



**WICKLOW COUNTY COUNCIL AND ARKLOW TOWN COUNCIL**

**DRAFT ARKLOW TOWN AND ENVIRONS  
DEVELOPMENT PLAN 2011-2017**

**REPORT TO THE MEMBERS OF WICKLOW COUNTY COUNCIL  
AND ARKLOW TOWN COUNCIL UNDER SECTION 12(4) OF  
THE PLANNING AND DEVELOPMENT ACT 2000 (AS  
AMENDED)**

**NOVEMBER 2010**



## TABLE OF CONTENTS

	PAGE
<b>LIST OF SUBMISSIONS</b>	
<b>Section 1 INTRODUCTION</b>	<b>1</b>
1.1 Statutory background to the Manager's Report	1
1.2 STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) & HABITATS DIRECTIVE ASSESSMENT (' <i>APPROPRIATE</i> <i>ASSESSMENT</i> ')	2
1.3 PUBLIC CONSULTATION	3
<b>Section 2 GUIDANCE FOR ELECTED REPRESENTATIVES</b>	<b>4</b>
<b>Section 3 SUBMISSIONS OF PRESCRIBED BODIES</b>	<b>8</b>
<b>Section 4 PUBLIC SUBMISSIONS</b>	<b>43</b>
<b>Appendix 1 RECOMMENDED AMENDMENTS TO CHAPTER 2</b>	<b>45</b>
<b>Appendix 2 RECOMMENDED AMENDMENTS TO CHAPTER 3</b>	<b>51</b>
<b>Addendum Strategic Environmental Assessment / Appropriate Assessment</b>	



**LIST OF PERSONS OR BODIES WHO MADE SUBMISSIONS  
(and where they can be found in this report)**

<b>ID</b>	<b>Name</b>	<b>Agent / Representative</b>	<b>Pages</b>
	<b>Prescribed Bodies</b>		
<b>1</b>	Minister of the Environment, Heritage and Local Government	Patrick O'Sullivan, Planning System and Spatial Policy	<b>8</b>
<b>2</b>	National Transport Authority	Gerry Murphy, Chief Executive Officer	15
<b>3</b>	Department of Education and Skills	Lorraine Brennan, Executive Officer	17
<b>4</b>	Office of Public Works	Michael Caden, Assistant Principal Officer	17
<b>5</b>	Department of Communications, Energy & Natural Resources	Carmel Conaty, Co-Ordination Unit	18
<b>6</b>	Health and Safety Authority	Olivia Walsh, Process Industries Unit	18
<b>7</b>	Inland Fisheries Ireland	William Walsh, District Director	19
<b>8</b>	Department of Transport	Michelle Cooke, Clerical Officer	19
<b>9</b>	Environmental Protection Agency	Tadhg O'Mahony, Senior Scientific Officer	19
<b>10</b>	Electricity Supply Board	Colm Brophy, Estates Manager	39
<b>11</b>	Wexford County Council	Pauline Doyle, Senior Executive Planner	<b>39</b>
<b>12</b>	National Roads Authority	Michael Mc Cormack, Policy Advisor	39
	<b>Public Submissions</b>		
<b>13</b>	Jonathan O'Toole		43
<b>14</b>	Community Centre Action Group	F. Creegan	43
<b>15</b>	Marie Tyrell		44
<b>16</b>	Dawnhill Properties	Stephen Little and Associates	44



## SECTION 1 INTRODUCTION

### 1.1 STATUTORY BACKGROUND TO THE MANAGER'S REPORT

This Manager's Report forms part of the statutory procedure for the preparation of the Arklow Town and Environs Development Plan 2011-2017, as required by Section 12(4) of the Planning & Development Act 2000 (as amended) and sets out to:

- (i) List the persons or bodies who made submissions or observations during the public consultation period of the Draft Arklow Town and Environs Development Plan 2010-2017 and the Draft Environmental Report,
- (ii) Summarise the following from the submissions or observations made
  - (i) issues raised by the Minister; and
  - (ii) thereafter, issues raised by other bodies or persons,
- (iii) Give the response of the Manager to the issues raised, taking account of any directions of the members of the authority or the committee under *Section 11(4)*, the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area and any relevant policies or objectives of the Government or of any Minister of the Government and, if appropriate, any observations made by the Minister for Arts, Heritage, Gaeltacht and the Islands under *subsection (3) (b) (iv)*.
- (iv) In the case of each planning Authority within the GDA, a report under paragraph (a) shall summarise the issues raised and the recommendations made by the DTA in its written submission prepared in accordance with Section 31C and outline the recommendations of the Manager in relation to the manner in which those issues and recommendations should be addressed in the development plan.
- (v) A report under paragraph (a) shall summarise the issues raised and recommendations made by the relevant regional authority in a report prepared in accordance with section 27 B (inserted by Section 18 of the Act 2010) and outline recommendations of the Manager in relation to the manner in which those issues and recommendations should be addressed in the development plan.

It should be noted that no submission has been received from the Regional Planning Authority for the Greater Dublin Area. As such, the Manager's Report does not include details required by Section 12(4)(v).

This report is submitted to the Members of Wicklow County Council and Arklow Town Council for their consideration as part of the process for the preparation of the Arklow Town and Environs Development Plan 2011-2017 and the associated Strategic Environmental Assessment.

In accordance with Section 12 (5) of the Act, the members of a planning authority shall consider the draft plan and the report of the Manager.

Following consideration of the draft plan and the report of the Manager, where a planning authority, after considering a submission of, or observation or recommendation from the Minister made to the authority under this section (or from a regional authority made to the authority under section 27B), decides **not to comply** with any recommendation made in the draft plan and report, it shall so inform the Minister or regional authority, as the case may be, as soon as practicable **by notice in writing which notice shall contain reasons for the decision**.

The consideration of a draft plan and the Manager's Report shall be completed within 12 weeks of the submission of the manager's report to the members of the authority.

Where, following the consideration of the draft development plan and the Manager's Report, it appears to the members of the authority that the draft should be accepted or amended, they may, by resolution, accept or amend the draft and make the development plan accordingly.

In a case where the proposed amendment would, if made, be a material alteration of the draft concerned, the planning authority shall, not later than 3 weeks after the passing of a resolution to that effect, publish notice of the proposed amendment in at least one newspaper circulating in its area and send notice and a copy of the proposed amendment to the Minister, the Board and the prescribed authorities.

The notice published shall state that -

- (i) a copy of the proposed amendment of the draft development plan may be inspected at a stated place and at stated times during a stated period of not less than 4 weeks (and the copy shall be kept available for inspection accordingly), and
- (ii) written submissions or observations with respect to the proposed amendment of the draft made to the planning authority within the stated period shall be taken into consideration before the making of any amendment.

## **1.2 STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) & HABITATS DIRECTIVE ASSESSMENT ('APPROPRIATE ASSESSMENT')**

A Draft Environmental Report and Appropriate Assessment Screening Report accompany the Draft Arklow Town and Environs Development Plan 2011-2017. The Draft Environmental Report contains a detailed analysis of the Draft Arklow Town and Environs Development Plan 2011-2017 and how the implementation of the plan would impact on its receiving environment. The Appropriate Assessment Screening Report evaluates the necessity to carry out a full Appropriate Assessment of the draft plan.

In the event that material alterations to the draft plan are proposed, the planning authority shall determine if a SEA / AA or both such assessments, as the case may be, is or are required to be carried out as respects one or more than one proposed material alteration of the draft development plan.

The Manager, not later than 2 weeks after a determination that SEA / AA of a material alteration is required shall specify such period as he or she considers necessary following the passing of the resolution as being required to facilitate an assessment. The planning authority shall carry out an assessment required of the proposed material alteration of the draft development plan within the period specified by the Manager.

The planning authority shall publish notice of the proposed material alteration, and where appropriate in the circumstances, the making of a determination that a SEA / AA is circulating in its area.

The notice shall state -

- (i) that a copy of the proposed material alteration and of any determination by the authority that a SEA / AA is required may be inspected at a stated place or places and at stated times, and on the authority's website, during a stated period of not less than 4 weeks (and that copies will be kept for inspection accordingly), and
- (ii) that written submissions or observations with respect to the proposed material alteration or the SEA / AA made to the planning authority within a stated period shall be taken into account by the authority before the development plan is made.



### **1.3 PUBLIC CONSULTATION**

The Draft Arklow Town & Environs Development Plan 2011-2017 and the Draft Environmental Report were put on public display on Monday the 16<sup>th</sup> August 2010. Written submissions and/or observations were invited for a 10-week period ending Tuesday the 26<sup>th</sup> October 2010. During this public consultation period the Council pursued a proactive approach in an attempt to raise awareness of the Draft Town and Environs Development Plan among the citizens of the plan area and other stakeholders, and by doing so encourage a greater degree of public participation in the overall process.

The Draft Plan and associated documents were on display at the following locations:

- Arklow Town Council Offices
- The Council's website
- County Buildings, Wicklow Town
- Arklow Area Office
- Arklow Public Library

Hard copies and CDs of the draft plan [written statement, including appendices, environmental report and maps] were available to purchase at the Planning Counter, Arklow Town Council, Arklow and in County Buildings, Wicklow Town or could be requested by phone / email.

A public information day was held where staff from the Council's Planning Department were available to answer questions and to assist in making a submission. The information session took place from 3:00pm-5:00pm and 7:00pm-9:00pm at Arklow Town Council Offices, Avoca River House on Tuesday 21st of September 2010

## **SECTION 2 GUIDANCE FOR ELECTED REPRESENTATIVES**

### **2.1 INTRODUCTION**

Responsibility for making a development 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 12 of the Act.

In his preamble to Development Plan Guidelines (2007), the Minister emphasises *“the decision-making role that local elected representatives, in delivering their democratic mandate, play in the making of the development plan”* and describes the importance of the elected representatives to *“have an active and driving role in the entire process, from its inception to its finalisation.”*

He further describes their duty to *“listen to and take account of the views and wishes of the communities they represent”* and to *“fulfill their responsibilities and functions in the common interest, adhering to proper planning principles and facilitating the sustainable development of their area”*.

In making and adopting the development 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 draft plan, with or without amendments. This section of the report shall outline the principle issues that the elected members are required to and should consider in their decision making process.

### **2.2 EUROPEAN LEGISLATION**

European legislation is playing a larger part than ever before in the law and decision making process at both a national and local level in Ireland. Of particular importance to this Development Plan review process are the Strategic Environmental Assessment Directive (2001/42/EC) and the Habitats Directive (92/43/EEC).

#### **STRATEGIC ENVIRONMENTAL ASSESSMENT**

Directive 2001/42/EC of the European Parliament and of the Council of Ministers introduced the requirement that SEA be carried out on plans and programmes, which are prepared for a number of sectors, including land use planning. The SEA Directive was transposed into Irish Law through the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (Statutory Instrument Number (SI No.) 435 of 2004) and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (SI No. 436 of 2004). Both sets of Regulations became operational on 21 July 2004.

The legislation requires certain plans and programmes, which are prepared by Wicklow County Council and Arklow Town Council - including Arklow Town & Environs Development Plan - to undergo SEA. The findings of the SEA are expressed in an Environmental Report, which is submitted to the Elected Members alongside the Arklow Town & Environs Development Plan. The Elected Members must take account of the Environmental Report before the adoption of the Plan. When the Plan is adopted a statement must be made public, summarising, inter alia: how environmental considerations have been integrated into the Plan

and the reasons for choosing the Plan as adopted over other alternatives detailed in the Environmental Report.

In this regard, the likely environmental impacts of implementing the draft Arklow Town and Environs Development Plan, are described in the draft Environmental Report. The elected members are required to consider this Report along with the Draft Plan, (and the submission of the Minister, prescribed bodies and the public and the recommendations of the Manager), in making a decision as to whether to adopt the plan. Where elected members resolve to make amendments to the draft plan, such amendments will be put through a same environmental assessment procedure, the results of which are required to be considered by the members prior to making the final decision on the amendments.

The key implication for decision makers therefore is the necessity that the environmental implications of adopting or not adopting a certain strategy or policy / objective must be taken into consideration in decision-making and this decision making process must be fully documented and open to public scrutiny.

### **APPROPRIATE ASSESSMENT**

With the introduction of the Birds Directive in 1979 and the Habitats Directive in 1992 came the obligation to establish the Natura 2000 network of sites of highest biodiversity importance for rare and threatened habitats and species across the EU. A key protection mechanism for these sites is the requirement to consider the possible nature conservation implications of any plan or project on the Natura 2000 site network before any decision is made to allow that plan or project to proceed.

Not only is every new plan or project captured by this requirement but each plan or project, when being considered for approval at any stage, must take into consideration the possible effects it may have in combination with other plans and projects by going through the process known as 'Appropriate Assessment' (AA). The obligation to undertake AA derives from Article 6(3) and 6(4) of the Habitats Directive and both involve a number of steps and tests that need to be applied in sequential order. Each step in the assessment process precedes and provides a basis for other steps. The results at each step must be documented and recorded carefully so there is full traceability and transparency of the decisions made. They also determine the decisions that ultimately may be made in relation to approval or refusal of a plan or project.

AA is not a prohibition on new development or activities but involves a case-by-case examination of the implications for the Natura 2000 site and its conservation objectives. In general terms, implicit in Article 6(3) is an obligation to put concern for potential effects on Natura 2000 sites at the forefront of every decision made in relation to plans and projects at all stages, including decisions to provide funding or other support.

The first stage of the AA procedure has already been undertaken for the draft development plan, that is, establishing whether full AA is required (this is known as 'screening'). The AA screen document was one of the documents put on display with the draft plan. This analysis concluded that full AA was not required for the draft plan.

Where the members resolve to make material alterations to the draft plan they must also have regard to their obligations in this regard and will be advised, through the production of a second report, of the likely significant impacts (if any) of implementing the proposed amendments. In their final decision making process, the members must have regard to the findings of this report.

If it can be concluded on the basis of AA that there will be no adverse effects on the integrity of a Natura 2000 site, the plan or project can proceed to authorisation, where the normal planning or other requirements will apply in reaching a decision to approve or refuse. If adverse effects are likely, or in cases of doubt, the plan (or that element thereof) may only be approved where there are imperative reasons of *overriding public interest* (IROPI) requiring a

project to proceed, there are no less damaging alternative solutions, and compensatory measures have been identified that can be put in place.

The Habitats Directive requires Member States to inform the European Commission of the compensatory measures; this enables the Commission to review whether the compensatory measures are sufficient to ensure that the coherence of the network is maintained. If the Commission is not satisfied it may take steps against the Member State up to and including litigation in the European Court of Justice. Recourse to derogation to allow a plan or project to proceed should be pursued in exceptional circumstances only, and the Minister must be informed at an early stage of any possible IROPI case.

## **2.3 NATIONAL LEGISLATION & POLICY**

### **2.3.1 PLANNING & DEVELOPMENT ACTS 2000-2010**

The Act states as a fundamental principle, that it is enacted “to provide, in the interests of the common good, for proper planning and sustainable development” and that “a development plan shall set out the overall strategy of the proper planning and sustainable development of the area of the development plan”.

The Act is unambiguous in setting out that “in making the development plan...the members **shall be restricted to** considering the proper planning and sustainable development of the area”, “the statutory obligations of any local authority” and “any relevant policies or objectives...of the Government or any Minister of Government” (Section 12 (11)).

Section 27(1) states that “A planning authority **shall ensure, when making a development plan..., that the plan is consistent with any regional planning guidelines in force for its area**” , while Section 28(1) states that “The Minister may, at any time, issue guidelines to planning authorities regarding their functions under the Act and planning authorities **shall have regard to** those guidelines in the performance of their functions”.

### **2.3.2 NATIONAL SPATIAL STRATEGY 2002-2020**

As expressed Government policy, the elected members must consider the provisions of the NSS in their decision making process.

The NSS is a planning framework “designed to achieve a better balance of social, economic, physical development and population growth between regions”. The strategy identifies seven regions in the Country, of which the Dublin and Mid East Regions comprise the Greater Dublin Area. The NSS sets out, at a broad national level, a spatial structure on the basis of which a more balanced regional development can be achieved and it identifies a complementary hierarchy of settlements.

In order to achieve balanced regional development, the NSS identifies that “Ireland needs to renew, consolidate and develop its existing cities, towns and villages – i.e. keeping them as physically compact and public transport friendly as possible and minimising urban sprawl, while also achieving a high quality of design in new development and refurbishment. Urban land needs to be used carefully, sensitively and efficiently. Where greenfield development is necessary it should take place through the logical extension of existing cities, towns and villages”.

Policies and programmes will be consistent with the NSS where they seek to enhance and build up economic and social activity within the national framework provided by the Strategy. Policies based on an unstructured, scattered approach to public investment and the promotion of economic activity would not be consistent with the NSS.

### **2.3.3 REGIONAL PLANNING GUIDELINES FOR THE GREATER DUBLIN AREA 2010-2022**

The Regional Planning Guidelines (RPGs) is a policy document, which aims to direct the future growth of the Greater Dublin Area for the 12-year period up to 2022 and works to implement the strategic planning framework set out in the NSS. The vision for the GDA is as follows:

*“The GDA by 2022 is an economically vibrant, active and sustainable international Gateway Region, with strong connectivity across the GDA Region, nationally and worldwide; a region which fosters communities living in attractive, accessible places well supported by community infrastructure and enjoying high quality leisure facilities; and promotes and protects across the GDA green corridors, active agricultural lands and protected natural areas.”*

The settlement strategy for the GDA supports the delivery of the hierarchy through the continuity of the policy for metropolitan and hinterland areas within the GDA, focusing new housing within the existing footprint of the metropolitan areas and planning expansion of the footprint in conjunction with new high quality public transport investment; designation of multi-modal transport corridors providing enhanced public transport linkages serving key towns and linked investment in developing these designated towns in the hinterland area. A key consideration of the new RPG's is the population allocation and distribution within the GDA; the Wicklow County Development Plan 2010-2016 is fully compliant with the RPG'S, the County Development Plan distributes population allocation to the settlements within the County and as a result the Draft Arklow Town and Environs Development Plan is compliant with these figures from the RPG.

