



## ENNISKERRY LOCAL AREA PLAN 2009



**MANAGER'S REPORT ON MODIFICATIONS TO THE DRAFT LAP  
FOLLOWING 2<sup>ND</sup> DISPLAY PERIOD**

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**Contents**

Part 1	Introduction
Part 2	List of persons and bodies who made submissions
Part 3	Considering the modifications and submissions

**1.0 Introduction**

This Manager's Report is submitted under Section 20(3)(c) of the Planning & Development Act 2000; it is part of the formal statutory process of the preparation of a Local Area Plan.

This Report contains the following:

- (i) A list of the persons or bodies that made submissions,
- (ii) The opinion of the Manager on all proposed modifications (whether or not any submissions were received thereon), taking into account the issues raised by submissions, the proper planning and sustainable development of the County and any relevant policies or objectives of the Government or Government Minister and the issues raised in any submissions.

As a number of the submissions received did not relate to any specific modifications, some submissions may be listed in Part 2 of this Report, but not in Part 3.

The Report is now formally submitted to the Council for consideration. The Report will be on the agenda of the County Council meeting on the 27<sup>th</sup> April 2009.

**1.1 Next Steps**

In accordance with Section (3) (g) (ii) of the Planning & Development Acts 2000-2006, following consideration of the Manager's Report, the LAP shall be deemed to be made or amended, as appropriate, with the modifications proposed by the Elected Members or, if different from that modification, the modification as recommended in the Manager's Report, 6 weeks after the furnishing of the report to all the Elected Members, unless, where such a recommendation for a different modification is so made, the Elected Members, by resolution, decide to make or amend the plan otherwise than in accordance with that recommendation (and the modification the Elected Members so decide upon shall be the original modification proposed by them, subject to such amendment of it as they consider appropriate).

**Development Plan Timetable**

The timeframe for the process is now fixed in legislation. The Planning & Development Act 2000 and 2002 Amendment Act requires that a Local Area Plan be made within 35 weeks of commencement of the process.

**Local Area Plan timetable**

2 <sup>nd</sup> March 2009	Council meeting Elected members resolved to modify draft plan
11 <sup>th</sup> March 2009-8 <sup>th</sup> April 2009	Notice of modifications published Modifications on public display Submissions invited
9 <sup>th</sup> April 2009-16 <sup>th</sup> April 2009	Evaluation of submissions and preparation of Manager's Report
17 <sup>th</sup> April 2009	Manager's report issued to members for consideration
27 <sup>th</sup> April 2009	Council meeting Plan to be adopted with / without modifications
29 <sup>th</sup> May 2009	Final date for considering draft plan Plan comes into effect

**PART 2 List of persons and bodies who made submissions**

Sub No.	Surname	Forename
1	Blackwood	Peter
2	Boyle	Stephen
3	Bursey	Alex
4	Byrne	Frank
5	Cameron	Lachlan
6	Chandler	Reg
7	Coleman	Eamonn
8	Conlon	Kieran & Sharon
9	Cookstown Road Residents Association	
10	Corcoran	Noel
11	Corry	Paul
12	Craig	Rose Mary
13	Crean	Patrick
14	Crean	Damien
15	Cronin	Jackie
16	Cronin	Mary
17	Dept of Communications, Energy & Natural Resources	
18	Dept of Education & Science	
19	Dept of Environment, Heritage & Local Government	
20	Dodd	Martin & Patricia
21	Dora	Michelle
22	Duffy (also on behalf of Sean Woodcock, John Nahilly & Honor Savage)	John & Patricia
23	Egan	Nichola
24	Enniskerry Forum	
25	Environmental Protection Agency	
26	Evans	Stephen
27	Fitzpatrick	Paula
28	Foxe	Breide
29	Geraghty	Tom
30	Gunne	Rachel
31	Gunne	Brendan
32	Harvey	David
33	Horsey (illegible)	Brian
34	Jordan	Peter
35	Kearns	Tony
36	Keogh	Michael & Irene
37	Keogh	Mark
38	Keogh	Stephen
39	Keogh	Alan
40	Konarski	Jack & Barbara
41	Void	
42	Lawlor	Colin & Valerie
43	Manning	D
44	Manning	Noel

