

# **PROPOSED VARIATION NO. 1(i) TO THE WICKLOW COUNTY DEVELOPMENT PLAN 2010-2016**

## **AVOCA SETTLEMENT PLAN**



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

28<sup>th</sup> July 2011

Forward Planning Section  
Wicklow County Council  
County Buildings  
Wicklow



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## **PART 1**

### **1.0 Introduction**

This Manager's 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 Manager to the issues raised and the recommendation of the Manager 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 NTA and 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 05 September 2011.

### **1.1 Draft Consultation Process**

The proposed variation was placed on display during the period of 7<sup>th</sup> June 2011 to 4<sup>th</sup> July 2011. 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 10 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 County Manager 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 Manager'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 Manager's Report shall be completed not later than 6 weeks after the submission of the Manager's Report to the members of the planning authority.

Having considered the proposed variation and Manager'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 or an appropriate assessment, or both, is required to be carried out as respects a proposed material alteration. Within 2 weeks of such a determination, the Manager 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 Manager.
- 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

#### Variation timetable

Timeframe	Progress of variation process
7 <sup>th</sup> June 2011 – 4 <sup>th</sup> July 2011	Proposed Variation on display - submissions invited
5 <sup>th</sup> July 2011 – 2 <sup>nd</sup> August 2011	Preparation of Manager's Report on submissions received
2 <sup>nd</sup> August – 13 <sup>th</sup> September 2011	Manager'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 Manager's recommended modifications**

### **Modification 1**

Amend Indicative Flood Zone Map in accordance with the maps included at the end of this document.

## **PART 3          List of persons and bodies who made submissions**

<b>No.</b>	<b>Name</b>	<b>Agent/ Representative</b>
	<b>Prescribed Bodies</b>	
<b>1</b>	Department of Environment, Community and Local Government	Margaret Killeen
<b>2</b>	Department of Arts, Heritage and the Gaeltacht	Paul McMahon
<b>3</b>	Department of Communications, Energy and Natural Resources	Carmel Conaty
<b>4</b>	Department of Education and Skills	Lorraine Brennan
<b>5</b>	Environmental Protection Agency	Cian O Mahony
<b>6</b>	Health and Safety Authority	Alice Doherty
<b>7</b>	Office of Public Works	Kevin Byrne
<b>8</b>	Dublin Airport Authority	Tanya Murray
<b>9</b>	National Roads Authority	Nicola Claffey
	<b>Public Submission</b>	
<b>10</b>	Myles Smith	

## PART 4 Considering the submissions

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 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~~.

<b>No. 1</b>
<b>Minister for the Environment, Community and Local Government</b>
Department concerned that the existing Waste Water Treatment Plant is currently overloaded. The plan should indicate that no new development will be permitted which would add to the waste water load until the waste water disposal facility has been upgraded and meets licence requirements under the Waste Water Discharge Regulations.
<b>Manager's response</b>
The planning authority is satisfied that the objectives included in the Avoca Settlement Plan and the County Development Plan 2010-2016 ensure that no development will be permitted where there is inadequate capacity within an existing Waste Water Treatment Plant, e.g. WW2 of Chapter 12 <sup>1</sup> and AV11 (objective for the upgrading of the Waste Water Treatment Plan to meet the requirements of the future population). In addition, the Avoca Settlement Plan includes an objective that allows the Council to phase development where this is considered necessary for ensuring the delivery of infrastructural services in tandem with development, including water services and road infrastructure. It is therefore considered that the issues raised by the Department are adequately dealt with in the proposed plan.
<b>Manager's recommendation</b>
No change
<b>No. 2</b>
<b>Department of Arts, Heritage and the Gaeltacht</b>
The Department has expressed no objection to the proposed variation. The Department notes that the Planning Authority should not just advocate the redevelopment of derelict sites within the plan area but it should actively encourage the reuse of core buildings that constitute the architectural heritage, of which living over the shop is a part of.
<b>Manager's response</b>
Noted. It is considered that the following objectives contained in the Avoca Settlement Plan address the concerns of the Department, namely objectives AV7, AV8, AV24, AV28, AV30, AV22.
<b>Manager's recommendation</b>
No change
<b>No. 3</b>
<b>Department of Communications, Energy and Natural Resources</b>
No specific submission made regarding the variation.
<b>Manager's response</b>
n/a
<b>Manager's recommendation</b>
No change

<sup>1</sup> WW2 of Chapter 12 of CDP 2010-2016: "To ensure that all foul water generated is collected and discharged after treatment in a safe and sustainable manner, having regard to the standards and requirements set out in EU and national legislation and guidance documents. The Planning Authority will continue to monitor the cumulative effect of grants of planning permission on available waste water treatment capacity under the terms of the relevant Waste Water Discharge Licence. Where there is inadequate capacity within a Waste Water Treatment Plant to accommodate new development or where the Waste Water Treatment Plant does not meet the terms of the relevant Waste Water Discharge License to the Planning Authority will:

(a) Refuse planning permission for the development, or  
(b) Consider granting permission with conditions limiting the commencement of development until facilities are suitably upgraded, so long as this is planned to occur within a reasonable timeframe (not more than 3 years) in accordance with the Local Authority's Water Services Investment Programme."