Under the Settlement Hierarchy, Arklow is located within the Hinterland area and is designated a 'Large Growth Town II', which is described as a town that is smaller in scale than other growth towns, but is a strong and active growth town, economically vibrant with high quality transport links to larger towns/city.

The Arklow Town and Environs Plan 2011-2017 will include a Core Strategy which will demonstrate how the strategy for Arklow and its environs complies with the strategic regional objectives for the town, as included in the RPG's.

### SECTION 3 SUBMISSIONS OF PRESCRIBED BODIES

For all submissions, the Manager will provide an opinion on the issues raised and a recommendation in relation to the issue. Where the Manager is recommending amendments to the draft plan, these will be set out under each issue, with new text shown in red and deleted text in ~~blue strikethrough~~.

<b>Submission No. 1</b>
<b>Minister for the Environment, Heritage &amp; Local Government</b>
<p><b>1. Settlement Hierarchy &amp; Population:</b></p> <p>a. The plan contains key strategic objectives, which outlines the vision for the town and its environs; however it is suggested that the vision and objectives could be expanded to include the role that Arklow plays within the hierarchy of settlements for the county and region.</p> <p>b. The population figures for Arklow may need to be revised to account for the final figures adopted by Regional Planning Guidelines. In arriving at the number of housing units required in Arklow within the plan period, and up to 2022, the methodology used would appear to arrive at a greater number of housing required than the plan period plus the additional head room. Numbers should be re-examined, and if necessary, reduced or a phasing programme introduced to ensure a prudent use of infrastructure.</p> <p><b>2. Infrastructure:</b></p> <p>a. The Development Plan should clarify how it proposes to undertake the sustainable development of the plan area in the absence of acceptable Waste Water Treatment Plant and what is the likely time-frame involved in its provision.</p> <p>b. The populations proposed during the lifetime of the plan (2017) and beyond (2022) are in excess of PE of phase 1 of the WWTP and it is queried whether this matter is being resolved – either via residential phasing or via plant upgrade.</p> <p><b>3. Employment and Industry:</b></p> <p>a. The Development Plan would appear to have an excess of employment-zoned land and it is considered that employment growth should be focused/directed in metropolitan areas of the county.</p> <p>b. Areas west of N11 zoned for employment and tourism purposes should be removed and employment zoning should be concentrated to the east of the N11 closer to public transport and to other economic and social facilities. In relation to these zonings it is queried whether the NRA has been consulted in relation to the access arrangements from these developments.</p> <p><b>4. Core Strategy:</b></p> <p>In order to be compliant with 2010 Planning and Development (Amendment Act), it is suggested that the remaining information required (including a map or diagram) as stipulated in the Act should be included in the Core Strategy of the plan.</p> <p><b>5. Guidelines:</b></p> <p>There should be reference to the Draft Guidelines for Planning Authorities ‘Spatial Planning and National Roads’ June 2010.</p>

## 6. Archaeological Heritage:

The Plan contains satisfactory objectives for the protection of archaeological heritage.

### Manager's Response

1. (a) Noted. It is recommended that the 'core strategy' of the plan be amended to include additional information with regard to Arklow role in the settlement hierarchy of the RPGs and the Wicklow County Development Plan (see Appendix 1 at the end of this report).

(b) While the population figures for the draft Arklow Town and Environs Development Plan were taken from the draft Wicklow County Development Plan (which was then at the final amendment stage), which in turn were derived from the draft RPGs, both higher order documents have now been finalised and the population target for Arklow remains unaltered i.e. 2016 target of 19,000 and 2022 target of 23,000. These targets are fully in line with the RPGs and the Regional Planning Guidelines for the Greater Dublin Area 2010-2022 population distribution requirements.

It is noted that the draft plan allows for both the plan period and an additional 3 years of population growth, plus 'headroom' of 30%. It is agreed that this is essentially 'doubling-up' of headroom and housing zoning requirements should be downwardly revised. It is also agreed that a phasing plan should be put in place. It is recommended that Sections 2.3, 3.1 and 3.2 of the draft plan be amended in this regard, the revised sections being set out at the end of this report.

2. (a) The proposed treatment plant for Arklow was initially given planning permission in 1993, and when this expired, a further permission was granted by Wicklow County Council in 1999. This was judicially reviewed, and when that JR failed it was referred to An Bord Pleanála, whose decision to grant was also subject to a JR that is currently with the Supreme Court. This matter is scheduled for mention in The Supreme Court on the 21<sup>st</sup> of December 2010. As this judgement is still awaited a specific timeframe cannot be provided for the delivery of the plant. In order to deal with this lack of waste water treatment infrastructure, it is clearly set out in the draft plan in Chapter 8 that *'Proposed development within the plan area will only be permitted where it can be adequately demonstrated that sufficient waste water infrastructure with adequate capacity is available or proposed to be available, capable of serving the proposed development without causing any adverse environmental impacts'* (Objective W3).

(b) The population targets set out in the draft plan comply with the Wicklow County Development Plan, which in turn complies with higher order strategies. Subject to phasing based on these population targets, development will be serviced on a 'first come first served' basis with regard to any available capacity in the future treatment plant when provided.

However, as set out in the proposed Objective W2 it is a clear objective of the draft plan *'To provide for a town sewerage system that meets the needs of the existing and future population of the town, comprising*

- *new trunk and interceptor sewers*
- *pumping stations as required*
- *a wastewater treatment plant at Seabank, with sea outfall*
- *upsizing of existing network where identified in the Sewer Model Study (2009).'*

3. (a) While this plan is for the period 2011-2017, it is considered that employment 'planning' should be carried out for a longer time frame, to allow for both the planning of infrastructure and to bring certainty for potential employers. In this regard, the plan considered the needs of the settlement up to 2022.

In 2022, it is planned for Arklow to have a population of 23,000 persons. In accordance with the role envisaged for Arklow in higher order plans such as the National Spatial Strategy 2002 – 2020, Regional Planning Guidelines for the Greater Dublin Area 2010-2022 and the

Wicklow County Development Plan 2010-2016, Arklow will become a major hub for employment in the south Wicklow region. While it is acknowledged that the proximity of the town to strategic transport corridors to the metropolitan region will continue to draw workers to the metropolitan area, it is considered that there should also be a considerable inflow of employees from central, south and south-west Wicklow, with Arklow being the major service centre for this large area. The suggestion that employment for the Arklow area population catchment should be located in the Metropolitan area would entail journeys to work of some 50 km, which would not be sustainable. It is an inherent objective of the Plan to facilitate citizens' employment as close as possible to where they live.

In this regard, the draft plan makes provision for an employment 'catchment' of 35,000 persons by 2022, which is not considered unreasonable given the likely population of the area within 20km of Arklow in 2022, including all of Arklow and its environs (c. 23,000 persons), the towns of Auhtrim, Tinahely, Carnew and Shillelagh in the south-west (a combined 2022 population of c. 6,000) and towns such as Avoca, Rathdrum and Ballinaclash to the north-west (combined 2022 population of c. 6,000 persons), the residents of the north Wexford area who would be attracted to employment opportunities closer to home (compared to the metropolitan region) and the population of all the rural areas in between.

Taking this combined 'catchment' of 35,000 and assuming that 2006 age breakdown and the labour force participation rate trends will continue up to 2022, there would be a demand for 17,290 jobs in this sub-region of the County in 2022.

The Wicklow County Development Plan aims to put in place an employment strategy that would allow an average 'jobs ratio' of 75% across the entire County<sup>1</sup>. Clearly there would be a range of 'jobs ratios' in different settlements / areas of the County having regard to the size of the settlement, proximity to a major town or the metropolitan area. Given Arklow role as the major hub in this area, it is assumed that Arklow could provide the equivalent of 90% of the jobs required by its resident population by in 2022 and assuming the surrounding more rural areas achieve a jobs ratio of 50%, there would be an need to plan for c. 13,000 jobs in Arklow by 2022.

In 2006, at a time of high employment and occupancy of existing employment premises, there were 3,845 people at work in Arklow. It is assumed that these work places still exist, even if they are not fully occupied at the time of writing this draft plan due to the downturn in the economy. It is assumed that these work places could be brought back to full occupancy in the future. Therefore the draft plan makes provision for 9,000 new jobs through the zoning of sufficient lands to create this number of jobs.

### **Employment sectors**

It is assumed that the majority of these new jobs will be provided on 'employment' zoned land, in the form of light industry, manufacturing, warehousing and some office type uses. Arklow has traditionally been a manufacturing town and has a number of chemical and pharmaceutical plants and it is considered likely that such employment sectors will continue to be viable in Arklow. A town like Arklow is also suitable for warehousing and logistics based industries, given the good transport links to the metropolitan area and the south of the County.

### **Zoning calculations**

1. The plan identifies that there is already 110ha of developed employment zoned land in the plan area. While this land is already built out, the draft plan assumes that up to 1,000 additional jobs could be provided on such lands through 'infill' or restructuring. A good example of this would be the former IFI site which occupies 44ha but would have potential for new development;

<sup>1</sup> The 'jobs ratio' is a ratio of jobs in the County to the number of people resident in the County in the Labour Force.



2. There is 85ha of employment-zoned land with extant planning permission, which has the capacity to generate up to 8,500 jobs assuming a mix between low-density employment uses (such as warehousing) and high density uses such as offices, which are allowed by the various permissions in place. An employment density of 100 employees per hectare is assumed based on (a) a medium development plot ratio of 0.4, which is considered reasonable given the characteristics of Arklow and the predominance of manufacturing and warehousing type uses permitted and (b) an employee density of 40sqm per employee, which again is considered reasonable given the likely mix of employment that could be attracted to Arklow.

These two employment zone types would therefore meet all of the employment needs up to 2022.

It is normal and prudent practice to zone more than the minimum land required to meet development needs in order to account for land that is not release to the market during the plan period or lands that some face some impediment to development. This is all the more so for employment zoned land, as it has been the experience in Wicklow over three decades that only a small proportion of such land has been released to market.

To overcome this, the plan (as did the previous plan) also zones 135ha of employment land, principally made up of two large blocks (Killinskyduff 76ha and Tinahask 56ha) which are planned to provide for a special type of employment i.e. single undivided employment unit, such as a microchip, pharmaceutical or similar manufacturing plant, aimed principally at 'foreign direct investment'. It is unlikely that two such facilities would be developed in Arklow in the lifetime of the plan and these were initially zoned at the request of the inward investment agency on the basis that their clients like to have a choice of location. This type of zoning is opportunistic, and the quantum of employment is indeterminate, as such sites can sometimes be capital intensive with relatively few employees, such as pharmaceutical businesses. However, this zoning is not reckless, as there is already a pharmaceutical cluster in Arklow and its hinterland.

It should be noted also that the zoning of these sites also allows for more general business / office park type development. Clearly, this alternative employment type, which could be developed in blocks with multiple users, has fewer impediments to being developed in the short to medium term. Clearly the development of both sites would mean the plan providing for zoning of c. 22,000 jobs, which is well over and above the catchment requirements. Therefore, it is recommended that the plan be amended to phase the roll out of zoned employment land such that E2 zoned lands at the periphery (that make up this 135ha) are only developed during the lifetime of the plan where the 'Phase 1' employment lands have not come on stream.

(b) It should also be pointed out lands to the west of the N11 (which are zoned Employment (E1) and Tourism respectively) are all either developed already (Ballynattin IDA and former IFI lands) or have extant permission (tourism site), therefore it makes no sense to remove the existing zonings. The access arrangements for these lands are not directly onto the N11, and there have been numerous planning applications on these lands during the course of which the NRA would have been consulted

4. Noted. Chapter 2 will contain a Core Strategy Map as required under Section 7 of the 2010 Amendment Act. This is included at the end of this report.

5. The DoEHLG published the "*Spatial Planning and National Roads*" (Draft) Guidelines for Planning Authorities on the 28<sup>th</sup> June 2010. While it is noted that the Minister has stated that "*Pending finalisation of the guidelines, local authorities are requested to have regard to the recommended approach in the draft guidelines, when preparing or varying development plans and local area plans, and in regard to applications for planning permission*", these guidelines had not been published when the proposed draft plan issued to the elected members of Arklow Town Council and Wicklow County Council received the Draft Plan on the 4<sup>th</sup> June

2010. Therefore it was not possible to integrate the recommendations of these proposed new guidelines into the draft plan. To do so now, given the onerous requirements set out in the draft guidelines with regard to traffic assessments, would essentially require the cessation of the current process and a 're-start' on the plan as the amendments that would be required to the draft plan would essentially comprise a new plan rather than an amended plan. Clearly this is not feasible as the new plan is required, under the provisions of the Planning Acts, to be made within 6 years of the previous plan.

6. Noted.

### **Manager's Recommendation**

**1. Amend Chapters 2 and 3 as set out at the end of this report.**

**2. Amend Chapter 6 as follows:**

#### **6.5 Employment Requirements**

~~In order to achieve a 75% 'jobs ratio' for the plan area (which is the County target for 2022), it would be necessary to have c. 8,500 jobs available in Arklow in 2022 (given the target population of 23,000 in 2022).~~

~~However, Arklow provides an employment function for the entire south Wicklow region, and therefore provision must be made for the employment needs of an area wider than the town and its immediate environs—in this regard, it is considered that provision should be made for the employment needs of up to 35,000 people by 2020, which would equate to c. 13,000 jobs.~~

~~As set out above, in 2006, there were only c. 3,845 jobs in the town. Therefore a considerable expansion of employment is required for Arklow to fulfil its role as set out in the RPGs and Wicklow County Development Plan. While the provision of new employment will be dependent on numerous factors such as the economy, changing consumer demand, funding, suitable premises etc., this plan, being a land use plan, can only influence those factors relating to the use and servicing of land.~~

~~This plan will ensure that sufficient land is zoned and suitable objectives put in place to allow for significant employment creation, in the order of 9,000 new jobs.~~

~~While this plan is for the period 2011-2017, it is considered that employment 'planning' should be carried out for a longer time frame, to allow for both the planning of infrastructure and to bring certainty for potential employers. In this regard, the plan considered the needs of the settlement up to 2022.~~

~~In 2022, it is planned for Arklow to have a population of 23,000 persons. In accordance with the role envisaged for Arklow in higher order plans such as the National Spatial Strategy 2002 – 2020, Regional Planning Guidelines for the Greater Dublin Area 2010-2022 and the Wicklow County Development Plan 2010-2016, Arklow will become a major hub for employment in the south Wicklow region. While it is acknowledged that the proximity of the town to strategic transport corridors to the metropolitan region will continue to draw workers to the metropolitan area, it is considered that there should also be a considerable inflow of employees from central, south and south-west Wicklow, with Arklow being the major service centre for this large area. It is an inherent objective of the Plan to facilitate citizens' employment as close as possible to where they live.~~

~~In this regard, this plan makes provision for an employment 'catchment' of 35,000 persons by 2022, which is not considered unreasonable given the likely population of the area within 20km of Arklow in 2022, including all of Arklow and its environs (c. 23,000 persons), the towns of Aughrim, Tinahely, Carnew and Shillelagh in the south-west (a combined 2022 population of c. 6,000) and towns such as Avoca, Rathdrum and Ballinaclash to the north-west (combined 2022 population of c. 6,000 persons), the residents of the north Wexford area who would be attracted to employment opportunities closer to home (compared to the metropolitan region) and the population of all the rural areas in between.~~

Taking this combined 'catchment' of 35,000 and assuming that 2006 age breakdown and the labour force participation rate trends will continue up to 2022, there would be a demand for 17,290 jobs in this sub-region of the County in 2022.

The Wicklow County Development Plan aims to put in place an employment strategy that would allow an average 'jobs ratio' of 75% across the entire County (the jobs ratio is the ratio of jobs in the County to the number of people, resident in the County in the Labour Force). Clearly there would be a range of 'jobs ratios' in different settlements / areas of the County having regard to the size of the settlement, proximity to a major town or the metropolitan area. Given Arklow's role as the major hub in this area, it is assumed that Arklow could provide the equivalent of 90% of the jobs required by its resident population by in 2022 and assuming the surrounding more rural areas achieve a jobs ratio of 50%, there would be an need to plan for c. 13,000 jobs in Arklow by 2022.

In 2006, at a time of high employment and occupancy of existing employment premises, there were 3,845 people at work in Arklow. It is assumed that these work places still exist, even if they are not fully occupied at the time of writing this draft plan due to the downturn in the economy. It is assumed that these work places could be brought back to full occupancy in the future. Therefore the draft plan makes provision for 9,000 new jobs through the zoning of sufficient lands to create this number of jobs.

