

**Proposed Variation No. 5.1
to the Wicklow County Development Plan 2010-2016**

Ashford Town Plan

**Report to the members of Wicklow County Council under Section 13(4) of the
Planning and Development Act 2000 (as amended)**

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Part 1

1.0 Introduction

This CE Report is submitted under Section 13(4) of the Planning & Development Act 2000 (as amended); it is part of the formal statutory process of the making of a variation to the County Development Plan.

Section 13 (4) of the Planning Act requires that this report contains the following:

- (i) A list of the persons or bodies that made submissions;
- (ii) A summary of the following:
 - a. Issues raised by the Minister
 - b. Issues raised by other bodies or persons
 - c. In the case of a planning authority within the GDA, issues raised and recommendations of the NTA
 - d. Issues raised and recommendations made by the Regional Authority
- (iii) The response of the CE to the issues raised and the recommendation of the CE in relation to the manner in which the issues should be addressed, taking account of the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.

It should be noted that the Minister, the NTA and the Greater Dublin Area Regional Authority did not make submissions on the proposed variation.

This report is now formally submitted to the Council for consideration. This report will be on the agenda of the County Council meeting on the 7th July 2014.

1.1 Draft Consultation Process

The proposed variation was placed on display during the period of 25th April 2014 to 23rd May 2014. The aim of the consultation process was to enable the public and interested parties to give their observations on the proposed variation.

A total of 14 written submissions were received. The written submissions are held on file and are available for Council and public inspection. The list of persons or bodies who made submissions on the proposed variation is set out in Part 3 of this Report.

1.2 Considering the Submissions

Each submission made has been summarised and the response and recommendations of the CE are given in Part 4 of this report.

This report is submitted to the Council Members for consideration.

1.3 Next Steps – Variation Timetable

The members of the planning authority are required to consider the proposed variation and this CE's Report.

If the planning authority, after considering a submission, observation or recommendation from the Minister or Greater Dublin Area Regional Authority, decides not to comply with a recommendation made by either, it shall so inform the Minister or regional authority as soon as practicable by written notice and shall include the reasons for the decision.

The consideration of the variation and the CE's Report shall be completed not later than **6 weeks** after the submission of the CE's Report to the members of the planning authority.

Having considered the proposed variation and CE's Report, the members of the planning authority may, by resolution, either:

- (i) make the variation with or without further modification*,
- (ii) refuse to make the variation.

Where a proposed modification, if made, would constitute a 'material alteration' of the variation, the following shall be carried out:

- The planning authority shall determine if a Strategic Environmental Assessment (SEA) or an Appropriate Assessment (AA), or both, is required to be carried out as respects a proposed material alteration. Within 2 weeks of such a determination, the CE shall specify the period that is considered necessary to facilitate the carrying out of a SEA/AA.
- The planning authority shall publish notice of a proposed material alteration and any determination that requires the carrying out of an SEA/AA. The proposed material alteration and any determination shall be on public display for a period of not less than 4 weeks and submissions invited. All submissions shall be taken into account before the variation of the development plan is made.
- The SEA/AA shall be carried out within the period specified by the CE.
- After consideration of the proposed material alteration to the variation, any submissions made and any SEA / AA carried out, the members may then:

- (i) make the variation with or without the proposed material alteration,
- (ii) refuse to make the variation,
- (iii) make the variation subject to a further modification*.

*A further modification to the variation may be made where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site, and shall not be made where it refers to an increase in the area of land zoned for any purpose, or an addition to or a deletion from the record of protected structures.

Formally, making a variation is done by resolution of the Council.

In making a variation to a development plan, the members are restricted to considering the proper planning and sustainable development of the area, the statutory obligations of a local authority and any relevant policies or objectives of the Government or any Minister of the Government

Indicative Timeframe	Progress of Variation process
25 th of April – 23 rd of May 2014	Proposed Variation on display – submissions invited
24 th of May – 13 th of June 2014	Preparation of CE's Report on submissions received
13 th of June – 7 th of July	CE's Report issued to Council Members for consideration. Variation made, with or without modification, or not made. If modification is material, the process continues as set out above.

PART 2 Summary of CE's recommended modifications

Recommended Modification No. 1

Amend wording of SLO2

From

SLO 2 lands measure c. 7ha and are zoned for residential (c. 5ha) and community / education use (c. 2ha). The development of these lands shall include straightening/widening along the R764. The exact use of the CE lands shall be subject to agreement with Wicklow County Council. The design of any development on the eastern part of the site shall address any potential flood risk from the Killiskey stream. No more than 50% of the residential lands may be developed in advance of the community lands being developed or devoted to a community and / or educational user.

