

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

Ashford Town Plan

Proposed Material Alterations

**Report to the members of Wicklow County Council under Section 13(6) of the
Planning and Development Act 2000 (as amended)**



September 2014

Forward Planning Section
Wicklow County Council
County Buildings
Wicklow

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PART 1

1.0 Introduction

At the Council meeting on the 7th of July 2014, having considered proposed variation No.5(i) to the Wicklow County Development Plan 2010-2016 (the draft Ashford Town Plan) and the Chief Executive's Report on submissions received, it was resolved by the elected members to alter the draft Ashford Town Plan.

It was considered that these alterations constituted 'material alterations' to the draft Ashford Town Plan and therefore in accordance with Section 13 (6) of the Planning and Development Act 2000 (as amended), these proposed 'material alterations' were placed on public display from the 17th of July to the 15th of August in accordance with Section 13 (6) (ad) of the Act.

1.1 Purpose of this document

This Chief Executive's Report is submitted under Section 13(6) 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.

While the Planning Act (as amended) does not explicitly state the steps and timeframes that should be followed at this (new) stage of plan variation, it is recommended that the members follow the same steps and timeframes as set out in the preceding stage of making a variation i.e. that the Chief Executive issues his report not later than 8 weeks after the start of the second public display and that the members consider the proposed 'material alteration' for a maximum of 6 weeks before making a decision on whether to make, not make, or amend the proposed variation.

This report includes the following:

- (i) A list of the persons or bodies that made submissions;
- (ii) A summary of the following:
 - a. Issues raised by statutory bodies;
 - b. Issues raised by other bodies or persons.
- (iii) The response of the Chief Executive to the issues raised and the recommendation of the Chief Executive 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.

This report is now formally submitted to the Council for consideration. It is anticipated that this report will be on the agenda of the County Council meeting in October 2014.

1.2 Consultation Process

The proposed 'Material Alterations' were placed on display during the period of 17th of July to the 15th of August. The aim of the consultation process was to enable the public and interested parties to give their

observations on the proposed 'Material Alterations'. A total number of 7 written submissions were received. The written submissions are held on file and are available for Council and public inspection. The list of prescribed bodies and members of the public that made submissions is set out in Part 4 of this report.

1.3 Considering the Submissions

The members of the Planning Authority are required to consider the proposed 'Material Alterations' as part of the proposed variation No. 5(i) to the Wicklow County Development Plan 2010-2016 (Ashford Town Plan).

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.

While a submission was received from the Regional Authority, it should be noted that no submission was received from the Minister.

Having considered the proposed 'Material Alteration' and the report of the Chief Executive, the members of the Planning Authority may, by resolution, either:

- (i) refuse to make the plan altogether;
- (ii) make the plan without the proposed material alteration;
- (iii) make the plan with the proposed material alteration as published;
- (iv) make the plan with the proposed material alteration subject to a further modification of the proposed material alteration *.