## **Section 6.6 factors influencing employment creation**

### **(i) Availability of Zoned Land**

One of the key enablers to attract potential investment and employment to Arklow will be the availability of appropriately zoned lands. Within the plan area there is:

- c. 110ha of developed employment land
- c. 85 ha of undeveloped zoned employment land with current permission
- c. 135 hectares of zoned employment land with no permission

(Note: This solely relates to lands zoned for employment such as industrial, warehousing and commercial and does not take into account on other lands zoned for town centre, retail or leisure and amenity uses).

Of the 110ha of currently developed employment land, there is a significant block of 44ha (the land formerly occupied by the IFI plant), which has the potential for substantial redevelopment and employment growth. Other sites, while built out, do have a number of smaller scale infill and redevelopment possibilities. It is assumed that up to 1,000 future jobs could be generated on this 110ha.

The 85ha of employment-zoned land with permission has the capacity to generate up to 8,500 jobs assuming a mix between low-density employment uses (such as warehousing) and high density uses such as offices, which are allowed by the various permissions in place (i.e. employment density of 100 employees per hectare).

Combining these zoned areas, there is potential to accommodate the required growth in employment in the plan area, over the plan period. However, in accordance best practice, it is necessary to allow 'headroom' or 'market factor' in employment zoning, to allow for lands that are not released to the market for development. It is the experience over the past two decades that lands zoned for employment are slow to be taken up, far slower than the take up for residentially zoned lands.

In this regard, three additional blocks of employment land are provided in the plan area, two at Killinskyduff and one at Tinahask. Of these three, two are significant blocks (measuring 76.11ha at Killinskyduff and 56.56 ha at Tinahask) which are identified to provide for a particular type of employment provision, that is, to provide for large, single, undivided employment development, such as 'direct foreign investment' businesses, including microchip of similar manufacturing plants and would be likely to appeal to multinationals or significant IT (such a data centres) / green technology / pharmaceutical industries. It is considered necessary to reserve such strategic blocks of land in to ensure that Arklow can attract such

employers and comply with its role as set out in the RPGs. Where permission is sought for a strategic, large scale development of this nature during the lifetime of the plan, it will be facilitated. However, where 'business park' type use is desired (which is allowed by this plan), these lands will only be considered suitable for development in a phased manner as set out in Table 6.2 below.

**Table 6.2**

<b>Location</b>	<b>Zoning</b>	<b>Area (ha)</b>	<b>Jobs</b>	<b>Phase</b>
<b>Various</b>	E1	110	1,000	1
<b>Various</b>	E1	85	8,500	1
<b>Killinskyduff</b>	E2	76	7,600	2
<b>Tinahask</b>	E2	56	5,600	2

### **Phasing**

The development of employment-zoned lands shall be permitted on a phased basis as set out in Table 6.2. If developed to their full capacity, the lands in Phase 1 would meet all of the employment needs up to 2017 i.e. the duration of the plan. Phase 2 lands therefore will only be considered for business / office park type development pre-2017 if:

- Phase 1 lands don't deliver the quantum of jobs as envisaged in Table 6.2;
- Some barrier impedes the development of Phase 1 lands, that does not affect Phase 2 lands;
- Phase 1 lands are not released to the market during the plan period.

In this regard, Phase 2 lands will be considered for development **in 2014** if it can be shown that Phase 1 lands will not be able to deliver the number of new jobs required to meet the population goal for the plan period with regard to the three reasons set out above.

**Submission No. 2****National Transport Authority (NTA)****1. Population and Housing:**

(a) There is an excess of lands zoned for residential development that provides for an extra 3,850 new residential units for the period up to 2022. It is concluded that much of this land is peripherally located within the plan area, which includes the provision of approximately 1,500 units in the Kilbride Action Area. In order for the sustainable development of the plan area, lands on the periphery of the town should not be developed prior to central areas of the plan area.

(b) In order to be consistent with Section 7C(d) of 2010 Act it is recommended that phasing should be introduced for the development of lands to allow for the orderly expansion from town centre outwards.

**2. Employment and Industry:**

(a) The Draft Plan has provided for enough employment-zoned land to accommodate 9,000 new jobs, representing a 234% increase over the number of jobs located in the town in 2006. Taking account of the small local employment base and employment decline, achievement of this level of employment growth is considered unlikely. It is therefore considered an explanation for this expected growth is required. In this regard it is also suggested that phasing of employment zoned land and or de-zoning of land should be considered.

(b) There is specific reference to the employment land to the North and South of Arklow, which is designated with zoning objectives E1 and E2. It is suggested that these zoning objectives should be amended or in some instances that lands close to the both interchanges should be de-zoned to ensure that employment intensive development be restricted to town centre location in proximity to the sustainable transportation modes.

(c) In the event that Employment growth targets are not achieved, it is suggested that the Development Plan needs to ensure that future residential development and employment growth occur in tandem.

**3. Car parking:**

Car parking standards within the Development Plan should be specified as maxima across all non-residential land uses, rather than 'appropriate car parking provision'. Car parking standards should reflect the proposed maximum regional parking standards, as set out in The Greater Dublin Demand Management Study (DTO).

**4. Cycle/Pedestrian Network**

There is an absence of cycle and pedestrian networks indicated within the plan area which were previously indicated in the Arklow Town Development Plan 2005-2011 and the Arklow IFPLUT study.

**5. Roads Objectives**

(a) Objective "NR2" is inconsistent with the strategic function of N11/M11 and should be removed.

(b) A phased approach to roads provision should be included, in line with phased development of related zoned lands.

**6. Airport Objective**

Objective "AHMP3 should be deleted – as it is considered that Arklow is inappropriate location for an airport and the associated traffic that would be generated by such a development.

### **Manager's Response**

1. (a) (b) These issues have substantially been previously addressed in this report, see response to submission from DoEHLG. With regard to the land zoned at Kilbride for 1,500 units, it is recommended that the plan be amended to identify these lands as 'Phase 2' lands, following the development of other lands closer to the core of the settlement. See recommended amendments to Chapter 3 at the end of this report.
2. (a) (b) These issues have already been addressed in this report, see response to submission from DoEHLG. The provision of employment land must be based on rational criteria such as the need to provide for employment close to where people live, rather than a rule of thumb based on percentage increases. Such an approach as inferred would determine that citizens would have to continue with unsustainable lengthy commutes, eating up the strategic capacity of the national route.  
(c) This introduces yet another parameter into planning the size of a settlement. If housing can only be provided in tandem with employment, then the entire national and regional spatial policies will have to be overruled by local circumstances relating to employment provision. This Plan bases its land needs calculations on national and regional spatial policy.
3. Maximum parking standards are only appropriate where there is adequate, frequent and reliable public transport, coupled with parking enforcement. The parking standards set out in the draft plan acknowledge that car parking provision should be effectively managed where such public transport is available, to discourage the use of the private car. It is considered that objective P1, which sets out that deviations from the minimum car-parking requirement (which would include waiving the need to provide car parking) can be considered where the development is in close proximity to a transport interchange or in proximity to the town centre where there is parking enforcement provides sufficient flexibility for variations from the car parking standards set out in Table 5.2 on a case by case basis which is more appropriate to the needs of the plan area.
4. It is acknowledged that an indicative cycle and pedestrian network was included in the Arklow Town Development Plan 2005-2011 and the Arklow IFPLUT study and that similar route identification has not been included in this draft plan. It was considered that it was more appropriate to include objectives that would allow for the identification and development of such routes in the future by the local authority, as development progresses and as funding allows. This allows more in depth study in this regard in the future and allow for sufficient flexibility in the development of such routes.
5. (a) While there is currently no funding in place for a third interchange on the Arklow bypass, it is considered appropriate to maintain this objective for the long term development of Arklow as a major growth pole, particularly as the construction of the Arklow by-pass included and funded works to the carriageways to accommodate such a junction  
  
(b) The provision of local roads within the plan area are objective led and are invariably developed on a phased basis in consultation and agreement with local landowners and the Local Authority concerned. It is therefore considered sufficient to include local roads objectives without specifically referring to a phased basis for the construction of these roads.
6. The NTA has not set out any planning rationale behind its viewpoint that Arklow would not be a suitable location for an international airport. Arklow is served by a national route (at motorway / dual carriageway standard for most of its length) and by mainline rail. Wicklow and Wexford are the only maritime counties not to have an airport and an airport at Arklow would be situated at an appropriate separation between Dublin and Waterford airports. It is not intended that such an airport would serve Dublin residents, nor would it make sense when Dublin Airport is located so closely to all of the houses in the Dublin Metropolitan area. Rather, passengers coming from the Wicklow / Wexford / Carlow and midlands region would be the likely target market. Ultimately planning can not be used to frustrate, or develop, facilities, and the market will decide what is financially sustainable

but any development proposals for an airport will have to undergo rigorous evaluation through the planning and EIA processes which will involve consultation with the public and prescribed bodies.
<b>Manager's Recommendation</b>
Amend Chapters 2 and 3 and as set out at the end of this report.

<b>Submission No. 3</b>
<b>Department of Education and Skills</b>
The Department agrees with the provision of 3 additional schools that will be required to meet the needs of Arklow up to 2022.
<b>Manager's Response</b>
Noted
<b>Manager's Recommendation</b>
No change

<b>Submission No. 4</b>
<b>Office of Public Works (OPW)</b>
<ol style="list-style-type: none"> <li>1. It is queried whether flood zones shown are indicative or predictive</li> <li>2. Information is required on how the zonings for land in the flood zones have satisfied the justification test and whether a Flood Risk Assessment has been carried out to an appropriate level.</li> <li>3. Justification test is included as Management objective. Justification test and sequential approach should have already been used by the local authority to determine the zoning of that land and it would not be appropriate for use in planning applications.</li> </ol>
<b>Manager's Response</b>
<p>It should be noted that Arklow Town Council and Wicklow County Council have been working closely with the OPW for a long number of years to provide a Flood Relief plan for the Town. Currently an Environmental Impact Statement is being carried out by the OPW, which is nearing completion.</p> <p>With regard to the specific queries raised:</p> <ol style="list-style-type: none"> <li>1. It is confirmed that the flood zones are predictive.</li> <li>2. All lands located within Flood Risk Zones A and B have undergone assessment as part of the plan preparation process, in accordance with the 'Justification test' set out in Chapter 4 of the "<i>Flood Risk Management: Guidelines for Planning Authorities</i>" DoEHLG 2010. In this regard, all lands within these flood zones were only designated for development where they fulfilled the criteria set out in Box 4.1 of the guidelines, namely: <ol style="list-style-type: none"> <li>(a) They were located in an urban settlement targeted for growth under the National Spatial Strategy 2002 – 2020 and Regional Planning Guidelines for the Greater Dublin Area 2010-2022</li> <li>(b) The zoning or designation of the lands for the particular use or development type was required to achieve proper planning and sustainable development of the urban settlement as: <ul style="list-style-type: none"> <li>- The development of these lands is essential to facilitate regeneration and/or expansion of the centre of the urban settlement;</li> <li>- The lands comprises significantly of previously developed and/or under-utilised lands;</li> <li>- The lands are within the core or adjoining the core of an established or designated urban settlement;</li> </ul> </li> </ol> </li> </ol>

<ul style="list-style-type: none"> <li>- The development of these lands is essential in achieving compact and sustainable urban growth;</li> <li>- There are no alternative lands for the particular use or development type in areas at risk of flooding within or adjoining the core of the urban settlement.</li> </ul> <p>It is considered that the Flood Risk Assessment has been carried out to an appropriate level of detail. In particular,</p> <ul style="list-style-type: none"> <li>- detailed flood risk predictive maps have been prepared by expert flooding consultants;</li> <li>- all lands within flood risk zones A and B have been put through the justification test;</li> <li>- objectives have been included in the draft plan to address flooding;</li> <li>- the objectives of the draft plan with regard to flooding have undergone a Strategic Environmental Assessment.</li> </ul> <p>3. The Justification Test was carried out as part of the review of the Development Plan preparation process in accordance with the “<i>Flood Risk Management: Guidelines for Planning Authorities</i>”. In accordance with these Guidelines, if an application is in a moderate/high risk area, a Justification Test must be submitted as part of the development management process.</p>
<b>Managers Recommendation</b>
No change

<b>Submission No. 5</b>
<b>Department of Communications, Energy and Natural Resources</b>
No observations
<b>Manager’s Response</b>
Noted
<b>Managers Recommendation</b>
No change

<b>Submission No. 6</b>
<b>Health and Safety Authority (HSA)</b>
<p>The HSA requests the following to be incorporated into the Development Plan objectives:</p> <ol style="list-style-type: none"> <li>1. Indication of planning policy in relation to major accident hazard sites.</li> <li>2. Consultation distances supplied by HSA in relation to these sites – distances to be indicated on maps.</li> <li>3. A policy on the siting of new major hazard establishments, including development in the vicinity of such establishments.</li> <li>4. Reference should be made to the following site: Sigma-Aldrich Ireland Limited, Vale Road.</li> </ol>
<b>Manager’s Response</b>
The objective regarding Seveso sites is set out in Section 6.9 - ‘Prevention of Major Accidents’ of the Draft Plan. This section makes reference to Sigma-Aldrich Ireland Limited. In addition, a 1000m-consultation radius is indicated on the Land Use Zoning Map (11.01).
<b>Managers Recommendation</b>
No change



<b>Submission No. 7</b>
<b>Inland Fisheries Ireland</b>
<ol style="list-style-type: none"> <li>1. The introduction of 'green routes' within the Development Plan is welcomed.</li> <li>2. It is suggested that the entire Ballyduff Stream tributary and a stretch of land on either side should be zoned 'green route' – linear park/wildlife corridor. These corridors should also be extended to the headwaters of the system through the townlands of Bogland, Kish, Ballynattin and Money Little in line with objectives of the Draft Wicklow Heritage Plan 2009-2014.</li> <li>3. Disturbance of riparian habitats should be minimised and undisturbed buffer zone between development area and river bank should be maximised (10m minimum).</li> </ol>
<b>Manager's Response</b>
<ol style="list-style-type: none"> <li>1. Noted.</li> <li>2. It is considered that the objectives contained in Section 7.4. 'Water Systems Objectives' adequately address the issues raised. A number of the areas referred to have existing industrial enterprises namely the Kish and Ballynattin area and it would serve no purpose to illustrate a buffer zone on a map. A number of other areas are located in Action Area Plans, which stipulate buffer zones should be applied when developing these areas. Therefore it is considered that these tributaries will be protected from development.</li> <li>3. WS5 objective stipulates that a 10m buffer along watercourses is to be provided free of built development with riparian vegetation generally being retained in a natural state. It is considered that a 20m buffer (10m each side of river) is sufficient to provide a 'green corridor'. It is therefore considered that the particular zoning objective for land within the buffer area is immaterial to the strong degree of protection offered by objectives WS5 and WS6 especially.</li> </ol>
<b>Managers Recommendation</b>
No change

<b>Submission No. 8</b>
<b>Department of Transport</b>
No observations
<b>Manager's Response</b>
Noted
<b>Managers Recommendation</b>
No change

<b>Submission No. 9</b>
<b>Environmental Protection Agency</b>
<p>The EPA submission is long and very detailed and addresses the contents of the draft plan, the content and methodology of the Strategic Environmental Assessment and the integration of the plan formulation process with the SEA analysis. It also makes comments on the Appropriate Assessment. This report will only address the first of these issues, with the other two issues being addressed in a separate 'Strategic Environmental Assessment / Appropriate Assessment Addendum report'.</p>
<b>Issue 1            Water</b>
<ol style="list-style-type: none"> <li>1.    <b>Water Framework Directive</b> <ol style="list-style-type: none"> <li>1.1    The plan promotes the protection of surface water, groundwater, coastal and estuarine</li> </ol> </li> </ol>

water resources and their associated habitats and species, including fisheries through inclusion of numerous objectives highlighted in particular in *Chapter 7 Natural & Built Heritage*. This is welcomed and acknowledged.

- 1.2 Protected Areas within the Eastern River Basin Districts (RBDs) as set out in Annex IV 1(i) – (v) inclusive of the Water Framework Directive should be taken into account in the drafting of the plan. This should include reference to RPA beaches adjacent to the plan area (Clogga beach to the south, and Brittas Bay South to the north of the Plan area). In proposing the upgrading of wastewater treatment facilities servicing the town, consideration should be given to ensuring protection of these protected areas.
- 1.3 The Plan should refer to the recent Surface Water legislation '*Environmental Objectives (Surface Waters) Regulations 2009*' (S.I. No 272 of 2009), where relevant and appropriate.

#### Response

- 1.1 Noted.
- 1.2 Section 3.6.8 of the SEA identifies the closest RPA site to the plan area at Clogga beach but has not referenced Brittas Bay having regard to its distance from the plan area. This is not material however as the SEA identifies that the lack of appropriate wastewater infrastructure and capacity in Arklow has the potential to impact on the Council's ability to meet its obligations under the Water Framework Directive and therefore identifies that mitigation measures are required to be included in the plan (Objectives W1 and W3 refer).  
It is a stated Strategic Environmental Objective for the plan area to '*maintain and improve where possible, the quality of rivers and other surface waters*' and all objectives of the draft plan have been assessed against this goal. In this regard, only one objective of the plan (that relating to the development of an international airport) has been identified as having any conflict with the achievement of this SEO if left unmitigated.  
Furthermore, any environmental impacts arising from the construction or operation of the proposed wastewater treatment plant were considered through the Environmental Impact Assessment procedure for that project. EIA is the appropriate level of assessment for such a project.
- 1.3 Given the quantity of EU and national primary and secondary legislation, guidelines and studies, as well as regional and local policies / programmes / that are in place with regard to environmental protection in general, it would render the plan particularly cumbersome and impenetrable to refer to all such documents. EU and national primary and secondary legislation requires to be complied with – it is not the responsibility of a land-use plan to ensure all such laws are complied with. Furthermore, it is not the function of a land-use plan to direct the various departments within a local authority to comply with their obligations under their own remit; for example, when it comes to the protection of water, the water and environmental services section of the local authority are aware of their own obligations and have their own strategies and plans set out to comply with same. Development Plans are meant to be strategic documents, and are not intended to be inventories of legislation and guidelines.

