional units. Taking into account the request for sites for 3 primary and 1 post primary school previously made by the department there will be sufficient capacity to cater for the requirements above.

Environmental Protection Agency

We note your screening has concluded that 3 of the 16 Alterations (Alterations Nos. 5, 7 and 16) are likely to give rise to significant environmental impacts and that these Alternatives have accordingly been subject to SEA.

Environmental management plan(s) should be prepared to coordinate the development of the four action areas, considering aspects such as traffic management, waste management, green infrastructure integration/protection/provision, surface water management/drainage, noise etc. We note that site specific environmental assessments will be carried out where required for Alterations Nos. 5, 7 and 16. Where relevant, this could be integrated into any environmental management plans for the four action areas.

We note that the Addendum to the FRA concludes that the land use zoning being proposed in Alterations Nos. 5, 7 and 16 is not appropriate due to the identified flood risk. It states that suitable alternative lands are available and concludes that the justification test has failed.

In this context, we recommend that further consideration should be given to the need to develop lands in areas of moderate or high flood risk, as proposed by Alterations Nos. 5, 7 and 16. Given the availability of suitable alternative lands, we recommend that additional consideration be given to alternatives. This is particularly important in the context of climate change and predicted increases in the frequency and severity of flooding from extreme weather events and sea level rise.

You are reminded to ensure that the Alterations are consistent with the *Planning System and Flood Risk Management Guidelines for Planning Authorities* (DEHLG/OPW, 2009).

National Transport Authority

The rezoning of the rural lands at Seabank outside of Arklow for low-density residential and employment uses does not align with the Transport Strategy in terms of promoting urban consolidation and sequential

development. As such, it is recommended that this alteration is not adopted.

Opinion of Chief Executive

This amendment was proposed by the Elected Members at the County Council meeting in November 2017.

The Chief Executive does not support this amendment for the reasons set out in his previous report and concurs with the objections of the submitters set out above.

SEA - Proposed Material Alterations No. 5 has been identified as having **potential to result in significant environmental effects** following the implementation of high-level mitigation.

SFRA – The development plan justification test was carried out and **FAILED** on a small portion of the R Special zoning to the south west that is within Flood Zone A and B.

Recommendation of Chief Executive

To **not** proceed with Proposed Material Alteration No.5

PROPOSED MATERIAL ALTERATION No. 6**Submissions****National Transport Authority**

The NTA notes the zoning of an additional 7 hectares of land for Employment uses on sites on the edge of Arklow, with the smaller site having direct access to the M11 (this refers to Amendments 6 and 7). While these particular zonings may be acceptable in principle, it is essential that the impact of their development on the M11 is comprehensively assessed, with the development at Shelton Abbey assessed as part of a Masterplan.

Transport Infrastructure Ireland

It remains the opinion of TII that zoning proposals and/or development objectives in proximity to national road junctions, included in the local area plan, need to be supported by a required evidence base.

In that regard, additional zoning proposals such as Proposed Material Alteration no. 6 proposing additional Employment lands in proximity to M11 junction 20 does not appear to be supported by such evidence based requirements.

It remains the opinion of TII that the local area plan and relevant proposed material alterations, impacting on national roads and associated junctions, should be subject to evidence based transport assessment, in accordance with the requirements of the DoECLG Spatial Planning and National Roads Guidelines, to confirm the extent of development planned can be accommodated complementary to safeguarding the strategic function of the national road network. Amendments arising from such assessment should be incorporated into the Local Area Plan prior to adoption.

Opinion of Chief Executive

This amendment was proposed by the Elected Members at the County Council meeting in November 2017.

With respect to the submissions received:

- The NTA appears to be mistaken that these lands have direct access onto the M11 – access is onto the Dublin road, south of the interchange.
- It is agreed that there is no 'evidence' base to justify the zoning of these lands; there is nothing about the site, its location, or the calculations regarding employment zoning need that would justify this zoning. However, it is not considered that it is necessary to carry out a transport assessment for such a small piece of land, from which minimal traffic would be likely to be generated.