To

SLO 2 lands measure c. 7ha and are zoned for residential (c. 5ha) and community / education use (c. 2ha). The development of these lands shall include straightening/widening along the R764. The exact use of the CE lands shall be subject to agreement with Wicklow County Council; *however the design and layout shall incorporate a public car park and bus set down/turning area available for use by the adjoining school and open to the general public.* The design of any development on the eastern part of the site shall address any potential flood risk from the Killiskey stream. No more than 50% of the residential lands may be developed in advance of the community lands being developed or devoted to a community and / or educational user.

Recommended Modification No. 2

Edit Map No. 2 'Ashford Heritage Map' by removing the reference to the 'Trees considered for preservation' in relation to the trees lining the avenue on the eastern side of the access road to Inchanappa House and identify the trees on the south-east avenue as 'Trees considered for preservation'.

Recommended Modification No. 3

Modify Specific Local Objective 4 (SLO4) at Nun's Cross – Please refer to Appendix A below.

PART 3 List of persons and bodies who made submissions

No.	Name	Agent/ Representative
	Prescribed Bodies	
1	Department of Arts, Heritage and Local Government	Patricia O'Leary
2	Department of Education and Skills	Lorraine Brennan
3	Dublin Airport Authority	Yvonne Dalton
4	National Roads Authority	Michael McCormack
	Councillor Submissions	
5	Snell, John	
	Public Submissions	
6	Collier, Stephen	c/o Seamus O'Hagan
7	Doyle, Esther	c/o Seamus O'Hagan
8	Doyle, Vincent	c/o Seamus O'Hagan
9	Franey, B.A	c/o Seamus O'Hagan
10	Morly, Shane	c/o Seamus O'Hagan
11	Reynolds & Crann, Mark and Glenn	Declan Brasil Associates
12	Shaheen, Alaa	c/o Seamus O'Hagan
13	Stokes, Brian	
14	Stokes, Brian	John@kom.ie

PART 4 Considering the submissions

For all submissions, the Chief Executive will provide an opinion on the issues raised and a recommendation in relation to the issue. Where the Chief Executive is recommending modifications to the proposed variation, these changes will be set out under each issue, with new text shown in red and deleted text in blue strikethrough.

No. 1
Department of Arts, Heritage and the Gaeltacht
This submission relates to the 'Specific Conservation Objectives' for Natura 2000 sites utilised in the Appropriate Assessment screening report. It is pointed out that 'site specific conservation objectives', as opposed to generic conservation objectives, are now available for some sites. Each conservation objective is defined by a list of attributes and targets and accompanied by supporting documents. When these are not available for a site it is recommended that when carrying out an Appropriate Assessment that the Local Authority look at detailed conservation objectives for other sites which have the same qualifying interests. It is now advised that any reports quoting conservation objectives should give the version number and date as this will allow statutory consultees and others assessing reports to be confident that the correct and most up to date version of the conservation objectives are used at the time of writing any report.
Chief Executive's Opinion
Noted. The most up to date information on Natura sites, sourced from www.npws.ie , was used and referenced in the AA screen for the draft plan. Each Natura 2000 site under consideration included the most up to date conservation objectives and included a citation as per the guidelines.
Chief Executive's Recommendation
No change

No. 2
Department of Education and Skills
The Department's submission provides an outline of the basis for calculating the extent of primary and post primary school provision while also making reference to technical documents in relation to site suitability for education provision. The submission concludes by requesting that lands adjacent to existing schools should be where possible 'protected' for potential future educational use arising from the expansion of these schools subject to site availability and agreement of various stakeholders.
Chief Executive's Opinion
The content of the Department's submission is noted. The draft plan has reserved sufficient lands adjacent to the existing schools in this area capable of meeting potential future demand.
Chief Executive's Recommendation
No change

No. 3
Dublin Airport Authority
No comment
Chief Executive's Opinion
Noted
Chief Executive's Recommendation
No change

No. 4**National Roads Authority**

The Authority welcomes the opportunity to make a submission the Draft Ashford Plan and makes the following observations:

1. The Authority notes the revisions to the zoning objectives relative to the existing LAP and the introduction of the 'Strategic Land Reserve' which will facilitate a more co-ordinated release of development lands in the settlement.
2. Having regard to the nature and extent of the lands identified for future development in the town plan area and in proximity to the N11, National Primary Road, and associated junction, the Authority recommends that future development proposals are progressed in accordance with the requirements of Section 11.7.8 of the County Development Plan 2010-2016 concerning Traffic and Transport Assessments and the cumulative impact of planned development should be considered in relevant TTA undertaken.
3. The Authority recommends that regard should also be had to Section 11.7.6 and objective NR6 of the County Development Plan 2010-2016 relating to impacts associated with traffic noise.

Chief Executive's Opinion

1. Noted
- 2 & 3. The proposed Ashford Town Plan forms a subset of the County Development Plan and seeks to formulate appropriate Ashford specific development objectives only. All of the provisions of the CDP cited by the NRA will be directly applicable in Ashford.