***A further modification to any proposed material alteration 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.

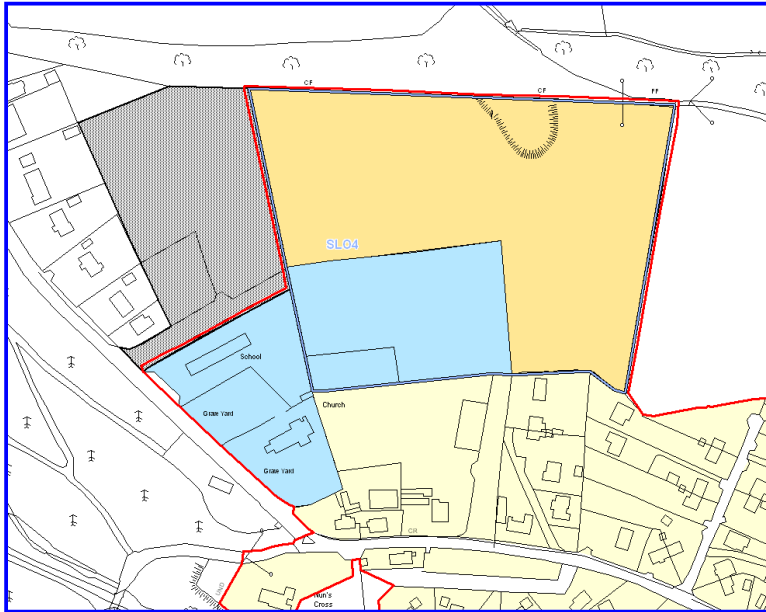
PART 2 PROPOSED MATERIAL ALTERATIONS

Proposed Material Alteration No. 1

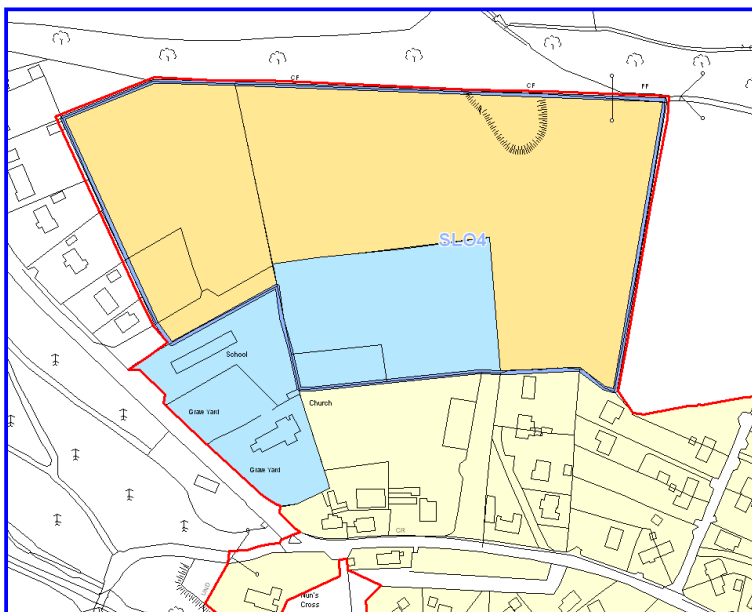
Modify Specific Local Objective 4 (SLO4) at Nun's Cross as follows:

Specific Local Objective 4

Change Map No. 1 from:



Change Map No.1 to:



Alter 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.

Proposed Material Alteration No. 2

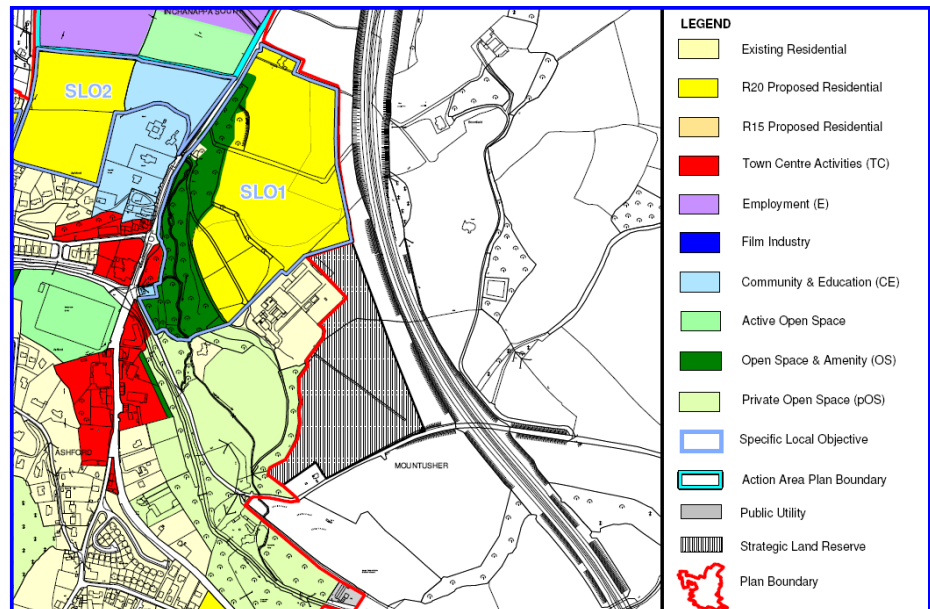
Lands at Inchinappa SLO-1

- (a) Amend Map 1 – change map below to revised map attached**
- (b) Make any changes consequent to the plan text as required to reflect this change**