The Chief Executive does not support this amendment for the following additional reasons:

- Having regard to the gateway location of the site on the main road into Arklow, the site is not considered suitable for an isolated, stand alone employment development as such a development, usually entailing non distinct, 'box' type structure of limited design quality, landscaping etc would be likely to degrade the overall first impression of the town;
- Arklow has more than adequate amount of zoned employment zoned land, both brownfield and greenfield, to accommodate its employment needs for the lifetime of the plan and beyond.

Recommendation of Chief Executive

To **not** proceed with Proposed Material Alteration No.6

PROPOSED MATERIAL ALTERATION No. 7**Submissions****Department of Housing, Planning and Local Government**

Several of the Proposed Material Alterations relate to changes to zonings in the plan at various locations including at Coolboy (MA No.2), at Money Little (MA No.3) and at the **Shelton Abbey industrial site (MA No.7)**. These changes are relatively minor in the overall context of new zonings in the town.

Environmental Protection Agency

We note your screening has concluded that 3 of the 16 Alterations (Alterations Nos. 5, 7 and 16) are likely to give rise to significant environmental impacts and that these Alternatives have accordingly been subject to SEA.

Environmental management plan(s) should be prepared to coordinate the development of the four action areas, considering aspects such as traffic management, waste management, green infrastructure integration/protection/provision, surface water management/drainage, noise etc. We note that site specific environmental assessments will be carried out where required for Alterations Nos. 5, 7 and 16. Where relevant, this could be integrated into any environmental management plans for the four action areas.

We note that the Addendum to the FRA concludes that the land use zoning being proposed in Alterations Nos. 5, 7 and 16 is not appropriate due to the identified flood risk. It states that suitable alternative lands are available and concludes that the justification test has failed.

In this context, we recommend that further consideration should be given to the need to develop lands in areas of moderate or high flood risk, as proposed by Alterations Nos. 5, 7 and 16. Given the availability of suitable alternative lands, we recommend that additional consideration be given to alternatives. This is particularly important in the context of climate change and predicted increases in the frequency and severity of flooding from extreme weather events and sea level rise. You are reminded to ensure that the Alterations are consistent with the *Planning System and Flood Risk Management Guidelines for Planning Authorities* (DEHLG/OPW, 2009).

National Transport Authority

The NTA notes the zoning of an additional 7 hectares of land for Employment uses on sites on the edge of Arklow, with the smaller site having direct access to the M11. While these particular zonings may be acceptable in principle, it is essential that the impact of their development on the M11 is comprehensively assessed, **with the development at Shelton Abbey assessed as part of a Masterplan.**

Opinion of Chief Executive

This amendment was proposed by the Elected Members at the County Council meeting in November 2017.

The Chief Executive does not support this amendment for the reasons set out in his previous report.

This parcel of land was zoned 'E' in the previous development plan on the grounds that it formed part of the former IFI site. It appeared that these lands were previously used for goods storage as the lands are adjoining the railway line, which was used to transport chemicals / fertilisers by train when the IFI plant was in operation. The lands are linked to the main industrial site to the east by a road bridge;

- In reality however the area that was used for industrial activity was much narrower than the zoning provided in the 2011 plan and the active area during IFI times comprised only a corridor along the railway and its sidings and the remainder of the land was not use for industrial purposes and was vegetated;
- It is therefore apparent that the previous zoning had little justification in terms of the historical use of the lands;
- Flood Studies carried out by the OPW (PFRAs) also show these lands at high risk of flooding (Flood Zone A

1:100)

- In this context, it is not recommended that the zoning be altered; any lack of 'zoning' will not prevent the historical established / permitted use of the lands from continuing, but would potentially limit the intensification of use or construction of new buildings, both of which are not supported due to the flood risk attached to the land and indeed the general impact on the landscape and rural aspect of this valley.

SEA - Proposed Material Alterations No. 7 has been identified as having potential to result in significant environmental effects following the implementation of high-level mitigation.

SFRA – The development plan justification test was carried out and **FAILED** on a large portion of the E1 zoning that is within Flood Zone A and B.