Chief Executive's Recommendation

No change

No. 5**Cllr John Snell**

1. It is suggested that specific local objective 2 (SLO2) include the provision of car parking and a bus set down/turning area on lands zoned CE adjoining the R772 and that these lands be provided to serve the adjoining school, be open to the general public and users of the new public park.
2. The submission is supportive of the proposed car parking and bus turning area provisions of SLO4 at Nun's Cross. However it is suggested that the plans provides for a second access route into SLO4 from the L-5063, in order to alleviate traffic movement from the Killiskey Road onto Nun's Cross junction.
3. The submission further proposes that lands within Action Area 1 zoned open space be specifically dedicated for sole use by Ashford Rovers Football Club.

Chief Executive's Opinion

1. The proposal put forward is considered to be acceptable and should be incorporated into the wording of SLO2.
2. It is not recommended that the SLO4 provisions be amended to specifically include an access route from the L-5063 for the following reasons:
 - (a) The L-5063 is not suitable to accommodate the traffic movements associated with a 40 house development; it is not suitable to accommodate new traffic flows and permission has in fact been previously refused for one dwelling at this location for reasons of traffic hazard;
 - (b) The junction of the L-5063 with regional road R763 (Nun's Cross) is hazardous due to deficient sightlines, road width and junction layout. To promote / require an access route in / out of SLO4 from the L-5063 will increase the use of this junction, rather than alleviate traffic movements, which cannot be encouraged.
 - (c) Where the suggested access route meets the L-5063, adequate sightlines are not available due to the alignment of the public road.
 - (d) The L-5063 is not suitable in width, alignment or pedestrian / lighting facilities to accommodate substantial new traffic movements.
 - (d) The SLO4 lands had previously been zoned and granted permission by Wicklow County Council on the basis that access was from the R763 and not the L-5063.

It should be noted that the suggested access route is across lands that are not zoned for development in the lifetime of this plan.

3. This suggestion is noted; however it is not within the remit of this plan to allocate AOS lands to specific clubs or community groups. It is the responsibility of each club or organisation to engage with landowners in order to ascertain if these lands could be used to meet their specific needs. The development of Action Area 1 in terms of the residential element is contingent on the developer providing a new access through road and providing lands levelled and drained suitable for Active Open Space purposes.

Chief Executive's Recommendation

It is recommended that SLO2 be amended as follows:

SLO 2 lands measure c. 7ha and are zoned for residential (c. 5ha) and community / education use (c. 2ha). The development of these lands shall include straightening/widening along the R764. The exact use of the CE lands shall be subject to agreement with Wicklow County Council; *however the design and layout shall incorporate a public car park and bus set down/turning area available for use by the adjoining school and open to the general public.* The design of any development on the eastern part of the site shall address any potential flood risk from the Killiskey stream. No more than 50% of the residential lands may be developed in advance of the community lands being developed or devoted to a community and / or educational user.

No. 6

Stephen Collier

This submission relates to lands zoned for residential and community use at Nun's Cross, subject to SLO4 and the lands immediately adjoining to the west (designated SLB). The submitter is the owner of the SLO4 lands.

The following suggestions / requests are put forward:

1. The SLO4 lands do not have a direct access to the R763 with the only access available being via the un-surfaced lane adjacent to Nun's Cross School onto the Killiskey Road. In order to facilitate the development of these lands it is suggested that the SLB lands to the immediate west be zoned for residential development with access to both parcels being via the access lane onto the L-5063.
2. It is suggested that the community element to the SLO4 designation (car park and bus turning facilities) would not be possible to deliver if the plan does not facilitate access to the SLO4 lands via the L-5063, as without this access, no element of SLO4 could be delivered.
3. It is suggested that the required car parking and bus turning area could be provided along the access lane into SLO4 from the L-5063
4. It is suggested that the car parking and bus turning area can be delivered in advance of any residential development at SLO4
5. It is suggested that the lands zoned CE should be reserved for development by the school authorities
6. It is suggested that the density allowable on the SLO4 lands should be lowered as this would be more compatible with the adjoining areas and this lower density could also be applied to the SLB lands to the west of SLO4

Chief Executive's Opinion

1. As set out in response to submission No. 5, the L-5063 is not suitable to accommodate any new traffic movements and certainly not the traffic movements associated with 40+ houses. To re-iterate:
 - The L-5063 is not suitable in width, alignment or pedestrian / lighting facilities to accommodate substantial new traffic movements
 - The junction of the L-5063 with regional road R763 (Nun's Cross) is hazardous with respect to sightlines, road width and junction layout. To allow an access route in / out of SLO4 from the L-5063 will increase the use of this junction, which cannot be encouraged.
 - Where the suggested access route meets the L-5063, adequate sightlines are not available due to the alignment of the public road.

Therefore the plan cannot specify that access to SLO4 should be via the L-5063.