#### Issue 2 Drinking Water/Water Supply

- 2.1 The SEA and plan making processes seek to address drinking water supply capacity, leakage and quality in the plan area, through a series of objectives outlined in *Chapter 8 Service Infrastructure - Water, Waste & Energy. Section 8.4.1 Water Objectives* contains a number of specific objectives in relation to drinking water which are acknowledged. In the context of strengthening the commitment to provide drinking water, consideration should be given to amending Objective W6 to refer to "*To provide **an adequate and appropriate** town water supply, **which is safe and secure...***"
- 2.2 The Plan should implement the European Communities (Drinking Water)(No.2) Regulations 2007 and should implement and include, as appropriate, the relevant

- recommendations set out in *The Provision and Quality of Drinking Water in Ireland – A Report for the Years 2007-2008*, (Office of Environment Enforcement- EPA, 2009).
- 2.3 The Plan should refer to the EPA guidance handbook on the *Implementation of the Regulations for Water Services Authorities for Public Water Supplies* that has been prepared under the European Communities (Drinking Water) (No.2) Regulations 2007.
- 2.4 The plan should include, where applicable, specific objectives for the improvement of any water supplies in the plan area, in particular the plan should address the specific objectives to be achieved where these water supplies are included on the Environmental Protection Agency's Remedial Action List (RAL). As set out in the recommendations of the RAL, the Local Authority must develop appropriate solutions that may involve abandoning or replacing drinking water sources, upgrading the treatment facilities or improving management and operational practices.

### Response

- 2.1 It is obvious that any water scheme will be adequate, appropriate, safe and secure, and including such words just elongates the document with unnecessary text.
- 2.2 See response to item 1.3 above.
- 2.3 See response to item 1.3 above.
- 2.4 The draft plan does include specific objectives to provide suitable water supplies for the plan area, but as set out in item 1.3 above, it is not the function of a land-use plan to set out specifics regarding how this will be achieved by the water and environmental services section of the local authority. The water and environmental services section is aware of the Remedial Action List and is charged with responsibility of addressing any issues identified. Development Plans are meant to be strategic documents, and are not intended to be inventories of legislation and guidelines.

### Issue 3 Waste Water Treatment

- 3.1 The plan, in *Chapter 8 Service Infrastructure - Water, Waste & Energy*, includes a number of objectives relating to wastewater treatment. In *Section 8.4.1 Water Objectives*, consideration should be given to inclusion of an objective to prioritise the provision of an upgraded treatment plant at Seabank, within the lifetime of the Plan.
- 3.2 Development and the zoning of lands as proposed in the plan should only be approved subject to provision of adequate and appropriate service infrastructure being in place prior to approval being granted. With a view to strengthening objective W1, consideration should be given to amending as follows "...collected and discharged after **adequate and appropriate** treatment in a safe and sustainable manner..."
- 3.3 The plan should highlight the requirement under *The Waste Water Discharge (Authorisation) Regulations* for all for all wastewater discharges, including storm water discharges which come within the scope of these Regulations to be licensed. In this regard, the plan should highlight the specific requirements of Regulations 43 & 44 of the *Waste Water Discharge (Authorisation) Regulations, 2007*, S.I. No. 684 of 2007, regarding the consideration of proposals and consultation on such proposals by Planning Authorities and An Bord Pleanála, where applications for proposed development are being considered and decided upon.
- 3.4 The plan should implement the Urban Waste Water Treatment Regulations 2001 and 2004 and promote, as appropriate, specific provisions for the implementation of the relevant recommendations set out in *Urban Waste Water Discharges in Ireland for Population Equivalents Greater than 500 Persons – A Report for the Years 2006 and 2007* (EPA, 2009).
- 3.5 The EPA has published a *Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (p.e < 10)*, (EPA, 2009). This Code of Practice (CoP) establishes an overall framework of best practice in relation to the development of wastewater treatment and disposal systems, in unsewered rural areas, for protection

of our environment and specifically water quality. The Code replaces previous guidance issued by the EPA on wastewater treatment systems for single houses (EPA, 2000) and incorporates the requirements of new European guidelines, recent research findings and submissions and comments received during the consultation process. It is available from the link provided above.

- 3.6 The plan through Objective W3 commits to only permitting development proposals subject to the provision and maintenance of adequate and appropriate wastewater treatment infrastructure to service zoned lands and developments within the plan area, which is welcomed and acknowledged.
- 3.7 Where the introduction of additional lands for development is being proposed within the plan area, relevant policies/objectives should be included in the plan, and as appropriate, to promote assessment of the adequacy of the existing wastewater treatment facility (ies) in terms of both capacity and performance and the potential risk to human health and water quality. Where relevant, the potential impact on habitats and species of ecological importance should be addressed.
- 3.8 The plan should include as appropriate measures to ensure that trade effluent in the area covered by the plan is managed properly and discharged to sewer in accordance with relevant discharge licences where appropriate.

### Response

- 3.1 It is considered that Objective W2, along with Objectives W1 and W3, make it clear that the provision of a wastewater treatment plant for the town at Seabank is a necessity for the future development of the town. Therefore no alterations are recommended.
- 3.2 It is obvious that any waste water will have to be adequate and appropriate and including such words just elongates the document with unnecessary text.
- 3.3 See response to item 1.3 above.
- 3.4 See response to item 1.3 above.
- 3.5 Objective W1 already requires all waste water to be collected and discharge after appropriate treatment in accordance with EU and national standards. This applies to all wastewater discharges, including those from systems serving single houses. Therefore it is not necessary to make reference to the Environmental Protection Agency code of practice.
- 3.6 Noted.
- 3.7 With regard to the provision of wastewater services to developed area or areas proposed for development, in order to comply with relevant EU and national legislation, the Sanitary Authority have detailed data available on the current status (capacities, performance etc) of all wastewater systems and therefore can evaluate with certainty whether services are or will be available for any proposed development. The Local Authority as a matter of course and in recognition of its obligations under the Water Services Acts, the Habitats Directive and other legislation monitors the cumulative effect of grants of planning permission on available waste water treatment capacity under the terms of the relevant Waste Water Discharge License and were inadequate capacity in available, does not grant permission unless additional capacity is to be provided during the lifetime of any permission. While it is considered that Objective W3 already addresses this concern, it is recommended that it be amended slightly as follows:
- W3** Proposed developments within the plan area will only be permitted where it can be adequately demonstrated that sufficient waste water treatment infrastructure with adequate capacity is available or proposed to be available, capable of servicing the proposed development without causing any adverse **impacts on human health and water quality or other** environmental impacts'.
- 3.8 It is considered that objective W1 addresses this issue

---

**Issue 4            Groundwater Protection**

---

- 4.1     The plan includes clear objectives for the protection of groundwater resources and associated habitats and species, through inclusion of Objectives W7, WS2, WS4 and AG3 which are acknowledged and welcomed.
- 4.2     Consideration should also be given, where relevant and appropriate, to promotion of the inclusion of objectives in the plan for the following:
- Enforcement of planning conditions related to installation, operation and maintenance of on-site wastewater treatment / septic tank systems.
  - Connection of all remaining houses within town boundary to the Wastewater Treatment Plant.
  - The development of a wastewater leak detection programme. The use of a strategic metering system to aid in leak detection should be considered.
  - The implementation and enforcement of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2009.

---

**Response**

---

- 4.1     Noted.
- 4.2     (a) It is not appropriate to include an objective in development plan that planning conditions required to be complied with – this is the legal situation and does not require to be 'backed-up' by development plan policy.  
(b) Given that there is no town wastewater treatment plant, such an objective would be erroneous. It is a matter for the detailed design of the wastewater treatment plant project to address the scale, scope and capacity of any future plant. The plan clearly requires however that '*developments within the plan area will only be permitted where it can be adequately demonstrated that sufficient waste water treatment infrastructure with adequate capacity is available or proposed to be available*' (objective W3)  
(c) This is not a matter for a land-use plan.  
(d) See response to item 1.3 above.

---

**Issue 5            Bathing Water**

---

- 5.1     The most recent report on bathing water quality '*The Quality of Bathing Water in Ireland – A Report for the Year 200*', (EPA, 2010) sets out the status of Irish Seawater and Freshwater Bathing areas. "*The purpose of the Bathing Water Regulations is the protection of human health*", and the relevant local authorities, where appropriate, "*should ensure that where any bathing water fails the mandatory bathing standards that the public are made ware of this fact by means of information notices posted at the bathing area.*" To this effect the plan should include as appropriate a policy/ objective to ensure this requirement is complied with. You are also referred to the new "*Directive on bathing water (Directive 2006/7/EC)*" which came into force on 24 March 2006 and which will repeal the existing 1976 Directive with effect from 31 December 2014. The new Directive is implemented in Ireland by the new *Bathing Water Quality Regulations 2008 (S.I. No. 79) of 2008*.
- 5.2     The plan should promote the protection of waters within the plan area that are used for bathing. The Water Framework Directive Register of Protected Areas, identifies two Protected Beaches (Clogga Beach and Brittas Bay South), outside the plan area which should be taken into consideration, in particular in the context of the proposed upgrading of the wastewater treatment plant and potential for cumulative and in-combination effects.

---

**Response**

---

- 5.1 See response to item 1.3 above.
- 5.2 It is considered that objective WS2 addresses this issue, which states that it is an objective to *'implement the EU Water Framework Directive and associated River Basin and Sub-Basin Management Plans and the EU Groundwater Directive to ensure the protection, improvement and sustainable use of all waters in the plan area, including rivers, lakes, ground water, coastal and estuarine waters, and to restrict development likely to lead to deterioration in water quality'*.

---

**Issue 6 Water Conservation**

---

- 6.1 The commitment given in Objective W9 to promote conservation of water is acknowledged and welcomed. In this context, the development of a Water Conservation Strategy should be considered, and where relevant addressed in combination with adjoining local authorities. The strategy should address new and existing developments within the plan area. Where such a strategy is being developed, specific timescales should be assigned to its preparation with clear responsibilities and timescales for its implementation.

---

**Response**

---

- 6.1 This is outside the remit of a land-use plan and is a matter for water and sanitary authorities. Wicklow County Council has a Water Conservation Unit and a detailed and ongoing water conservation programme (which it should be noted has brought leakage in Arklow down to 15%). It is not therefore considered necessary to include an objective to provide a 'water conservation strategy'.

---

**Issue 7 Water Services Act 2007- Strategic Water Services Plans**

---

- 7.1 The Plan should consider the inclusion of an objective to promote / support proper planning and sustainable development including sustainable use of water resources.

---

**Response**

---

- 7.1 Objectives W7 and WS2 of the draft plan are considered to address this issue of the sustainable management of water resources i.e.
- W7** To protect existing and potential water resources of the Town and its environs area, in accordance with the EU Water Framework Directive, the River Basin Management Plans, the Groundwater Protection Scheme and source protection plans for public water supplies.
- WS2** To implement the EU Water Framework Directive and associated River Basin and Sub-Basin Management Plans and the EU Groundwater Directive to ensure the protection, improvement and sustainable use of all waters in the plan area, including rivers, lakes, ground water, coastal and estuarine waters, and to restrict development likely to lead to deterioration in water quality.

---

**Issue 8                      Flood Prevention and Management**

---

- 8.1     *Section 8.5 Flooding* includes a number of objectives in relation to flood risk. The plan should promote the appropriate zoning of lands and restriction of use in areas liable to flooding to avoid increased risk of flooding of the lands either within or adjoining the zoned areas. It should be clarified whether an assessment of existing zoned undeveloped lands or proposed zoning of lands have been carried out, in the context of determining appropriateness of land use. It should also be clarified if any zoning/de-zoning/rezoning of lands have resulted from the flood risk assessment carried out in line with the *Flood Risk Management Guidelines* (DoEHLG/OPW 2009).
- 8.2     It is noted that objectives are included to provide for/promote appropriate flood risk assessments to be undertaken, where development(s) and zoning are being proposed in the plan area where there is risk of flooding. The plan includes a commitment to integrate appropriate Sustainable Urban Drainage Systems through Objectives FL5 and W5, which is acknowledged.
- 8.3     The plan provides, in Objective FL6, for protection, management, and as appropriate, enhancement of existing wetland habitats where flood protection/management measures are necessary.

---

**Response**

---

- 8.1     Section 8.5 of the draft plan addresses the issues raised - it identifies areas at risk of flooding and quantifies that risk, based on detailed flood studies carried out. Zoning decisions and restrictions on the use of land were then based on the level of risk identified in each location. The assessment and process carried out are considered to be fully in accordance with '*The Planning System and Flood Risk Management Guidelines*' (DoEHLG 2009). In particular, the zoning of all lands within areas identified as at a moderate or high risk of flooding was either justified or zoning was removed.
- 8.2     Noted.
- 8.3     Noted.

---

**Issue 9                      Integration of infrastructure, zoning and development**

---

- 9.1     Where zoning/rezoning of lands and the introduction of new development is being proposed within the plan area, the plan should ensure the adequacy of the existing water supply/wastewater treatment facilities and associated networks are assessed. This should address both capacity and performance and the potential risk to human health, water quality and water quantity. The potential impact on habitats and species of ecological importance should also be addressed as appropriate, from pressures impacting on water quality and quantity.
- 9.2     Zoning for development within the plan area should be linked to availability and adequacy of water supply/waste water treatment infrastructure and capacity. The provision of adequate and appropriate infrastructure in advance of development within the plan area should be promoted through the plan.
- 9.3     The above requirements should be promoted in the plan and as appropriate should be reflected in relevant policies/objectives associated with relevant land use and other relevant plans within the plan area.

---

**Response**

---

- 9.1     This issue is addressed through objectives W1 - W9 and WS1 - WS6 as detailed elsewhere in this report.
- 9.2     This is addressed through objectives W1 - W9.
- 9.3     This is addressed through objectives W1 - W9.

---

**Issue 10**      **EU protected habitats and species**

---

- 10.1    *EU Protected Habitats and Species in Ireland* - the plan includes a clear objective to protect all designated habitats and species within the area through. Reference should be made to the Water Framework Directive Register of Protected Areas, in particular those relating to biodiversity, which may be relevant for the plan area.
- 10.2    The plan should include policies/objectives to ensure that the local authority, in fulfilling its responsibilities in the supply of services, zoning of lands and authorisation of development, addresses the threatened habitats and species identified in the National Parks and Wildlife Service Report "*The Status of EU Protected Habitats and Species in Ireland*", (NPWS, Department of the Environment, Heritage and Local Government, 2008) which occur within or adjoining the LA areas.
- 10.3    The inclusion of Objective BD2, which commits to maintaining the favorable conservation status of all proposed and future Natural Heritage Areas (NHAs and pNHAs) including the Arklow Marsh is welcomed and acknowledged. The inclusion of Objective BD3 which commits to protecting native natural linkages such as hedgerows, trees and watercourses are important ecological corridors is also noted.
- 10.4    The plan should include any sites listed on the Water Framework Directive Register of Protected Areas in particular those relating to biodiversity, occurring in the Plan area.

---

**Response**

---

- 10.1    There are no WFD Protected Areas in the plan area. Reference to these sites in the SEA is previously addressed in this report (item 1.2).
- 10.2    The SEA/AA has influenced the plan making process in order to ensure that a strong recognition is placed on the conservation of designated sites in and adjoining the plan area. Through the SEA process, designated sites, habitats and important environmental parameters were used in order to evaluate the sensitivity of lands within and the adjoining the plan area. This information was then assessed against alternative plan scenarios in order to identify where environmental conflicts may occur. Once the ideal scenario had been identified conservation objectives relating to specific zonings were included in the plan in order to strengthen and promote the protection of the receiving environment. These objectives are set out in sections 7.3.1 and 7.4.1 of the draft plan.
- 10.3    Noted.
- 10.4    There are no WFD Protected Areas in the plan area.

---

**Issue 11**      **Fisheries**

---

- 11.1    The plan should promote the guidance from the Regional Fishery Boards, including where appropriate and relevant:
- *'Fishery Guidelines for Local Authority Works'*, (DCENR, 2008);
  - *'Guidelines on the Planning, Design, Construction & Operation of Small-Scale Hydro-Electric Schemes and Fisheries'* (DCENR, 2007);
  - Eastern Regional Fisheries Board Guidance Notes *'Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites'* (Eastern Regional Fisheries Board, 2006);
  - *'Maintenance and Protection of the Inland Fisheries Resource during Road Construction and Improvement Works - Requirements of the Southern Regional Fisheries Board'* (Southern Regional Fisheries Board, 2007).



---

**Response**

---

11.1 See response to item 1.3 above.

---

**Issue 12 Mineral Abstraction and Natura 2000 Sites**

---

12.1 Wicklow County Council is referred to the recent EU guidance in relation to “*Undertaking Non-Energy Extractive Activities in Accordance with Natura 2000 Requirements*” which should be taken into consideration and referenced as appropriate and relevant to the plan. In relation to ongoing mining operations at Avoca, in the vicinity of the plan area, there would be merits in applying this guidance, as appropriate and relevant, to the protection of nationally designated protected species and habitats.