45	Manning	Keith
46	McCarrick	Brian
47	Miller	David & Lara
48	Mitchell	Martin
49	Moore	Charles
50	Nash	Mary
51	Nay (illegible))	George
52	Ni Dhuinn	Antonina
53	Nolan	Pat
54	NRA (National Roads Authority)	
55	O'Brien	Clodagh
56	O'Brien	Wayde
57	O'Flanagan	Brian
58	O'Hara	Michael
59	O'Malley	Garret
60	O'Reilly	Rita (illegible)
61	O'Sullivan	Kevin
62	O'Sullivan	Zelda
63	Peters	Yanny
64	Power	Marie
65	Powerscourt Estates	
66	Prosser	John H.
67	Quinn	Neil
68	Redmond	Alice
69	Reid	Thomas
70	Rice	Tom
71	Ruane (illegible)	Rine
72	Rynn	Neil
73	Rynn	Kathleen
74	Rynn	Vincent
75	Rynn	Paul
76	Sheridan	Kevin
77	Skelly	Elizabeth
78	Smith	Colin
79	Smith	Colin
80	Smith	Ian
81	Smyth	Barry
82	Stanley	Ian
83	Tobin	Stephanie
84	Towers	Peter & Maria
85	Treasury Holdings Ltd	
86	Volkia	Alona
87	Walker	Patricia & Mike
88	Walsh	Denise
89	Windsor	Sean & Charlotte
90	Wogan	Ryan
91	Young	Dave

**PART 3 Considering the submissions and modifications**

<b>Modification No. 1</b>	
Amend Part B, Section 4 – Residential development (p.6)	
Note: This modification arises because of proposed modifications 5, 8 and M1. Submissions that refer to those proposed modifications directly are dealt with later in this report.	
<b>Submission No.</b>	<b>Submission</b>
Submissions that refer to these proposed modifications directly are dealt with later in this report.	
<b>Manager's Response</b>	
This modification arises only because of proposed modifications 5, 8 and M1. The Manager's opinion on those modifications is set out below.	
<b>Managers Recommendation</b>	
As per recommendations for Modifications 5, 8 and M1 to follow	

<b>Modification No. 2</b>	
Amend Part B, Section 4 – Residential development (p.6) – 6 <sup>th</sup> & 7 <sup>th</sup> bullet points	
<b>Submission No.</b>	<b>Submission</b>
6	The proposed extension of residential zoning by 3ha has not been justified and should not proceed
<b>Manager's Response</b>	
This submission refers to Modification M1 i.e. the proposed rezoning of c. 3ha of agricultural land to R2 (low density housing) at Monastery. The Manager's opinion on this modification is set out later in this report.	
<b>Managers Recommendation</b>	
As per recommendation for Modification M1 to follow	

<b>Modification No. 3</b>	
Amend Part B, Section 10 – Heritage (p. 10)	
Add new policy / objective with regard to the protection of the Glencullen / Cookstown River	
<b>Submission No.</b>	<b>Submission</b>
No submissions received	
<b>Manager's Response</b>	
The Manager recommended this modification in his 1 <sup>st</sup> report	
<b>Managers Recommendation</b>	
No change	

<b>Modification No. 4</b>	
Amend Part B, Section 7 – 'Community Infrastructure'	
This modifications allow for either the relocation of St. Mary's & St. Gerard's NS or its extension within AA1	
<b>Submission No.</b>	<b>Submission</b>
18	This submission is from the Dept of Education & Science. The Dept notes that the modification makes provision now for either the expansion or relocation of the national school but has not further comments to make
<b>Manager's Response</b>	
Noted	
<b>Managers Recommendation</b>	
No change	