As with all zoning objectives, it is a matter for the landowner to make arrangements with adjoining landowners and / or purchase additional lands where infrastructure outside of the site is required in order to allow the zoned lands to proceed. It is noted that the landowner has indicated that he has not purchased the access route to these

lands from the R763 and therefore his parcel is essentially landlocked; however it must be assumed that this land was purchased with the full knowledge that an access route would have to be negotiated with third parties in order for the land to be developed.

The argument put forward that the SLB lands should be zoned because this would somehow ensure that access to the SLO4 lands would be available makes no sense if the owner of the SLO4 lands has the legal right over this access route anyway.

2. A key rationale for the zoning of the SLO4 lands in previous plans, the granting of various permissions and the maintenance of this zoning in the current draft plan was to deliver 'planning gain' for the area in terms of providing a car park for the school which did not require users to travel through the Nun's cross junction. In a situation where the desired car park can only be accessed via Nun's Cross junction and the L-5063, the rationale for the zoning of this land is seriously diminished, almost to the point where it cannot be justified. These lands are at the very periphery of the settlement, a settlement with a significant amount of zoned, undeveloped lands near the town centre, along a serious deficient regional road. These characteristics of this land have been raised in the refusal of permission by An Bord Pleanála for the development of the SLO4 lands.

It is noted that where the SLO4 lands are not developed, the community gain element will also not be delivered. The Chief Executive would certainly be in favour of the car park / bus turning area being developed immediately, even if the housing development did not proceed. However, the provision of such facilities accessed via the L-5063 only, does not offer any meaningful improvements to traffic safety for this area and for the users of the road and the school.

3. The intention of the CE zoning is to allow for possible school grounds expansion, a car parking and bus turning area for the school and additional community facilities that may be deemed necessary for the wider area, such as a play area. The final layout and uses of such space would be determined at planning application stage, following consultation with various stakeholders. It is not considered appropriate in a development plan to dictate who the final user(s) might be or to dictate that lands have to be sold / donated to a particular individual / group.

4. The suggestion that a lower density would be suitable for these lands is noted and considered reasonable. It would appear that the suggestion is made partly in order to allow the SLB lands to be zoned without the total housing numbers for the plan being exceeded. Therefore it is recommended that the SLB lands be integrated into the SLO4 block, with a total number of houses allowable being maintained at 40.

Chief Executive's Recommendation

Amend the plan as follows:

1. Change Map No. 1 as per Appendix A attached
2. Change text of SLO4 as per Appendix A attached

Note: It is considered that the recommended amendment does not alter the SEA / AA determination already carried out for the draft plan.

No. 7

Esther Doyle

This submission relates to lands located within the Strategic Land Reserve to the immediate east of specific Local Objective 4 (SLO4).

It is put forward that the provisions of the draft plan, whereby the lands to the west of SLO4 are zoned SLB (and therefore not designated for development in the lifetime of this plan) would result in SLO4 not being developed as the owner of SLO4 has no access route to the public road; however were the SLB lands designated for development, an access route from SLO4 to the L-5063 would be facilitated.

It is therefore requested that the SLB lands be zoned for low density housing development, with both parcels being accessed off the L-5063.

It is also suggested that the desired car park and bus turning area for the school be provided along the access lane to the SLB lands, via the L-5063 (same suggestion as submission 6 above)

Chief Executive's Opinion

As set out above in response to Submission No. 6, the Chief Executive has no objection to the SLB lands being zoned for housing, subject to the total number of houses in this block not exceeding 40. However, given the severely deficient condition of the L-5063 and the Nun's cross junction, it cannot be recommended that the plan specify that access to these lands be via the L-5063.

Chief Executive's Recommendation

Amend plan as set out under Submsision No. 6.

No. 8

Vincent Doyle

This submission is from another of the purchasers of the SLB lands. The submission is identical to Submission No. 7 above.

Chief Executive's Opinion

As per submission No. 7 above.

Chief Executive's Recommendation

As per submission No. 7 above.

No. 9

B. A Franey

This submission is from another of the purchasers of the SLB lands. The submission is identical to Submission No. 7 above.

Chief Executive's Opinion

As per submission No. 7 above.

Chief Executive's Recommendation

As per submission No. 7 above.

No. 10

Shane Morly

This submission is from another of the purchasers of the SLB lands. The submission is identical to Submission No. 7 above.

Chief Executive's Opinion

As per submission No. 7 above.

Chief Executive's Recommendation

As per submission No. 7 above.

No. 11

Mark Reynolds and Glenn Crann

This submission relates to lands at Ballinahinch and Ballymacahara formerly Action Area 2 in the 2008 Ashford Local Area Plan and makes the following requests:

1. That the entire landholding previously identified as Action Area 2 in the 2008 Ashford Local Area Plan be included in the plan boundary of the 2014 Plan.
2. That the lands be identified as suitable for residential development on a phased basis to facilitate the delivery of low density family homes, with development taking place on the southern half of the site in the shorter term and development of the northern part of the site taking place in the longer term (post the current development plan period).
3. The development of the subject lands should be linked to the delivery of a linear walkway along the River Vartry and a useable and accessible public open space area to the south of the existing Bramble Glade estate.