Recommendation of Chief Executive

To **not** proceed with Proposed Material Alteration No.7

CHAPTER 5 KEY AREAS - TOWN CENTRE STRATEGY & WATERFRONT

PROPOSED MATERIAL ALTERATION No. 8 (a), (b), (c) and (d)

Submissions

None

Summary of Issues Raised

n/a

Opinion of Chief Executive

Proposed alterations 8a, 8b, 8c and 8d were recommended by the Chief Executive in his previous report on foot of the NTA's submission.

Recommendation of Chief Executive

To proceed with Proposed Material Alteration No.8

CHAPTER 6 RETAIL

No alterations

CHAPTER 7 COMMUNITY DEVELOPMENT

No alterations

CHAPTER 8 TOURISM & RECREATION

No alterations

CHAPTER 9 INFRASTRUCTURE, TRANSPORTATION & MOVEMENT**PROPOSED MATERIAL ALTERATION No. 9 (a)****Submissions**

None

Opinion of Chief Executive

This amendment was proposed by the Elected Members at the County Council meeting in November 2017. The Chief Executive supports the proposed change.

Recommendation of Chief Executive

To proceed with Proposed Material Alteration No.9a

PROPOSED MATERIAL ALTERATION No. 9 (b)**Submissions****Roadstone Ltd**

This revision is welcomed. It should be noted, however, that the current Roadstone access route is a private road; it is not a public road. Until further details of the proposed road layout and land acquisition requirements are made available and the potential effect on the quarry can be assessed, Roadstone will seek to ensure that the integrity of its asset at Arklow, including the privately owned access road, is protected.

Opinion of Chief Executive

The submission is noted.

This alteration was proposed by the CE for the reasons set out in his previous report and is still recommended.

Recommendation of Chief Executive

To proceed with Proposed Material Alteration No.9(b)

PROPOSED MATERIAL ALTERATION No. 9 (c)**Submissions**

None

Opinion of Chief Executive

This proposed alteration was recommended by the Chief Executive in his previous report on foot of the NTA's submission and is still recommended.

Recommendation of Chief Executive

To proceed with Proposed Material Alteration No.9 (c)

CHAPTER 10 BUILT & NATURAL HERITAGE**PROPOSED MATERIAL ALTERATION No. 10****Submissions**

None

Opinion of Chief Executive

This amendment was proposed by the CE for the reasons set out in his previous report and is still recommended and is still recommended.

Recommendation of Chief Executive

To proceed with Proposed Material Alteration No.10

CHAPTER 11 ZONING, LAND USE & ACTION AREAS**PROPOSED MATERIAL ALTERATION No. 11****Submissions****Roadstone Ltd**

The LAP provides for two 'Action Areas', namely AA1 and AA2. These comprise previously undeveloped land that is now proposed for comprehensive development. AA1 is located east of the Arklow Golf Course and AA2 is located east of the golf course and Arklow Quarry. The delivery of the SPAR is contingent on the development of these lands.

Previously, the zoning map provided for new residential development adjoining the Roadstone landholding. The comprehensive list of criteria in respect of the development of AA2 did not address the interaction of the existing quarry and the proposed residential development.

The zoning has now been revised to Mixed Use, which allows a more flexible approach to the uses within the overall development and adjacent to the Roadstone operation. This is welcomed; however, any forthcoming development should not adversely affect the existing and established operations at Arklow Quarry.

Roadstone will seek to ensure that any future development of AA2 does not adversely affect the integrity or operation of the Roadstone asset at Arklow.

Opinion of Chief Executive

This submission is noted.

This amendment was proposed by the Elected Members at the County Council meeting in November 2017.

The Chief Executive **does not** support this amendment for the following reasons:

- It is not considered appropriate to omit the designated zonings for each Action Area Plan from the Land Use Map as the zonings provide details for the public and general users of the map on the intended uses for the Action Area.
- Local area plans are, by and large, aimed at a local audience. The 'Local Area Plan Guidelines for Planning Authorities' (2013) recommend that LAPs are well presented and easy to understand to help the public interpret the plan and understand how the area of the plan will develop into the future.
- The Local Area Plan guidelines also request that maps are prepared in a format that enables the authority to input the plan into the Myplan.ie system. This is used to assess amount of land that are zoned for particular uses, therefore the specific zones would be required.
- With regard to the zoning map the LAP guidelines state that rudimentary zoning objectives and generic zonings do not provide a starting point for good local area planning.
- It is clearly set out in the LAP that "***The position, location and size of the land use zonings as shown on the plan map 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 Area Plans***"

SFRA – The development plan justification test was carried out and FAILED on a small portion of the MU zoning in Action Area Plan 3 and Action Area Plan 4 that is within Flood Zone A and B.