<b>No. 4</b>
<b>Department of Education and Skills</b>
The Department has expressed no objection to the proposed variation. There are no changes in projected population figures for the area and therefore no changes likely to future school provision for the area.
<b>Manager's response</b>
Noted.
<b>Manager's recommendation</b>
No change

<b>No. 5</b>
<b>Environmental Protection Agency</b>
The EPA has expressed no objection to the proposed variation. The EPA has noted the SEA determination of the planning authority. The Agency has referred the planning authority to the Agency's previous submission of 4 <sup>th</sup> May 2011 which should be taken into consideration and which has been attached for reference purposes. The EPA has included the contents of its previous submission of 4 <sup>th</sup> May 2011 on the SEA/AA Screening Report for the plan, including the document 'Integration of Environmental Considerations in Land Use Plans'.
<b>Manager's response</b>
The submission of the EPA has been noted. All issues raised in the submission of 4 <sup>th</sup> May 2011 have already been considered in the 'Strategic Environment Assessment (SEA) Screening Determination' for the plan. In response to the issues raised in the submission of 4 <sup>th</sup> May 2011, the plan was amended accordingly. Reference should be made to the 'Strategic Environmental (SEA) Screening Determination' for full details.
<b>Manager's recommendation</b>
No change

<b>No. 6</b>
<b>Health and Safety Authority</b>
No specific submission made regarding the variation.
<b>Manager's response</b>
n/a
<b>Manager's recommendation</b>
No change