4. That an access objective for the subject site from the R763 be included in the key transportation objectives map which will facilitate safe and adequate access to the northern portion of the site in association with identified Road Improvement Objectives and to maintain future access to the south of the site from Montalto Road.

Chief Executive's Opinion

The 2008 Ashford Local Area Plan had zoned significantly more lands than required to meet the projected population requirements up to 2022 and in accordance with the 'Core Strategy' guidelines issued by the Department of the Environment, Community and Local Government, surplus lands have been designated as a 'strategic land reserve' for the future that will not be allowed to develop within the plan period.

In the crafting of the draft plan, careful consideration was given to the characteristics of each parcel of existing zoned housing lands, in order to determine which lands were most suitable to retain residential zoning for the duration of this plan and which lands were more suitable for future phases of development. This assessment considered:

1. Proximity of each parcel to the town centre (as the crow flies)
2. Proximity of each parcel to the town centre (by road)
3. Proximity of each parcel to community facilities (such as schools, open spaces etc);
4. Proximity of each parcel to existing roads and public transport infrastructure
5. The 'planning gain' that might accrue to the settlement through the development of each parcel i.e. would the development of the land deliver new facilities, services etc to benefit the wider population;
6. Proximity to existing housing areas
7. Extant permissions;
8. The priority that lands require to be developed, in order to provide key infrastructure that will facilitate the development of further parcels of lands within the same landholding.

Note: Water services were not considered as all parcels were considered to have access to such infrastructure)

With respect to the lands in question, they did not score positively on any of these criteria (see Table A appended to the end of this report).

A key consideration is the accessibility of the lands. Access from the Mount Alto road was only ever a viable option for a small portion of these lands, as this road is narrow, has only a very narrow footpath on one side, is poorly aligned and exhibits a deficient junction with the main road at Ballinalea, lacking in sightlines.

The main route into the land envisaged in previous plans was via the R763 to the north, which is also unsuitable for significant further development, in advance of road improvements that would occur if the SLO2 and SLO3 lands are developed. Therefore in terms of priority, the SLO2 and SLO3 lands must be developed in advance of these SLB lands.

While it is noted that the development of these SLB lands could deliver an amenity walk along the River Vartry, this is not considered a key piece of infrastructure required for the development of Ashford. Furthermore, the landowner of these lands does not control the lands to the east of the site i.e. between the site and the bridge and therefore only a partial walk that does not link to the town centre, could be delivered. This is not considered adequate to outweigh the benefits that would accrue from the development of other zoned lands in the town.

Given the above it is considered that the subject lands should remain within the Strategic Land Reserve.

Chief Executive's Recommendation

No change to plan

No. 12

Alaa Shaheen

This submission is from another of the purchasers of the SLB lands. The submission is identical to Submission No. 7 above.

Chief Executive's Opinion

As per submission No. 7 above

Chief Executive's Recommendation

As per submission No. 7 above.

No. 13

Brian Stokes

This submission relates to 'Trees considered for preservation' identified on Map 2 of the Draft Plan at Inchinappa House and makes the following comments:

1. The 'trees considered for preservation' in the plan, namely those lining the avenue on the eastern side of the main access road to Inchinappa House, are no longer in existence. These trees were cut down as the tree line was dangerous and at risk of falling down in a storm.
2. The submission also states that the land owner would be open to a tree preservation order being placed on the mature trees located along the south eastern access route to the house.

Chief Executive's Opinion

1. The contents of this submission have been noted. It is considered that the symbol 'Trees considered for preservation' lining the avenue on the eastern side of the access road to Inchinappa House should be removed from Map 2.

2. The proposal put forward has been noted and it is considered that there may be some benefit to the consideration of these trees for preservation as they would complement and safeguard the setting of the existing house; therefore it is recommended that the trees along the south-eastern avenue to Inchinappa House be identified as 'Trees to be considered for preservation'.

It is not intended to make any new 'Tree Preservation Orders' through this variation process; however all trees noted in local plans as being 'considered for preservation' will be evaluated as part of the forthcoming review of the CDP, where it will be determined if the making of TPOs is necessary.

Chief Executive's Recommendation

Amend the plan as follows:

Remove the reference to the 'Trees considered for preservation' in relation to the trees lining the avenue on the eastern side of the access road to Inchinappa House in Map 2 of the Draft Plan and identify the trees on the south-east avenue as 'Trees considered for preservation'.

Note: It is considered that the recommended amendment does not alter the SEA / AA determination already carried out for the draft plan.

