

Greystones / Delgany

Local Area Plan

2006-2012



Proposed Amendment No. 3 Manager's Report

Wicklow County Council
Planning Department

August 2010

MANAGER'S REPORT

On submissions to Proposed Amendment No. 3 (2010) to the
Greystones - Delgany Local Area Plan 2006
following the 1st public display period

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PART 1: Introduction

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

In accordance with the Planning Act, such reports shall

- list the persons who made submissions or observations;
- summarise the issues raised by the persons in the submission or observations;
- contain the opinion of the Manager in relation to the issues raised and his recommendations in relation to the proposed amendment taking into account the proper planning and sustainable development of the area, other statutory obligations of the 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.

This report is now formally submitted to the elected members of Wicklow County Council for consideration. This amendment will be on the agenda of the County Council meeting on the **6th September 2010**.

Consultation Process

The proposed amendment was on display at the following locations from 09 June 2010 to Wednesday 21 July 2010 inclusive, Monday to Friday, excluding Bank Holidays:

- The Council's website www.wicklow.ie
- County Buildings, Station Road, Wicklow Town
- Council Offices in Greystones, Mill Road, Greystones
- Greystones Library, Church Road, Greystones

The aim of the consultation process was to enable the public and interested parties to give their observations on the proposed amendment.

PART 2: List of those who made submissions

No.	Name	Agent / Representative
1	Department of Communications, Energy & Natural Resources	Seana McGearty
2	Cllr Derek Mitchell	

PART 3: Considering the submissions

Submission No. 1
Department of Communications, Energy & Natural Resources
No comments or observations
Manager's Response
Noted
Managers Recommendation
No change

Submission No. 2
Cllr Derek Mitchell
<ol style="list-style-type: none">1. Supports the change in designation of the northern two thirds of the lands subject to:<ol style="list-style-type: none">(a) a provision being included in the plan for a dual carriageway road from the Mill Road roundabout to the park-and-ride site;(b) a provision being included in the plan for a public right of way from Burnaby Mill to the passage between Woodlands and the sewerage works, as it will form part of a walkway to the DART;(c) the appropriate restriction of factory shops, as they may lead to the provision of a shopping centre on the lands, when no such additional shopping development is needed given other lands are already zoned for such use.2. As it has been represented to the Town Council that as the IDA intends to development the southern third for IDA type businesses, the southern third does not require re-designation, except to allow for educational use, which is important, as the next secondary school for Greystones should be in Charlesland.
Manager's Response
<p>1. (a) While there may be merit to this suggestion, as no detailed investigations have been carried out or designs prepared, it is not clear if it would be possible or safe on traffic grounds to provide for a dual carriageway road on this short section of Mill Road (c. 50m). It is considered that this is a matter more appropriately considered at planning application stage, which would include more detailed analysis of traffic flows and trip generation from the development of the site.</p> <p>It should also be noted that the Proposed Amendment only refers to the uses of the E1 zone,</p>

rather than the provision of roads and access generally in the area of the site. It is considered therefore that to include any changes with regards to road objectives in the area would essentially entail a different amendment and the amendment process would have to re-commerce or go on further display.

1. (b) While there is no formal public right-of-way recorded along the route described, it is understood that a route from Burnaby Lawns to Woodlands exists / existed. The direct route between these two points is now cut through by the new dual carriageway, but an alternative route using the roundabout just north of Burnaby Woods could be utilised.

In the extant granted permission to the IDA for the development of the E1 lands, this route is shown as maintained through the site, along pedestrian walkways. In the event of any amendments to this permission or new applications, it is considered that this route should be maintained. However, it should be again noted that the Proposed Amendment only refers to the uses of the E1 zone, rather than the provision of pedestrian access generally in the area of the site and therefore it is not recommended that any changes be made to the proposed amendment.

1. (c) The proposed amendment allows for factory shops, that are **small scale** and **strictly ancillary to the main factory use**, to be 'open for consideration'. 'Open for Consideration' indicates that a use is not acceptable in principle and will only be permitted in special cases where the Council is satisfied that the proposed use will not conflict with the general objectives for the zone and can be permitted without undesirable consequences for the permitted uses. It is considered that these measures provide for sufficient control to ensure this zone remains an employment, rather than a retail, zone.