<b>Modification No. 5</b>	
Amend Part B, Section 11 – ‘Action Area Plans’ – Action Area 1 The proposed modification provides for the expansion of AA1 to take an existing parcel of land owned by the same landowner near Knocksink (c. 3ha) and the linked increase in the number of residential units allowable by 30, the amendment of the action area criteria to allow for either the relocation or expansion of St. Mary's & St. Gerard's NS in AA1 and the addition of a new requirement regarding car parking	
<b>Submission No.</b>	<b>Submission</b>
6	The proposed extension of AA1 into the R2 lands at Knocksink is questionable, particularly given the expressed opposition to the development of the R2 lands by both the villagers and An Bord Pleanala. It would be more correct at this point to zone these lands for amenity use only. The ability to use this land for school expansion is questionable given site levels and the lands would not be suitable either for village car parking
66	<ul style="list-style-type: none"> <li>a. Question the need to increase the number of units allowable by 30</li> <li>b. No reference is made to alternative proposals for the GAA lands</li> <li>c. The amount of lower density housing should be increased from 3ha to 5ha</li> </ul>
85	<p>This submission is from Bluetone Ltd, principal landowners in AA1. This submission requests that</p> <ul style="list-style-type: none"> <li>a. AA1 be expanded by c. 1.9ha</li> <li>b. Opposes the 10/ha density limitation on 3ha of the action area</li> <li>c. Higher densities are required in AA1 to make up for the requirement to devote lands to school expansion / relocation. Furthermore, the densities allowable are contrary to current Department of the Environment, Heritage &amp; Local Government guidelines.</li> <li>d. 300 residential units should be allowed in AA1, as opposed to 210 set out in the modification</li> <li>e. A neighbourhood centre should be allowed in AA1</li> </ul>
<b>Manager's Response</b>	
<ol style="list-style-type: none"> <li>1. It is considered reasonable and practical to extend AA1 to include the existing R2 lands at Knocksink as these lands are in the same ownership and adjoin each other. Furthermore, this expansion may facilitate the expansion of the school rather than its relocation, which is the only alternative at present.</li> <li>2. The lands in question are currently zoned for housing. These modifications would allow for the housing to be relocated elsewhere in the action area and therefore the possibility of the land being retained for amenity use is more likely with this modification.</li> <li>3. The land take for the school expansion is not likely to be large and issues relating to lands levels can be addressed at the design stage.</li> <li>4. The number of units allowable in AA1 is proposed to be increased by 30 which is the number of houses that would be allowed under the existing plan on the R2 lands. Therefore this change does not entail an increase in overall number of housing units in the plan area.</li> <li>5. The GAA lands are not the subject of this modification. The GAA pitch is located in AA1 and in the event of relocation, this action area requires an area of 2ha of active open space to be retained in the action area.</li> <li>6. It is considered that Enniskerry already has a surfeit of low density housing and therefore it is not considered appropriate to increase the area of land devoted to low density housing.</li> </ol> <p>With regard to the Bluetone submission:-</p> <ul style="list-style-type: none"> <li>a. Wicklow County Council is statute barred at this stage from considering anything that was not the subject of a modification.</li> <li>b. The proposed modification includes expanding the area of AA1 to take an existing parcel of land owned by the same landowner near Knocksink (c. 3ha). This land is currently zoned for low density residential development. Therefore the status quo is being maintained. In fact, the existing R2 lands at Knocksink are unlikely to be able to realise 30 dwellings due to topographical and environmental constraints and therefore this change may in fact enhance development possibilities for this landowner. This amendment was considered on the basis that these lands might not develop due to the constraints and by bringing them into AA1, the 30 houses that the lands were zoned for could be relocated elsewhere in AA1, with these lands potentially being used for education / amenity purposes. The submission appears to be suggesting that Wicklow County Council is promoting densities around 10/ha for the entirety of the action area and this is simply not the case. The proposed modification requires only 3ha of lower density housing, while the</li> </ul>	

