



22 June 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
Decision to Issue a Direction relating to the
Arklow and Environs Local Area Plan 2018-2024**

Dear Chief Executive,

I am writing to you to inform you of the following in relation to the Section 31 Draft Direction issued to Wicklow County Council in March 2018, and the subsequent appointment of Mr. Des Johnson as an independent inspector, as provided for under Section 31(11) of the Planning and Development Act 2000 (as amended), to review the draft Direction and the Chief Executive's report.

As you are aware, the basis for issuing the draft Ministerial Direction is that the planning authority ignored or did not take sufficient account of an earlier submission by the Minister dated December 2017, and that the Arklow and Environs LAP is not in compliance with the requirements of Section 28(1B)(b) and Section 31(1)(a) and (c) of the Planning and Development Act 2000.

In accordance with the Terms of Reference of his appointment, the inspector focused his investigation on the appropriateness of the development of tourism facilities/accommodation



at the Ballynattin site and the compatibility of the zoning objective for same with wider related planning policies including those contained in the Arklow and Environs Local Area Plan and Wicklow County Development Plan. The inspector noted "that the principle of a tourist type development within the settlement boundary of Arklow is consistent with the general provisions of the Core Strategy". The inspector considered the compatibility of the zoning with the 'sequential approach' to development and deems it reasonable to consider 'exceptional circumstances' in the case of the Arklow and Environs LAP. The inspector's recommendation was to amend the draft Ministerial Direction to omit the Ballynattin lands.

I have now considered the report and recommendations by the independent inspector. I have also considered the written submissions and observations received on foot of the inspector's report. Having considered the said report, recommendations, the submission received and the obligation on me to ensure that the forward planning process at local level is underpinned by proper planning and sustainable development and provides for the consistent application of regional and national planning considerations, I have decided to amend the draft Direction of February 2018 in accordance with the recommendation of the inspector appointed and to issue the amended Direction.

Accordingly, Wicklow County Council should **TAKE NOTICE** that on the ^{22nd} day of June, 2018 I have issued a Direction pursuant to Section 31 of the Planning and Development Act 2000 (as amended).

A copy of this Direction is attached to this letter.

STEPS TO BE TAKEN

In light of the foregoing the Planning Authority is required, pursuant to Section 31(2) of the Planning and Development Act 2000 (as amended) to comply with this Direction.

The Arklow and Environs Local Area Plan 2018-2024 must therefore be altered as indicated in the attached Direction, and the Planning Authority should ensure that copies of the Development Plan as altered are available for inspection at its offices and on its website.

The Planning Authority should also publish notice of the making of the Direction and alteration to the Plan, and post a copy of such notice on its website.



The Planning Authority should also publish notice of the making of the Direction and alteration to the Plan, and post a copy of such notice on its website.

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

Yours sincerely,

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) Amend the map titled 'Land Use Zoning Objectives Map No. : 1' of the Arklow and Environs LAP 2018-2024 consequent to (i) above.

For the purpose of clarity the subject lands and their zoning status is indicated on the attached map – 'Arklow and Environs LAP 2018 Direction {June 2018}'. 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 deletion.

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 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 Alteration number 5 (Seabank).

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 a recommendation by the Chief Executive for the Elected Members not to accept Proposed Material Alteration No. 5 (Seabank). The Elected Members did not agree with the Chief Executive's Recommendation in relation to Proposed Material Alteration No. 5 and instead accepted Proposed Material Alteration No. 5 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. 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)

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). The LAP is therefore in breach of Section 31(1)(c) of the Planning & Development Acts, 2000-16.