2. While the IDA may market / develop the southern third of the E1 zone for IDA related business, the proposed amendment would not prevent such uses on the southern third. The approach taken i.e. to alter the definition of the entire E1 zone, is considered the simplest and most effective method to rationale this zoning and to bring flexibility, in the interest of attracting new employers to the site.

The proposed alterations of the definition and uses allowable in the entire E1 zone will allow for educational use to be considered across this entire zone. The current E1 zoning does not allow for educational development – however, the proposed amendment would alter this situation and make educational use permitted in principle.

Managers Recommendation

No change.

Appendix 1: Amendment as displayed

PROPOSED AMENDMENT NO. 3 TO THE GREYSTONES-DELGANY LAP 2006

THE PROPOSED AMENDMENT ENTAILS MODIFICATIONS TO E1 ZONING OBJECTIVE AS SET OUT BELOW.

Reasons for the proposed amendment:

1. To allow for a wider range of employment uses and providers on existing E1 employment zoned lands by
 - removing the unnecessary restriction that all providers of suitable employment development be supported by the IDA;
 - allowing a slightly wider range of uses than heretofore allowed in the E1 zone, namely educational facilities, public services and warehouses, with possible consideration also being given to garden centres, heavy vehicles parks, petrol stations and factory shops.
2. The proposed amendment will also clarify that the use category 'Industry' includes start-up / incubator units and science / technology / R & D / IT developments of an industrial nature and the use category 'Offices' includes office based start-up / incubator units and science / technology / R & D / IT developments. This is considered necessary having regard to the changing nature of employment and to avoid potential conflicts in the definition of uses.

Strategic Environmental Assessment & Habitats Directive (Appropriate) Assessment

The proposed amendment has been screened for both Strategic Environmental Assessment & Habitats Directive (Appropriate) Assessment. Screening is the technique applied to determine whether a particular action (in this case, this proposed amendment), would be likely to have significant effects, either on the environment generally (as is the case with SEA) or on a designated Natura 2000 site (AA), and would thus warrant a full SEA/AA. This screening exercise included consultation with the designated authorities which are the Environmental Protection Agency (EPA), the Department of the Environment, Heritage & Local Government (DoEHLG), and the Department of Communications, Energy, and Natural Resources. While the EPA must be consulted in all cases, consultation with the two Departments is conditional on the Plan having significant effects within the remit of those

departments.

Wicklow County Council has concluded that full Strategic Environmental Assessment / Appropriate Assessment is not required for this proposed amendment.

Proposed Amendment No. 3 to the Greystones-Delgany LAP 2006

(new text shown in **red**, deleted text shown in ~~blue strikethrough~~)

CHAPTER 11 LAND USE ZONING OBJECTIVES

SECTION 11.2 LAND USE ZONES

TABLE 11.2

Zoning	Objective
E1	To provide for IDA Ireland supported employment uses To provide for economic development, enterprise and employment

SECTION 11.3 LAND USE ZONING MATRIX

Table 11.3 Land use	Land-use Zoning Objectives											
	C1	C2	E1	E2	GB/ A	OS	RO S	PO S	R*	T1	T2	PU
Abattoir	x	x	x	x	x	x	x	x	x	x	x	x
Aerodrome/Airfield	x	x	x	x	x	x	x	x	x	x	x	x
Advertising	x	x	y	y	x	x	x	x	o	y	y	x
Bed and Breakfast	x	x	x	o	x	x	x	x	o	o	o	x
Boarding Kennels	x	x	x	x	x	x	x	x	o	o	o	x
Car Parks	o	o	y	y	o	o	o	o	y	y	y	o
Caravan Park (holiday)	x	x	x	x	x	x	x	o	x	x	x	x
Caravan Park (residential)	x	x	x	x	x	x	x	x	x	x	x	x
Cash and Carry Outlet	x	x	x	o	x	x	x	x	x	o	o	x
Cemetery	x	y	x	x	y	X	x	x	x	x	x	x
Church	y	y	o	y	x	x	x	x	o	y	y	x
Cinema	x	x	x	o	x	x	x	x	x	y	0	x
Commercial	x	x	y	o	x	x	x	o	o	y	y	x