---

**Response**

---

12.1 See response to item 1.3 above

---

**Issue 13 Appropriate Assessment**

---

13.1 The plan includes a clear objective (Objective BD7) that sets out a requirement for Appropriate Assessment Screening for new/reviewed/amended plans or proposed projects, being prepared by the local authority for the plan area that may have the potential to impact on Natura 2000 sites. The potential for cumulative / in-combination effects associated with other relevant Plans / Programmes / Projects should also be determined.

---

**Response**

---

13.1 Objective **BD7** states that it is an objective of the plan that *‘any programme, plan or project carried out on foot of this development plan, including any variation thereof, with the potential to impact upon a Natura 2000 site(s) shall be subject to Appropriate Assessment in accordance with Article 6 (3) and (4) of the EU Habitats Directive 1992 and ‘Appropriate Assessment of plans and projects in Ireland – Guidance for Planning Authorities’ DoEHLG 2009’*. The methodology set out in EU and Irish legislation and guidance with regard to Appropriate Assessment clearly require the assessment of cumulative / in-combination effects. It is not therefore considered necessary to state this in the objective.

---

**Issue 14 Buffer Zones**

---

14.1 The plan promotes the provision / application of appropriate buffer zones between designated ecological sites and areas zoned for development through inclusion of Objectives WS5 and BD3. Where the application of buffer zones is being considered, Wicklow County Council should consult with the NPWS of the DoEHLG with regard to their application and implementation. The Regional Fisheries Board should also be liaised with where fisheries protection is a concern / objective.

## Response

- 14.1 The draft plan (through objective WS5) requires the maintenance of a 10m wide undeveloped buffer zone each side of watercourses in the plan area. All applications in proximity to watercourses are as a matter of course considered by the water and environmental services section of the local authority, whose remit includes implementation of the Water Framework Directive and to the relevant fisheries board. Where the watercourse is a designated under EU or national legislation, consultation with the NPWS is carried out. It is not therefore considered necessary to include a provision in the plan that the RFB or NPWS should be consulted on all applications. References are made in other parts of the plan of the need to establish appropriate buffer zones in some development areas. Where this requires to be done, WCC will make the determination and if considered necessary shall consult with the relevant statutory authorities depending of the features to be protected. This is normal operating procedure for the local authority and is not therefore considered necessary to set this out in the development plan.

## Issue 15 Non-Designated Habitats and Species

- 15.1 The plan has taken into account existing Local Heritage / Biodiversity Plans, including the County Wicklow Heritage Plan (2009-2014) and Arklow Urban Habitat Mapping (2008) which is acknowledged. The plan promotes the protection non-designated habitats, species and local biodiversity features including rivers, wetlands, hedgerows, individual trees, streams, grassland, coastal areas etc. through numerous objectives put forward in *Chapter 7 Natural and Built Heritage* which are welcomed. Consideration should be given to the provision of appropriate buffer zones between local biodiversity features and areas zoned for development.

## Response

- 15.1 EU and nationally designated sites of ecological value at identified in the plan maps. However, sites of biodiversity value such as those identified in the Arklow Urban Habitat Mapping or watercourses are not shown on maps, nor are other areas of biodiversity potential such as hedgerows, individual trees, streams, grasslands or coastal areas, as this would not be practical or legible.

The following objectives of the plan will also ensure appropriate protection of biodiversity features:

- To protect features such as native hedgerows, trees and watercourses, and the locally important biodiversity areas from inappropriate development, and to strengthen through development management the role of these sites as "green corridors" to enhance overall biodiversity **(BD3)**
- To ensure that appropriate consideration is given to the protection of trees of amenity and environmental value in the design of new developments, and discourage the felling of mature trees to facilitate development **(BD4)**
- To require the planting of native and locally characteristic species of trees and shrubs in all new developments. **(BD5)**
- To encourage the retention and enhancement of hedgerows and traditional stone walls in the plan area. **(BD6)**

**Issue 16 Alien species and Noxious Weeds**

16.1 The plan should promote the implementation of measures to control and manage alien/invasive species (e.g. Japanese knotweed, Giant Hogweed, Zebra Mussel etc.) and noxious weeds (e.g. Ragwort, thistle, dock etc.) within the plan area.

**Response**

16.1 It is not considered that the management of alien / invasive species is relevant to such a land use plan; rather it is an issue to be addressed in the Heritage Plan / Biodiversity Plan.

**Issue 17 Inland waters – rivers, streams, wetlands**

17.1 The inclusion of Objectives WS1 - WS5 relating to protecting rivers and stream corridors and valleys by reserving riparian zones / ecological corridors, maintaining them free from inappropriate development, minimising alterations and discouraging culverting or realignment is noted and welcomed.

**Response**

17.1 Noted

**Issue 18 Air, noise and climatic factors**

18.1 **Noise** - The inclusion of a number of noise related objectives as described in *Chapter 8 Service Infrastructure-Water, Waste & Energy*, as highlighted in *Section 8.10 Noise Pollution* is noted.

18.2 **Air & Climatic Factors** - The plan includes a number of objectives in relation to reducing greenhouse gas emissions / improving air quality as provided for in *Section 8.9 Air Emissions*, and *Section 5.2 Public Transport* are acknowledged.

18.3 The plan should promote specific objectives and associated provisions for the development and promotion of appropriate climate change adaptation and mitigation measures that can be implemented through relevant land use plans and/or specific plans e.g. Flood Risk Management Plans, Integrated Coastal Zone Management Plans etc.

18.4 The objectives of EU and Irish air quality legislation is “to avoid, prevent or reduce harmful effects on human health and the environment as a whole”, and the relevant local authorities where appropriate, “shall promote the preservation of best ambient air quality compatible with sustainable development”. To this effect the plan should include as appropriate an objective to ensure this requirement is complied with. Consideration should be given to promoting specific policies / objectives in the plan for the protection and improvement, as appropriate, of air quality within the plan area, particularly in areas zoned for increased urban and transport related development.

**Response**

18.1 Noted.

18.2 Noted.

18.3 Section 2.4 of the draft plan sets out the key strategic objectives for the development of the plan area over the period 2011-2017. One of these key strategic objectives is to “address the climate change challenge, as a plan dynamic, throughout the plan area, directly in the area, flooding and renewable energy, and indirectly by integrating

*climate change and sustainable development into statements of plan policy, strategies and objectives*". Sections 8.9 and 8.12.1 of the plan also set out clear objectives relating to addressing the issue of climate change through the promotion of sustainable and alternative energy sources and reducing air emissions in accordance with the requirements and standards of the Environmental Protection Agency. In addition, the objectives set out in Chapter 5 of the plan '*Transportation*' facilitate and promote the development of more sustainable modes of transport aimed at reducing travel related emissions. Flood risk management is dealt with in detail in Chapter 8 of the draft plan.

- 18.4 The draft plan does include objectives with regard to air quality, in particular objective **AE1** '*To regulate and control activities likely to give rise to emissions to air (other than those activities which are regulated by the EPA)*' and **AE3** '*To require activities likely to give rise to air emissions to implement measures to control such emissions, to install air quality monitors and to provide an annual air quality audit*'. These are considered appropriate to address the issue of air quality.

**Issue 19 Energy conservation / renewable energy**

- 19.1 The inclusion of *Section 8.12.2 Energy Objectives* is acknowledged.
- 19.2 The reference in Objective E2 to the development of wind energy developments being in accordance with the County Wicklow Wind Energy Strategy is noted. Clarification should be given whether SEA has been applied to this Strategy. You are reminded of Article 9 of S.I. No. 435 of 2004 pertaining to the "*Requirement to carry out environmental assessment*" for energy related plans / programmes / strategies. The requirements of the Habitats Directive in relation to the above strategy should also be considered as appropriate.
- 19.3 The commitment to facilitate the development of offshore wind energy projects (Objective E3) should be mindful of the National Offshore Renewable Energy Development Plan which is currently undertaking SEA. It should be ensured that the development and approval of these projects will take into consideration any objectives/policies and related likely to be made as relevant and appropriate.
- 19.4 In relation to Objectives E3 and E5, the requirements of the EIA and Habitats Directives are also brought to your attention.
- 19.5 Consideration should be given to the inclusion in the plan, as appropriate, of a policy/objective in relation to the preparation and implementation of "An Energy Conservation Strategy" and associated awareness campaign within the plan area. Specific timescales should be assigned to the preparation of such a strategy.
- 19.6 The Plan promotes, where appropriate, the use of renewable energy systems (e.g. solar, wind, geothermal etc.) within the plan area through inclusion of a number of objectives, which is welcomed. The plan also provides for the promotion of energy conservation measures in buildings, which is acknowledged.

**Response**

- 19.1 Noted.
- 19.2 The Wicklow County Development Plan Wind Energy Strategy has been developed in accordance with the DoEHLG guidelines and sets out a strategy capable of positively controlling the development of windfarms, whilst protecting environmental and material assets within the County. The specific objectives of this strategy were assessed and evaluated for their likely impacts on the receiving environment during the plan making process through the preparation of Environmental Reports (SEA) and (AA). The objectives set out in the strategy relate to how this strategy will be implemented and have been developed with environmental considerations at the forefront of its development. It is considered that the assessment carried out adequately addresses the requirements of Article 9 of S.I. No. 435 of 2004 and that of the Habitats Directive.
- 19.3 Objective E3 does not facilitate off-shore wind energy development as the local authority has not statutory powers in relation to the approval of such projects.

Therefore the local authority cannot ensure that the development and approval of such project takes into consideration any findings of any environmental assessment carried out. Objective E3 only facilitates on-shore ancillary facilities as may be required and it is recommended that reference be made in the plan to National Offshore Renewable Energy Development Plan with regard to such facilities, as follows:-

**E3** To facilitate the development of off-shore wind energy projects insofar as onshore facilities may be required, **having regard to the provisions of the National Offshore Renewable Energy Development Plan**

- 19.4 EIA is covered by national legislation and the need to carry out an EIA derives from thresholds and project characteristics set out in the national law. Such legislation requires to be complied with and there is no need to make reference to it in objectives E3 and E5. With regard to Appropriate Assessment under the Habitats Directive, it is a clearly stated objective of the plan that *'Any programme, plan or project carried out on foot of this development plan, including any variation thereof, with the potential to impact upon a Natura 2000 site(s) shall be subject to Appropriate Assessment in accordance with Article 6 (3) and (4) of the EU Habitats Directive 1992 and 'Appropriate Assessment of plans and projects in Ireland – Guidance for Planning Authorities' DoEHLG 2009' (BD7).*
- 19.5 'Energy conservation' refers to reducing the use of energy and reducing the waste of energy. The principle energy users are transport, electricity and heating. The plan directly addresses energy use in all of these areas in Chapter 8 of the plan and seeks to both reduce energy consumption but also to exploit and develop alternative energy sources. It is considered that the strategies, policies and objectives in this chapter provide in essence an energy conservation strategy and therefore the production of a separate strategy is not warranted
- 19.6 Noted.

**Issue 20 Landscape character assessment**

- 20.1 The plan promotes the protection of designated scenic landscapes, scenic views, scenic routes and landscape features of regional, county and local value through inclusion of Objective VP1. There would be merits in also assessing particular areas of seascape, coastscape and riverscape areas of significant landscape character in/adjacent to the plan area to be afforded protection in the plan.
- 20.2 The plan should also take into account the landscape character adjoining the plan area. There is a need to take into account landscape features and designations adjoining the plan area.
- 20.3 Consideration should also be given to promoting the requirement for an appropriate "Visual Impact Assessment" for proposed development with potential to impact adversely on significant landscape features within the plan area. The plan should promote the application of standard impact assessment methodology for all such development.
- 20.4 Consideration should also be given to the promotion of the designation, and use of, agreed and appropriate viewing points for these assessments. The scope of each assessment should be agreed in consultation with the relevant planning department staff.
- 20.5 The plan should promote the recognition of visual linkages between established landmarks and landscape features including seascape, coastscape and views which should be taken into account when land is being zoned and when individual development proposals are being assessed / considered within the plan area.

**Response**

- 20.1 Firstly, it is not within the remit of this development plan, with its clearly defined boundaries, to include policies / objectives relating to lands outside the plan area.

- Policies and objectives for these lands are contained in the County Development Plan. Secondly, it must be taken into account that the entire plan areas is designed an 'urban' landscape zone in the adopted Wicklow County Development Plan which implies that it is essentially a built up area and an area in which substantial urban development will occur, and it is not a protected 'scenic' landscape like the rural, unspoilt lands outside the town. Thirdly, where it is considered that there are views / prospects in the plan areas that are worthy of protection, these are identified in the plan. Therefore it is considered that this issue has been addressed in the plan.
- 20.2 The landscape surrounding the settlement is designated a 'corridor area' in the Wicklow County Development Plan, that is, a landscape that is impacted by and associated with a major transport corridor (the N11 / M11) travelling through it. This already seriously impacts on the scenic qualities of the area. It is considered that the land use zonings adjoining the plan boundary along the transport route and corridor landscape zone would not undermine and or unduly impact on the existing character of this zone.
- 20.3 It is not considered appropriate to require 'visual impact assessments' in urban, built-up areas.
- 20.4 Where views and prospects worthy of protection have been identified in the plan area, they have been listed in the plan. Where a development proposed would be likely to impact on such views / prospects, it will be clear where the assessment views should be taken from as the location of the view / prospect is identified in the plan, as is the vista protected by the view.
- 20.5 This is not clear what exactly is being suggested by the EPA in this point. If visual linkages were to be retained between all places and features of visual interest in the town, then the developability of prime serviced urban land would be unduly restricted, contrary to the principles of sustainable planning. No land is zoned in this draft plan that would break up the view along the coast when viewed at the coast. Views along watercourses would be impossible to maintain given their meandering pattern.

**Issue 21 Human health / quality of life**

- 21.1 The plan should ensure provision of adequate and appropriate infrastructure and to serve both the existing community and likely future predicted increases in population within the plan area.
- 21.2 In preparing the plan, there would be merits in exploring current practice and opportunities with respect to promoting the protection and, as appropriate, improvement of "Quality of Life". Where relevant, the application of existing "Quality of Life Indices" would be considered in consultation with relevant statutory and non-statutory bodies/organisations.
- 21.3 You are also referred the relevant aspects already referred to above under water, biodiversity, air, energy.

**Response**

- 21.1 The draft does ensure provision of adequate and appropriate infrastructure and to serve both the existing community and likely future predicted increases in population within the plan area. There are numerous objectives to this effect including H3, PT1-5, CW1-5, RP1-5, NR1-2, W1-9 and WM1-6.
- 21.2 The improvement of the 'quality of life' is at the core of this plan as set out in the plan vision which is *'For Arklow town and its Environs to be a cohesive community of people enjoying distinct but interrelated urban and rural environment; where natural surroundings and important resources are protected; where opportunities abound to live and work in a safe atmosphere, allowing people to enjoy the benefits of well paid jobs, a variety of housing choices, excellent public services, ample cultural and leisure opportunities, and a healthy environment'*. This is reflected throughout the plan but only insofar as a land-use plan can influence the element that contribute the quality of life. It is considered outside the remit of such a land-use plan to draw up 'quality of life' indices.

21.3 This is addressed already in this report.

---

**Issue 22      Transportation**

---

- 22.1 The plan promotes the provision of sustainable modes of transport in Objectives put forward in *Chapter 5 Transportation*. It is noted that Objective PT5 promotes the provision for large-scale employment and residential developments with a feeder bus services for an initial period. Clarification should be given on how sustainable transportation links will be provided for after this initial period.
- 22.2 An assessment of the adequacy of existing and proposed public transportation services should be factored into to the approval process for large scale employment and residential developments.
- 22.3 *Section 5.7 Aviation, Harbours, Marinas & Ports* includes *Objective AHMP3*, which promotes Arklow as a location for a new international airport and associated development. Any such development proposal should be in line with Regional Planning Guidelines and promote sustainable development in accordance with National and EU Environmental legislation as appropriate and relevant. A clear justification should be provided for the need to provide an international airport rather than improving transportation links to existing aviation infrastructure.
- 22.4 Development proposals including harbour, marina and port developments should take into account the requirements of the EIA and Habitats Directives as appropriate, including an assessment of cumulative environmental and in-combination environmental effects.
- 22.5 The plan should promote the development of traffic management measures to reduce the potential for traffic congestion and associated vehicular emissions within the plan area. In particular the preparation of Integrated Traffic Management Plans, where relevant and appropriate, for the existing urban areas and proposed new urban developments should be promoted as appropriate through the plan. This approach should address the short, medium and long-term traffic management requirements within the plan area.

---

**Response**

---

- 22.1 It is expected that once adequate populations are present, the market demand for public transport will attract transport providers. The details of such proposals would be worked through at planning permission stage.
- 22.2 The reality is that new large scale expansion areas will not normally have existing public transport services as there is no catchment or demand for the service. To accept that public transport must be adequate before development can occur would prevent all but minimal new development. A land-use plan can aid in ensuring public transport can be availed of or brought to a new area by:
- Ensuring that new expansion zones are well connected to existing public transport facilities where they exist. In this plan, linkages to the regional road (old N11) where bus transport is available and to the train station have been factored into zoning decisions and development requirements for new expansion areas;
  - Ensuring a high density of development in such expansion zones to attract bus based public transport providers;
  - Ensuring new expansion zones have appropriate road layouts that will facilitate bus use, including locations for bus stops, bicycle shelters etc.
- 22.3 The Strategic Environmental Assessment of this objective has found that it would be likely to result in environmental impacts. The purpose of a SEA is to evaluate all policies / objectives and to provide information for the decision makers regarding the environmental consequences of the plan. This environmental assessment, along with the submissions of the public / prescribed bodies and this report of the Manager, is to be considered by the elected members in their final decision on the plan. With regard to the 'need' for such a facility, a development plan is strategic in nature, for the

purposes of setting the framework for future development projects. Ultimately the market will determine if there is a need for such a facility in Arklow. Any proposal of this nature will be required to navigate the planning and Environmental Impact Assessment processes, which will include consultation with prescribed bodies and the public.