GIVEN under my hand,

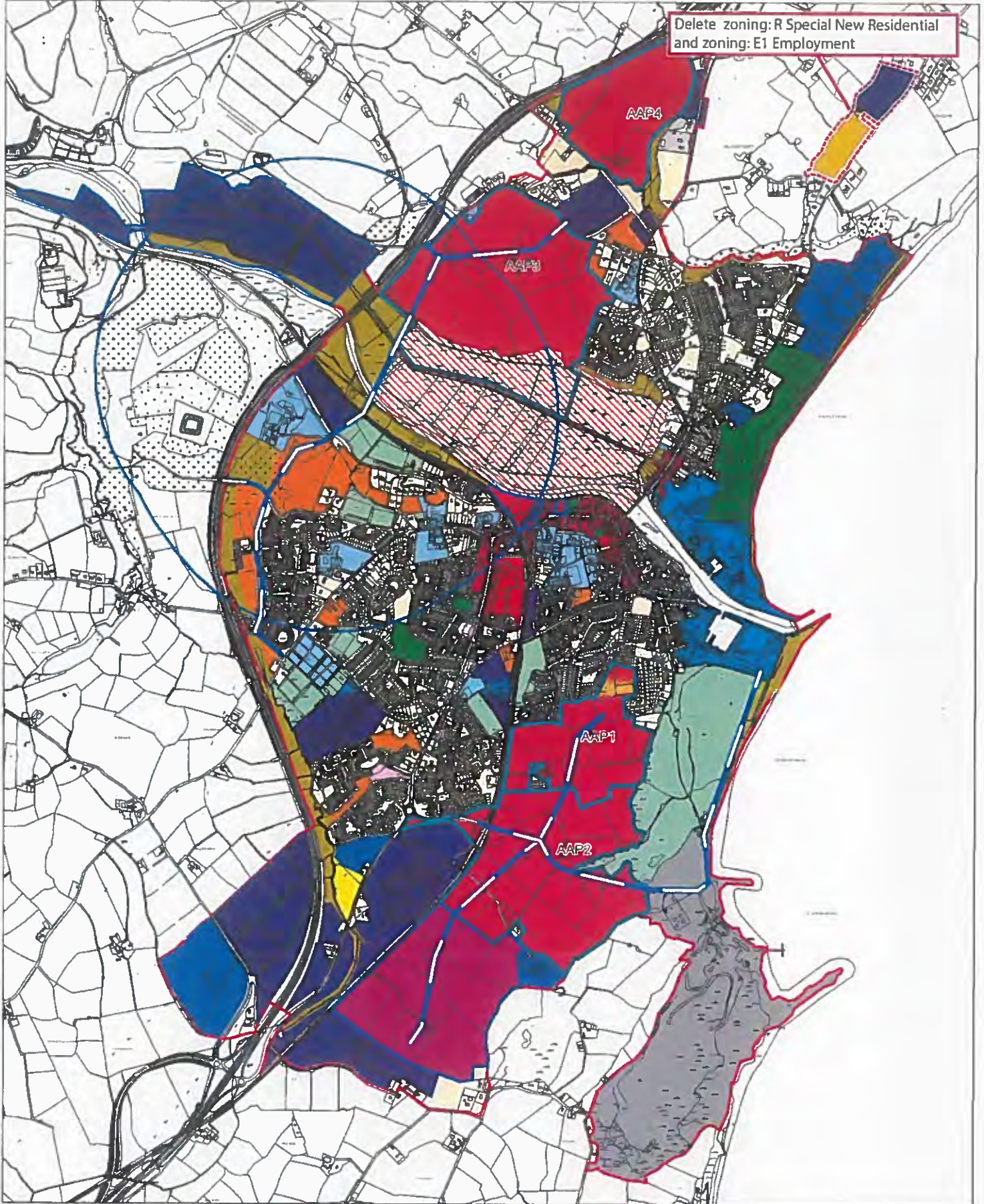


Minister for Housing and Urban Development

this day ^{22nd} of June, 2018.

Arklow and Environs LAP 2018 Direction (June 2018)

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



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

Geopance Survey Ireland. All rights reserved
Licence Number 201835/CCMA/Wicklow 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		AOS Active Open Space		Arklow Town Marsh pNHA
	TC Town Centre		MU Mixed Use		1 000m SEVESO buffer