

**Addendum III to the SEA Environmental Report of Draft Greystones-Delgany and Kilcoole Local Area Plan (LAP) 2013-2019 and Proposed Variation No. 3 of Wicklow County Development Plan (CDP) 2010-2016**

**Environmental Consequences of the Proposed Further Modifications to the Proposed Material Alterations of the Draft Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 and Proposed Variation No.3 of the Wicklow County Development Plan 2010-2016**

**July 2013**

**Forward Planning Section  
Wicklow County Council  
County Buildings  
Wicklow**





## Table of Contents

		Page
<b>1.0</b>	Introduction	2
<b>2.0</b>	Environmental Consequences of the proposed Further Modifications to the proposed Material Alterations of the Draft Greystones-Delgany & Kilcoole Local Area Plan 2013-2019 & proposed Variation No.3 of the Wicklow County Development Plan 2010-2016	3
<b>2.2</b>	Environmental Consequences of the proposed Further Modifications to the proposed Material Alterations of proposed Variation No.3 of the Wicklow County Development Plan 2010-2016	11
<b>3.0</b>	Submissions/observations relating to SEA Environmental Report	12

## **PART I**

### **1.0 Introduction**

This is the third addendum of the Strategic Environmental Assessment of the Draft Greystones-Delgany & Kilcoole Local Area Plan (LAP) 2013-2019 and Proposed Variation No.3 to the Wicklow County Development Plan 2010-2016.

The proposed Material Alterations of the draft Local Area Plan (2013-2019) and Proposed Variation No.3 of Wicklow County Development Plan (CDP) 2010-2016 were on display during the period 7<sup>th</sup> May 2013 to 4<sup>th</sup> June 2013. During this public consultation a total of 19 submissions were received. This report relates specifically to the proposed 'further modifications' to the proposed material alterations as a result of the issues raised.

It should be noted that changes are not made to the original Environmental Report. This Addendum forms part of the documentation of the ongoing SEA/Plan-making/variation making process. It supplements and should be read in conjunction with the Environmental Report and is a follow on from the Addendum II to the SEA Environmental Report (ER) of the Draft Local Area Plan and proposed Variation No.3 of the Wicklow County Development Plan 2010-2016.

The findings of this report will be used in the preparation of the SEA statement which will be made public alongside the Local Area Plan/Variation No.3 of the Wicklow County Development Plan 2010-2016.

This report contains two main parts, part 2 relates specifically to the proposed 'further modifications' to the proposed material alterations as a result of the issues raised and part 3 relates specifically to comments that have been made in relation to the SEA Environmental Report. On foot of the submission received from the EPA a minor modification to the SEO B1 Indicator is proposed, which can be found at the end of this addendum (outlined in Section 3).

#### **Please Note:**

Proposed material alterations to the written statement of the Draft LAP are indicated as follows: new text in **red**, deleted text in **blue strikethrough**. The proposed amendments are ordered in the sequence of the LAP and should be read in conjunction with the Draft LAP.

Proposed further modifications to the Proposed Material Alterations of the Draft LAP are indicated as follows: new text in **purple**, deleted text in **purple strikethrough**.

Responses with regard to the environmental consequences of the changes are shown in **green text**.

## PART II

### 2.0 Environmental Consequences of the proposed Further Modifications to the proposed Material Alterations of the Draft Greystones-Delgany & Kilcoole Local Area Plan 2013-2019 & proposed Variation No.3 of the Wicklow County Development Plan 2010-2016

#### 2.1 Environmental Consequences of the proposed Further Modifications to the proposed Material Alterations of the Draft Greystones-Delgany & Kilcoole Local Area Plan 2013-2019

#### PROPOSED MATERIAL ALTERATION NO. 6

##### Amend Objective RT12 as follows:

**RT12:** It is the objective of the Council to generally not permit the development of retail warehousing in the plan area except where evidence in the form of a Retail Impact Study is provided to demonstrate that there is a proven need for retail warehousing within this area and subject to compliance with the Wicklow County Development Plan 2010-2016, Retail Strategy for the Greater Dublin Area 2008-2016 and the Retail Planning Guidelines for Planning Authorities (DoECLG, 2012). Subject to this objective, retail warehousing shall be not normally permitted but open for consideration within ~~E, E1 and~~ TC zones. It shall not be permitted at any other location.