No. 14

Brian Stokes

This submission relates to lands at Inchinappa House formerly Action Area 1 in the 2008 Local Area Plan. In the Draft Town Plan, these lands are proposed to be zoned R20 (11.75ha) and SLB (7.8ha). The following observations are made in relation to the Draft Town Plan and these lands:

- The lands were previously designated 'Action Area 1' in the 2001 and 2008 LAPs, which provided for a residential development of up to 500 houses in 3 phases, as well as the delivery of community facilities. While the residential element has yet to be developed due to the economic downturn, an action area plan was agreed, permission has been secured for Phase 1 and some of the community facilities have been delivered. In light of the landowner's commitment to the implementation of the provisions of previous plans, he had a legitimate expectation with regard to the future development of these lands. He did not anticipate the 'down zoning' (to 'SLB') of the previous 'Phase 3' lands.
- The landowner strongly opposes the down-zoning of these lands and the proposed reduction in density from that previously set out in the 2008 Local Area Plan (from 28/ha to 20/ha). It is requested that zoning / density provisions of the previous plan are retained.
- It is contended that there is no legal provision to down-zone land, which is the subject of an agreed Action Area Plan.
- The plan fails to provide adequate justification/reasons for the inclusion of lands south of Inchinappa House

within the Strategic Land Reserve. The submission makes reference to the Christian V Dublin City Council case and contends that the planning authority has not given adequate reasons for the down zoning of these lands and that the proposed zonings in the Draft Town Plan conflict with the principles in the development strategy.

- Contend that there is no justification for the zoning of SLO4 provided in the plan and that lands previously zoned AA1 in the 2008 plan are more suitable for development to serve the projected population of Ashford.
- The submission continues by stating that the down-zoning of the subject lands is at conflict with the principles set out in the document "*Development Plans – Guidelines for Planning Authorities*" making particular reference to the application of the sequential approach to the zoning of lands in development plans and provides an analysis of each area zoned for residential development within the Draft Plan namely SLO2, SLO3, SLO4, SLO5 in relation to the SLB lands at Inchinappa.
- The submission further outlines the significant benefits to the inclusion of lands at Inchinappa comparable to the other lands proposed to be zoned within SLOs 2-5.
- Reference is also made to the 100m set back policy from national primary roads provided in the County Development Plan. The submitter acknowledges that this issue may be more appropriately to be dealt with in the review of the CDP, but nevertheless sets out their opinion on this restriction for consideration by the Planning Authority which is that it effectively sterilises a large area of serviced land within close proximity of the town centre to no useful planning purpose.

Based on the above, this submission requests that the following amendments be made to the Draft Plan:

1. That the existing town boundary be re-instated to include all lands located within the former Action Area 1 lands identified in the 2008 Local Area Plan.
2. That the residential zoning and density on the entire Inchinappa Action Area including Phase 3 lands remain in accordance with the approved Action Area Plan.
3. That the residential zonings in the Draft Plan namely SLO2, 3 and 4 be re-examined based on their infrastructural difficulties and/or past planning history. It is considered that these lands should be included within the Strategic Land Reserve.
4. Reduce the 100m set back from the N11 to 50m within the boundary of the Ashford Town Plan.

Chief Executive's Opinion

(1) Population, Density and Zoning

In accordance with the Core Strategy of the Wicklow County Development Plan, the target 2022 population for Ashford is 3,000. This population target, applying an assumed average household size (based on census data and small area population statistics) requires sufficient lands to be zoned to accommodate 858 housing units.

A detailed assessment of the 2008 LAP as part of the drafting of the new plan determined that there would be sufficient zoned land to accommodate 1,500 new housing units. Therefore it was essential that this 'over zoning' be addressed in the new plan. (It should be noted that the 'over zoning' has resulted in a number of refusals of permission by An Bord Pleanála in the town in the recent years).

As a first step, the density provisions of the 2008 LAP were reconsidered. This plan allowed for density of up to 28/ha. Given the character of Ashford, the nature of existing development in the area and the topography of lands within the plan area, it was considered that an average density of 20 units per hectare would be more suitable for the plan area. (It should also be noted that the Phase 1 development permitted at Inchinappa had an average density of 20/ha, which reinforces the Planning Authority's view that this is the most suitable density for a settlement like Ashford).

Applying this reduced density, there was still an over provision of c. 300 units. The next step therefore was to consider the options set out in the 'Core Strategy' guidelines, which require that where there is a surplus of zoned housing land, the Planning Authority should either (a) remove the zoning from lands, (b) change to residential zoning to some other required use or (c) 'bank' the land into a 'strategic land reserve'. Such lands are usually lands that are considered suitable for residential development, but are not required for the lifetime of the current plan. It was determined that option (c) was the most reasonable and thereafter an assessment of each parcel of zoned land was carried out to determine which lands should retain their zoning and which lands should be 'banked'.