Community Facility	y	y	y	y	x	y	y	y	y	y	y	o
Concrete Asphalt etc. Plant	x	x	x	x	x	x	x	x	x	x	x	x
Childcare facility	y	o	y	y	x	o	o	o	y	y	y	x
Cultural Use	o	o	o	o	x	o	o	o	o	y	y	o
Dance Hall/Discotheque	x	x	x	x	x	x	x	x	x	y	y	x
Doctor/Dentist etc.	y	o	o	o	x	x	x	x	o	y	y	x
Education	y	o	x-y	y	x	o	x	o	o	y	y	x
Embassy	x	x	x	o	x	x	x	x	o	y	y	x
Extractive Industry	x	x	x	x	x	x	x	x	x	x	x	x
Garden Centre	x	x	x-o	o	x	x	x	o	x	o	y	x
Guest House	x	x	x	x	x	x	x	o	o	y	y	x
Gym/leisure centre	y	x	o	y	x	x	x	o	o	y	y	x
Health Centre	y	o	o	o	x	o	x	x	o	y	y	x
Heavy Vehicle Park	x	x	x-o	o	x	x	x	x	x	x	x	o
Home-based Economic Activity	x	x	x	o	o	x	x	x	y	y	y	x
Hospital Nursing Home	y	x	x	o	x	o	x	x	o	y	y	x
Hotel	x	x	o	x	x	x	x	o	o	y	y	x
Industry- General ¹	x	x	y	x	x	x	x	x	x	o	o	o
Industry- Light ¹	x	x	y	y	x	x	x	x	x	o	o	o
Laboratory	x	x	y	y	x	x	x	x	x	y	y	x
Offices ²	x	x	y	y	x	x	x	x	o	y	y	o
Open Space	y	y	y	o	y	y	y	y	y	y	y	y
Petrol Station	x	x	x-o	y	x	x	x	x	x	o	o	y
Private Club	o	o	o	o	x	x	x	x	o	y	y	x
Private Garage	x	x	o	y	x	x	x	y	o	y	y	y
Private Tip	x	x	x	x	x	x	x	x	x	x	x	o
Public House	x	x	y	o	x	x	x	o	x	y	y	x
Public Services	o	o	o-y	y	o	o	o	o	o	o	o	y
Recreational Building	y	o	y	y	x	o	o	y	y	y	y	o
Residential	x	x	x	y	x	x	x	o	y	y	y	x
Residential (SS. 9) ³	x	x	x	x	o	x	x	x	x	x	x	x
Residential Institution	x	x	x	x	x	x	x	x	y	y	y	x
Restaurant	o	x	y	y	x	o	x	o	o	y	y	x
Scrap Yard	x	x	x	o	x	x	x	x	x	x	x	x

¹ 'Industry' includes start-up / incubator units and science / technology / R & D / IT developments of an industrial nature

² 'Offices' includes office based start-up / incubator units and science / technology / R & D / IT developments

³ Residential (SS9): reference to Chapter 10, Policy SS9 (5) & (6) of the County Wicklow Development Plan 2004-2010.

Service Garage	x	x	o	y	x	x	x	x	x	y	y	o
Shops (Local)	o	x	o ⁴	y	x	o	x	x	o	y	y	x
Shops (Other)	x	x	x ^{o5}	y	x	x	x	x	x	y	y	x
Sports Club	y	x	o	y	o	y	y	y	y	y	y	o
Theatre	x	x	x	o	x	x	x	x	o	y	y	x
Traveller Accommodation ⁶	o	o	x	o	o	o	x	o	y	x	x	x
Warehouse	x	x	o ^y	y	x	x	x	x	x	o	o	o
Wholesale Outlet	x	x	x	o	x	x	x	x	x	y	y	o

Making a submission

The proposed amendment will be on display at the following locations **from Wednesday 09 June 2010 to Wednesday 21 July 2010 inclusive, Monday to Friday, excluding Bank Holidays:**

- The Council's website www.wicklow.ie
- County Buildings, Station Road, Wicklow Town
- Council Offices in Greystones, Mill Road, Greystones
- Greystones Library, Church Road, Greystones

Submissions may be made in one of the following ways:-

Write to: Planning Department, Wicklow County Council, Station Road, Wicklow Town.

