

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

**DONARD SETTLEMENT PLAN**



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

28 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 11 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

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 Objective DON 31 as follows:

**From:**

Protect and allow for the improvement of public and private open space and recreational facilities and to require new developments adjacent to the '~~potential walks~~' identified on the map to provide for such routes.

**To:**

Protect and allow for the improvement of public and private open space and recreational facilities and to require new developments adjacent to the **green routes** identified on the map to provide for such routes.

### **Modification 2**

Amend the following wording that is contained under the heading 'Social and Community assets':

**From:**

Church of Ireland

**To:**

**Church of Ireland Church**

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

| No.                      | Name   | Agent/ Representative     |
|--------------------------|--|---------------------------|
| <b>Prescribed Bodies</b> |  |                           |
| 1                        | Department of Environment, Community and Local Government  | Margaret Killeen          |
| 2                        | Department of Arts, Heritage and the Gaeltacht             | Paul McMahon              |
| 3                        | Department of Communications, Energy and Natural Resources | Carmel Conaty             |
| 4                        | Department of Education and Skills                         | Lorraine Brennan          |
| 5                        | Environmental Protection Agency                            | Cian O Mahony             |
| 6                        | Health and Safety Authority                                | Alice Doherty             |
| 7                        | Office of Public Works                                     | Kevin Byrne               |
| 8                        | Dublin Airport Authority                                   | Tanya Murray              |
| 9                        | National Roads Authority                                   | Nicola Claffey            |
| <b>Public Submission</b> |  |                           |
| 10                       | Margaret Flynn   | Margaret Flynn            |
| 11                       | Ted Flynn  | (Kieran O'Malley & Co Ltd |

### 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 amendments to the draft plan, these changes will be set out under each issue, with new text shown in **red** and deleted text in **blue strikethrough**.

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| <b>No. 1</b>  |
| <b>Department of Environment, Community and Local Government</b>    |
| The Department has expressed no objection to the proposed variation |
| <b>Manager's response</b>   |
| Noted   |
| <b>Manager's recommendation</b>                                     |
| No change   |

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| <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 Donard Settlement Plan address the concerns of the Department, namely objectives DON5 DON7, DON 8, DON 15 and DON 20.   |
| <b>Manager's recommendation</b>  |
| No change  |

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| <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   |

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| <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   |

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| <b>No. 5</b>  |
| <b>Environmental Protection Agency</b>  |
| The EPA has expressed no objection to the proposed variation.<br>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. |
| <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. Reference should be made to the 'Strategic Environmental (SEA) Screening Determination for full details.   |
| <b>Manager's recommendation</b>   |
| No change   |

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| <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  |

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| <b>No. 7</b>  |
| <b>Office of Public Works</b>   |
| The Office of Public Works (OPW) has expressed no objection to the proposed variation.<br><ol style="list-style-type: none"> <li>1. The 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. The OPW welcomes the inclusion of DON 13 and the objectives and policies of the "Section 12.6: Flooding" that is contained in the Wicklow County Development Plan 2010-2016.</li> <li>3. The 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 of 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   |

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| <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  |

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| <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  |

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| <b>No. 10</b>  |
| <b>Margaret Flynn</b>  |
| No objection to the proposed variation, however the following details should be amended in the Plan: <ul style="list-style-type: none"> <li>• The Ogham Stone is in the central garden, not in Donard Demesne West as indicated on the Heritage Map</li> <li>• The “potential walks” referred to (DON 31) are not indicated on maps</li> <li>• There is a stream that runs through the centre of the village, parts of which are piped and parts are open. This stream should be identified on the maps and those sections that are open should remain so.</li> <li>• The Church of Ireland should read the “Church of Ireland Church”.</li> </ul>   |
| <b>Manager's response</b>  |
| Noted. <ul style="list-style-type: none"> <li>• The Heritage Map is indicative only as taken from the GIS layer, which was provided by the National Monuments Service. The exact location of stone is indicated on the Record of Monuments and Places (RMP) as is available for viewing by the members of the public, in libraries/council offices and on <a href="http://www.archaeology.ie">www.archaeology.ie</a>. It should be noted that in Section 2.1 of the plan makes reference to the correct location of the Ogham stone in the village green.</li> <li>• The “potential walks” referred to in DON 31 are on the Heritage map, however they are labelled “green routes” on the legend. The wording in objective DON 31 will be amended accordingly.</li> <li>• It is considered that it would not be appropriate that all of the local streams would be illustrated on maps that accompany the plan as the maps would be difficult to view.</li> <li>• The wording in relation to the Church of Ireland church will be amended to reflect its correct title.</li> </ul> |
| <b>Manager's recommendation</b>  |
| <p>1. Change the wording in objective DON 31 to reflect the following:</p> <p><b>From:</b><br/>Protect and allow for the improvement of public and private open space and recreational facilities and to require new developments adjacent to the '<del>potential walks</del>' identified on the map to provide for such routes.</p> <p><b>To:</b><br/>Protect and allow for the improvement of public and private open space and recreational facilities and to require new developments adjacent to the <b>green routes</b> identified on the map to provide for such routes.</p> <p>2. Amend the wording as follows<br/> <b>From:</b> Church of Ireland<br/> <b>To:</b> Church of Ireland Church</p>  |

**No. 11 (see attached map)**

**Ted Flynn**

This submission relates to Objective DON 25: *'Any developments on lands (identified as DON 25 on the plan map) shall include the provision of a link road from Irishtown Road to the GAA fields and the Caravan Park'*

It is requested that his objective be removed from the plan as the lands subject to DON 25 have a current outline planning permission (10/2909) for nine residential units and it is intended that the remainder of the subject lands will be developed as part of a master plan for the lands. It is put forward that the construction of the road would destroy the tranquility of the proposed estate, as there would be significant traffic generated from the GAA and caravan park lands.