This assessment considered:

1. Proximity of each parcel to the town centre (as the crow flies)
2. Proximity of each parcel to the town centre (by road)
3. Proximity of each parcel to community facilities (such as schools, open spaces etc);
4. Proximity of each parcel to existing roads and public transport infrastructure
5. The 'planning gain' that might accrue to the settlement through the development of each parcel i.e. would the development of the land deliver new facilities, services etc to benefit the wider population;
6. Proximity to existing housing areas
7. Extant permissions;
8. The priority that lands require to be developed, in order to provide key infrastructure that will facilitate the development of further parcels of lands within the same landholding.

Note: Water services were not considered as all parcels were considered to have access to such infrastructure)

Phases 1 and 2 of the former Inchinappa action area scored high in this assessment, whereas Phase 3 did not (please see Appendix A at the end of this report). In particular:

- the Phase 3 lands, while close to the town centre as the crow flies, are distant by road, with the only road access possible via Phases 1 and 2,
- Phase 3 lands are not proximate to existing community facilities or roads / transport infrastructure,
- Phase 3 lands would deliver 'planning gain' to the community only as part of the larger development at Inchinappa, in terms of the open space facilities that are built into SLO1,
- These lands are distant from existing housing areas, do not have existing permission, and no other development lands are dependent on the development of these lands.

Therefore it was determined that these lands should be designated for longer term future development, which could happen after Phases 1 and 2 at Inchinappa, and therefore should be designated as 'SLB'.

In accordance with Section 10(8) of the Planning & Development Act 2000 (as amended), *'There shall be no presumption in law that any land zoned in a particular development plan (including a development plan that has been varied) shall remain so zoned in any subsequent development plan'*.

(2) 100m set back from the N11

As set out in Section 1.1 of the draft plan, this town plan will form a subset of the County Development Plan and seeks to formulate appropriate Ashford specific development objectives and guidance, compatible with those of the County Development Plan, to assist the Development Management process in managing sustainable progress for the town. It is therefore not intended to repeat objectives or standards already listed within the County Development Plan.

Arising from this the draft Town Plan has been stripped back to only include Ashford specific objectives with objectives currently covered in the County Development Plan being removed. This includes the reference to the 100m set back from the N11 as previously detailed in the 2008 Local Area Plan.

Given the new format for this plan, which will now form part of the County Development Plan, it is considered that this issue is more appropriately addressed under the review of the County Development Plan which is due to begin in autumn 2014.

Conclusion: Having regard to above points it is considered that the proposed Draft Plan has designated appropriate lands for the future sustainable development of Ashford. It is not considered that the subject SLB lands would be necessary or appropriate for development during the lifetime of this plan and therefore in accordance with the provisions of the 'Core Strategy' guidelines issued by the Department of the Environment, Community and Local Government these lands have been appropriately included within the Strategic Land Reserve