Recommendation of Chief Executive

To **not** proceed with Proposed Material Alteration No. 11

PROPOSED MATERIAL ALTERATION No. 12**Submissions****Roadstone Ltd**

Roadstone welcomes this revision. It is noted, however, that the corresponding text on the associated map (9.1) has not been updated. This text on map 9.1 should be amended in the interest of consistency.

Opinion of Chief Executive

This alteration was proposed by the CE for the reasons set out in his previous report and is still recommended.

With respect to the submission, Map 9.1 does not provide any zoning text / descriptions – it shows transport objectives – so it is not clear what the issue being raised is. Upon adoption of the final plan, all maps / text will be updated to reflect any amendments made during the process.

Recommendation of Chief Executive

To proceed with Proposed Material Alteration No. 12

PROPOSED MATERIAL ALTERATION No. 13**Submissions****Department of Housing, Planning and Local Government**

In our submission of 18th August 2017 to the Draft Arklow and Environs Local Area Plan 2017, the Department pointed out that the Arklow Local Area Plan was not in compliance with the core strategy of the Wicklow County Development Plan 2016-22. The Department requested the insertion of additional provisions with regard to the phased development of the overall zoned lands in a manner that is consistent with the Core Strategy across the four new residential Action Area Plans.

Such an approach, which is critical for the orderly development of and investment in enabling infrastructure, is required by statutory guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended) titled *Local Area Plans Guidelines for Planning Authorities* (2013).

In this regard, the Department notes Proposed Material Alteration No.13 relating to an additional Appendix D summarising phasing arrangements for new residential development in Arklow. The *Phasing Schedule Table* indicates certain infrastructural requirements that are linked to the four Area Action Plans identified, which include certain levels of housing provision permitted in advance of the delivery of significant infrastructural items (e.g. *50% active open space is provided in the first phase accompanied by no more than 50% of the residential development*).

The Department's previous submission also requested the Council to detail the future spatial development of Arklow as informed by the delivery of new road, water and other infrastructure.

While Objective H4 of the LAP provides that future development will '*generally be phased in accordance with the sequential approach as set out in the County Development Plan*' as referred to in the report of the Chief Executive in response to this request, the Arklow Local Area Plan remains unclear on the sequential approach to the development of the four AAP sites as requested.

Significantly scaled new residential development is included in the LAP for Arklow and clarity over the coherent spatial growth of the town is needed in order to avoid future inefficient and fragmented sprawl that would not maximise the new development derived from prioritised investment decisions.

For example, the Department notes in particular that Action Area Plan No. 3 on the northern side of the River Avoca at Kilbride has the potential to be developed for c.1100 homes (75% of the total permitted 1500 housing units) without the provision of the required strategic road link to the southwards (i.e. the Avoca River Bridge). This is a significant quantum of new housing without the identified road infrastructure and it is unclear what transport assessment or evidence base has led to this stipulation. Such development could result in a significant volume of traffic impacting on the town centre and quay areas and would be at odds with objectives in the LAP to develop and regenerate these areas.

It is also noted that the Phasing Schedule Table includes several optional phasing requirements that appear ambiguous in nature – e.g. *'Active Open Space has to be developed prior to the housing development or no more than 75% of the residential development may be constructed prior to the provision of the open space'*. It is considered that such phasing requirements should be more clearly stated to avoid any potential misinterpretation.

The Council is requested to provide, in the Proposed Material Amendments, for the appropriate prioritisation of new residential development lands within Arklow such that the growth of the town as identified in the Wicklow CDP core strategy can be realised and to allow the town to grow in a sequential and sustainable fashion to support the required infrastructural investment.