#### Recommendation of Manager

**Note: This should be considered in conjunction with Proposed Material Alteration No. 9**

##### Further modify Proposed Material Alteration No. 6 as follows:

**RT12:** It is the objective of the Council to generally not permit the development of retail warehousing in the plan area except where evidence in the form of a Retail Impact Study is provided to demonstrate that there is a proven need for retail warehousing within this area and subject to compliance with the Wicklow County Development Plan 2010-2016, Retail Strategy for the Greater Dublin Area 2008-2016 and the Retail Planning Guidelines for Planning Authorities (DoECLG, 2012). Subject to this objective, retail warehousing shall be not normally permitted but open for within ~~E, E1 and~~ TC zones. It shall not be permitted at any other location.

#### Assessment of likely environmental effect

The draft LAP provided that retail warehousing may be considered, subject to strict controls, on E, E1 and TC lands. This objective was previously assessed and no significant environmental impacts were identified as a result of the controls and mitigation built into the objective itself and the plan generally. The further modification now proposed has therefore already been assessed and no further assessment is required.

## PROPOSED MATERIAL ALTERATION NO. 9

### 1. Amend EMP4 as follows:

#### *Zone 1 of E lands at Mill Road*

EMP4: To promote and facilitate the development of lands zoned for employment development on Zone 1 of E lands at Mill Road as follows:

#### *E1 Zone, Mill / Charlesland Road*

~~EMP4: To promote and facilitate the development of lands zoned for employment development ('E1' zone) adjoining Mill Road / Charlesland Road in accordance with the following requirements:~~

- Zone 1 shall be developed as an extremely high quality, primarily office based employment zone. In this area, a reasonably high intensity of development will be required, and in particular, development should attain a plot ratio of not less than 0.75 and may be up to 3-storeys in height. Given the proximity of the lands to high quality transport links and the town centre, flexibility shall be afforded to the application of car parking standards and the majority of undeveloped lands shall be given over to high quality hard and soft landscaping. The design and format of this area shall address AP4: South Beach Action Plan, such that there is an easy transition between the two areas, with strong pedestrian links. The height, massing and finishes of the development shall be appropriate to the nature and scale of existing and proposed developments in the vicinity, including the Burnaby ACA and the South Beach Action Area. Buildings shall generally be designed around civic spaces / public squares.
- ~~• Zone 2 shall be developed for a mix of employment facilities, and may be more appropriate for product based employment facilities.~~
- ~~• The following uses shall not normally be considered but shall be open for consideration, subject first and foremost to compliance with objective RT3 (sequential test) and RT12 (retail warehousing), and to the following~~
  - ~~(a) Retail warehousing may be considered in Zone 2 in conjunction only with the substantial development of Zone 1 (which is taken to mean a minimum of 10,000sqm high employment density floorspace) and in particular, the development of the roadside frontage of Zone 1 along Mill Road and Charlesland Road~~
  - ~~(b) 'Town centre' type retailing i.e. individual shops offering both convenience and comparisons goods and retail services may be considered in Zone 1 strictly only where it forms part of a integrated development proposal with lands zoned TC to the immediate east of the site. In no circumstances will any such retail use be permitted in advance of the commencement of similar development on the adjacent TC lands in order to ensure that development occurs in an orderly and sequential fashion.~~
- Mature trees along the eastern boundary of the site shall be retained, to provide a buffer to the residential area of Woodlands.
- This site is appropriate for the development of hotel.

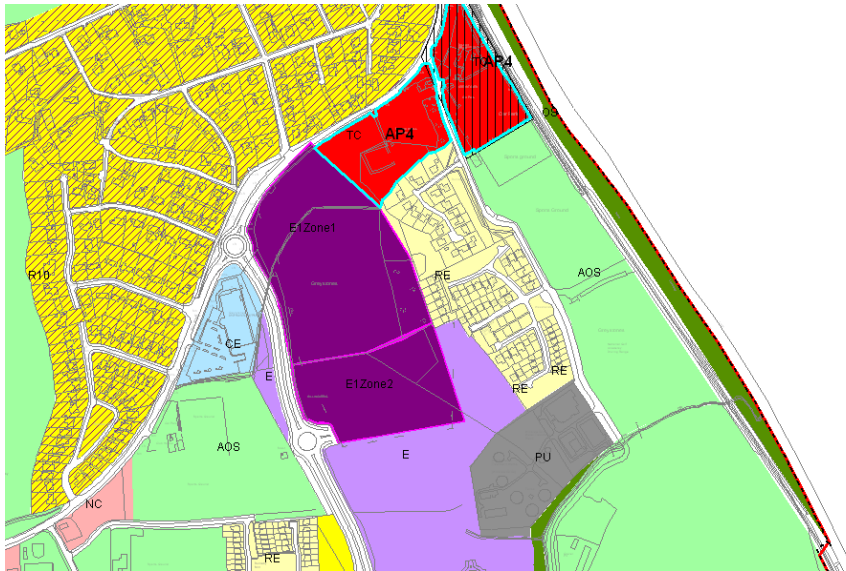
~~Development on this land shall be subject to the agreement of a Master Plan<sup>†</sup>.~~