22.4 All projects that require to undergo EIA or Appropriate Assessment by virtue of their location or scope / scale must do so as part of the planning permission process.

22.5 Traffic management is not a matter for a land-use plan. A land-use plan can however influence the location of new development in such a way as to avoid creating or exacerbating traffic congestion and associated vehicular emissions. In particular, this plan contains objectives for new roads, pedestrian routes and cycleways which aim to reduce car numbers on the roads and to improve flows.

The new National Transport Authority has been charged with preparing a traffic management plan for the Greater Dublin Area so as to ensure a consistent approach across all local authority areas, including during construction works for major infrastructure projects. Most traffic management functions will continue to be discharged by the local authorities within the strategic framework provided by the Authority. However, the Authority will be able to decide to carry out certain functions itself if it judges this to be more effective and to give directions to local authorities. In this regard, the Roads Authority of Wicklow County Council is responsible for evaluating the need for and implementing traffic management measures and it is not necessary to include an objective in this land-use plan requiring this section to carry out its functions. With regard to new developments, the draft plan has detailed criteria for new road design and traffic impact assessments, in order to address at the application stage any potential traffic management issues.

---

**Issue 23            Tourism**

---

23.1 *Chapter 6 Economic Development, including Retail & Tourism* includes a number of objectives as outlined in *Section 6.11.2*, in relation to tourism aspects of the plan. The plan should however, promote where relevant and appropriate long term, sustainable planning for tourism within the plan area. There may be merits in considering the promotion of the preparation of Integrated Sustainable Regional Tourism Strategy for the plan and adjoining areas. Development of tourism related infrastructure should also be linked to the availability to provide adequate and appropriate service infrastructure, in accordance with the relevant legislation and guidance, in advance of proposals.

23.2 It should be ensured that an assessment of the existing availability and capacity of holiday homes be assessed prior to the approval of further such development proposals.

---

**Response**

---

23.1 The plan is considered to appropriately promote long term sustainable tourism for the plan area. However, this is not a tourism plan, it is a land-use plan, and this is not the appropriate process for the Environmental Protection Agency to be using to suggest the development of an 'Integrated Sustainable Regional Tourism Strategy'. As with all development that may occur on foot of this plan, new tourism development will be contingent on the availability of necessary infrastructure.

23.2 Application for any tourism accommodation types will be based on their merits and the identified need for the development type proposed. This is normal procedure in the development management process.

---

**Issue 24            Infrastructure planning**

---

24.1 *Section 3.5 - New Residential Development* of the plan highlights areas proposed for



significant development in the plan through the establishment of three “Action Areas” at Tinahask, Money Big & Kilbride. The plan should promote the integrated planning for adequate and appropriate infrastructure to service any development proposed and authorised during the lifetime of the individual land use plans within the plan area. The development of these “Action Areas” should be carried out in a phased and appropriate manner.

- 24.2 These Action Areas are further described in *Chapter 10 Action Areas*. It should be clarified if these proposed development areas have been assessed as part of this SEA or whether they will be assessed at a later stage, given the significant amount of lands proposed for development (38.5ha for Tinahask-Money Big and 60.8 ha for Kilbride.) It should also be clarified to what extent has the SEA considered alternatives with respect to these Action Areas. Has the proposed zoning taken into account the most recent population predictions in the GDA RPG 2010-2022. It should also be clarified these Action Areas will be subject to assessment under the SEA and Habitats Directives.
- 24.3 The plan should promote the provision of adequate and appropriate wastewater treatment, water supply, surface and storm water drainage, transport, waste management, community services and amenities etc. on planned and phased basis to address any current problems and/or deficits and to reflect predicted increases in population during the life of individual plans adopted within plan area.

---

**Response**

- 24.1 As with all development that may occur on foot of this plan, the development of the identified Action Areas will be contingent on the availability of necessary infrastructure. The issue of phasing is addressed in the response to the submissions from the DoEHLG and NTA.
- 24.2 These action areas have been identified for residential development to meet the population growth targets set out for Arklow in the RPGs and the Wicklow County Development Plan. These action areas are an integral part of the plan and therefore have undergone Strategic Environmental Assessment and Appropriate Assessment and have not been excluded in any way for these environmental assessments. The Strategic Environmental Assessment carried out fully explored alternative development plan scenarios to meet the population growth needs.
- 24.3 This issue is already addressed in this report.

---

**Issue 25 Urban waste water discharge licensing**

- 25.1 The plan should refer to the requirement under the *Waste Water Discharge (Authorisation) Regulations*, for all for all wastewater discharges, including storm water discharges which come within the scope of these Regulations to be licensed. The EPA is currently in the process of licensing discharges from wastewater treatment facilities.

---

**Response**

- 25.1 See response to item 1.3 above.

---

**Issue 26 Waste Management**

- 26.1 *Section 8.7 Solid Waste Management* of the plan contains numerous objectives (WM1 – WM6) in relation to the management of solid waste and enforcement of littering / illegal dumping within the plan area which are welcomed and acknowledged.
- 26.2 The plan should promote the integration of land use zoning and development to existing and planned availability of waste infrastructure and capacity. Priority should

be given to provision of adequate and appropriate waste related infrastructure in advance of any development.

26.3 The plan should also seek to incorporate relevant guidance and legislation to address issues such as Waste Prevention, Food Wastes, Identification of Historic Landfill Sites, Backyard Burning, Brown Field Development etc.

---

**Response**

26.1 Noted.

26.2 The role of Wicklow's *Waste Management Plan* is to make provision the recovery, recycling and disposal of waste arising in County Wicklow. It promotes waste prevention and minimisation through source reduction, producer responsibility and public awareness and education. It sets objectives and targets, roles and responsibilities. The primary objective is to ensure the best environmental management of all waste arising. This plan is drawn up having regard to the County growth and settlement strategy set out in the County Development Plan. This plan therefore links the delivery of waste services to zoning / development. It is not therefore considered necessary to include a specific provision in this plan to this effect.

26.3 See response to item 1.3 above.

---

**Issue 27 Environmental Impact Assessment / Appropriate Assessment**

27.1 The plan should highlight that under the EIA and Planning and Development Regulations certain projects that may arise during the implementation of the plan may require an Environmental Impact Assessment. There are also requirements with regard to EIA for sub-threshold development.

27.2 It should be noted that the projects would also be required to be screened with respect to the requirement for Habitats Directive Assessment/Appropriate Assessment as required by Article 6 of the Habitats Directive. You are also referred to the recently published DoEHLG guidance available in relation to Appropriate Assessment "*Appropriate Assessment of Plans and Projects in Ireland*", (DoEHLG, 2009).

---

**Response**

27.1 Any primary and secondary legislation relevant to the making and assessment of any planning application must be adhered to, and therefore it is not necessary to include a policy or objective in the plan setting out the EIA requirements for applications. The legislation clearly sets out where an EIA may be required and what an EIA must address.

27.2 See 27.1 above

---

**Issue 28 Strategic Environmental Assessment**

28.1 Consideration should be given to the inclusion of a specific policy/objective in the plan to ensure full compliance, with the requirements of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment – the SEA Directive and the associated Planning and Development (Strategic Environmental Assessment) Regulations, 2004.

28.2 Arklow Town Council and Wicklow County Council (the LA's) need to be cognisant of their responsibilities with respect to the SEA Directive and related SEA Regulations through the plan. This is of relevance to County Development Plans, Town Plans, Local Area Plans including reviews, variations and amendments etc.

28.3 The plan should promote the development and implementation of procedures to ensure compliance with the requirements of the SEA Directive and related SEA

Regulations for all Land Use Plans within the plan area.

**Response**

- 28.1 The Strategic Environmental Assessment Directive is implemented in Ireland through the Planning & Development (Strategic Environmental Assessment) Regulations 2004. It is not considered necessary to insert a policy / objective in the plan requiring compliance with this national legislation that must be complied with in accordance with these regulations.
- 28.2 Arklow Town Council and Wicklow County Council are cognisant of their responsibilities with respect to the SEA Directive and related SEA Regulations.
- 28.3 This point is somewhat unclear and is clearly a pro-forma comment with regard to development plans. This is the land-use plan for this plan area and has undergone Strategic Environmental Assessment in accordance with legislation.

**Issue 29 Obligations with respects to national plans and policies and EU environmental legislation.**

- 29.1 The plan should refer to the LA's responsibilities and obligations in accordance with all national and EU environmental legislation. It is a matter for the local authorities to ensure that, when undertaking and fulfilling their statutory responsibilities, they are at all times compliant with the requirements of national and EU environmental legislation.
- 29.2 *Environmental Liabilities Directive* - As outlined in DoEHLG Circular Ref: EPS/01/09, the LA should be cognisant of the Environmental Liability Directive (2004/35/CE), (ELD), which enforces the Polluter Pays Principle and has been transposed and is now in force in Ireland. In many aspects of their work local authorities are considered "operators" under the legislation and are now liable for any Environmental Damage (damage to water; soil; and species and habitats as defined in the legislation) which they commit.

**Response**

- 29.1 It is considered that Chapter 1 of the draft plan clearly sets out the role of the plan and the framework in which it is crafted and will operate, namely under the provisions of the Planning & Development Acts. Given the quantity of primary and secondary legislation, as well as regional and local policies / programmes, that is in place with regard to environmental protection in general, it would render the plan particularly cumbersome and impenetrable to list all such document and set out the role and responsibilities of each. National primary and secondary legislation requires to be complied with – it is not the responsibility of a land-use plan to ensure that all such laws are complied with or advertised. However, the plan does set out, particularly in the chapters relating to water, habitats and the natural environment, the key pieces of EU and national legislation that relate to each topic.
- 29.2 Noted.

**Issue 30 EPA Report: Ireland's Environment 2008 "Main Environmental Challenges"**

- 30.1 The plan should include relevant policies and objectives are included, to address, where appropriate, the "Main Environmental Challenges" for Ireland as set out in Chapter 16 – "Main Environmental Challenges" of EPA Ireland's Environment 2008 (EPA, October 2008). The LA in implementing the plan and in fulfilling its responsibilities should ensure plan-making authorities take into account and address, where appropriate, the relevant "Environmental Challenges" set out above.

## Response

30.1 In their report of 2008, the Environmental Protection Agency sets what it considers to be the main environmental challenges facing Ireland as follows:

- Limiting and adapting to climate change;
- Reversing environmental degradation;
- Mainstreaming environmental considerations;
- Complying with environmental legislation and agreements.

It is considered that the draft plan as crafted fully addresses these concerns, insofar as the remit of land-use plan. In particular, the draft plan provides strategies, policies and objectives relating to

1. Managing population growth and associated environmental impacts of unbridled extension of development;
2. Transportation, in particular the reduction of vehicular movements and the freer flow of traffic to reduce emissions;
3. Reducing generally the production of wastes including soil and liquid wastes, wastewater and emissions to the atmosphere;
4. Renewable energy and reduction in fossil fuel dependency;
5. Sustainable housing design, which reduces demands for finite resources and creates fewer environmental impacts and emissions;
6. Reducing flood risk and adapting to the potential of increased flood risk due to climate change;
7. Protection of water, soil and geological resources ;
8. Protection of natural habitats and species therein, including both protected and non-protected sites.

Furthermore, by carrying out a Strategic Environmental Assessment and integrating the findings of same into the plan making process, environmental considerations have been brought to the core of the land-use planning process.

## Managers Recommendation

### Amend the following objectives

#### Section 8.4.1 Water Objectives

**W3** Proposed developments within the plan area will only be permitted where it can be adequately demonstrated that sufficient waste water treatment infrastructure with adequate capacity is available or proposed to be available, capable of servicing the proposed development without causing any adverse **impacts on human health and water quality or other** environmental impacts'.

#### Section 8.12.2 Energy Objectives

**E3** To facilitate the development of off-shore wind energy projects insofar as onshore facilities may be required, **having regard to the provisions of the National Offshore Renewable Energy Development Plan.**

<b>Submission No. 10</b>
<b>Electricity Supply Board (ESB)</b>
This submission deals directly with the ESB Operations Centre, Castle Park.  The site is zoned 'CE – Community/Educational/Institutional'. It is suggested that the zoning is inconsistent with the mix of uses that are currently carried out on the site, and undermines long term plans to maintain the facility on the site. It is requested that the site be rezoned to 'Town Centre'. The ESB depot falls within the meaning of Town Centre zoning – more compatible with its existing use and potential use.  (The site incorporates ground floor offices, stores, yard and bulk lock-up and quad stores building. The centre supports engineering design, construction operations, customer services and fault response activities.)
<b>Manager's Response</b>
The lands in question as zoned 'CE'. 'Public Services' are permitted in principle in this zone.  'Public services' are defined as 'A building or part thereof or land used for the provision of "Public Services". "Public Services" include all service installations necessarily required by electricity, gas, telephone, radio, television, drainage and other statutory undertakers; it includes public lavatories, public telephone boxes, bus shelters, bring centres, green waste composting facilities, etc.'
Therefore the zoning is not inconsistent with the mix of uses that are currently carried out on the site and do not undermine long term plans to maintain the facility on the site
<b>Managers Recommendation</b>
No change

<b>Submission No. 11</b>
<b>Wexford County Council</b>
Wexford County Council has indicated that it supports the provisions of the draft plan and in particular:  - Cross boundary issues have been satisfactorily addressed; - Any planning applications for wind energy developments in vicinity of Wexford border shall have regard to County Wexford Wind Strategy.
<b>Manager's Response</b>
Submission noted. In adjudicating on planning applications for wind energy developments within County Wicklow, the planning authority shall have regard to the Wicklow County Wind Energy Strategy, amongst all other relevant considerations.
<b>Managers Recommendation</b>
No change

<b>Submission No. 12</b>
<b>National Roads Authority (NRA)</b>
<ol style="list-style-type: none"> <li>1. It is suggested that the recent publication on the 'Spatial Planning and National Roads (Draft) Guidelines for Planning Authorities' should be referenced throughout the Development Plan.</li> <li>2. The NRA recognises the importance that the national roads play in supporting the strategic role of Arklow as Large Growth Town (II).</li> </ol>

3. In relation to Section 5.8.3 of the plan, there is concern regarding the reference which is made to access onto the national road network and that access would be considered where a new access is intended to replace a deficient one. It is suggested that this objective requires clarification –as to whether that the replacement access is dependent on no additional development or intensification of use of that access from occurring.
4. It is suggested that the zoning of land adjoining the north and south junctions on the M11 contradicts the Council’s acknowledgement of the adverse implications associated with a reliance on the national road network by local traffic. The Spatial Planning and National Roads (Draft) Guidelines require that plans should avoid the creation of development patterns that would lead to local trip generation on national routes. In this regard, care should be exercised on zoning designations at Killiniskyduff at the northern M11 junction and within the townlands of Kish, Cooladangan, Ballynattin etc. adjacent to the southern junction on the M11.
5. It is suggested that a Strategic Transport Assessment is required to be undertaken for lands zoned at M11 north and south junctions – as advocated by Spatial Planning and National Roads (Draft) Guidelines.
6. The NRA supports Works Objective NR1 with regard to the provision of the Rathnew to Arklow national road improvement scheme. However, it is suggested that Objective NR2 should be re-examined (3<sup>rd</sup> interchange on Arklow bypass at Lamberton) – this proposal is not scheduled in the NRA programme of work. A Motorway Order is required for development of a new junction and the NRA would not be supportive of proposals for a motorway junction at this location.
7. While the NRA welcomes the polices in relation to signage, it is recommended that the signage policy in relation to national routes should be in accordance with the NRA ‘Policy on the provisions of Tourist and Leisure Signage in National Roads’ without modifications.

### **Manager’s Response**

1. The DoEHLG published the “*Spatial Planning and National Roads*” (Draft) Guidelines for Planning Authorities on the 28<sup>th</sup> June 2010. While it is noted that the Minister has stated that “*Pending finalisation of the guidelines, local authorities are requested to have regard to the recommended approach in the draft guidelines, when preparing or varying development plans and local area plans, and in regard to applications for planning permission*”, these guidelines had not been published when the proposed draft plan issued to the elected members of Arklow Town Council and Wicklow County Council received the Draft Plan on the 4<sup>th</sup> June 2010. Therefore it was not possible to integrate the recommendations of these proposed new guidelines into the draft plan. To do so now, given the onerous requirements set out in the draft guidelines with regard to traffic assessments, would essentially require the cessation of the current process and a ‘re-start’ on the plan as the amendments that would be required to the draft plan would essentially comprise a new plan rather than an amended plan. Clearly this is not feasible as the new plan is required, under the provisions of the Planning Acts, to be made within 6 years of the previous plan.
2. Noted.
3. Section 5.8.3 states, with regard to National Roads, that ‘*a new means of access ...will generally not be permitted but may be considered where a new access is intended to replace and existing deficient one*’. It is recommended that this point be expanded as follows:  
  
A new means of access onto a national road will generally not be permitted, but may be considered if one of the following circumstances applies:

- the national road passes through a designated settlement and a speed limit of less than 50km/h applies;
- where the new access is intended to replace an existing deficient one <sup>FOOTNOTE.</sup>
- where exceptional circumstances apply, as described in Section 3.2.6 of the NRA 'Policy Statement on Development Management and Access to National Roads' (NRA May 2006) .