Environmental Protection Agency

Environmental management plan(s) should be prepared to coordinate the development of the four action areas, considering aspects such as traffic management, waste management, green infrastructure integration/protection/provision, surface water management/drainage, noise etc. We note that site specific environmental assessments will be carried out where required for Alterations Nos. 5, 7 and 16. Where relevant, this could be integrated into any environmental management plans for the four action areas.

We note that *Appendix D-Infrastructure Delivery Schedule* includes a commitment that *"...once Irish Water has secured the appropriate permission for a new waste water treatment plant, new development may be permissible with an occupancy holding condition until this plant is in operation..."*. We recommend that the words *'will only be permissible'* may be appropriate in the context of ensuring that future development is underpinned by adequate and appropriate waste water treatment infrastructure.

The Receiver for Dawnhill Properties Ltd and Windhill Properties Ltd

The housing/population targets for the town as set down in the core strategy is to be delivered in 6 growth areas: infill development within the town centre and waterfront, and within 4 Action Areas:

- Abbeylands (AA1) and Money Little/Big (AA2) south of the town which together will deliver 1,485 units.
- Kilbride (AA3) (the subject lands) which will deliver 1,500 units.
- Coolboy (AA4) further north of the town which will deliver 220 units

However the Phasing Schedule Table in Appendix D designates a "Phase One" comprising the Town Centre, Waterfront, AAP1 and AA2; whilst AA3 (subject lands) and AA4 are indicated as "Phase Two". There is no explanation provided as to why the development lands are to be phased in this way, or what the phasing strategy actually means. Is it intended that Phase 2 is to be developed after Phase 1?

The preceding paragraph to the table states:

"... the phasing of development will be linked with the overall development strategy for the Local Area Plan whereby the existing settlement will expand geographically from the centre, through the development of physically adjoining lands in a coherent manner. New development will integrate with the established settlement of Arklow and will be supported by the required infrastructure provision. In order to fulfil the core strategy and the population and housing objectives of the Local Area Plan, the plan requires the key new residential areas of the town centre, waterfront, and 4 Action Area's to be developed as part of the future growth of Arklow."

The development of Arklow sequentially from the centre out, in all directions, is a central tenet of the Core Strategy. However the Phasing Table included in Appendix D could easily be misconstrued as intending that the town will firstly develop south from the centre (into AA1 and AA2) before development to the north (AA3 and AA4) will be considered. That would be a retrograde and highly unsustainable measure were it true.

The current population of Arklow is already geographically skewed with triple the population living south of the River Avoca than to the north. The 2016 Census results indicate 3,013 residents in Arklow No. 2 Urban Electoral District with 9,976 in No. 1 Urban E.D south of the river. Whilst the historic centre of the town does lie to the south the north has developed a good range of services and infrastructure to facilitate additional population. There are schools, churches and shops, most particularly the Bridgewater Shopping Centre. Under AA3 additional schools and local retail will be provided in tandem with new housing.

Were the town to develop in the short-medium term only to the south of the town first then the imbalance in population between north and south would be further imbalanced. With AA1 and AA2 designated for 1,485 units that would equate to a residential population of over 4,000 (based on average household size of 2.75). Notwithstanding additional development in the town centre, this means that the population south of the river would become 4 times the size of that north of the river. The restriction on the commencement of residential development on AA3 would also delay the delivery of additional social (schools, shops) and physical Infrastructure identified in the LAP.

Given the above concerns it is naturally assumed that it is not the intention of the LAP to restrict the development of AA3 in this way but rather that incremental development of the Action Areas in unison would be delivered in accordance with the principles of sequential development.

In this regard the areas of AA3 beside the existing residential areas, local services, public transport (along the Dublin Road) and the new school site could be delivered in the short term with lands further west towards the M11 to be delivered in the longer term (most likely under a future LAP). This phasing of development within AA3 can be set down in the Action Area Plan to be agreed with the planning authority before any initial applications would be accepted.

Given the above it is requested that the table added to Appendix D be revised to remove AA3 Kilbride lands from Phase 2.