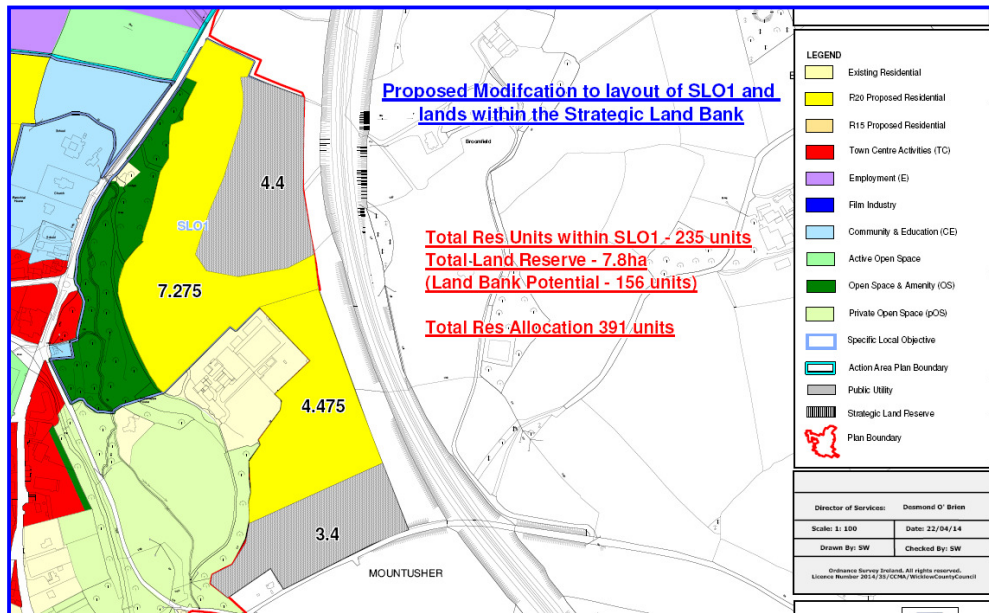
Note: The total amount of land zoned R20 and SLB is not proposed to be altered from that shown in the draft plan i.e.

11.75ha Zoned R20
7.8ha Zoned SLB

Change from:



Change to:



Proposed Material Alteration No. 3 - M11 set back

Add new objective in Section 6.4 Service Infrastructure Objectives

SI4 For the purpose of this plan, the minimum set back of all new development (other than employment development) from the M11 shall be 50m. Where housing development is proposed within 100m of the M11, the developer shall be responsible for designing, providing and maintaining suitable noise and light pollution mitigation measures.

Proposed Material Alteration No. 4 – SLO2

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.

Proposed Material Alteration No. 5 – Trees considered for preservation at Inchinappa

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 Inchinappa House and identify the trees on the south-east avenue as 'Trees considered for preservation'.

PART 3 Summary of Chief Executives Recommended modifications

Recommended Modification No. 1

Amend wording of proposed Material Alteration no. 3

From

SI4 For the purpose of this plan, the minimum set back of all new development (other than employment development) from the M11 shall be 50m. Where housing development is proposed within 100m of the M11, the developer shall be responsible for designing, providing and maintaining suitable noise and light pollution mitigation measures.