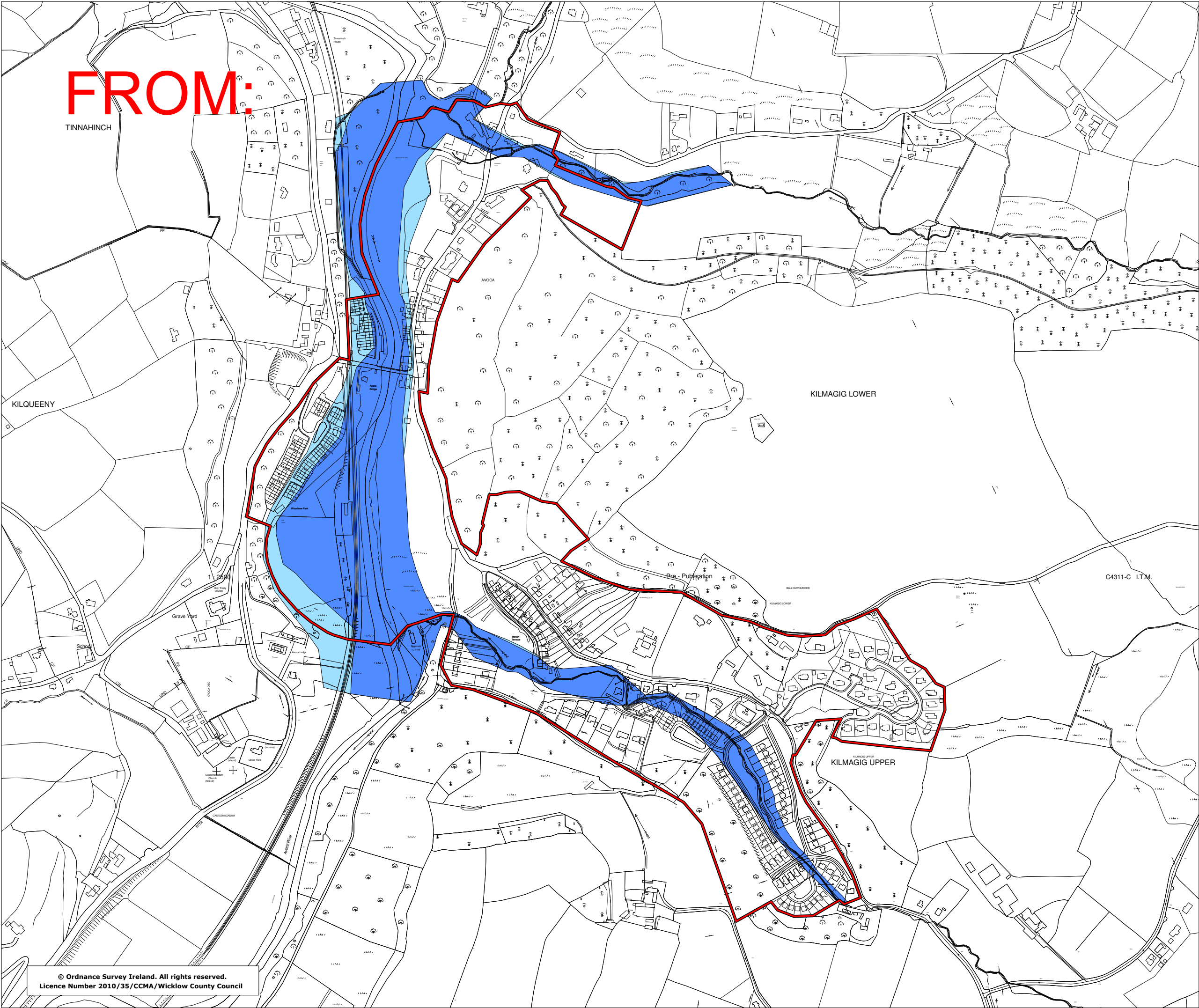
<b>No. 7</b>
<b>Office of Public Works</b>
The Office of Public Works (OPW) has expressed no objection to the proposed variation.  <ol style="list-style-type: none"> <li>1. OPW welcomes that a Strategic Flood Risk Assessment (SFRA) has been carried out and that this has followed the '<i>Planning System and Flood Risk Management Guidelines for Planning Authorities</i>'.</li> <li>2. OPW welcomes the inclusion of AV10 and the objectives and policies contained in the Wicklow County Development Plan 2010-2016.</li> <li>3. OPW recommends that the SFRA be updated in the future, as more flood risk information becomes available for the area. Preliminary Flood Risk Assessment (PFRA) Mapping will be available before the end of this year and the Catchment Flood Risk Assessment Mapping (CFRAM) will be available before end of 2013. These datasets will allow mapping to be further refined, and this may affect the proposed zoning in the plan.</li> </ol>
<b>Manager's response</b>
Noted Pending the availability of new data and information on flood risk in the area, the planning authority will review the Flood Risk Assessment and if appropriate may carry out a further variation to the plan.
<b>Manager's recommendation</b>
No change

<b>No. 8</b>
<b>Dublin Airport Authority</b>
No specific submission made regarding the variation.
<b>Manager's response</b>
n/a
<b>Manager's recommendation</b>
No change

<b>No. 9</b>
<b>National Roads Authority</b>
No specific submission made regarding the variation.
<b>Manager's response</b>
n/a
<b>Manager's recommendation</b>
No change

<b>No. 10</b>
<b>Myles Smith</b>
<p>Compliments Council on the production of the plan and makes the following observations regarding the flood map produced:</p> <ul style="list-style-type: none"> <li>- Some areas that are prone to flooding are not indicated on flood zone maps.</li> <li>- Upon construction of the Brookmeadow housing estate, the green area in front of houses 27-45 was to be raised by 1-1.5m. As such, the only area that can flood is at the bridge at the bottom of the road at Ballanagh Crescent.</li> <li>- Land opposite the school is shown as flood risk, however is 10m above the river.</li> <li>- In these two areas flood risk is due to infrastructural shortfalls and diversion of river from original path.</li> <li>- Attention should be paid to lower culverts which present a flooding risk in Ballanagh Crescent.</li> </ul>
<b>Manager's response</b>
<p>Taking account of the above additional information on flooding in the area, a further examination of flooding was undertaken of the area referred to in this submission. This further examination involved a detailed walk over assessment in consultation with the Area Engineer and consultation with residents in the area. Taking account of this additional information on flooding in the area, the Flood Zone map has been reconsidered and amended as appropriate.</p> <p>In addition, a further examination has also been undertaken of the flood zones relating to the tributary of the Avoca River, located to the north of the settlement. This examination involved a walk over survey and consultation with residents of the area. The map has been amended as appropriate.</p> <p>Following the future introduction of new information from the OPW on flood risk in the area, the planning authority will review the Flood Risk Assessment (refer to Submission no.7 from the OPW).</p>
<b>Manager's recommendation</b>
Amend Indicative Flood Zone Map in accordance with the maps included at the end of this document.