<p>remainder is open to higher density, the upper limit being set by the County Development Plan</p> <p>c. The draft plan and the proposed modification give rise to an increase in development potential of the Bluetone property through an increase in the number of housing units allowable and the zoning for employment development. It is considered reasonable that this enhancement of zoning is accompanied by planning gain to the community in the form of the zoning of land for community facilities including educational use. In the absence of school improvements, the occupants of AA1 would in fact be without sufficient educational facilities and this would be poor planning and unsustainable in the long term.</p> <p>With regard to density guidelines, proposed Modification 1 allows for increased densities in AA1 and R1 zoned lands in general if the County Development Plan is amended to allow for such. The current County Development Plan is under review and new Department of the Environment, Heritage &amp; Local Government guidelines will be considered when determining suitable densities.</p> <p>d. Given the population target set for Enniskerry in the County Development Plan, the provision of 300 units in AA1 is not necessary. This LAP only requires to have sufficient zoned land for population expansion by 301 households up to 2016 and even allowing for 6% excess factor, only 319 new houses are required during the plan period. It is unacceptable to allocate all of this growth to one landbank in the control of one landowner, as this does not provide for sufficient headroom or choice in development locations.</p> <p>e. This request was already dealt with in 1<sup>st</sup> stage of this plan and was not considered appropriate for inclusion in AA1. This is not the subject of the modification and therefore cannot be revisited at this stage.</p>
<p><b>Managers Recommendation</b></p>
<p>No change</p>

<p><b>Modification No. 6</b> Amend Part B, Section 11 – ‘Action Area Plans’ – Action Area 2 (Monastery) Modification includes (a) the omission of the route corridor with two route option and (b) amendments to AA2 including reduction in the number of units allowable from 30 to 12</p>	
<p><b>Submission No.</b></p>	<p><b>Submission</b></p>
<p>63</p>	<p>Reduction in number of houses from 30 to 12 welcomed. The proposals to zone land in the path of the mooted northern access road is questionable.</p>
<p>Further submissions specifically addressing the route corridor issue are dealt with under Modification M3 below.</p>	
<p><b>Manager's Response</b></p>	
<p>1. The route corridor is proposed for omission as it is considered unnecessarily wide given the limited options that would be available for linkage to Ballyman Road. It is considered that this corridor may act as sterilisation belt which would conflict with other objectives of the plan, including the proposal to zone land at its northern end</p> <p>2. The proposal to reduce the number of houses to 12 is made by the elected representatives and equates to a density of 4/ha. While this density is considered very low, it may be considered appropriate at this rural fringe location.</p>	
<p><b>Managers Recommendation</b></p>	
<p>No change</p>	

<p><b>Modification No. 7</b> Amend Part B, Section 11 – ‘Action Area Plans’ – Action Area 4(Cookstown Road) This change inserts a new objective that any development at this location shall be designated to maintain maximum views of the sugarloaf from Cookstown Road</p>	
<p><b>Submission No.</b></p>	<p><b>Submission</b></p>
<p>9</p>	<p>Submission is concerned with the principle of zoning on Cookstown Road (which the submitter opposes) and not the actual modification itself.</p>
<p>13, 20, 24, 36, 58, 81, 84</p>	<p>Request that the wording of AA4 be amended to clearly specify that the sheltered / voluntary housing required will be for elderly persons only.</p>
<p>13, 20, 36</p>	<p>Welcome the proposed modification with regard to maximising views from Cookstown Road</p>
<p><b>Manager's Response</b></p>	
<p>Wicklow County Council is statute barred at this stage from considering anything that was not the subject of a modification.</p>	
<p><b>Managers Recommendation</b></p>	
<p>No change</p>	