A further comment is raised in relation to list of infrastructure for delivery of AA3. It is stated that the Avoca River Bridge *"has to be developed prior to the housing development or no more than 75% of the residential development may be constructed prior to the provision of this road infrastructure."*

We note that the bridge is a long-term and significant piece of infrastructure that may ultimately need to be delivered through state funding. Given the bridge will benefit the entire town as well as development lands south of the river and it would be unreasonable to expect our client or any one developer to fund it entirely. In this regard it is requested, in the interest of clarity that additional text be added to bullet point 5 to emphasise that the funding/delivery of the bridge will be subject to State or other similar funding mechanisms.

National Transport Authority

The NTA notes that insertion of Appendix D – Phasing and Implementation – and will work closely with Wicklow County Council in the delivery of those elements within our remit, with a view to achieving close integration between land use planning and transport planning in Arklow, consistent with the principles of the Transport Strategy.

Opinion of Chief Executive

This proposed alteration was recommended by the Chief Executive in his previous report on foot of the Minister for Planning's submission. However, in light of the submissions received, it is recommended that the amendment be modified as set out in **Part II** of this report.

However, in recommending a modification, the CE must be cognisant of the strictures of the Planning Act which require that only 'minor' modifications may be made at this stage of the plan making process.

In particular:

- It is considered that additional text should be provided to clearly set out the spatial development criteria applied in the plan; while this text is a page long, it is still considered 'minor' as the principles and priorities referred to therein are already set out in the County Development Plan and the draft LAP;
- With regard to AA3 (Kilbride), while it would be more than a 'minor' change to consider curtailing significantly or completely development on these lands in advance of the construction of the western distributor road and the new Avoca River bridge, it is accepted additional research and assessment is needed to determine more precisely the road network improvements and new road infrastructure required to service each phase of this overall development. This is considered to apply equally to all action areas.

In this regard, the Council will undertake a Transport Study for Arklow, to be completed in advance of any major permission being granted in any of the Action Areas (which is some years down the road as no permission can be considered until the WWTP is constructed) and if necessary, based on the findings of said report, will amend this LAP and the phasing and implementation provisions therein.

- With respect to the EPA's suggestion that 'environmental management plans' be prepared for each Action Area, it is a normal requirement through the development management / application process for major developments that traffic management, waste management, green infrastructure, surface water management/drainage, noise etc be addressed in a comprehensive manner. It is not considered necessary for this LAP to specify exactly what documents and studies / plans must be submitted with each and any application as this will differ depending on the location and scale of the proposals. Implementation of the raft of environmental protection regulations and objectives of the County Development Plan / LAP will ensure upmost protection of the environment.
- With respect to the EPA's concern regarding the text: "*...once Irish Water has secured the appropriate permission for a new waste water treatment plant, new development may be permissible with an occupancy holding condition until this plant is in operation...*", no modification is recommended as the decision to allow a connection to the town's drainage system and when to allow such a connection will be a matter for Irish Water and in any event is most unlikely to occur where there is any uncertainty about the completion date of the new WWTP.

Recommendation of Chief Executive

Adopt Proposed Material Alteration No.13 **with further modifications.** (See part 2 of this report above)

PROPOSED MATERIAL ALTERATION No. 14
Submissions
<p>The Receiver for Dawnhill Properties Ltd and Windhill Properties Ltd</p> <p>The extension of the AA3 boundary to include the portion of the Arklow Marsh lands; the rezoning of the surplus CE land to New Residential and the increase from 150 to 200 for the size of individual estates are all welcomed.</p>
Opinion of Chief Executive
<p>The submission is noted.</p> <p>This alteration was proposed by the CE for the reasons set out in his previous report and is still recommended.</p>
Recommendation of Chief Executive
To proceed with Proposed Material Alteration No. 14

PROPOSED MATERIAL ALTERATION No. 15
Submissions
None
Opinion of Chief Executive
This alteration was proposed by the CE for the reasons set out in his previous report and is still recommended.
Recommendation of Chief Executive
To proceed with Proposed Material Alteration No. 15

PROPOSED MATERIAL ALTERATION No. 16**Submissions****Department of Housing, Planning and Local Government**

Proposed Material Alteration at Ballynattin provides for piecemeal and speculative zoning that is contrary to national planning guidelines.