**Manager's response**

While the concerns are noted, this is a plan for the settlement as a whole and the transport needs of the settlement require to be addressed.

In the development of this draft plan, it was determined that the restricted access currently available to the GAA causes significant problems in the town centre. It is therefore considered that it is in the interests of the wider community to take the opportunity created by the development of the town plan to make provision for this traffic problem to be resolved. In this regard, all possible opportunities to provide alternative access to the GAA grounds were examined and the option of providing for a new access route across lands to the north of the grounds proved most feasible and safe.

In the designating of lands for residential development (Zone 2), given that there was more potentially suitable lands available within the town boundary that would be required to meet the population targets, the selection process included analysis of what 'planning gain' could be made for the town and the community by designating various parcels of land. The designation of the parcel in question was considered suitable particularly because it could offer the solution to the access problem from the GAA.

Therefore it is not considered appropriate to omit this objective.

**Manager's recommendation**

No change

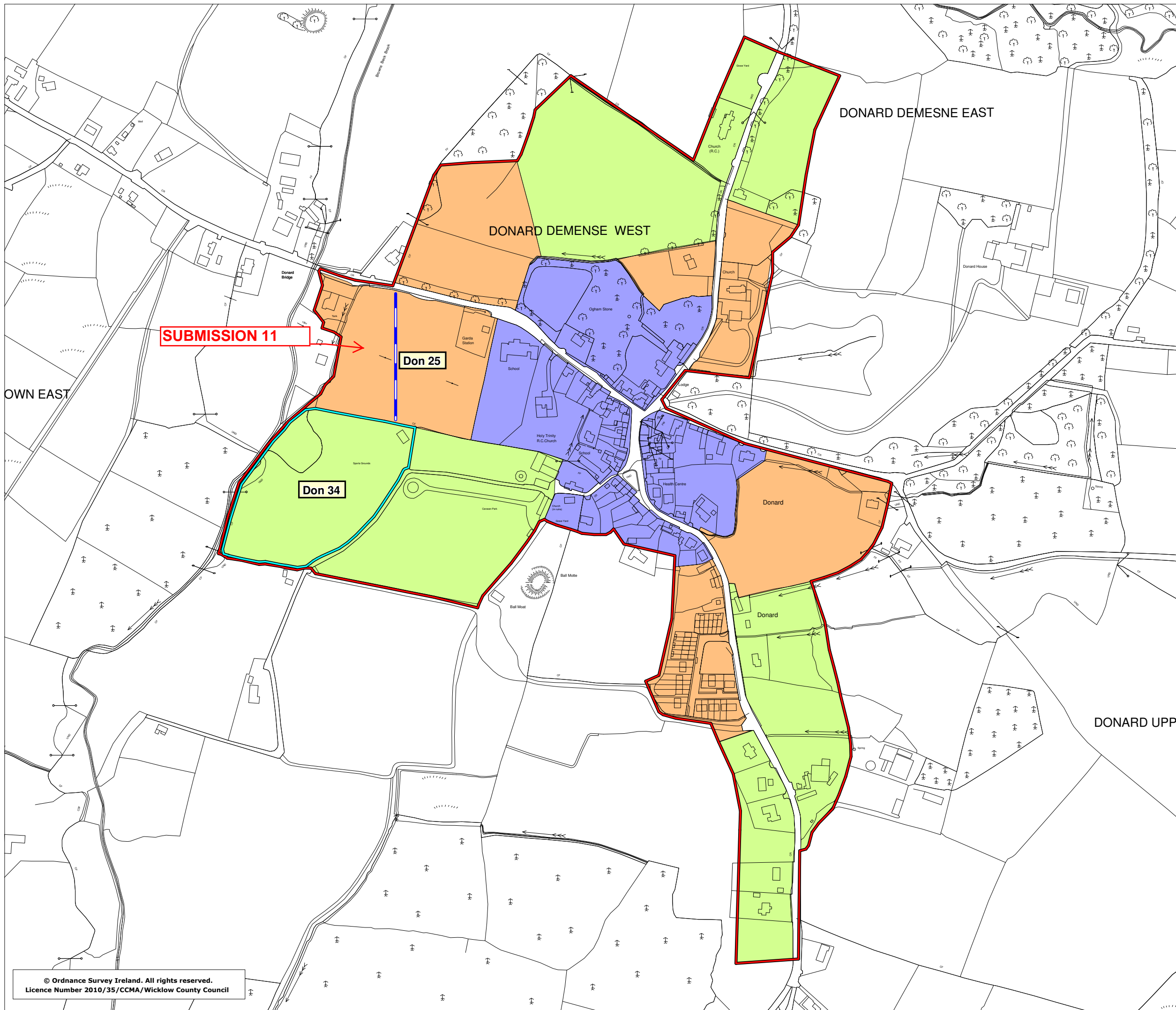




WICKLOW COUNTY COUNCIL







28/04/2011



**PROPOSED DONARD SETTLEMENT PLAN 2011 - 2016**  
**PROPOSED VARIATION TO WICKLOW COUNTY DEVELOPMENT PLAN 2010 - 2016**

LEGEND

-  Primary Lands
-  Secondary Lands
-  Tertiary Lands
-  Donard Settlement Boundary