*Footnote: This does not imply that permission will be granted for additional vehicular movements onto the national road on the basis that the existing access is being improved.*

4. The zoning at the northern and southern extremities of the plan area are completely consistent with maintaining the strategic capacity of the N11/M11. These parcels of land are between the town and the junctions, and there is thus no advantage to traffic originating at any of these zoned sites from using the national route to go from one part of Arklow to another, as it would add considerable distance to the trip, and in any case there is the high capacity road that until recent times took the entirety of N11 traffic, available to accommodate such trips.

5. A Strategic Transport Assessment (STA) has not been carried out (as it was not a requirement at the time of the drafting of the plan). However, the entire basis of the employment zoning of this plan is to redress the employment deficit of Arklow and its strategic hinterland, and to try to reverse the unsustainable commuting northwards out of Arklow. This has been the case due to the double influences of the loss of traditional employment in Arklow, and the growth of commuter based employment in the Dublin metropolitan area. As can be seen in the calculations for employment development land in the response to the submission from the Department of the Environment, Heritage and Local Government in this report, land has only been zoned for the employment needs of Arklow and its hinterland, and to redress unsustainable commuting northwards. The net effect will be to remove traffic from the N11/M11 as a whole. The traffic coming from outside Arklow will primarily come from the R747 serving Aughrim, Tinahely, Rathdrum etc., and this road has no junction with the N11/M11. The hinterland served by the N11/M11 itself has little population. The capacity of junctions on the N11/M11 will be similarly beneficially impacted, as the current intense peak traffic movements on these junctions at commuting times will be replaced by commercial traffic servicing the increased enterprise developments based on these zoned lands, which is classically spread more or less over the day. While it is appreciated that such a transformation from commuting to sustainable local employment will take time to achieve, and that there will still be some significant residual commuting, the overall trend will be to significantly reduce peak traffic, particularly peak commuter traffic, on the N11/M11 and its junctions.

As has been demonstrated in 4. above, the configuration of the zoned land in relation to the junctions north and south of Arklow, make using the national route for intra Arklow trips unattractive to all but irrational drivers.

6. While there is currently no funding in place for a third interchange on the Arklow bypass, it is considered appropriate to maintain this objective for the long term development of Arklow as a major growth pole. The status quo would appear to be to leave this objective in place, particularly as the construction of the Arklow by-pass included and funded works to the carriageways to accommodate such a junction.

7. The caveat included in Section 5.10.1 to allow for N11 / M11 signage for certain types of hotels is considered reasonable and therefore no change is recommended.

**Managers Recommendation**

**Amend section 5.8.3 Public Roads as follows:**

**5.8.3 Public Roads**

National Road and Regional Road Development Control Objectives

- Any works carried out on national and regional roads shall comply with the National

Roads Authority publication 'Design Manual for Roads & Bridges as may be amended and revised, unless local conditions determine otherwise;

- No development shall be permitted that would involve direct access to or from a motorway in accordance with Section 46 of the Roads Act (1993);
- ~~A new means of access onto a national road will generally not be permitted, but may be considered where a new access is intended to replace an existing deficient one;~~
- A new means of access onto a national road will generally not be permitted, but may be considered if one of the following circumstances applies:
  - the national road passes through a designated settlement and a speed limit of less than 50km/h applies;
  - where the new access is intended to replace an existing deficient one <sup>FOOTNOTE.</sup>
  - where exceptional circumstances apply, as described in Section 3.2.6 of the NRA 'Policy Statement on Development Management and Access to National Roads' (NRA May 2006).

*Footnote: This does not imply that permission will be granted for additional vehicular movements onto the national road on the basis that the existing access is being improved.*



## SECTION 4 PUBLIC SUBMISSIONS

<b>Submission No. 13</b>
<b>Jonathan O'Toole, 'Deansgate', Dublin Road, Arklow</b>
<p>This submission relates to a site on Dublin Road and it objects to the rezoning from 'natural amenity' to 'existing residential' for the following reasons:</p> <ol style="list-style-type: none"> <li>1. Inappropriate development on flood prone land (is part of a marsh floodplain) – will increase the effects and extent of flooding to surrounding area – contrary to proper planning and sustainable development.</li> <li>2. History of planning applications on site – several refusals relating to flooding. County Manager's opinion on the subject site after the first round of submissions on Draft Development Plan stated that it is unlikely that additional lands will be required for zoning.</li> <li>3. Several policies outline unsuitability of lands for rezoning due to flood risk issues – as set out in DoEHLG Guidelines '<i>The planning system and flood risk management</i>' (2009), Draft Arklow Town Development Plan 2011-2017, Background Issues paper for the Arklow Town and Local Environs Plan 2011-2017, Arklow Flood Study Report by PH McCartney &amp; Partners (2002).</li> <li>4. Site does not meet standards of the Justification Test.</li> <li>5. Flood map 8.01 shows land is flood prone.</li> <li>6. Also note immediate land is the outfall from storm water for the entire Dublin Road</li> <li>7. Note that other immediate lands, not part of NHA, are zoned 'conservation zone' – question why exception is being made?</li> </ol>
<b>Manager's Response</b>
<p>Noted.</p> <p>An Bord Pleanála recently refused permission for the development of the site in question on the basis that inadequate information had been provided to show that the development would not increase the effects and extent of flooding in surrounding area.</p> <p>The flood risk assessment carried out as part of the draft plan confirmed that the lands in question are located in Flood Zone A and having reconsidered the Justification test with regard to these lands, the lands fail. Therefore it is recommended that the RE zoning be removed and the lands be rezoned CZ – Conservation Zone.</p>
<b>Managers Recommendation</b>
Amend map as appended to this report (Appendix 3)

<b>Submission No. 14</b>
<b>Community Centre Action Group</b>
Submission outlines the case for a new community centre in Arklow. and identifies land at Churchview as being suitable.
<b>Manager's Response</b>
As set out in the Community Development Objectives and Community Centre objectives (CD1, CD2, CD3 of 9.2.1; CC1 and CC2 of 9.8.1), it is a priority of this plan to ensure the delivery of new community facilities as part of the development process. The planning authority will support proposals for new community facilities at suitable locations, which accord to the principles of proper planning and sustainable development and therefore there is no need to specifically mention any particular site.
<b>Managers Recommendation</b>
No change

<b>Submission No. 15</b>
<b>Marie Tyrell, 51 Ferrybank, Arklow</b>
<p>This submission relates to a building, which is proposed to be removed from the Record of Protected Structures, namely No. 51 Ferrybank.</p> <p>It is requested that 51 Ferrybank should be deleted from the record of protected structures for following reasons:</p> <ul style="list-style-type: none"> <li>▪ The dwelling is the family home – no intention to change character of it; however, many internal features have been altered over years, e.g. roof, chimney;</li> <li>▪ Not in financial position to pay for restorations.</li> </ul>
<b>Manager's Response</b>
<p>As set out in Appendix 1 of the Draft Plan, 51 Ferrybank is included on the list of 'proposed deletions' of buildings from the Arklow Record of Protected Structures. Accordingly, the Planning Authority will continue to proceed in its objective to delete 51 Ferrybank from the RPS as directed by the Elected Members in accordance with the legislative framework for deleting structures from the RPS, as set out in the Planning and Development Act (2000-2010).</p>
<b>Managers Recommendation</b>
No change

<b>Submission No. 16</b>
<b>Dawnhill Properties</b>
<p>This submission relates to lands designated 'Action Area 3 – Kilbride', as shown on Map 10.03. The owner of these lands is supportive of proposal for Action Area 3 – Kilbride lands as presented in Draft Plan.</p>
<b>Manager's Response</b>
Noted
<b>Managers Recommendation</b>
No change

## APPENDIX 1

### Proposed Amendments to Chapter 2

Proposed new text shown in red, deleted text in ~~blue strikethrough~~

## Chapter 2 Core Strategy

### 2.1 Introduction

The purpose of this chapter is to set out the vision for the future of the plan area and to provide a 'core strategy' for its spatial organisation over the plan period. This core strategy will be amplified and expanded upon in the seven strategic goals set out in this chapter and in the objectives of the entire plan to follow.

### 2.2 Vision

*For Arklow town and its Environs (plan area) to be a cohesive community of people enjoying distinct but interrelated urban and rural environment; where natural surroundings and important resources are protected; where opportunities abound to live and work in a safe atmosphere, allowing people to enjoy the benefits of well paid jobs, a variety of housing choices, excellent public services, ample cultural and leisure opportunities, and a healthy environment.*

### 2.3 Core Strategy

The purpose of the core strategy is to illustrate that the development objectives in the Town and Environs Development Plan are consistent as far as practicable, with national and regional development objectives as set out in the National Spatial Strategy 2002 – 2020 and the Regional Planning Guidelines for the Greater Dublin Area and the Wicklow County Development Plan 2010-2016.

#### 2.3.1 Settlement Strategy

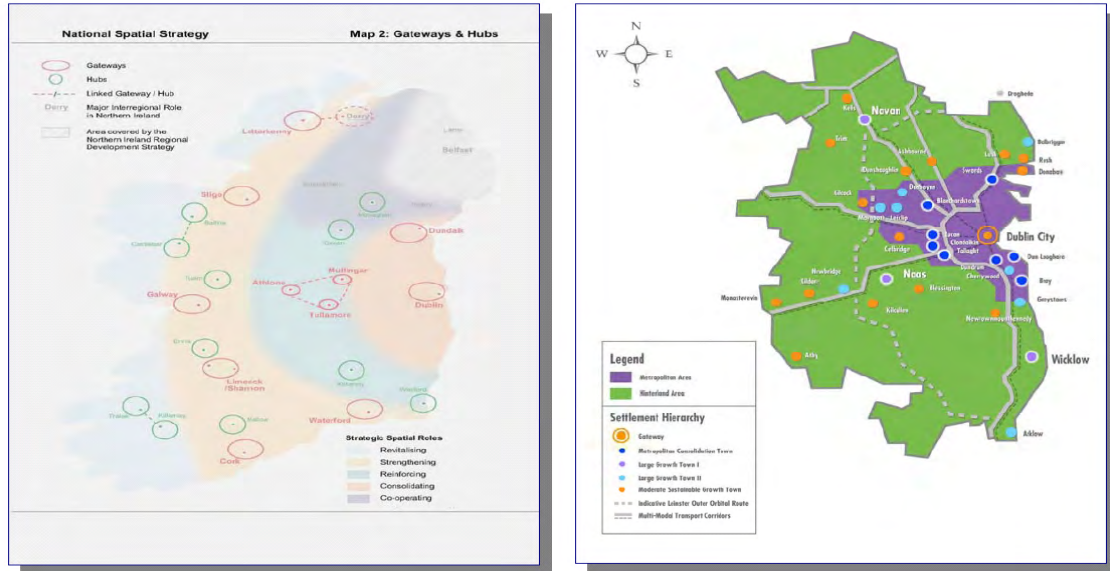
The settlement objectives for County Wicklow and for Arklow flow directly from the National Spatial Strategy and the Regional Planning Guidelines for the Greater Dublin Area as described in Chapter 1 of this plan.

#### **National Spatial Strategy & Regional Planning Guidelines for the Greater Dublin Area**

The National Spatial Strategy embodies a spatial structure of Gateways and Development Centre Hierarchy leading the development of the regions, including hubs, towns, villages and rural areas having complementary roles within the structure. The entirety of County Wicklow is located in the 'consolidation zone' around the 'gateway' of Dublin.

The Regional Planning Guidelines for the Greater Dublin Area further expand on the spatial structure in this Dublin Region.

The Wicklow County Settlement Strategy accords with both the NSS and the RPGs, as shown in the following table and maps.



Arklow is located in the Dublin centred 'consolidation zone' under the NSS, in the 'hinterland' zone of the Greater Dublin Area under the RPGs and has been identified as a Large Growth Town II under the RPGs. This development plan reinforces this designation with appropriate strategies and objectives to reflect this designation. Arklow is strategically located on a national route the N11/M11. The town centre of Arklow contains a number of historic buildings and recreational green spaces in the form of parks, playgrounds and walking routes. In recent times there has been a shift away from the main street to the North Quay in terms of commercial and retail function. The main street of Arklow town is in need of rejuvenation and this plan will address this issue namely in chapter 4 "Main Street Strategy". Arklow Environs is rural in nature with dispersed housing and a concentration of industrial areas.

	NSS	RPGs	Wicklow CDP	Arklow Town & Environs Development Plan
Arklow	Consolidation Zone	Hinterland Area Large Growth Town II	Hinterland Area Large Growth Town II	Large Growth Town II

### Arklow Town and Environs

#### 2.3.2 Population & settlement

The population and settlement objectives flow from allocations made at the different strategic levels within the national planning hierarchy. The Minister allocates population to each Regional Authority, and the members of the Mid East Regional Authority in turn decide how much of their allocation goes to each county. Finally, the members of Wicklow County Council, through the County Development Plan, decide on the share of this population to be given to each settlement and town in the County.

Arklow town's population has been increasingly modestly since 1991, with annual increases in the range of 1.5 % – 2%, increasing to around 4% per annum between 2002 and 2006.

### **Population – Arklow Town**

Year	1971	1981	1986	1991	1996	2002	2006
Population	6,948	8,646	8,388	7,987	8,557	9,993	11,759

(Source: CSO Census of population)

Having regard to Arklow's designation as a Large Growth Town II in the Regional Planning Guidelines for the Greater Dublin Area and the Wicklow County Development Plan, Arklow and its environs is targeted in the Wicklow County Development Plan to grow to 19,000 persons up to 2016 and 23,000 persons up to 2022, at a faster rate than heretofore. In particular, the population target of 19,000 in 2016 will require a growth rate of c. 6% per annum between 2006 and 2016.

### **Population targets – Arklow Town & Environs**

Year	2006	2016 target	2022 target
Population	11,759	19,000	23,000

(Source: Wicklow draft County Development Plan 2010)

The lifetime of this plan is between 2011 and 2017. In accordance with the Development Plan Guidelines issued by the Department of the Environment, Heritage and Local Government in 2007, in order to provide a robust strategy a development plan should make provision for the zoning of land for 3 years beyond the plan period i.e. up to 2020 in this case. Interpolating back from the 2022 figure the target population for 2017 is 19,670 persons and 21,670 persons for 2020.

### **2.3.3 Housing & Zoning**

In order to accommodate this growth, it will be necessary for this plan to ensure that adequate provision is made for zoned housing / mixed use land. Chapter 3 of this plan sets out in detail the availability of land for housing, which is summarised as follows:-

- The plan area is planned to grow to a total population of 19,000 in 2016 and 23,000 in 2022;
- It is estimated that by 2017 average household size in Wicklow will have declined to 2.52 (in accordance with the Regional Planning Guidelines). Assuming this same household size for Arklow and its environs, there would be a need for 7,800 dwelling units in the settlement by 2017;
- Further declines in household size to 2020 will necessitate a total housing stock in the settlement of 9,000 units to meet the 2020 population target (a household size of 2.4 is projected for 2020, in accordance with the RPGs);
- It is estimated that there are currently (June 2010) c. 5,250 residential units in the plan area ~~and there is currently extant permission for 980 new units;~~
- The development plan will require to make provision for ~~c. 2,770~~ c. **4,000** new housing units up to 2020;
- Three areas have been designated for significant mixed used development during the plan period these are referred to as Action Area Plans.

~~It is essential that a surplus of zoned lands is provided to take account for lands that are not released to market and land that may not be developed due to normal market friction.~~

- ~~▪ For the purposes of this plan an 'excess factor' of 7% will be utilised in accordance with the RPGs and the Wicklow County Development Plan<sup>2</sup>. Therefore this plan must ensure a framework for the delivery of c. 2,965 residential units up to 2020;~~

<sup>2</sup> This term describes the fact that demand for housing will exceed actual household formation due to:

- Some of the additional units being required to replace obsolete housing;
- Some units being vacant at any one time due to market frictional factors;
- Some units being second homes or pieds à terre.

This essentially means that not all new houses in the town will result in the formation of a new "household" as (a) the new occupants may have previously resided in the town, in now obsolete housing (b) the house may be vacant or (c) the house may be a second home for someone who resides permanently elsewhere.

- ~~Additional headroom of 30% will be allowed for in this plan<sup>3</sup>. In this context, the plan must ensure sufficient land is designated for c. 3,850 new residential units;~~
- Notwithstanding the zoning of land for residential purposes, the Development Management Process shall monitor and implement the population targets and shall phase and restrict where necessary the granting of residential planning permissions to ensure these targets are not exceeded;
- Housing development shall be managed and phased to ensure that infrastructure and in particular community infrastructure is provided to match the need of the new residents.

### 2.3.4 Infrastructure

#### Roads

The plan area is served by one national route - the N11/M11. The N11 / M11 is part of Euroroute 01 and has undergone significant investment in the last 20 years. The final section of dual carriageway between Bray to the north and the Wexford to the south is due to be completed within the lifetime of the plan – the Ballinabarney to Arklow Scheme. Having regard to the limitations of the mainline route in the County (see below), the N11/M11 will continue to be the principal access corridor in the eastern side on the County.