Substantial greenfield lands are proposed in MA No.16 for zoning as Objective T - *Tourism* development at Ballynattin. These lands are peripheral to the town and positioned west of the M11 motorway which is an identifiable western boundary to the future growth of the town. There is significant new employment/commercial zoning to the east of M11 along the R772 approach into Arklow from the south off the M11 including an Objective T - *Tourism* zoning under Proposed Material Alteration No.3. It is considered that these substantial employment zonings represent a significant addition to the town and provide for the future sustainable employment growth of Arklow. The zoning of additional tourism development lands at Ballynattin is not justified on the basis of need, infrastructural provision or spatial sequencing of development.

The proposed zoning at Ballynattin is ad hoc and piecemeal in nature. It is completely contrary to the statutory *Development Plans Guidelines (2007)* which clearly state that new zonings should '*extend out from the centre of an urban area, with undeveloped lands closest to the core and public transport routes being given preference (i.e. 'leapfrogging' to more remote areas should be avoided)*' (section 4.19 of the *Development Plans Guidelines, 2007*).

Proposed Material Alteration No. 16 is contrary to the *Development Plans Guidelines (2007)* and your authority is requested not to adopt these alterations and thereby delete these proposed zoning objectives in the Local Area Plan.

Having regard to the significant and serious concerns of this Department to the rationale and approach adopted in the Proposed Material Alterations to the Arklow Local Area Plan, your authority is requested to omit Proposed Material Alteration No. 16 (Ballynattin)

Where your authority substantively addresses the points above, it would be unnecessary to consider the use of powers under Section 31 of the Act to ensure consistency in key legislative and policy aspects as outlined above.

Environmental Protection Agency

We note your screening has concluded that 3 of the 16 Alterations (including No. 16) are likely to give rise to significant environmental impacts and that these Alternatives have accordingly been subject to SEA.

Environmental management plan(s) should be prepared to coordinate the development of the four action areas, considering aspects such as traffic management, waste management, green infrastructure integration/protection/provision, surface water management/drainage, noise etc. We note that site specific environmental assessments will be carried out where required for Alterations Nos. 5, 7 and **16**. Where relevant, this could be integrated into any environmental management plans for the four action areas.

We note that the Addendum to the FRA concludes that the land use zoning being proposed in **Alteration No. 16** is not appropriate due to the identified flood risk. It states that suitable alternative lands are available and concludes that the justification test has failed.

In this context, we recommend that further consideration should be given to the need to develop lands in areas of moderate or high flood risk, as proposed by Alteration No. 16. Given the availability of suitable alternative lands, we recommend that additional consideration be given to alternatives. This is particularly important in the context of climate change and predicted increases in the frequency and severity of flooding from extreme weather events and sea level rise.

You are reminded to ensure that the Alterations are consistent with the *Planning System and Flood Risk Management Guidelines for Planning Authorities* (DEHLG/OPW, 2009).

National Transport Authority

The rationale for the rezoning of Open Countryside to Tourism uses on a site outside the built-up area of the town with direct access to the M11 is ambiguous. In the absence of clarity on the intended intensity of use at this site, this alteration is not supported.

Transport Infrastructure Ireland

It is the opinion of TII that zoning proposals and/or development objectives in proximity to national road junctions, included in the local area plan, need to be supported by a required evidence base.

In that regard, additional zoning proposals such as proposed Material Alteration no. 16 proposing additional Tourism lands in proximity to M11 junction 21 do not appear to be supported by such evidence based requirements.

It remains the opinion of TII that the local area plan and relevant proposed material alterations, impacting on national roads and associated junctions, should be subject to evidence based transport assessment, in accordance with the requirements of the DoECLG Spatial Planning and National Roads Guidelines, to confirm the extent of development planned can be accommodated complementary to safeguarding the strategic function of the national road network. Amendments arising from such assessment should be incorporated into the Local Area Plan prior to adoption.

Opinion of Chief Executive

This amendment was proposed by the Elected Members at the County Council meeting in November 2017. The Chief Executive notes and generally concurs with the objections of the submitters set out above and does not support this amendment.

SEA - Proposed Material Alterations No. 5 has been identified as having potential to result in significant environmental effects following the implementation of high-level mitigation.

Recommendation of Chief Executive

To **not proceed** with Proposed Material Alteration No. 16