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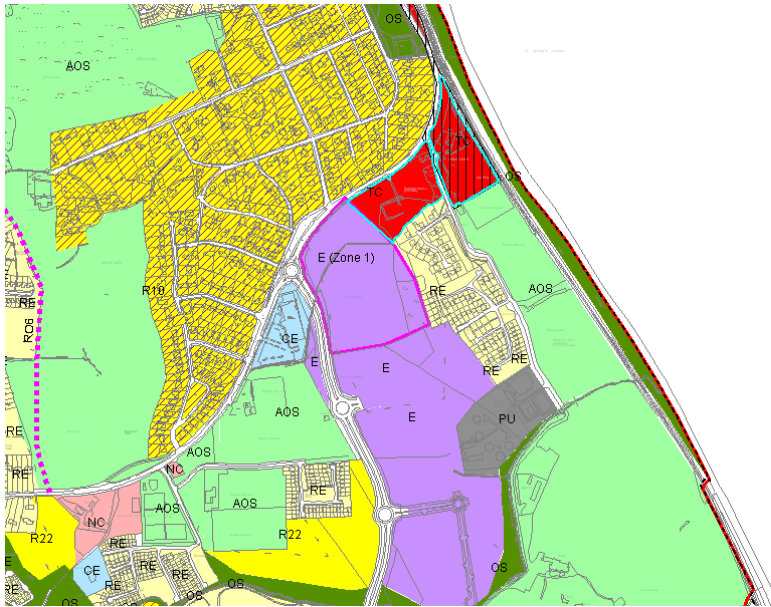
<sup>†</sup>A master plan shall set out details regarding how the objectives of the subject site are to be achieved, including for example, the allocation of uses throughout the site, address principles of design (e.g. heights, mass, materials), transportation links and permeability, details regarding phasing of the development, and any other matters as required by the planning authority.

**2. Amend Map A as follows:**

**From:**



**To:**



**3. Amend 'Table 11.1: Zoning Matrix' as follows:**

E: Employment	To provide for economic development, enterprise, industry, distribution, warehousing and employment.
<del>E1: Employment</del>	<del>To provide for a mix of employment creating development, in accordance with objective EMP4 for this area, and subject to the agreement of a Master Plan.</del>

## Recommendation of Manager

**Note:** This should be considered in conjunction with Proposed Material Alteration No. 6.

**Further Modify Proposed Material Alteration No.9 as follows:**

**Part 1:** Amend EMP4 as follows:

### ***Zone 1 of E lands at Mill Road***

**EMP4: To promote and facilitate the development of lands zoned for employment development on Zone 1 of E lands at Mill Road as follows:**

#### *E1 Zone, Mill / Charlesland Road*

~~EMP4: To promote and facilitate the development of lands zoned for employment development ('E1' zone) adjoining Mill Road / Charlesland Road in accordance with the following requirements:~~

#### ***E1 Zone, Mill / Charlesland Road***

**EMP4: To promote and facilitate the development of lands zoned for employment development ('E1' zone) adjoining Mill Road / Charlesland Road in accordance with the following requirements:**