<b>Modification No. 8</b>	
Amend Part B, Section 11 – 'Action Area Plans' – add new Action Area 5	
<b>Submission No.</b>	<b>Submission</b>
1, 2, 4, 6, 8, 10, 13, 15, 24, 28, 34, 35, 36, 42, 46, 47, 52, 53, 55, 58, 63, 64, 65, 66, 69, 70, 82, 84, 87, 89 (30 submissions)	All object to modification for some or all of the following reasons:- <ul style="list-style-type: none"> <li>a. the required demolition of a 1800's house for access, a house that is located in the Enniskerry Architectural Conservation Area;</li> <li>b. the height of development is inappropriate and development would tower over neighbouring, architecturally important houses</li> <li>c. development would ruin the natural 'amphitheatre' of the village, with impacts in the visually amenity of the village and tourism potential</li> <li>d. traffic hazard proximate to existing dangerous junction</li> <li>e. drainage problems likely to result, including flooding of downhill properties</li> <li>f. the plan already makes adequate provision for housing and the proposed zoning is excessive given the infrastructure available in the village</li> <li>g. the development of these lands will impact on view from houses in Eagle Valley</li> <li>h. precedent has previously been set for the refusal of development proposals on similar sites in the village</li> <li>i. there are inconsistencies in the wording of the modification and it is unclear if the lands are zoned TC or R and how many houses are to be permitted</li> <li>j. given the environmental impacts arising, particularly with regard to visual intrusion, impact on architectural heritage and impact on water regime, a full SEA should be carried out of this modification</li> </ul>
3, 11, 14, 16, 21, 23, 26, 27, 29, 30, 31, 32, 33, 37, 38, 39, 40, 43, 44, 45, 48, 50, 51, 56, 57, 60, 61, 62, 67, 68, 71, 72, 73, 74, 75, 76, 77, 78, 79, 83, 86, 88, 90, 91 (44 submissions)	All support the proposed modification for some or all of the following reasons:- <ul style="list-style-type: none"> <li>a. development will boost the village population and its amenities</li> <li>b. development will ensure the preservation and reinforcement of the trees along the Forge Road</li> <li>c. development of modest village type housing would benefit local residents</li> </ul>
7	This submission is from the landowner concerned. The submission sets out the following points in rebuttal of objections expressed <ul style="list-style-type: none"> <li>a. the modification as proposed would only allow for development on the lower part of the site and the buildings will be no more than 2-storeys. Therefore the buildings will not tower over the village and in fact, buildings has been permitted on higher ground above this site</li> <li>b. the cottage that may require demolition is not a protected structure. The demolition can be justified as it would allow access to land that are highly suitable for development being adjacent to the village centre</li> <li>c. significant alteration to ground levels will not be required as the modification requires that finished floor levels cannot exceed 90.00m OD</li> </ul>
22	No objection to the principle of the development but requests the following measures be integrated in the action area to protect the residential amenity of existing residents along Kilgarran Cottages and the visual amenities of the area <ul style="list-style-type: none"> <li>a. A 15m wide planted buffer zone is requested between the rear boundaries of Kilgarran Cottages and any development</li> <li>b. Request that the number of units allowable to reduce to 8</li> <li>c. Request that the action area criteria require the submission of a Landscape Visual Impact Assessment and a Traffic management plan and Road safety Audit</li> </ul>
<b>Manager's Response</b>	
<p>The Manager opposed the zoning of these lands in his 1<sup>st</sup> report due to concerns about tree loss along Forge Road and visual impact on the village, particularly on views of the village from the north and east. Furthermore, the plan had made adequate provision for housing land, given the population target for the settlement.</p> <p>In these regards, it is still the opinion of the Manager that this land is not required for zoning to meet population targets, but it is acknowledged that (a) the location of this land in the village centre make it an obvious choice for</p>	



housing development and (b) the number of new houses likely to result (20-30) would be unlikely to result in significant over development of the town.

The modification proposed by the elected members would address the other concerns through

- requiring the entrance to be along Kilgarran Road
- requiring tree protection and reinforcement measures
- requiring the finished floor level of any structure not to exceed the existing ground levels of the riding area, an area which is already a 'plateau' on this holding
- requiring any structures to be strictly 2-storey (max 8m in height)

The house required for demolition to facilitate access along Kilgarran Road is not listed for preservation and is not considered to make such a contribution to the heritage of the area as to warrant its preservation strictly on the basis of its inherent features. While it dates back to the 1840's, it is a relatively ordinary cottage, which appears to have been the subject to various alterations over its history. The remaining three cottages in this terrace will preserve the architectural quality of this particular streetscape.

