



An Roinn Tithíochta, Pleanála
agus Rialtais Áitiúil
Department of Housing, Planning
and Local Government



28 | 2 | 2018

For the Attention of:

Frank Curran
Chief Executive,
Wicklow County Council,
County Buildings,
Whitegates,
Wicklow Town.

**Section 31 of the Planning and Development Act 2000, as amended
by the Planning and Development (Amendment) Act 2010
Notice of Intent to Issue a Direction relating to the
Arklow and Environs Local Area Plan 2018-2024**

Dear Chief Executive,

I am writing to you in connection with the Arklow and Environs Local Area Plan 2018-2024 as adopted by the Council on 05 February 2018 and request that you bring this notice to the attention of the elected members of the County Council on or before Friday 2nd March, 2018.

TAKE NOTICE that I am considering issuing a direction pursuant to Section 31 of the Planning and Development Act 2000, as amended. A draft of the proposed direction is attached to this letter.

As appears therefrom, I have formed the provisional opinion (i) that the Planning Authority has ignored or not taken account of submissions made on my behalf in December 2017 in respect of the proposed Arklow and Environs Local Area Plan 2018-2024 and (ii) that the plan as adopted 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).

The reasons for the proposed direction are set out in the Statement of Reasons of the attached draft direction.

BACKGROUND

My Department wrote to your Council, under my direction as statutory consultee under the Planning Acts, in relation to the Draft Arklow and Environs Local Area Plan 2018-2024 on 19 December 2017.

The submission made by the Department on 19 December 2017 on my behalf highlighted the Department's concerns regarding the proposed residential and employment zonings at Seabank to the north east of the town and the tourism related zoning at lands at Ballynattin.

At a meeting of Wicklow County Council on 05 February, 2018, the Arklow and Environs Local Area Plan 2018-2024 was adopted by the elected members, including Material Alterations Nos. 5 and 16.

Accordingly I am issuing a draft Ministerial Direction under Section 31 of the Planning Act to direct Wicklow County Council, with regard to the now adopted local area plan failing to adhere to statutory and policy requirements.

MEASURES PROPOSED UNDER THE DRAFT DIRECTION

In light of the foregoing, the Arklow and Environs Local Area Plan 2018-2024, as adopted, is to be amended as set out in the attached draft direction.

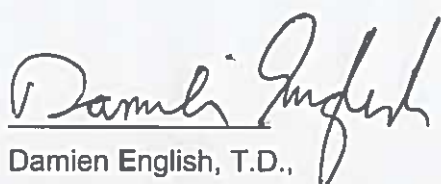
Please note that those parts of the Local Area Plan which are the subject of this draft direction shall be taken not to have come into effect until the Section 31 procedure has been completed.

PROCEDURAL REQUIREMENTS

I would draw your attention to the public consultation obligations under Section 31 of the Planning and Development Act 2000, as amended by the Planning and Development Amendment) Act 2010, and the initial requirement for you, as Chief Executive, under section 31(7) to publish notice of the draft direction no later than 2 weeks after receipt of this notice. I look forward to receipt of the report which has to be prepared by you on foot of this public consultation under Section 31(8), including on any views of the elected members, to be furnished to me no later than 4 weeks after the public consultation process is completed, for my further consideration.

My officials are available to assist you, as necessary, in complying with the foregoing process now underway.

Yours sincerely,



28/2/18

Damien English, T.D.,

Minister for Housing and Urban Development

Copied to:

Cathaoirleach, Wicklow County Council, County Buildings, Whitegates, Wicklow Town

Director, Eastern and Midland Regional Assembly, Ballymun Civil Centre, Ballymun, Dublin 9

**DIRECTION IN THE MATTER OF SECTION 31
OF THE PLANNING AND DEVELOPMENT ACT 2000
(AS AMENDED BY S.21 OF THE PLANNING AND DEVELOPMENT (AMENDMENT) ACT
2010)**

Arklow and Environs Local Area Plan 2018-2024

“Local Area Plan” or “LAP” means the Arklow and Environs Local Area Plan 2018-2024

“Planning Authority” means Wicklow County Council

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).

WHEREAS the Minister of State at the Department of the Housing, Planning 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 s.31 of the Planning and Development Act 2000 (as amended), the Minister of 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 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 19th December 2017 in relation to the Draft Arklow and Environs Local Area Plan 2018-2024 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 Arklow and Environs Local Area Plan 2018-2024 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 22nd November 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:
 - 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:

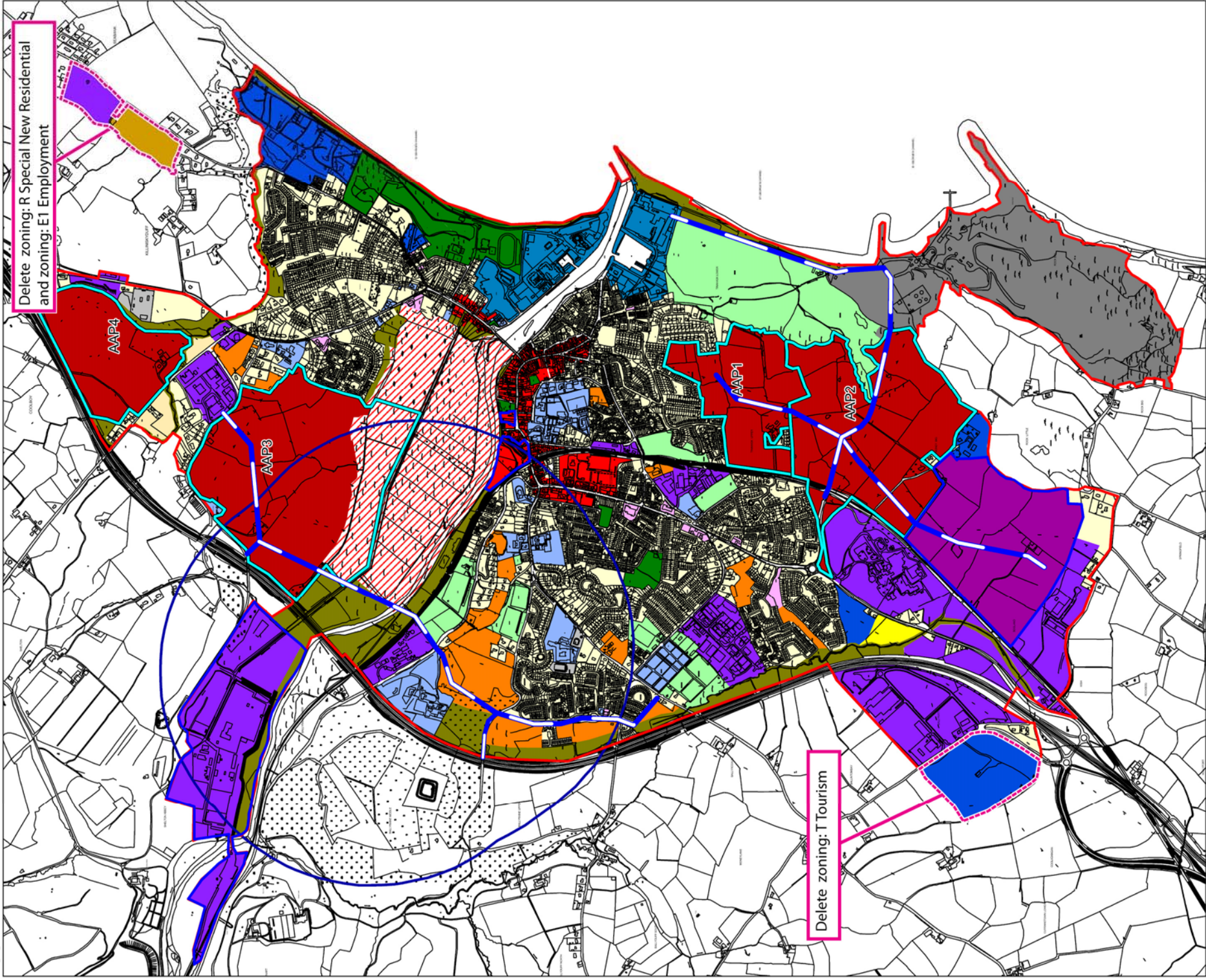
- (i) The zoning of lands for residential and employment at Seabank adjoining to the west of the R750 (included in Material Alteration No.5) and
- (ii) The zoning of lands for tourism development at Ballynattin located north west of Junction 21 on the M11

The Arklow and Environs Local Area Plan 2018-2024 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.

GIVEN under my hand,

Minister for Housing and Urban Development

this day of , 2018.



Delete zoning: R Special New Residential and zoning: E1 Employment

Delete zoning: T Tourism

WICKLOW COUNTY DEVELOPMENT PLAN 2016-2022

**Arklow and Environs Local Area Plan
2018 - 2024**

**Title: Land Use Zoning Objectives
Map No. : 1**



Wicklow County Council
Planning Department
Maps are not to scale
Publication: 2018/25/CC/MA/Arklow County Council
Licence Number: 2018/25/CC/MA/Arklow County Council

	Settlement boundary		CE Community & Education		PU Public Utility
	RE Existing Residential		WZ Waterfront		EX Extractive Industry
	R28 New Residential		E1 Employment		T Tourism
	R20 New Residential		E Special Employment		Action Area Plan boundary
	R10 New Residential		OS1 Open Space		Opportunity Site boundary
	R Special New Residential		OS2 Open Space		Indicative road route option
	LSS Local Shops and Services		ACS Active Open Space		Arklow Town Marsh pNHA
	TC Town Centre		MU Mixed Use		1,000m SEVESO buffer