

DONARD SETTLEMENT PLAN
PROPOSED VARIATION NO. 1(ii)
TO THE WICKLOW COUNTY
DEVELOPMENT PLAN 2010-2016

PROPOSED MATERIAL ALTERATION



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

OCTOBER 2011

Forward Planning Section
Wicklow County Council
County Buildings
Wicklow



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PART 1

1.0 Introduction

At the Council meeting on the 5th September 2011, having considered proposed variation No.1(ii) to the Wicklow County Development Plan 2010-2011 (the draft Donard Settlement Plan) and the Manager's Report on submissions received, it was resolved by the elected members to amend the draft Donard Settlement Plan.

It was considered that one of these amendments constituted a 'material alteration' to the draft Donard Settlement Plan and therefore in accordance with Section 13 (6) of the Planning and Development Act 2000 (as amended), this proposed 'material alteration' was placed on public display from the 19th September 2011 to the 14th October 2011 in accordance with Section 13 (6) (ad) of the Act.

1.1 Proposed Material Alteration (MA1)

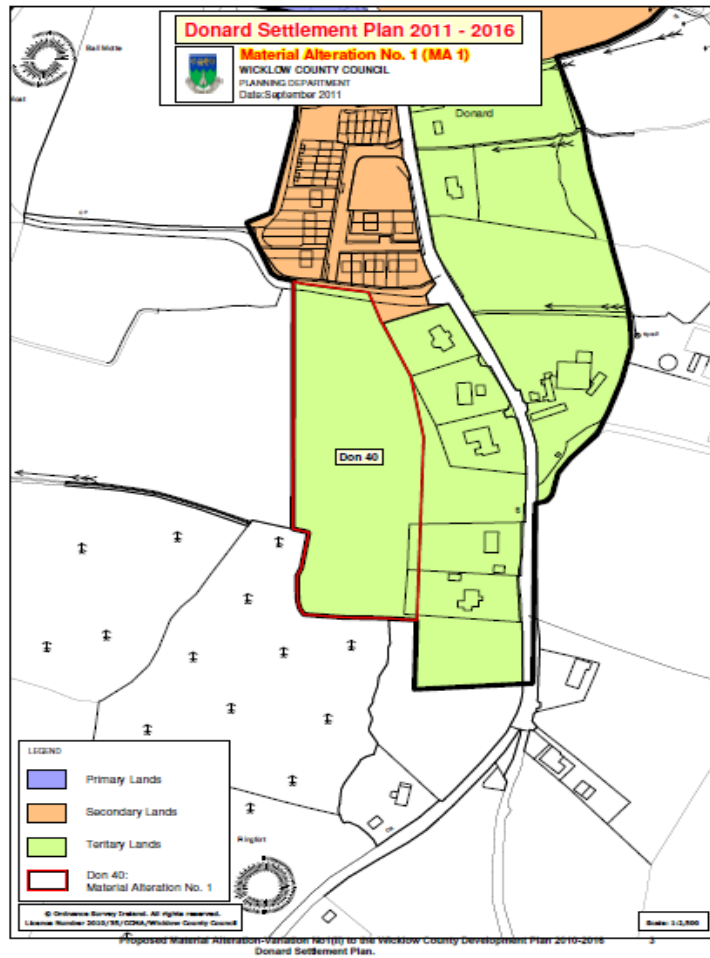
(i) Add new Objective DON40

DON 40

Prior to the granting of any permission on lands identified as DON40, a services masterplan for the area shall be agreed with the Local Authority, which shall address the water, drainage and transport requirements of the area and the manner in which such infrastructure is to be delivered and funded.

(ii) Map changes

- (a) Amend the settlement boundary (on all maps associated with this plan) as shown on Map MA1 to follow (area of extension is 1.9ha)
- (b) Show the expanded area as 'Tertiary Lands' and denote it as DON40



1.2 Purpose of this Document

This Manager'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 Manager 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 the Minister;
 - b. Issues raised by the Regional Authority and the NTA;
 - c. Issues raised by other bodies or persons
- (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 neither the Minister of Environment, Community and Local Government nor the NTA made submission. A submission was received from the Regional Authority.

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 07th November 2011.

1.3 Consultation Process

The proposed 'Material Alteration' was placed on display during the period of 19th September 2011 to the 14th October 2011. The aim of the consultation process was to enable the public and interested parties to give their observations on the proposed 'Material Alteration'.

A total of 4 written submissions were received. The written submissions are held on file and are available for Council and public inspection. The list of bodies that made submissions on the proposed variation is set out in Part 3 of this Report.

1.4 Considering the Submissions

The members of the Planning Authority are required to consider the proposed 'Material Alteration' as part of the proposed variation No. 1(ii) to the Wicklow County Development Plan 2010-2016 (Donard Settlement 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.

The consideration of the 'Material Alteration' 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 'Material Alteration' the members of the Planning Authority may, by resolution, either:

- (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.

PART 2 List of persons and bodies who made submissions

No.	Name	Agent/ Representative
	Prescribed Bodies	
1	Environmental Protection Agency	Cian O Mahony
2	Department of Education and Skills	Lorraine Brennan
3	Department of Communications, Energy and Natural Resources	Carmel Conaty
4	Regional Authority for the Greater Dublin Area	Colm McCoy

PART 3 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 amendments to the proposed 'Material Alteration', these changes will be set out under each issue, with new text shown in red and deleted text in ~~blue strikethrough~~.

No. 1
Environmental Protection Agency
The EPA's specific comments in relation to the proposed Material Alteration (DON 40) relates to the provision of appropriate infrastructure in advance of permission for development being granted on the subject lands. The remainder of the submission has been received before in the earlier stages of the variation process of the Wicklow County Development Plan 2010-2016.
Manager's response
Noted. The objective DON 40 is quite specific in that a service master-plan for the area is required prior to the granting of any planning permission. This master plan would address the infrastructural requirements as requested by the EPA.
Manager's recommendation
No change to Proposed Material Alteration

No. 2
Department of Education and Skills
The Department has expressed no objection to the proposed material alteration. There are no changes in projected population figures for the area and therefore no changes likely to future school provision for the area.
Manager's response
Noted.
Manager's recommendation
No change to Proposed Material Alteration

No. 3
Department of Communications, Energy and Natural Resources
No specific submission made regarding the proposed material alteration.
Manager's response
n/a
Manager's recommendation
No change to Proposed Material Alteration

No. 4
Greater Dublin Area Regional Authority
The Regional Authority has expressed no objection to the proposed material alteration
Manager's response
Noted.
Manager's recommendation
No change to Proposed Material Alteration