Given the location of the proposed entrance in the town centre area, where traffic speeds are necessary low due to road alignment, on-street parking and sometime congestion, it is considered that an entrance that meets traffic safety criteria could be provided

With regard to drainage issues, it is normal requirement of the planning permission process that any drainage issues are addressed

With regard to 'inconsistencies' pointed out, the modifications make it clear that the zoning of the land is 'AA5', within which a small part (c. 0.7ha) may be developed for residential use, at town centre type densities (40/ha max). The modification as worded would not allow for commercial development in the action area.

With regard to the impact on Kilgarran Cottages, it is considered reasonable to add a policy explicitly requiring the amenity of these houses to be protected. A 15m buffer zone as requested is however considered excessive and would render a large part of the site undevelopable.

Furthermore, it is also considered reasonable to include a provision that any development be designed to minimise impacts on the visual amenity of the area

### Managers Recommendation

#### Amend proposed Action Area 5 as follows:-

(new text in red)

#### Action Area 5

This Action Area is located south of the town centre, in the townland of Kilgarran, as shown on Map 1. This action area measures c.2.5ha. This action area shall be developed as a residential area in accordance with the following criteria:-

- Access to the site shall strictly be from local road LP-1010 (Enniskerry – Kilgarran) and no opening, entrance or otherwise (including for construction purposes) shall be made along the Forge Road;
- Development proposals shall be accompanied by a detailed tree survey of the entire action area, including all trees along site boundaries. Development proposals shall include measures to protect and re-inforce existing mature trees and proposals for new tree planting;
- The finished floor level of any development shall not exceed 90.00mOD (for the avoidance of doubt, this being the existing ground level at the south-east of the existing jumping arena); the top ridge height of any structure shall not exceed 98.00m OD;
- The site shall be developed at 'town centre' type densities and shall generally comprise terraces and courtyards of dwellings, as opposed to detached format housing;
- The design of any development proposed shall have due regard to the protection of the privacy and amenity of the houses on the north side of the action area and in particular, the design shall include significant screening and planting proposals.
- Any development proposals shall be accompanied by a Visual Impact Assessment which shall have particular regard to views of the site from the town square and the approach roads to the north of the town and where adverse visual impacts are identified, suitable mitigation measures shall be proposed.
- The remainder of the site not designated for a particular purpose (either housing or amenity use) shall be retained in agricultural use