- ~~Zone 1~~ **Zone 1** This zone shall be developed as an extremely high quality, primarily office based employment zone. In this area, a reasonably high intensity of development will be required, and in particular, development should attain a plot ratio of not less than 0.75 and may be up to 3-storeys in height. Given the proximity of the lands to high quality transport links and the town centre, flexibility shall be afforded to the application of car parking standards and the majority of undeveloped lands shall be given over to high quality hard and soft landscaping. The design and format of this area shall address AP4: South Beach Action Plan, such that there is an easy transition between the two areas, with strong pedestrian links. The height, massing and finishes of the development shall be appropriate to the nature and scale of existing and proposed developments in the vicinity, including the Burnaby ACA and the South Beach Action Area. Buildings shall generally be designed around civic spaces / public squares.
- ~~Zone 2 shall be developed for a mix of employment facilities, and may be more appropriate for product based employment facilities.~~
- ~~The following uses shall not normally be considered but shall be open for consideration, subject first and foremost to compliance with objective RT3 (sequential test) and RT12 (retail warehousing), and to the following~~
  - ~~(c) Retail warehousing may be considered in Zone 2 in conjunction only with the substantial development of Zone 1 (which is taken to mean a minimum of 10,000sqm high employment density floorspace) and in particular, the development of the roadside frontage of Zone 1 along Mill Road and Charlesland Road~~
  - ~~(d) 'Town centre' type retailing i.e. individual shops offering both convenience and comparisons goods and retail services may be considered in Zone 1 strictly only where it forms part of a integrated development proposal with lands zoned TC to the immediate east of the site. In no circumstances will any such retail use be permitted in advance of the commencement of similar development on the adjacent TC lands in order to ensure that development occurs in an orderly and sequential fashion.~~
- Mature trees along the eastern boundary of the site shall be retained, to provide a buffer to the residential area of Woodlands.
- This site is appropriate for the development of hotel.
- **Retail development shall not be permissible within this zone**

~~Development on this land shall be subject to the agreement of a Master Plan<sup>2</sup>.~~

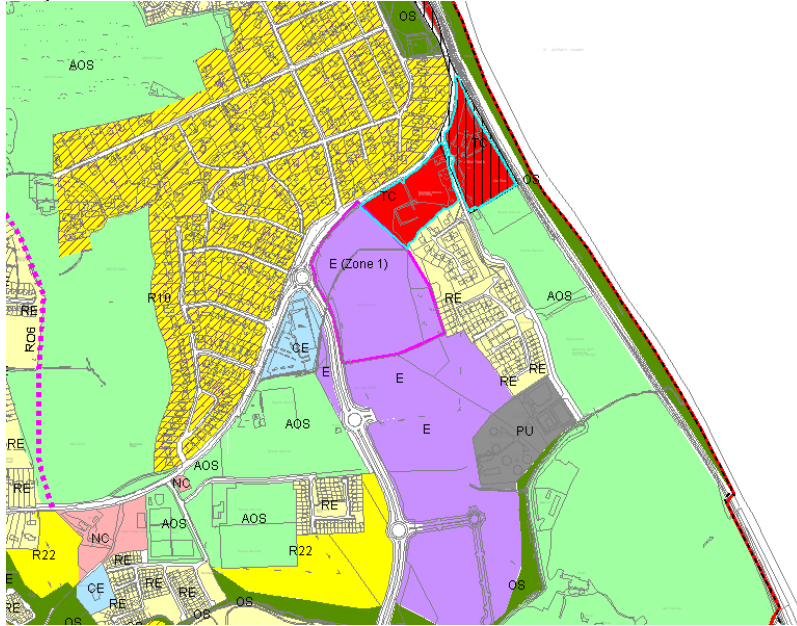
<sup>2</sup> A master plan shall set out details regarding how the objectives of the subject site are to be achieved, including for example, the allocation of uses throughout the site, address principles of design (e.g. heights, mass, materials),



**Part 2:** Further modify map as set out in the Proposed Material Alteration, i.e. rename 'E (Zone 1)' to 'E1'.

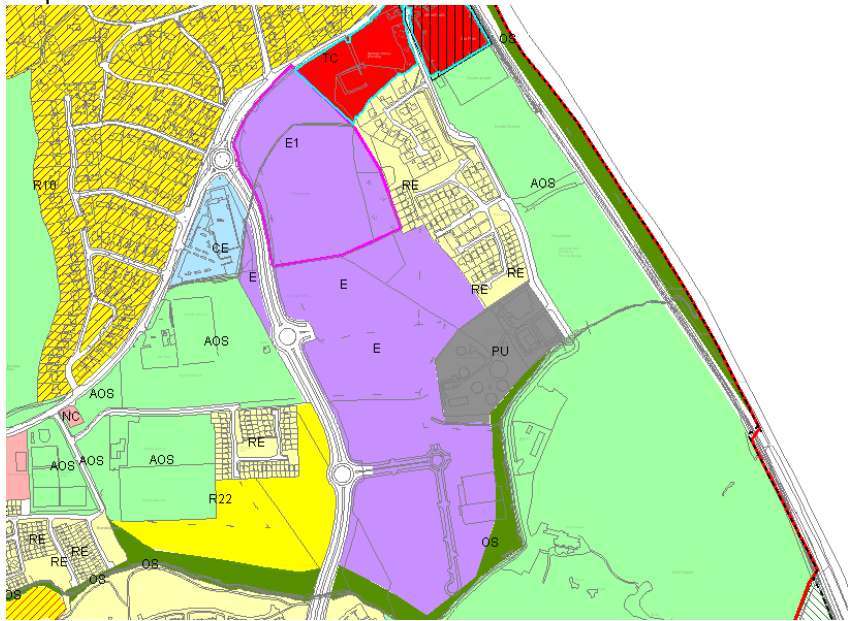
From:

Proposed Material Alteration



To:

Proposed Further Modification



transportation links and permeability, details regarding phasing of the development, and any other matters as required by the planning authority.

**Part 3:** Do not proceed with deletion of zone E1. Further modify as follows:

From:

E: Employment	To provide for economic development, enterprise, industry, distribution, warehousing and employment.
<del>E1: Employment</del>	<del>To provide for a mix of employment creating development, in accordance with objective EMP4 for this area, and subject to the agreement of a Master Plan.</del>

To:

E: Employment	To provide for economic development, enterprise, industry, distribution, warehousing and employment.
<b>E1: Employment</b>	<b>To provide for a mix of employment creating development, in accordance with objective EMP4 for this area, and subject to the agreement of a Master Plan.</b>

### Assessment of likely environmental effect

(1) The key difference between the original zoning of these lands as set out in the draft LAP and that which is now proposed is the removal of the possibility of retail development on these lands. This change is considered to have a neutral impact on the environment and the various Strategic Environmental Objectives of the plan / SEA. With regard to the use of the land for employment generally (and in accordance with Objective EMP4), the Strategic Environmental Assessment already carried out has found this zoning and associated objective would be likely to result in a neutral or negative impact, but that any negative impact can be mitigated with a number of objectives in the LAP and CDP 2010-2016. This assessment has not changed with the modification of objective EMP4.

(2) In relation to the retention of the employment zoning objective E1, it is considered that this zoning objective remains the same as the weighting that was attributed to employment zoned lands which formed part of the Environmental Report and it is not affected by this further modification.

## PROPOSED MATERIAL ALTERATION NO. 22

**HER12:** To preserve the character of Architectural Conservation Area's (ACAs), in accordance with Appendix B. The following objectives shall apply to ACAs:

- Development will be controlled in order to protect, safeguard and enhance the special character and environmental quality of ACAs.
- The buildings, spaces, archaeological sites, trees, views and other aspects of the environment that form an essential part of the character of an ACA will be protected.
- **Proposals involving the demolition of buildings and other structures that contribute to the special interest of ACAs will not be permitted. The La Touche Hotel is a structure that contributes to the Special Interest of this ACA.**
- The design of any development in an ACA, including any changes of use of an existing building, shall preserve and/or enhance the character and appearance of the ACA as a whole.
- Schemes for the conservation and enhancement of the character and appearance of an ACA will be promoted.
- The character and appearance of the urban public domain within an ACA shall be protected and enhanced. The Council will seek to work in partnership with local community and business groups to implement environmental improvements within ACAs.
- Within the Church Road ACA, alterations to the front boundaries to accommodate off-street car parking, will not normally be permitted.
- Historic items of street furniture and paving within ACAs shall be retained, restored and repaired.
- All electricity, telephone and television cables within ACAs shall be placed underground where possible.
- The placing of satellite dishes, television aerials, solar panels, telecommunications antennae and alarm boxes on front elevations or above the ridge lines of buildings or structures will generally be discouraged within Architectural Conservation Areas, except where the character of the ACA is not compromised.

It should be noted that the designation of an Architectural Conservation Area does not prejudice innovative and contemporary design. The principle of a contemporary and minimalist design style will be encouraged within ACAs, provided it does not detract from the character of the area. It is considered that new buildings should be of their own time in appearance and should not replicate the style and detailing of heritage buildings. The replication of historic architectural styles is considered to be counter productive to heritage conservation in principle as it blurs the distinction between what is historic and what is contemporary and can lead to the emergence of poorly considered and inauthentic buildings.

