

**Proposed Variation No. 5.2
to the Wicklow County Development Plan 2010-2016**

Dunlavin 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 Chief Executive'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 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.

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 5 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 Chief Executive 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 Chief Executive'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 Chief Executive's Report shall be completed not later than 6 weeks after the submission of the Chief Executive's Report to the members of the planning authority.

Having considered the proposed variation and this 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
16 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 Chief Executive's recommended modifications

No modifications recommended

PART 3 List of persons and bodies who made submissions

No.	Surname	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
Public Submissions		
4	Dunlavin Tidy Towns	Sadie Wright
5	Roche, Thomas	

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~~.

No. 1
Department of Arts, Heritage and the Gaeltacht
<p>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.</p> <p>It is now advised that any reports quoting conservation objectives should give the version number of date. 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.</p>
Chief Executive's Opinion
<p>Noted. The most up to date information on Natura sites, sourced from www.npws.ie, was used and referenced. Each Natura 2000 site under consideration included the most up to date conservation objectives and included a citation as per the guidelines.</p>
Chief Executive's Recommendation
<p>No change</p>

No. 2
Department of Education and Skills
<p>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.</p> <p>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</p>

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
Dunlavin Tidy Towns c/o Wright Sadie (Late Submission)
<p>The submission made on behalf of Dunlavin Tidy Towns makes the following suggestions:</p> <ol style="list-style-type: none"> 1. Underground cabling and new footpaths with spaces to accommodate tree planting should be provided along Stephen Street in order to correspond with the opposite side of the street. 2. Derelict buildings on Kilcullen Street need to be refurbished with one of the oldest buildings in the town in need of urgent repair. 3. The existing junction at Logatryna should be maintained if development takes place 4. The mature beech and lime trees on Kilcullen Street frame the Market House and would be under threat if this area was used as an entrance to development lands (namely AA1). 5. Note the preservation order on the Beech Grove opposite R.C Church where concern is raised that they are not being replaced.
Chief Executive's Opinion
<ol style="list-style-type: none"> 1. The draft plan addresses the issues raised with respect footpaths, tree planting and the public realm generally. In particular, the draft plan includes the following objectives: <p><i>'To improve / provide new footpaths, cycleways and traffic calming on existing roads where required and to require the provision of new link roads, footpaths and cycleways as specified in this plan in 'Action Areas' and 'specific local objective' areas'</i></p> <p><i>'To improve the 'public realm' in the designated town centre, with particular regard to footpath width and design quality, hard and soft landscaping, open spaces, street furniture, signage, street lighting and the on-street car parking layout, and any other aspects of the local environment that effect the attractiveness and accessibility of the town centre.'</i></p> <p><i>'To protect features that contribute to the town centres' overall appearance and heritage value and to ensure that new developments contribute positively any designated Architectural Conservation Area'.</i></p> 2. This issue is outside the remit of this plan and falls within a separate process under the Derelict Sites Act 1990; however, the Dunlavin Town Plan, under objectives H2 and H4 aims <i>"To facilitate the appropriate refurbishment and renewal of architecturally significant buildings and to accommodate new uses in old buildings to ensure their continued use/preservation"</i> and <i>"The repair and refurbishment of existing buildings within the ACA will be favoured over demolition/new build in so far as practicable"</i>. 3. As detailed in planning report 08/1358 "the current junction of the Logatryna Road is inadequate to cater for additional traffic movements" above that currently accommodated. Should future development take place in this area it is envisaged that an alternative access would be required in order to access development lands namely through Action Area 1 and linking back onto the Logatryna road before the existing Logatryna sewage

works. Should these works take place it is likely that this existing junction would become a cul de sac to serve the existing dwellings opening onto this section of the road and retained as a pedestrian route.

4 and 5: Objective H1 of the plan states the following

- H1** *In the interests of the protection and enhancement of biodiversity in Dunlavin, it is an objective of this plan to:*
- *Protect trees, hedgerows and wooded areas (particularly those containing indigenous species), watercourses and other features of the natural landscape - development that requires the felling of mature trees of conservation and/or amenity value, even though they may not be listed in the Development Plan, will be discouraged;*
 - *Require the planting of indigenous plant and tree species in new developments and along new vehicular and pedestrian routes.*

It is considered that this objective adequately addresses the concerns raised.

Chief Executive's Recommendation

No change

No. 5

Roche Thomas

This submission requests that the provisions for zoning currently present in the 2008 Local Area Plan would be renewed and adopted in the new plan.

Chief Executive's Opinion

The submission does not set out which particular zoning provisions are referred to. This new plan is very similar to the old plan, with many of the unfulfilled zoning objectives remaining the same and new zoning provisions made. Without knowing the specifics referred to, it is not possible to comment further.

Chief Executive's Recommendation

No change