<b>Modification No. M1</b>	
Map 1 Rezone AG lands Monastery (c. 3ha) to R2 (new residential – low density) including 30m wide buffer zone	
<b>Submission No.</b>	<b>Submission</b>
17 Dept of Communications, Energy & Natural Resources	This submission refers to Wicklow County Council assessment that the zoning of this land may give rise to environmental impacts and therefore would warrant full Appropriate Assessment and Strategic Environmental Assessment. The Dept does not provide specific comment on the proposals but rather indicates that it will input into the SEA at the scoping stage.
19 Department of the Environment, Heritage and Local Government	It is pointed out that if the plan is adopted in the absence of full Appropriate Assessment and SEA the plan may be subject to legal challenge.
34	Opposes this zoning as it is considered premature to the needs of housing and appears only to be in the interest of personal gain
49	<p>This submission is from RSK Consultants on behalf of the landowner and comprises what they have named an 'Appropriate Assessment Stage 2 Report' of the impacts of the proposed zoning of the adjacent SAC Knocksink Wood. This report sets out that the main impact that could arise on Knocksink Wood is on the water regime and therefore has concentrated on the hydrogeology of the area. It is concluded through site survey work that water drains from the site in an easterly direction, away from the main body of Knocksink Wood to the west but it does drain the smaller valley to the east, which is also part of the cSAC.</p> <p>It sets out that Enniskerry is underlain by a local important aquifer, the permeability of this aquifer is considered high and that most recharge to the aquifer is from rainwater, with surface water only accounting for approximately 20% of water flows. Groundwater discharge occurs via springs and seeps along the lowest boundary of the water body and also along river courses.</p> <p>The report indicates that the groundwater is very deep in this area (at 80m OD) and therefore any works on the subject lands (which are at 110m-120m OD) would have no impact on the ground water regime.</p> <p>It is also set out that rainfall (and any other effluents) from the site will for the most part (80%) be absorbed into the ground, where they will flow through dry gravels at a very slow rate and therefore will be attenuated and absorbed as they flow. The report does however go on to identify that the subsoils are classed as being of 'high vulnerability' but the report points out that effluent disposal systems are allowed in such areas subject to good practice.</p>
63	Draws attention to the reasons that the Manager opposed this zoning in his 1 <sup>st</sup> report
<b>Manager's Response</b>	
<p>In accordance with the EU 'Waddensee' judgement (C-127/02, 2004), under Article 6(3) of the Habitats Directive, an appropriate assessment of the implications for the site concerned of the plan or project implies that, prior to its approval, all the aspects of the plan or project which can, by themselves or in combination with other plans or projects, affect the site's conservation objectives must be identified in the light of the best scientific knowledge in the field. The competent national authorities, taking account of the appropriate assessment of the implications of the plans / project for the site concerned in the light of the site's conservation objectives, are to authorise such an activity <b>only if they have made certain that it will not adversely affect the integrity of that site. That is the case where no reasonable scientific doubt remains as to the absence of such effects.</b></p> <p>The finding that the water table (the source of the water for the protected springs) is significantly below the site is noted; however the high vulnerability of the sub soils between the site and the important aquifer is also noted.</p> <p>The impact of the reduced recharge to the aquifer underlying the site and cSAC to the east of site has not been</p>	

assessed, which may result in an effective lowering of the water table and an impact the dependent habitats i.e. the rainfall on hard paved and roofed areas of the proposed developed land being diverted from the recharging the groundwater of the aquifer.

There is also concern also that in Section 1.4 of the report, it is stated that *"the comments given in this report and the opinions expressed are based on the ground conditions encountered during the site work and on the results of test made in the field. However, there may be conditions pertaining to the site that have not been disclosed by the investigation and therefore would not be taken into account. For example, groundwater levels may vary from those reported due to seasonal, or other, effects"*. It is considered that this 'disclaimer', which does not set out the scope of the limitations or confirm that the results of the study provide 'beyond reasonable doubt' that there would be no impacts arising, mean that it cannot be concluded that the landowner has reached the necessary burden of proof that is required under European law to allow this land to be zoned / developed. Furthermore, the Stage 2 exercise carried out focuses solely on the potential impacts identified in the Stage 1 screening carried out by Wicklow County Council and does not comment on the accuracy or otherwise of these impacts or address any other impacts that might arise. Again this leads to questions about the strength of 'proof' provided.

The Department of the Environment, Heritage & Local Government was asked to provide their expertise in the evaluation of this report, and they have indicated

- concern about potential contaminants getting into the water table via the gravel. The appropriate assessment mentions that the GSI classifies the subsoils as high vulnerability and a locally important aquifer;
- the impact on the conservation objectives for the cSAC was not assessed, as required by the EU Habitats Directive;
- if this land were zoned for residential development and was subsequently developed, there could be impacts on species biodiversity such as impacts on badgers and bats. Bats are strictly protected under the Habitats Directive and badgers are protected under the Wildlife Acts of 1976 & 2000.

**It is therefore the assessment of the competent authority (Wicklow County Council) that**

- **the submitted report does not fulfil the requirements of the EU Habitats Directive**
- **the submitted report does not establish that no reasonable scientific doubt remains that to whether the development of this land will not adversely affect the integrity of that site**
- **it is thus beyond the power of WCC to zone this land.**

**Managers Recommendation**

Not to zone this land

**Modification No. M2**

Map 2 Expand boundary of AA1 to include R2 lands at Knocksink (see also Modification No. 5 above)

<b>Submission No.</b>	<b>Submission</b>
6	The proposed extension of AA1 into the R2 lands at Knocksink is questionable, particularly given the expressed opposition to the development of the R2 lands by both the villages and An Bord Pleanala. It would be more correct as this point to zone these lands for amenity use only. The ability to use this land for school expansion is questionable given site levels and the lands would not be suitable either for village car parking
63	This modification welcomed as it provides an opportunity to expand the area of land available to the national school

**Manager's Response**

This modification has been addressed previously in this report.