WICKLOW  
COUNTY  
COUNCIL



11/04/2011

**INDICATIVE FLOOD ZONE MAP**  
**PROPOSED AVOCA SETTLEMENT PLAN**  
**PROPOSED VARIATION TO WICKLOW**  
**COUNTY DEVELOPMENT PLAN 2010 - 2016**

LEGEND



Flood Zone A

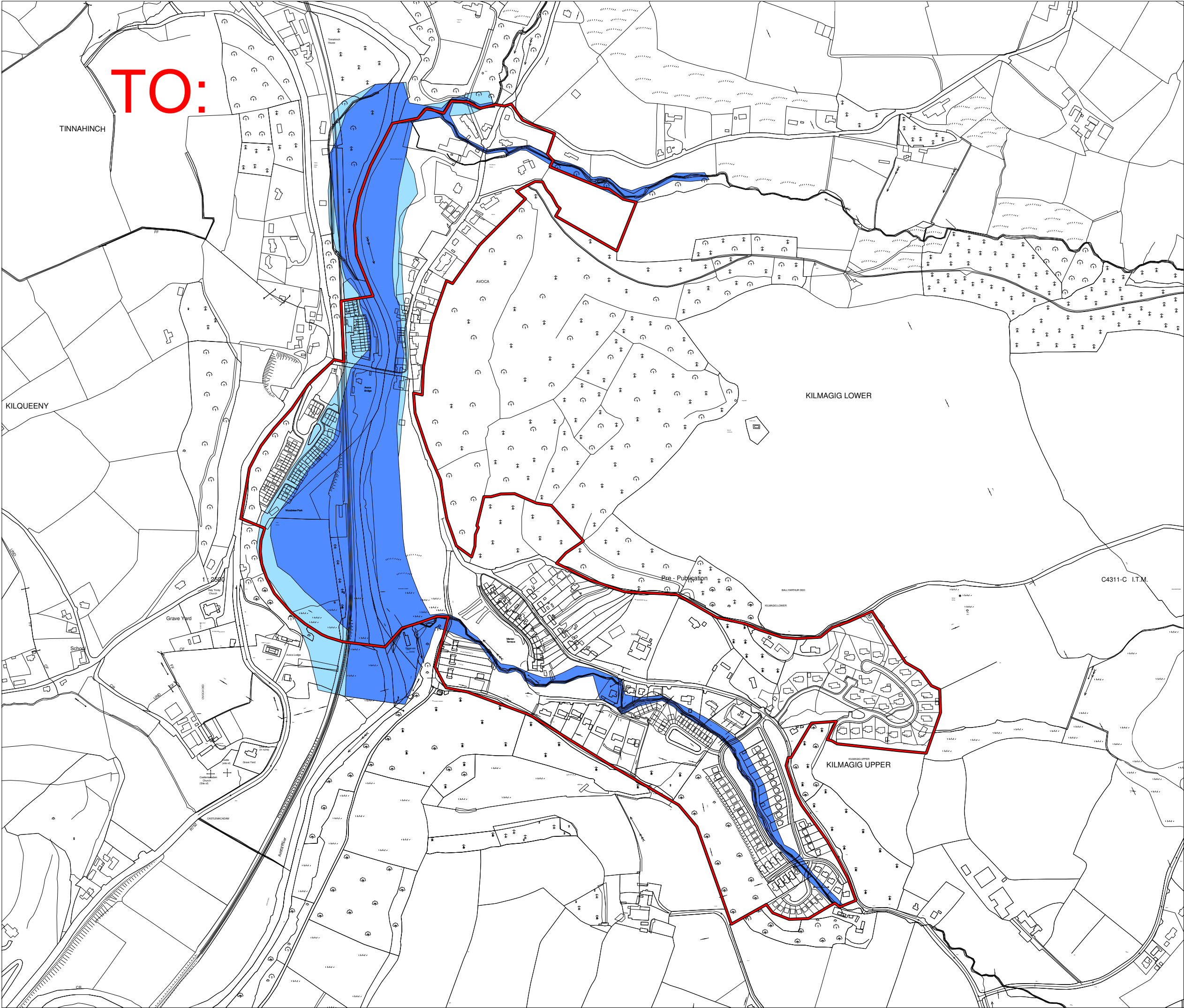


Flood Zone B



Settlement Boundary





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July 2011

**INDICATIVE FLOOD ZONE MAP**  
**PROPOSED AVOCA SETTLEMENT PLAN**  
**PROPOSED VARIATION TO WICKLOW**  
**COUNTY DEVELOPMENT PLAN 2010 - 2016**

LEGEND



Flood Zone A



Flood Zone B



Settlement Boundary