



DRAFT MINISTERIAL DIRECTION REGARDING THE 'ARKLOW AND ENVIRONS LOCAL AREA PLAN 2018-2024'

Notice is hereby given under Section 31 of the Planning and Development Act 2000 (as amended) that the Minister for Housing, Planning and Local Government has issued a draft ministerial direction regarding the Arklow and Environs Local Area Plan 2018 – 2024 (LAP) to Wicklow County Council signed on the 28th February 2018.

WHEREAS the functions of the Minister for Housing, Planning and Local Government under the Planning and Development Acts 2000 to 2017, other than Chapter 1 of Part VI of the Planning and Development Act 2000 (as amended), have been delegated to the Minister of State at the Department of Housing, Planning and Local Government pursuant to the Housing, Planning and Local Government (Delegation of Ministerial Functions) Order 2017 (S.I. 352 of 2017).

The Minister for Housing, Planning, Community and Local Government is, for the reasons set out in the Statement of Reasons hereto, of the Opinion that:

- (i) The Planning Authority in making the Arklow and Environs Local Area Plan 2018-2024 has ignored or has not taken sufficient account of the submissions made by the Minister in December 2017, and
- (ii) the Arklow and Environs Local Area Plan 2018-2024 is not in compliance with the requirements of s.28(1B)(b) and s.31(1)(a) and (c) of the Planning and Development Act 2000 (as amended).

NOW, THEREFORE in exercise of the powers conferred on him by Section 31 of the Planning and Development Act 2000 (as amended), the Minister for State at the Department of Housing, Planning and Local Government hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (Arklow and Environs Local Area Plan 2018-2024) Direction 2018.
- (2) The Planning Authority is hereby directed to take the following steps with regard to the Arklow and Environs Local Area Plan 2018-2024
 - (i) Delete the zoning for 'R Special New Residential' and the zoning for 'E1 Employment' of lands adjoining to the west of the R750 at Seabank to the north of Arklow
 - (ii) Delete the zoning for 'T Tourism' at Ballynattin located to the north west of Junction 21 on the M11
 - (iii) Amend the map titled 'Land Use Zoning Objectives Map No. : 1' of the Arklow and Environs LAP 2018-2024 consequent to (i) and (ii) above.

For the purpose of clarity the subject lands and their zoning status is indicated on the attached map – 'Appendix 1'. Additional related changes may be required to text, tables and maps included in the Arklow and Environs Local Area Plan 2018-24 consequent to the above deletions.