**Managers Recommendation**

No change

<b>Modification No. M3</b>	
Map 3 Omit 'route corridor' in Monastery and replace with indicative route lines	
<b>Submission No.</b>	<b>Submission</b>
80	Opposes the replacement of the route 'corridor' with two route 'options' as both route options impinge on the submitters home and adjoining land
<b>Manager's Response</b>	
<p>The route corridor is proposed for omission as it is considered unnecessarily wide given the limited options that would be available for linkage to Ballyman Road. The two remaining route options allow the future road to go through the only gaps along Ballyman Road that would not entail the removal or severe degradation of residences. It is considered that the scale of road required would not warrant the destruction of residences.</p> <p>Furthermore, the existing route 'corridor' may act as sterilisation belt, which would conflict with other objective of the plan, including the proposal to zone land at its northern end.</p> <p>The two routes options shown are purely indicative only and this is clearly stated in the plan. The final route and design of this road will be subject to the normal design and consultation process and that would be the appropriate time to input concerns or objections into the process.</p>	
<b>Managers Recommendation</b>	
No change.	

<b>Modification No. M4</b>	
Map 4 Add new action area AA5 in Kilgarran	
<b>Submission No.</b>	<b>Submission</b>
	See Modification No. 8 above
<b>Manager's Response</b>	
See Modification No. 8 above	
<b>Managers Recommendation</b>	
See Modification No. 8 above	

<b>Modification No. M5</b>	
Map 5 Rezone lands outside the draft plan boundary along regional road R117 as RE (existing residential)	
<b>Submission No.</b>	<b>Submission</b>
34	Opposes this modification as it would set a precedent for future enlargement of the plan area and the opening up of vast areas of land for development
63	This zoning is considered unnecessary and will not guarantee future planning applications due to the hazardous alignment of the R117
<b>Manager's Response</b>	
<p>This zoning is considered unnecessary as existing residential properties already have a de facto 'existing residential' designation. The zoning of this land as RE would not guarantee any benefit to the lands including connection to services or the granting of permission for further houses, particularly as the road alignment along the site is hazardous and it is unlikely that permission could be considered for any new entrances.</p>	
<b>Managers Recommendation</b>	
Not to accept this modification	

<b>Modification No. M6</b>	
Map 6 Zone additional lands outside the draft plan boundary along Ballyman Road (c. 0.34 ha) as RE (Map 6)	
<b>Submission No.</b>	<b>Submission</b>
5	This submission opposes the extension of residential zoning in the Ballyman area, although it is not clear if the submission refers specifically to this minor extension of residential zoning or to the proposal in the draft plan to zone c. 7ha in the Ballyman area.
34	Opposes this modification as it would set a precedent for future enlargement of the plan area and the opening up of vast areas of land for development
<b>Manager's Response</b>	
<p>This zoning is considered unnecessary and would effectively result in the extension of residential development at this very peripheral part of the settlement. The Ballyman Road in this area forms a natural northern boundary to the settlement and only existing properties and road frontage lands are zoned as 'existing residential' to reflect their existing usage. There would also be concern that this modification would set a precedent for the gradual expansion of Enniskerry into the lands north of Ballyman Road.</p>	
<b>Managers Recommendation</b>	
Not to accept this modification	

<b>Modification No. M7</b>	
Make any necessary plan boundary modifications associated with other map changes	
<b>Submission No.</b>	<b>Submission</b>
No submissions	
<b>Manager's Response</b>	
n/a	
<b>Managers Recommendation</b>	
Any necessary plan boundary modifications associated with other map changes are recommended	