To

SI4 For the purpose of this plan, the minimum set back of all new development (other than employment development) from the M11 shall be 50m. Where housing development is proposed within 100m of the M11, the developer shall be responsible for designing, providing and maintaining suitable noise and light pollution mitigation measures. **The design of noise and light pollution mitigation measures shall comply with NRA best practice guidance.**

PART 4 LIST OF PERSONS WHO MADE SUBMISSIONS

No.	Name	Agent/ Representative
	Prescribed Bodies	
1	Irish Water	John Casey
2	National Roads Authority	Michael McCormack
3	Southern and Eastern Regional Assembly	Stephen Blair
	Other bodies or persons	
4	Frank P. Taylor Ltd	Charles Gallagher
5	McGrath Mary	N/A
6	O'Connell Joe	N/A
7	Stokes Brian	Kieran O'Malley and Associates

PART 5 CONSIDERING THE SUBMISSIONS

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

This part of the report is laid out as follows:

Section 1: Submissions from Prescribed Bodies

Section 2: Submissions from other bodies or persons

Only submissions that addressed the published proposed 'Material Alterations' can be addressed at this stage. If any submission included additional issues, these will be identified in this report.

SECTION 1 PRESCRIBED BODIES

No. 1
Irish Water
No further comment.
Chief Executive's Opinion
Noted
Chief Executive's Recommendation
No change

No. 2
National Roads Authority
<p>The Authority welcomes the opportunity to make a submission on the proposed Material Alterations to the Ashford Town Plan and makes the following observations in relation to Proposed Material Alteration No. 3:</p> <p>1. In relation to the reduced standard proposed between new housing and the M11, the Authority wishes to reiterate the position set out in the Authority's initial submission on the Draft Plan which stated the following:</p> <p><i>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, and Section 11.7.6 'Sets backs from Public Roads'.</i></p> <p>2. Regard should also be had to objective NR6 of the County Development Plan relating to providing suitable protection from impacts associated with traffic noise.</p>
Chief Executive's Opinion
<p>While the NRA is indicating that development should have regard to Section 11.7.6 of the County Development Plan relating to set backs from public roads (which requires a set back of housing of 100m from the national road), it does offer any opinion on whether it considers a 'derogation' from this standard in the case of Ashford to 50m, instead of 100m, acceptable or not.</p> <p>While the wording proposed places on onus on the developer to carry out suitable noise and light pollution mitigation measures, it is considered that this objective could be strengthened in order to ensure that the impacts of noise and light pollution are taken into consideration at an early stage in the design process. Therefore it is recommended that the wording be modified as set out below.</p>
Chief Executive's Recommendation
<p>Modify wording of proposed Material Alteration No. 3</p> <p>SI4 For the purpose of this plan, the minimum set back of all new development (other than employment development) from the M11 shall be 50m. Where housing development is proposed within 100m of the M11, the developer shall be responsible for designing, providing and maintaining suitable noise and light pollution mitigation measures. The design of noise and light pollution mitigation measures shall comply with NRA best practice guidance.</p>

No. 3**Southern and Eastern Regional Assembly**

The office for the Regional Planning Guidelines for the Greater Dublin Area welcome the opportunity to make a submission on the proposed Material Alterations to the Ashford Town Plan and makes the following observations in relation to Proposed Material Alterations:

Proposed Material Alteration No. 1:

The office recognises that this proposed Material Alteration, while increasing the amount of lands zoned for residential development, will limit the development potential to a maximum of 40 units thereby ensuring consistency with the development strategy, Table 2.1 of the Ashford Town Plan, which in turn should be consistent with the Core Strategy of the Wicklow County Development Plan.

Proposed Material Alteration No. 2:

The office notes that this proposed Material Alteration does not alter the amount of lands zoned for residential development. This will ensure consistency with the development strategy, Table 2.1 of the Ashford Town Plan, which in turn should be consistent with the Core Strategy of the Wicklow County Development Plan.

Proposed Material Alterations No. 3, 4 and 5:

The office has no comment to make on these proposed Material Alterations.

Chief Executive's Opinion

The content of this submission has been noted.