Email to: planreview@wicklowcoco.ie

All submissions should be clearly marked **Amendment No. 3 Greystones – Delgany LAP** and should include your name and a contact address, details of any organisation, community group or company etc., which you represent. Please make your submission by **one** medium only, i.e. hard copy, e-mail.

All submissions received up to and including the **Wednesday 21 July 2010** will be taken into consideration by the Council in deciding upon the proposed amendment. Late submissions will not be accepted.

⁴ This refers strictly only to small scale convenience retail facilities serving only the needs of those employed in the zone

⁵ This refers strictly only to small scale factory retail, strictly ancillary to main use

⁶ GB1: Traveller accommodation in greenbelts will be in the form of Halting Sites only.

Appendix 2

Strategic Environmental Assessment & Appropriate Assessment

Strategic environmental assessment (SEA) is the formal, systematic evaluation of the likely significant environmental effects of implementing a plan or programme before a decision is made to adopt the plan or programme. The process includes:

- Preparing an Environmental Report where the likely significant environmental effects are identified and evaluated
- Consulting the public, environmental authorities, and any EU Member State affected, on the environmental report and draft plan or programme
- Taking account of the findings of the report and the outcome of these consultations in deciding whether to adopt or modify the draft plan or programme
- Making known the decision on adoption of the plan or programme and how SEA influenced the outcome.

On the 21st of July 2004, the Strategic Environmental Assessment (SEA) Directive (2001/42/EC) was transposed into Irish law through the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. 435 of 2004) and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. 436 of 2004). Relevant 'Guidelines for Planning and Regional Authorities' were subsequently issued by the Minister for the Environment, Heritage & Local Government in November 2004.

Appropriate Assessment under the Habitats Directive

'Appropriate Assessment' comprises the assessment, based on scientific knowledge, of the potential impacts of the plan on the conservation objectives of any Natura 2000 site⁷ and the development, where necessary, of mitigation or avoidance measures to preclude negative effects. The impacts assessed must include the indirect and cumulative impacts of the plan, considered with any current or proposed activities, developments or policies impact on the site. It informs plans of the environmental impacts of alternative actions and contributes to the integration of environmental considerations into plan making.

Under the ruling in Case 418/04 EC Commission v Ireland, it was found that Ireland had not correctly transposed and implemented the Habitats Directives by not proving explicitly for

⁷ Natura 2000 sites are sites subject to European designations, normally known as SAC (Special Area of Conservation) and SPA (Special Protection Area). These are protected under the Habitats Directive of 1992 (EU directive 92/43/EEC)

'appropriate assessment' of land use plans. This judgement is expected to require legislative change to complete the transposition of the Directives; however to date no primary or secondary legislation has adopted with regard to 'appropriate assessment'. However, guidelines on 'appropriate assessment' have been produced by the DoEHLG which set out the procedures that must be followed to correctly take account of our obligations under the Habitats Directive.

The Screening Process

Screening is the technique applied to determine whether a particular Plan, would be likely to have significant effects, either on the environment generally (as is the case with SEA) or on a designated Natura 2000 site (AA), and would thus warrant a full SEA/AA. The key indicator that will determine if a full SEA/AA is required of particular non-mandatory plans, is if they are likely to have *significant effects* on the environment/Natura 2000 site or not. Where the Planning Authority is uncertain that there is a prima facie case for a full SEA/AA, the Plan must be screened for its possible significant effects and the designated environmental authorities should then be formerly consulted during, and as part of, the screening exercise.

It should be further that where it is determined that a full AA is required, a full SEA must also be carried out. The designated authorities are the Environmental Protection Agency (EPA), the Department of the Environment, Heritage & Local Government (DoEHLG), and the Department of Communications, Energy, and Natural Resources. While the EPA must be consulted in all cases, consultation with the two Departments is conditional on the Plan having significant effects within the remit of those departments.