### **Modify proposed material alteration No.22 as follows:**

- **Proposals involving the demolition of buildings and other structures that contribute to the special interest of ACAs will not be permitted. The original structure of the La Touche Hotel is a structure that contributes to the Special Interest of this ACA.**

### **Assessment of likely environmental effect**

It is considered that the proposed modification is minor in nature and therefore not likely to have significant effects on the environment.

## PROPOSED MATERIAL ALTERATION NO. 27

Amend 'AP9: Bullford Action Plan' as follows:

### 10.10 AP9: BULLFORD ACTION PLAN

This action plan is located to the west of Main Street, in the townlands of Kilcoole and Bullford, as shown on Map 1. This Action Area measures c. 10ha and includes residential (c. 6.7ha), town centre (c. 2.9ha) **and open space** zonings.

This Action Area shall be developed as a town centre, residential, ~~and~~ community **and open space** zone in accordance with the following criteria:

- Vehicular access shall be provided from the proposed western distributor road, and the east-west linkage to Main Street. Only 50% of development shall be completed before the entire link between Main Street and the Newtownmountkennedy Road has been completed
- Derelict buildings adjoining Main Street shall be removed and a new town square provided. New buildings shall be designed to enclose the new square. An indicative layout of the new town square is indicated in Figure 10.1.
- A town car park shall be provided at an easily accessible and convenient location
- The streetscape south of 'The Breeches' pub shall be reinstated with the provision of a suitable new two-storey development.
- New residential areas shall be developed to the highest standard of design and layout and shall provide for a range of unit types and sizes.
- Denser development may be considered in the area zoned TC, subject to a high quality design and respect for the scale and proportions of existing buildings on the Main Street
- Any development proposals for this Action Area shall include proposals for community uses, as determined through the preparation of a community facilities audit and consultation with the Community and Enterprise Section of the Council
- ~~A public riverine park shall be provided along the existing stream on the western boundary of the Action Area. This public park shall be designated a public park, not exclusive to the residents of the development and shall be maintained open at all times. The appropriate layout, design and landscaping of this park shall be determined following consultation with the DoEHLG and Eastern Regional Fisheries Board and in particular, landscaping should incorporate native species planting, any proposed paths should be suitably set back from the riverbank and left unmown so as not to interfere with the riparian zone and night lighting shall not be provided.~~
- **Land zoned open space can be used as the residential public / private open space associated with housing development on the site.**

#### Recommendation of Manager

Further modify Proposed Alteration No. 27 as follows:

**From:**

- **Land zoned open space can be used as the residential public / private open space associated with housing development on the site**

**To:**

- **Land zoned open space can be used as the residential public / ~~private~~ open space associated with housing development on the site**

#### Assessment of likely environmental effect

It is considered that the proposed modification is minor in nature and does not alter the assessment that was carried out in the SEA Matrix of the Environmental report. Therefore the proposed modification is not likely to have significant effects on the environment.

## **2.2 Environmental Consequences of the proposed Further Modifications to the proposed Material Alterations of proposed Variation No.3 of the Wicklow County Development Plan 2010-2016**

On foot of the submissions received, the Manager has not recommended any proposed further modifications to the proposed material alterations of proposed variation no. 3 of the Wicklow County Development Plan 2010-2016 (refer to Manager's Report).

However, upon consideration of the Manager's Report on the Proposed Material Alterations, the members may make or not make the alterations, with or without further modifications. These decisions may have consequent implications for the variation. Pending these decisions, the planning authority shall determine if further SEA assessment is required with respect to the proposed variation.

Due regard shall be paid to the Planning and Development Act 2000 (as amended), which indicates that a further modification to a proposed material alteration may only 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.