Chief Executive's Recommendation

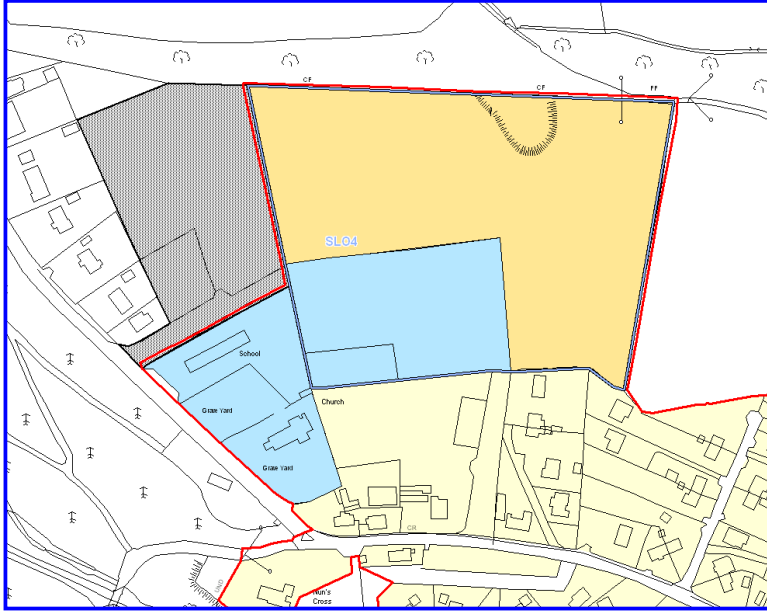
No change to plan

Appendix A

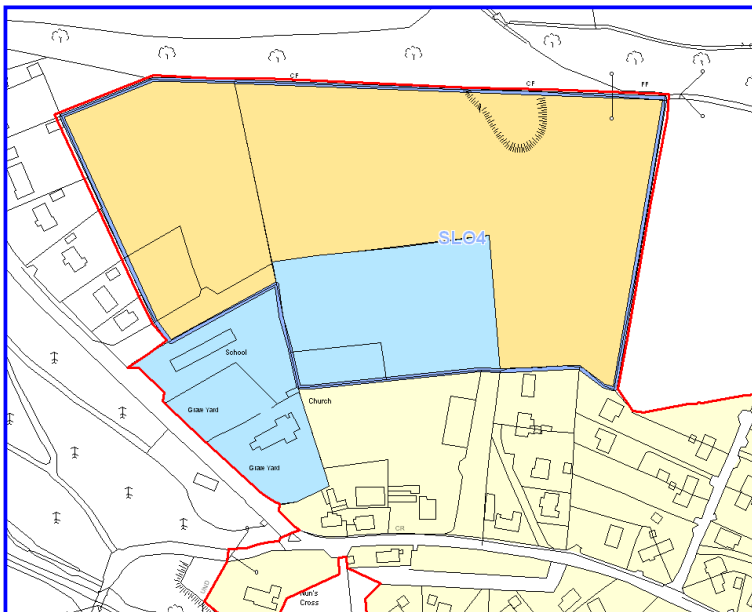
Specific Local Objective 4

Recommended Modifications:

Change Map No. 1 from:



Change Map No.1 to:



Modify text for SLO4 as follows:

From:

This SLO is located to the north west of the town centre at Nun's Cross. The overall SLO measures c. 4.3ha, as shown in Figure 8.6. This SLO shall be delivered as a residential and community zone in accordance with the following criteria:

- A minimum of 1.05ha shall be reserved for community and education use on lands immediately adjoining the existing school. Parking facilities and bus turning facilities for the existing school shall be provided by the developer of the action area on CE lands, accessed via the R763. The exact use of the remainder of the lands shall be subject to agreement with Wicklow County Council.
- Not more than 50% of the residential element may be developed prior to the completion of the required car park and bus turning area. The remaining 50% may only be commenced when the remaining CE lands have been developed or devoted to a community and / or educational user.

To:

This SLO is located to the north west of the town centre at Nun's Cross. The overall SLO measures c. ~~4.3ha~~, *5.8ha*, as shown in Figure 8.6. This SLO shall be delivered as a residential and community zone in accordance with the following criteria:

- A minimum of 1.05ha shall be reserved for community and education use on lands immediately adjoining the existing school. Parking facilities and bus turning facilities for the existing school shall be provided by the developer of the SLO area on CE lands, accessed via the R763. The exact use of the remainder of the lands shall be subject to agreement with Wicklow County Council.
- *The residential element of this SLO shall provide for a maximum of 40 units.* Not more than 50% of the residential element may be developed prior to the completion of the required car park and bus turning area. The remaining 50% may only be commenced when the remaining CE lands have been developed or devoted to a community and / or educational user.

Appendix B

Assessment of housing land zoned in 2008 LAP, in order to determine priority for zoning in new plan:

Criteria used:

1. Proximity of each parcel to the town centre (as the crow flies)
2. Proximity of each parcel to the town centre (by road)
3. Proximity of each parcel to community facilities (such as schools, open spaces etc);
4. Proximity of each parcel to existing infrastructure such as roads, public transport routes,
5. The 'planning gain' that might accrue to the settlement through the development of each parcel i.e. would the development of the land deliver new facilities, services etc to benefit the wider population;
6. Proximity to existing housing areas
7. Extant permissions;
8. The priority that lands require to be developed, in order to provide key infrastructure that will facilitate the development of further parcels of lands.

Location/Description	1	2	3	4	5	6	7	8	Total
Lands to the south of Ballinahinch Park	Y	Y	Y	Y	X	Y	Y	X	6
Action Area 1 Inchinappa (Phase 1)	Y	Y	Y	Y	Y	X	Y	Y	7
Action Area 1 Inchinappa (Phase 2)	Y	Y	Y	Y	Y	X	X	Y	6
Lands at Ballinalea	X	X	Y	Y	Y	Y	Y	X	5
Lands at Ballinalea (SLO5)	X	X	Y	X	Y	Y	X	X	3
Lands north of Ballinalea Cottages	X	X	Y	Y	X	Y	X	X	3
Lands at Nun's Cross (SLO4)	X	Y	Y	X	Y	Y	X	X	4
Lands South of Ballinahinch Farm	Y	Y	Y	X	Y	X	Y	Y	6
Lands at Ballinahinch (SLO3) Phase 1	Y	Y	Y	X	Y	X	X	Y	5
Lands at Ballinahinch (SLO3) Phase 2	Y	Y	Y	X	Y	X	X	Y	5
Lands at Ballinahinch (SLO2)	Y	Y	Y	Y	Y	X	X	Y	6
Lands at Nun's Cross	X	X	Y	X	X	Y	X	X	2
Lands along the Vartry River (Mount Alto)	X	X	X	X	X	X	X	X	0
Lands at Inchinappa (formerly phase 3)	Y	X	X	X	Y	X	X	X	2