SCREENING OF PROPOSED AMENDMENT NO. 3

Strategic Environmental Assessment screening

The entire Greystones - Delgany LAP was subject to full Strategic Environmental Assessment at the formulation and adoption stage in 2006. The screening of the proposed amendment will have particular regard to that study and will focus on any possible new environmental impacts that might arise from the proposed amendment, compared to those evaluated in 2006.

This 2006 SEA evaluated the LAP with regard to:

- biodiversity, flora and fauna
- population and human health
- soil

- water
- air and climatic factors
- material assets
- cultural heritage
- landscape

Where any impacts were identified, these were addressed through mitigation measures incorporated into the final adopted plan. The development of E1 zones are and will continue to be bound by these measures.

The proposed amendment entails minor changes to the uses to which the land may be put but the overriding use for employment development remain the same. There are no changes proposed to access routes to the lands or the way in which they will be serviced. The principal change is the removal of the requirement that all employment developments in the zone be IDA supported business. Therefore no significant environmental impacts are predicted, that were not identified and mitigated through the provisions of the LAP in the full plan Strategic Environmental Assessment. However, in order to be rigorous, the proposed amendment will also be evaluated with regard to the criteria set out in Schedule 2A of the Strategic Environmental Assessment Regulations – *“Criteria for determining whether a plan is likely to have significant effects on the environment”*.

1. Characteristics of the proposed amendment

- a. The degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources
 - the proposed amendment will not fundamentally alter the use to which the E1 zones are put, the principal changes being the removal of the requirement that all development in the zone be IDA supported. The nature of the amendment is such that the location, nature, size and operating condition of any developments in this zone are not altered to the degree that any new environmental impacts occur, that would not have occurred under the existing control criteria. The existing plan has already been assessed for environment impacts and it has been determined that no significant impacts arise.
- b. The degree to which the plan influences other plans, including those in a hierarchy,
 - the proposed amendment does not influence any other development plans
- c. The relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development

- The proposed amendment will allow for the integration of environmental considerations into the development of the land in the same manner as currently set out in the LAP.
- By expanding the range in employment users and types allowable in this zone, it is more likely that the land will be developed, and therefore less likely that there will be a demand to zone additional land outside the existing settlement for employment use, that would result in unsustainable transport and service demands - this land is currently serviced by both water services and transport facilities, which would allow greater and more efficient use of existing resources, rather than the development of new services on greenfield lands.
- The proposed alterations to users and uses allowable will not result in environmental impacts associated with extra water demand or the production of additional wastewater as these are both controlled by the capacities of these systems. Where capacity does not exist in any system, any development proposal for the lands would not be allowed to proceed.
- The development of this zone would continue to be bound by environmental considerations in the existing LAP with regard to protection of natural or built heritage features in the zone.

d. Environmental problems relevant to the plan

The proposed amendment was evaluated against the following environmental factors, as per the plan Strategic Environmental Assessment:

- Biodiversity, flora and fauna

The development of this zone would result in minor loss of some natural areas, due to development. This impact has already been assessed as part of the Strategic Environmental Assessment of the entire LAP and deemed to be not significant. The proposed amendment would not alter this assessment.

- Population and human health

The development of this employment zone would not result in residential development in this zone and therefore there is no impact on population size. No new impacts on human health are likely, as the amendment fundamentally provides for the same type of development in the zone as that set out in the 2006 LAP.

- Soil

The development of this zone area will result in the use of urban land, within the development boundaries of the settlement. This impact has already been assessed as part of the Strategic Environmental Assessment of the entire LAP and deemed to be positive in nature. The proposed amendment would not alter this assessment.

- Water

Impacts on surface and ground waters, and the risk of flooding have already been assessed as part of the Strategic Environmental Assessment of the entire LAP and subject to compliance with the mitigation measures set out in the LAP, no adverse impacts are predicted. The proposed amendment would not alter this assessment.

- Air and climatic factors

The development of this zone will not result in significant impacts on air and climatic factors, that have not already been identified in the full Strategic Environmental Assessment and ameliorated through the LAP policies and objectives. The proposed amendment would not alter this assessment.