Chief Executive's Recommendation

No change

SECTION 2 OTHER BODIES OR PERSONS**No. 4****Frank P. Taylor Ltd**

This submission relates specifically to proposed Material Alteration No. 4 (specific local objective 2 (SLO2)).

It is considered that the proposed alteration is inappropriate as it limits the possible uses envisaged in the Draft Plan that may not finally be the best solution on these lands. It is contended that the plan should avoid as far possible limiting the flexibility of Wicklow County Council to emerging local needs consistent with the overall objectives of the plan.

Note: This submission makes reference to Submission No. 6 and the request therein to amend the zoning of Action Area 2. However, the zoning of AA2 is not the subject of any published Material Alteration and the issue raised is therefore invalid and no assessment of same is warranted.

Chief Executive's Opinion

The contents of the submission have been noted; however, it is not considered that the inclusion of the proposed wording which requires the design and overall layout to incorporate a public car park and bus set down/turning area creates an onerous requirement on the land owner or limits the development potential of the lands located within the SLO. The subject lands zoned community/education within the SLO adjoin the existing school and are situated in close proximity to the new public park where it has been identified that significant demand exists at present for these facilities. It is therefore considered prudent to require that the overall design proposal for these lands include the provision of such facilities at the early design stage in order to ensure that these facilities are not provided in a piecemeal fashion but as part of an overall well designed and integrated scheme.

Chief Executive's Recommendation

No change

No. 5

McGrath Mary

This submission makes the following observations in relation to proposed Material Alterations 2 and 3.

1. Proposed Material Alteration No. 2:

It is considered that the lands currently proposed to be located within the Strategic Land Reserve within SLO1 should be remain permanently as green open space and that no future access onto the Mill Road should be allowed as this road is extremely narrow and cannot accommodate significant traffic.

2. Proposed Material Alteration No. 3:

It is requested that the Council reconsider the proposed reduction in the set back distance for development from the M11 and revert back to the originally proposed 100m set back. It is put forward that the traffic noise from the N11 at a distance between 50m and 100m is very loud and would be intrusive for those living as close as 50m.

Chief Executive's Opinion

Proposed Material Alteration No. 2:

In the drafting of this plan, the required quantum of zoned land in Ashford was calculated having regard to the Wicklow 'Core Strategy' and its associated population targets. A surplus of zoned land within Ashford was evident and therefore the amount of zoned residential land required to be reduced. In accordance with the 'Core Strategy' guidelines issued by the Department of the Environment, Community and Local Government , it is open to the Planning Authority to either remove completely the zoning from existing zoned land, or to change the zoning from 'residential' to some other required use or to 'bank' the land into a 'strategic land reserve' i.e. lands considered suitable in principle for development, that would not be allowed to develop within the plan period. In future plan reviews, the most appropriate use of these lands will be considered, but at this stage, no particular future use is identified. The suggestion that these lands be maintained free of development and designated for open space is therefore premature and more appropriate to be considered in future plan reviews.

The issue raised with respect to access onto the Mill Road is noted. At this time, the draft plan does not include any zonings or objectives that would require the provision of new access points onto this road. However, in the event that permission is sought for such access points, all normal traffic safety considerations would apply in the assessment of same.

Proposed Material Alteration No. 3:

The contents of this submission have been noted; however, it should be noted that while it is proposed to reduce the set back to 50m, any housing development within the 50m-100m zone must be accompanied by substantial noise and light pollution mitigation measures, and permission will not considered where the Planning Authority has concerns that unacceptable noise impacts would still arise. As set out under submission No. 2, the Chief Executive is recommending a further strengthening of this objective.

Chief Executive's Recommendation

No change

No. 6

O'Connell Joe – Ashford Studios

This submission relates to lands within Action Area 2 which are not subject to any of the proposed Material Alterations under consideration at this stage of the plan. Therefore this submission is invalid and cannot be considered any further.