STATEMENT OF REASONS

1	The Arklow and Environs Local Area Plan 2018-2024 (LAP) is not consistent with guidelines to planning authorities issued by my Department under Section 28 of the Planning & Development Act 2000 (as amended), specifically the Development Plans Guidelines (2007) and the Spatial Planning and National Roads Guidelines (2012), and insufficient grounds have been stated for such departures as required under Section 28(1B)(b) of the Planning & Development Act 2000 (as amended). The plan is therefore in breach of Section 31(1)(a) and (c) of the Planning & Development Act 2000 (as amended).
2	The planning authority was specifically requested in the submission made by my Department on the 19 th December 2017 in relation to the LAP to 'Omit Proposed Material Alterations numbers 5 (Seabank) and 16 (Ballynattin)'. Ultimately, the Council did not comply with this aspect of the submission in the making of the LAP and took insufficient account of the submissions made by the Minister as evidenced by the lack of any statement justifying departures from the relevant provisions of the Minister's Guidelines required under Section 28(1B). The Council is therefore in breach of Section 31(1)(a) of the Planning & Development Acts, 2000-16.
3	The Report of the Chief Executive on the Proposed Material Alterations included recommendations by the Chief Executive for the Elected Members not to accept Proposed Material Alterations Nos. 5 (Seabank) and No.16 (Ballynattin). The Elected Members did not agree with the Chief Executive's Recommendations in relation to Proposed Material Alterations Nos. 5 & 16 and instead accepted Proposed Material Alterations Nos. 5 & 16 to the Draft LAP published by Wicklow County Council on 22.11.2017.
4	Material Alteration No.5 provided for the zoning of both residential and employment lands at Seabank. The LAP provides for significant new residential and employment lands for the future development of the town located on the southern flank of the existing built area of the town and these are prioritised in the policies and objectives of the LAP. The Seabank lands are not serviced or planned to be serviced, are not required for the future housing or employment growth of Arklow and are spatially distant from the town. These zonings are contrary to the sequential test for new zonings as set out in the Development Plans Guidelines issued under s.28 of the Act.
5	The Arklow LAP provides for the strategic growth of the town sequentially from the existing built extent of the town southwards/westwards towards the M11 with significant new employment and residential areas zoned to the east of the R772 road in particular. This planning approach provides for the sequential spatial growth of the town in accordance with national policy. Importantly, the LAP also includes two separate zonings for Objective T – Tourism development located (i) south of the Knockmore housing estate and (ii) at Moneylands Farm which are east of the M11 and significantly closer to the existing town than the Ballynattin.
6	The Ballynattin lands are located west of the M11 motorway at a greenfield location isolated from the existing town and also the designated future growth areas of the town. The zoning spatially circumvents the identified rational growth of the town, leap-frogging to a more remote location, and is therefore contrary to the spatially sequential approach required under the Development Plans Guidelines, 2007.
7	The zoning of lands at Ballynattin is in proximity to Junction 21 on the M11 Motorway is not in compliance with the Planning Guidelines on Spatial Planning and National Roads (2012) as it: <ul style="list-style-type: none"> • has not resulted from an evidence based approach to such development adjacent to national roads including detailed transport modelling as required by section 2.4 of the Guidelines, • has not been carefully assessed by the planning authority regarding the potential traffic impact on the nearby national road interchange as required by section 2.7 of the Guidelines, • has not demonstrated consistency with the National Spatial Strategy, the Regional Planning Guidelines for the Greater Dublin Area or the Wicklow County Development Plan 2016-2022 including its Core Strategy as required by section 2.7 of the Planning Guidelines Accordingly the zoning has the potential to generate traffic volumes which could, over time, adversely affect the operation of the M11 motorway interchange.
8	In relation to: (i)The zoning of lands for residential and employment at Seabank adjoining to the west of the R750 (included in Material Alteration No.5) and (ii)The zoning of lands for tourism development at Ballynattin located north west of Junction 21 on the M11. The LAP is not in compliance with guidelines to planning authorities issued by the Minister under section 28 of the Planning & Development Act 2000 (as amended) specifically the Development Plans Guidelines (2007) and the Spatial Planning and National Roads Guidelines (2012). The LAP is therefore in breach of Section 31(1)(c) of the Planning & Development Acts, 2000-16.

DISPLAY OF DRAFT MINISTERIAL DIRECTION

A copy of the draft direction and the Local Area Plan are available to view at the following locations, during their normal opening hours, from **Tuesday 13th March 2018 to Tuesday 27th March 2018** (5.00pm) inclusive:

- Wicklow County Council, County Buildings, Station Road, Wicklow Town
- Arklow Municipal District Office, Castle Park, Arklow
- Arklow Library
- The Council's website: www.wicklow.ie (view and download)

MAKING A SUBMISSION ON THE DRAFT MINISTERIAL DIRECTION

Written submissions or observations with respect of the draft direction may be made on or before 5.00pm **27th March 2018** and shall be taken into consideration by the Minister before he directs the Planning Authority. Submissions may be made in one of the following ways:

- 1. **Write to:** 'Arklow LAP', Administrative Officer, Planning Section, Wicklow County Council, Station Road, Wicklow Town.
- 2. **Email to:** planreview@wicklowcoco.ie

NOTES

- YOU ARE STRONGLY ADVISED TO MAKE YOUR SUBMISSION AS EARLY AS POSSIBLE.
- All submissions are to be clearly marked with '**Arklow LAP**'.
- All submissions should include your name and a contact address, a map (where appropriate) and, where relevant, details of any organisation, community group or company etc., which you represent.
- The planning process is an open and public one, therefore all submissions/observations are a matter of public record and will be available for public viewing, they may also be placed on the County Council's website. Please include your name and contact details on a separate sheet to the content of your submission.
- Please make your submission by one medium only, i.e. hard copy or e-mail. Only emailed submissions will be acknowledged. Receipt of any hard copy submission can be acknowledged by ringing the planning office on (0404) 20148.
- All submissions will form a part of the statutory Chief Executive's report to be presented to the Minister.
- LATE SUBMISSIONS WILL NOT BE ACCEPTED.