## PART III

### 3.0 Submissions/observations relating to SEA Environmental Report

<p><b>Submissions</b></p> <p>Minister for the Arts, Heritage and the Gaeltacht (No.2)</p> <p>Environmental Protection Agency (No.5)</p> <p>Bellevue Court Residents Association (No.9)</p> <p>Paul Byrne (No.10)</p> <p>Niall Kenny (et al.)(No.16)</p>
<p><b>Summary of Issues Raised</b></p> <p><b>1. Minister for the Arts, Heritage and the Gaeltacht</b> welcomes the proposed amendments which address most of concerns. However, it is noted that the proposed change to the SEA indicator for Biodiversity, Flora and Fauna (SEO B1) does not actually include species protected under the Wildlife Acts. Such species include bats which can occur in non-designated sites (e.g. trees, bridges) or sites considered under Article 10 of Habitats Directive. The proposed amendment to the indicator refers to 'Conservation status of habitats and species as assessed under Article 10 and 17 of the Habitats Directive'.</p> <p>While NPWS reports to Commission under Article 17, this does not include reporting on more general biodiversity as envisaged under Article 10 or on species protected by Wildlife Acts. It is not clear how indicator would work in practice for protecting species and biodiversity in general.</p> <p><b>2. EPA</b> made the following submission:</p> <ul style="list-style-type: none"><li>• Notes SEA determination</li><li>• Issued reminder regarding requirement to prepare SEA Statement</li><li>• Recommends modification to Proposed Material Alteration No.9: "To promote and facilitate the <b>sustainable</b> development of lands for employment development on Zone 1 of E lands at Mill Road..."</li><li>• Re Proposed Material Alteration No.10: Potential for likely significant adverse effects are noted. It should be ensured that mitigation measures are sufficiently robust to account for the identified potential adverse effects. Clarification should be given whether other appropriate alternative locations have been considered for this proposed development. There may be merits in considering existing serviced / undeveloped sites including brownfield sites in such considerations.</li></ul> <p><b>3. Bellevue Court Residents Association, Paul Byrne and Niall Kenny (et al.)</b> are not in agreement with assessment set out in SEA ER in relation to the proposed rezoning of the Lanaree site, Delgany Village (Material Alteration No.32).</p>
<p><b>Opinion of Manager</b></p> <p><b>1.</b> The Minister for the Arts, Heritage and the Gaeltacht's comments in relation to the revised wording of the SEO B1 Indicator is noted. On review of the indicator and the comments from the Minister it is considered appropriate that there would be reference to additional biodiversity studies which would include species that are not present in non-designated sites – refer to Recommendation of Manager.</p> <p><b>2.</b> In response to the submission from the EPA:</p> <ul style="list-style-type: none"><li>• The EPA comments are noted in relation to the SEA determination and the requirement to prepare a SEA Statement.</li><li>• The EPA comments relating to Material Alteration No.9 have been considered and the Managers Opinion and Recommendation is outlined in the Managers report.</li><li>• The EPA comments relating to Material Alteration No.10 have been considered and the Managers Opinion and Recommendation is outlined in the Managers report.</li></ul>

3. The comments from the local residents with regard to the assessment of the likely environmental effect of the proposed material alteration, as set out in the Environmental Report, have been noted. Reference should be made to the Manager's Report on the Draft LAP (pg.144-145). The Manager maintains the opinion set out in the report that the proposed VC/R5/RE is an appropriate and sustainable form of development. The subject lands form a key site in the potential future expansion of the existing village of Delgany. Therefore the planning authority maintains the view that the assessment set out in the ER is accurate and that proposed material modification is sustainable.

There is no change to the assessment of likely environmental effects of the proposed material alteration, as set out in the Environmental Report.

**Recommendation of Manager**

**1. Minor Modification to the SEO B1 Indicator as follows:**

**From:**

<b>Environmental Objectives</b>	<b>Target</b>	<b>Indicator</b>	<b>Responsible Authority</b>
SEO B1: To ensure compliance with the Habitats Directive and National Biodiversity Plan with regard to protected species and habitats both within and outside of designated sites in accordance with the provisions of Articles 6 and 10 of the Habitats Directive	Maintenance of favourable conservation status for all habitats and species protected under the national and international legislation.	Conservation status of habitats and species as assessed under Article 10 and Article 17 of the Habitats Directive	NPWS/WCC

**To:**

<b>Environmental Objectives</b>	<b>Target</b>	<b>Indicator</b>	<b>Responsible Authority</b>
SEO B1: To ensure compliance with the Habitats Directive and National Biodiversity Plan with regard to protected species and habitats both within and outside of designated sites in accordance with the provisions of Articles 6 and 10 of the Habitats Directive	Maintenance of favourable conservation status for all habitats and species protected under the national and international legislation.	<b>The Conservation Status of biodiversity in the plan area as assessed through the review of relevant local records through actions of the County Wicklow Biodiversity Action Plan</b>  Conservation status of habitats and species as assessed under Article 10 and Article 17 of the Habitats Directive	NPWS/WCC