Chief Executive's Opinion

n/a

Chief Executive's Recommendation

No change

No. 7

Stokes Brian

The submission is made in relation to proposed Material Alterations 2 and 3.

Proposed Material Alteration No. 2

(a) It is requested that this material alteration be further modified by re-zoning the two 'Strategic Land Reserve' Lands to R20 'proposed residential'. This in effect would ensure that all of the extant lands at Inchinappa would remain zoned for residential development in this new plan.

(b) It is put forward that the Council has failed to comply with the ministerial guidelines for a 'Market Factor' to be applied as set out in table 3.3 of the Wicklow County Development Plan. This section of the plan states the following:

'It is the recommendation of the Minister that there be more zoned land in any town than is strictly necessary to meet its population target – this is known as 'market factor'. It is recommended that this factor be 50%, though in local plans in the north and east of the County, a figure of 30% is normally used based on the greater likelihood of zoned land being developed in this part of the County. Therefore any town with a surplus above 50% can be considered 'over zoned'.

(c) It is put forward that in Appendix A of Variation No. 5.1 that the Council has only applied an excess factor of 6.5% and as a result this has led to lands within Mr. Stokes landholding being included within the Strategic Land Reserve. It is considered that by applying the Minister's guidelines and the County Development Plans Market Factor of 50% the number of units required within the plan area significantly increases, with the result being that the plan does not zone sufficient land for residential development. It is therefore proposed that the lands currently proposed to be located within the Strategic Land Reserve be rezoned R20 residential.

Proposed Material Alteration No. 3

The submission is supportive of proposed Material Alteration No. 3.

Chief Executive's Opinion

The submitter has completely misunderstood the manner in which the amount of zoned land required has been calculated and in particular has mixed up 'market factor' with 'excess factor'. The Ministerial guidelines have also been misinterpreted.

The Ministerial guidelines do indicate that more land should be zoned than the minimum required to meet the needs of the permanent population of the target year. Normally local plans have a lifespan of 6 years, however the Ministerial guidelines suggest that plans should make provision for land zoning for 3 years beyond that i.e. for 9 years, to allow for 'market factor'.

This plan is being adopted in 2014 and therefore enough land should be zoned for the population target in the year 2023. However, there are currently no population targets available for the region or the County beyond 2022 and therefore the 2022 population target is used in this plan to encompass the 6 year lifetime of the plan plus 'market factor'. It is acknowledged that this is slightly short of the 9 year horizon, but given that a new County Development Plan will be adopted in 2016, with new targets for 2022 and 2028, this can be considered an

acceptable short term position and the matter could be revisited post 2016 when these new targets are available. In the event that additional housing land is required, the SLB lands will be the first considered for rezoning.

This plan zones enough land for the 2022 population target.

'Excess factor' is a completely different factor and has nothing to do with 'market factor'. Even in a market in equilibrium, there will always be some houses that are holiday homes or second homes or that are vacant being in the course of being bought or sold i.e. they do not house permanent population. This is known as the 'excess factor'. International studies and the current RPG document advise that a 6.5% 'excess factor' would prevail in the long term in a market in equilibrium. What this essentially means is that more houses need to exist than the minimum required to house the permanent population.

This plan calculates that the 2022 population of 3,000 would require 1,304.34 units. An 'excess factor' of 6.5% has been added to this to give a total housing requirement in 2022 of 1,389 units or 858 new units¹.

Therefore 'excess factor' of 6.5% has been included as has a 'market factor' of + 2 years. A market factor of 6.5% has not been used.

Having regard to the above it is considered that the quantity of zoned land within the plan area is sufficient and no change is proposed.

It is also pointed out that in accordance with the provisions of the Planning and Development Act, it is not possible at this stage of the plan to make a further modification to the variation / material alteration that refers to '**an increase in the area of land zoned for any purpose**'.

Chief Executive's Recommendation

No change

¹ The 2022 requirement of 1389 units minus the existing 2011 no. of units within the plan area of 531 = a requirement for 858 new units).