The plan area is served by a network of regional and local roads, which are essential for inter-county traffic and local movements.

- In light of the likely continuing car dependency to access the metropolitan region in the short to medium term, it is the strategy of this plan to facilitate and encourage measures to improve capacity and efficiency of the national routes and facilitates the improved use of the national routes by public transport;
- The priority for regional road improvement will be the east-west connector route i.e. the R747 (Arklow – Tinahely – Baltinglass).

#### Rail

The plan area is served by one mainline – the Dublin to Rosslare route and there is a functioning train station in the town.

- It is the strategy of this plan to encourage and facilitate significant improvements to rail infrastructure.

#### Water Services

##### Waste Water

The plan area is deficient in wastewater services. This lack of services is preventing the plan area from fulfilling its functions under the NSS and the RPGs as developments will be restricted due to the absence of waste water infrastructure in the plan area.

- It is the strategy of this plan to facilitate significant improvements to waste water infrastructure within the town.

##### Water Supply

The plan area is currently deficient in water services, however there is a replacement scheme in progress that will see most of the water being sourced from 16 new wells.

- It is the strategy of this plan to facilitate significant improvements to water infrastructure within the town.

---

<sup>3</sup> 'Headroom' or 'market factor' is the amount of extra land that should be zoned over and above the minimum amount needed to accommodate population targets, to allow for lands that are not released to the market for a variety of reasons over the plan period

## **Economic Development**

In accordance with the role that Arklow has been designated by the RPG's as a Large Growth Town II it is considered that the level of enterprise and employment development has not kept pace with residential development;

- It is the strategy of this plan to increase the quantity and range of quality employment opportunities in Arklow;
- It is the priority of the plan to promote enterprise and innovation, particularly in services and the knowledge and green industries;
- It is the priority of the plan to ensure that strategic reserves of land are available for employment purposes.

## **Social Development**

The plan area has a range of social and sporting facilities, buildings and clubs that cater for the large population of the plan area. New residential developments within the plan area shall make provision of social and recreational facilities.

- It is the strategy of this plan that sufficient lands are reserved for community uses;
- The expansion of the residential development shall be managed appropriately and commensurate with the community facilities available;
- It is the priority of this plan to ensure that the delivery of new community facilities as part of development proposals.

### **2.3.5 Retail**

The County Development Plan for Wicklow includes a retail strategy for the entire County, which is consistent with the GDA Regional Retail Strategy. In accordance with the Retail Planning Guidelines, the retail strategy for Arklow includes the following:

- Definition in the plan of the boundaries of the core shopping area of the town centre;
- A broad assessment of the requirement for additional retail floorspace;
- Strategic guidance on the location and scale of retail development;
- Preparation of policies and action initiatives to encourage the improvement of the town centres;
- Identification of criteria for the assessment of retail development.

## **2.4 Key strategic objectives**

In order to implement this vision and core strategy, it is necessary to set out a number of strategic objectives that will underpin all the objectives of this plan;

- To facilitate and encourage the growth of employment, enterprise and economic activity in the plan area, across all economic sectors and in all areas;
- To enhance existing housing areas and to provide for high quality new housing, at appropriate locations and to ensure the development of a range of house types, sizes and tenures in order to meet the differing needs of all in society and to promote balanced communities;
- To maintain and enhance the viability and vibrancy of Arklow as a major urban centre, to ensure that the town remains at the heart of the wider community and provides a wide range of retail, employment, social, recreational and infrastructural facilities;
- To protect and improve Arklow Town and Environs transport, water, waste, energy and communications infrastructure, whilst having regard to responsibilities to respect areas protected for their important flora, fauna or other natural features;
- To promote and facilitate the development of sustainable communities through land use planning, by providing for land uses capable of accommodating community, leisure, recreational and cultural facilities, accessible to and meeting the needs of all individuals and local community groups, in tandem with the delivery of residential and physical infrastructure in order to create a quality built environment in which to live;
- To protect and enhance the diversity of the plan area's natural and built heritage;

- To address the climate change challenge, as a plan dynamic, throughout the plan area, directly in the areas of flooding and renewable energy, and indirectly by integrating climate change and sustainable development into statements of plan policy, strategies and objectives.



## APPENDIX 2

### Proposed Amendments to Chapter 3

Proposed new text shown in red, deleted text in ~~blue strikethrough~~

## Chapter 3 Settlement and Housing Strategy

### 3.1 Introduction

This development plan shall have a duration of 6 years from 2011 to 2017. The Arklow population target for 2017 is extrapolated from the Wicklow County Development Plan targets for Arklow for 2016 and 2022.

**Table 3.1 Wicklow County Development Plan 2010-2016 - population targets for Arklow 2016 and 2022**

Year	2006	2016	2022
Arklow	11,759	19,000	23,000

**Table 3.2 Arklow and environs Development Plan 2011-2017 - population targets 2017 and 2020**

Year	2017	2020
Arklow	19,670	21,670

A population target for 2020 has also been extrapolated for 2020 in accordance with the 'Development Plan Guidelines' published by the DoEHLG in 2007, which recommend that development plans should make provision for zoning for at least 3 years beyond the lifespan of the plan<sup>4</sup>.

### 3.2 Demand for new housing

The 2006 Census revealed a total of 4,270 households in Arklow 'town', equating to an average household size of 2.75, which was below the County average of 2.89. It is estimated that (as of June 2010) there are 5,250 housing units in the entire settlement, the additional number being made up of:

- (a) additional units completed post 2006, and
- (b) units in the 'environs' area, which would not have been considered part of the 'town' in the Census, but are included in the new development plan area.

It is estimated that by 2017 average household size in Wicklow will have declined to 2.52 (in accordance with the Regional Planning Guidelines). Assuming this same household size for Arklow and its environs, there would be a need for 7,800 dwellings units in the settlement by 2017.

---

<sup>4</sup> Section 4.14: "Planning authorities should take all reasonable steps to ensure that sufficient zoned residential land is available throughout the lifetime of the development plan and beyond to meet anticipated needs and allow for an element of choice. In particular, to ensure continuity of supply of zoned residential land, planning authorities should ensure that at the time they make a development plan, enough land will be available to meet residential needs for the next nine years. In this way, development plans will provide for sufficient zoned land to meet not just the expected demand arising within the development plan period of six years, but will also provide for the equivalent of 3 years demand beyond the date on which the current plan ceases to have effect".

Further declines to 2020 will necessitate a total housing stock in the region of 9,000 units to meet the 2020 population target (a household size of 2.4 is projected for 2020, in accordance with the RPGs).

**Table 3.3 Predicted housing need**

	Number of households in 2010	Number of households in target year	Household growth required	Number of new residential units required
2017	5,250	7,800	2,550	2,700
2020	5,250	9,000	3,750	4,000

~~There are currently extant permission for c. 980 residential units in Arklow and its environs, that are either under construction or yet to commence. While some of these units may not be delivered, for the purposes of determining how much land requires to be designated for future residential development, it is assumed that these permissions will be delivered, or development of a similar quantum on the same sites should permissions expire.~~

~~Therefore the new development plan requires to make provision for c. 2,770 new housing units up to 2020.~~

~~'Excess & 'market' factor'~~

~~While it has been calculated that c. 2,770 3,750 new residential units will be required up to 2020 to meet the needs of a total population of 21,670, the plan must make provision for more than this minimum number to allow for housing that becomes obsolete during the lifetime of the plan, homes that are used as second homes in plan area and for normal market friction which means that some houses will be vacant due to market factors. This is known as the 'excess factor'. For the purposes of this plan an 'excess factor' of 7% will be utilised in accordance with the provision of the RPGs and the Wicklow County Development Plan.~~

~~Therefore this plan must ensure a framework for the delivery of c. 2,960 4,000 residential units up to 2020.~~

~~Headroom or 'market factor' is the amount of extra land that should be zoned over and above the minimum amount needed to accommodate population targets and is intended to allow for that element of zoned land that may not be released to the market for housing purposes during the Plan period. While it could be argued that by making provision for zoning for 3 years beyond the lifetime of that plan allows for this 'headroom' it is considered prudent given the current blockages in the release of zoned land in Arklow, additional headroom of 30% will be allowed for in this plan<sup>5</sup>. In this context, the plan must ensure sufficient land is designated for c. 3,850 new residential units.~~

**3.3 Residential zoning**

**3.3.1 Capacity of undeveloped existing zoned land (with no planning permission)**

**Town Centre**

While the town centre of Arklow (i.e. that area zoned TC), is densely developed, there are numerous opportunities for redevelopment and infill development, particularly backlands of Main Street properties. Having regard to the high density of development that could be considered on such sites, it is estimated that there is capacity for up to 200 new residential units in the town centre.

<sup>5</sup> This is at the lower end of the range for headroom suggested in the (draft) RPG'S 2010-2022.

## Existing developed residential areas (RE)

Within the existing developed residential areas potential development sites range from small gap infill, unused or derelict land and backland areas, side gardens of existing houses, up to larger vacant sites within established residential areas. While it is considered that higher residential densities are appropriate in the town core, an appropriate balance is required in the protection of the amenities and privacy of adjoining properties, the protection of established character and the requirement for residential infill developments. Proposals for such infill development will generally be permitted where it can be clearly demonstrated that the proposal respects the existing character of the area and would not have an adverse impact on the amenity value of properties in the area. It is estimated that there is capacity on such sites for up to 50 units.

## Waterfront Development Zone

Within the waterfront area of Arklow there are a number of under-utilised or derelict sites which have the capacity for significant and high density development. The ground floors of development on these sites may be suitable for an element of commercial or community facilities, it is likely that residential will be the primary use of any development in this area, particularly given its attractive location proximate to the town centre and to water amenities.

In total, there is c. 8.25ha that may be available for redevelopment and assuming a plot ratio of 2.5, this area may have capacity for up to 2,000 units (of 100sqm each). **However it is considered somewhat unrealistic to plan for thousands of apartment units in Arklow, given its location in the region and the County, and the demographic make up of the town.** For the purposes of this plan, and given the amenity/leisure potential of some of these lands, this will be reduced to ~~4,000~~ 800 units. It is noted that parts of the waterfront area may be susceptible to flooding, particularly the area around the former Qualceram site on the south side of the river and the area north of the river (see Chapter 8 in relation to flooding). However, the Flood Justification Test carried out as part of this plan justifies the designation of this land for future residential development and leisure facilities (subject to certain design controls) having regard to the close proximity to the town centre zone.

## New Residential Zones (R1)

There is ~~c. 30 hectares a limited quantum~~ of existing zoned residential land in the plan area ~~without extant permission~~. These lands are dotted around the settlement, the largest blocks being located at Knockmore and Ballyraine. ~~These lands total 15ha and taking~~ **It is estimated that these lands have development capacity of c. 600 units taking** an average density of 20/ha ~~is assumed~~ given the edge of settlement location.

## Action Areas

There are three Action Areas identified in the plan area – two at Tinahask and one at Kilbride, which were included in the previous development plans for the town and environs respectively. These areas are suitable for a high proportion of the new residential development required in the plan area.

## Summary of residential zonings

In order to meet the housing needs of the plan area up to ~~2020~~ 2017, the plan will make provision for new residential development at the following locations and densities:

**Table 3.1 Location of residentially zoned land**

Location	Proposed Zoning	Units
Infill	TC / RE	250
Waterfront zone	WZ	4,000
Kilbride action area	AA	4,500
Tinahask action area	AA	800
Various	R1	300
<b>Total</b>		<b>3,850</b>

**Table 3.4 Residential zoning**

Location	Zoning	Capacity	Phase
<b>Infill - various</b>	<b>RE / TC</b>	<b>250</b>	<b>1</b>
<b>Waterfront zone</b>	<b>WZ</b>	<b>800</b>	<b>1</b>
<b>Residential consolidation - various</b>	<b>R1</b>	<b>600</b>	<b>1</b>
<b>Tinahask – Abbeylands AA</b>	<b>AA</b>	<b>500</b>	<b>1</b>
<b>Tinahask - Money Big AA</b>	<b>AA</b>	<b>350</b>	<b>2</b>
<b>Kilbride AA</b>	<b>AA</b>	<b>1,500</b>	<b>2</b>
Total		4,000	
Phase 1 (2011-2017)		2,150	
Phase 2 (post 2017)		1,850	

In addition an area of 5.6ha at Seabank is designated for low density, local need housing (R2).

### 3.3.2 Phasing

The development of zoned lands shall be permitted on a phased basis as set out in Table 3.4. If developed to their full capacity, the lands in Phase 1 would meet all of the housing needs up to 2017 i.e. the duration of the plan. Phase 2 lands therefore are only required for development pre-2017 if:

- Phase 1 lands don't deliver the quantum of development as envisaged in Table 3.4;
- Some barrier impedes the development of Phase 1 lands, that does not affect Phase 2 lands;
- Phase 1 lands are not released to the market during the plan period.

In this regard, Phase 2 lands will be considered for development **in 2014** if it can be shown that Phase 1 lands will not be able to deliver the number of new homes required to meet the population goal for the plan period with regard to the three reasons set out above.

**Table 3.2 3.5 Summary of zoning objectives**

Zoning Objectives	
<b>TC: Town Centre</b>	To protect and provide for the development and improvement of the town centre.
<b>RE: Existing Residential</b>	To protect, provide and improve residential amenities.
<b>R1: New Residential</b>	To provide for new residential development
<b>R2 New Residential</b>	To provide for low density housing (maximum 4 acre) for those living permanently for a period of at least 3 years in the area within 10km of the site prior to seeking of permission / purchase of a house in this zone.
<b>Water Development Zones</b>	To provide for the development and improvement of the waterfront zone including residential, commercial, leisure and amenity use.
<b>Action Area Plans</b>	To provide mixed-use development in accordance with the objectives set out in Action Areas 1, 2 and 3.

### 3.2 3.4 Settlement Objectives

- H1** To ensure sufficient zoned land is available in appropriate locations capable of meeting the housing needs of the projected population of the plan area over the plan period in a sustainable manner.

- H2** Notwithstanding the zoning of land for residential purposes, the Development Management process shall monitor and implement the population targets and shall phase and restrict, where necessary, the granting of residential planning permissions to ensure these targets are not exceeded.
- H3** Housing development shall be managed and phased to ensure that infrastructure and in particular, community infrastructure, is provided to match the need of new residents.
- H4** Encourage in-fill housing developments, the use of under-utilised and vacant sites and vacant upper floors for accommodation purposes and facilitate higher residential densities at appropriate locations, subject to a high standard of design, layout and finish.
- H5** The development of zoned land shall be phased to ensure lands closest to the centre or to existing transport and / or community infrastructure is developed prior to more outlying lands, unless exceptional circumstances apply.

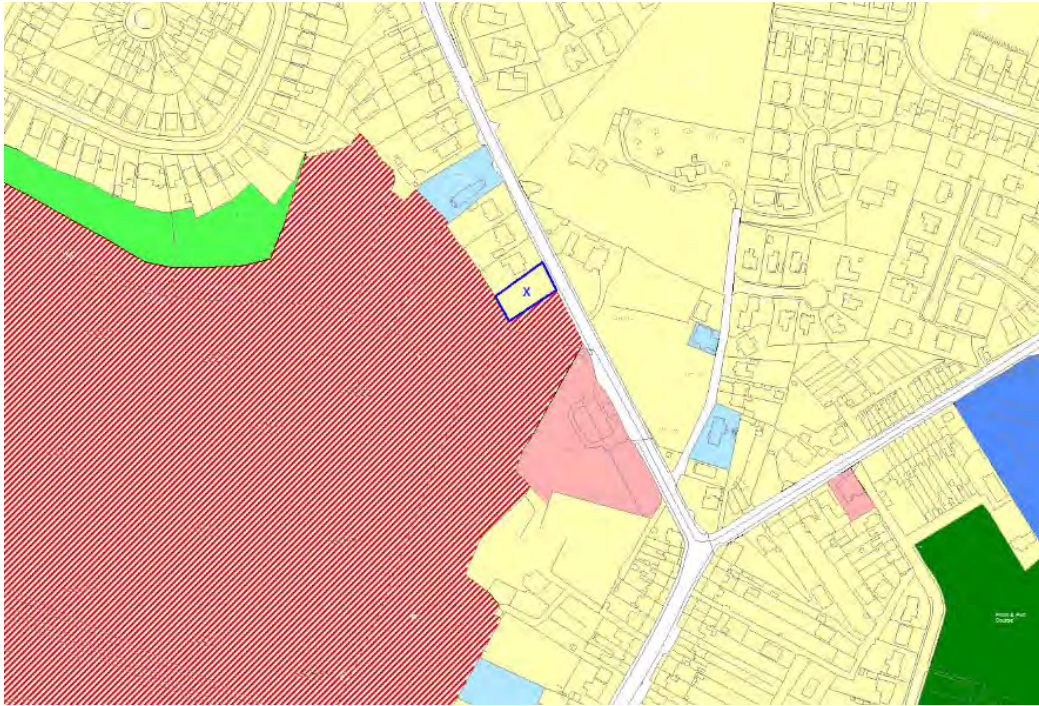


**APPENDIX 3**

**Submission 13 (Jonathan O'Toole, 'Deansgate', Dublin Road, Arklow)**

**Site indicated with X which relates to this submission.**

**Change from:**  
Site zoned RE



**Change to:**  
Site zoned CZ