- Material assets

The development of this zone will result in demand for transportation services. The lands in question are located in the core of the settlement and are in proximity to major roads and public transport corridors. This impact has already been assessed as part of the Strategic Environmental Assessment of the entire LAP and subject to ensuring high quality of road design, good linkages with the existing road network and pedestrian and cycle linkages to public transport corridors, no adverse impacts are predicted. The proposed amendment would not alter this assessment.

The development of this zone will result in increased demand for water and additional discharges of wastewater. This impact has already been assessed as part of the Strategic Environmental Assessment of the entire LAP and subject to ensuring that capacities are available in all systems, no adverse impacts are predicted. The proposed amendment would not alter this assessment.

The development of this action area will result in demand for power, telecommunications and waste infrastructure. This impact has already been assessed as part of the Strategic Environmental Assessment of the entire LAP and subject to ensuring that capacities are available in all systems, no adverse impacts are predicted. The proposed amendment would not alter this assessment.

The development of this action area will result in demand for green infrastructure, including open spaces and biodiversity protection zones (protected tree stands and Three Trouts River corridor to the south of the zone). Provision is made in the LAP for such amenities. The provision of such amenities will generally have positive environmental impacts with regard to landscape, human wellbeing and biodiversity. This impact has already been assessed as part of the Strategic Environmental Assessment of the entire LAP and subject to ensuring adequate control on sensitive areas, no adverse impacts are predicted. The proposed amendment would not alter this assessment.

- Cultural heritage

The development of this action area will give rise to no impacts on architectural or archaeological heritage not previously identified, evaluated and mitigated in the Strategic Environmental Assessment for the entire LAP.

- Landscape

The lands in question are located in the core of the settlement and are surrounded by developed land. Therefore no landscape impacts are predicted. The impact on the landscape of developing lands zoned in the LAP has already been assessed as part of the Strategic Environmental Assessment of the entire LAP and subject to relevant mitigation measures, no adverse impacts are predicted. The proposed amendment would not alter this assessment.

- e. The relevance of the plan for the implementation of European Union legislation on the environment (e.g. plans linked to waste-management or water protection).

- this amendment and the land use zone E1 are not relevant to the implementation of EU legislation. However, any EU legislation relevant will be applied in the assessment of any development proposals and in the imposition of conditions pertaining to any future grant of permission.

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to

- a. The probability, duration, frequency and reversibility of the effects,

- no significant effects have been identified

- b. The cumulative nature of the effects,

- no significant effect have been identified

- c. The transboundary nature of the effects,

- no significant effect have been identified

- d. The risks to human health or the environment (e.g. due to accidents),

- no significant effect have been identified

- e. The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),

- no significant effect have been identified

- f. The value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage,
 - exceeded environmental quality standards or limit values,
 - intensive land-use,
- no significant effect have been identified

- g. The effects on areas or landscapes which have a recognised national, European Union or international protection status.
- no significant effect have been identified

Consultation with Environmental Authorities

Only the EPA responded to Wicklow County Council's invitation to input into the screening exercise and decision regarding the need to carry out a full Strategic Environmental Assessment / Appropriate Assessment.

The EPA commented on the Strategic Environmental Assessment screen as follows:-

(1) SEA Determination

Wicklow County Council's position with regard to the need for Strategic Environmental Assessment (SEA) of the Proposed Amendment is noted.

The following issues should be taken into consideration, in relation to this Proposed Amendment:

- Flood risk
- Groundwater vulnerability
- Ecological corridors / networks
- Appropriate Assessment (under the Habitats Directive)

(2) Amendments to the Draft Plan

Wicklow County Council is reminded that it is a matter for Wicklow County Council to determine whether or not any Proposed Amendments would be likely to have significant effects on the environment. This assessment should take account of the SEA Regulations Schedule 2A Criteria (S.I. No. 436 of 2004) and should be subject to the same method of assessment as undertaken in the "environmental assessment" of the Draft Plan.

(3) Infrastructure Planning

In proposing the varied Plan, and any related amendments, variations etc. of the Plan and in implementing the Plan, adequate and appropriate infrastructure should be in place, or required to be put in place, to service any development proposed and authorised during the

lifetime of the particular Plan. In particular, adequate and appropriate wastewater treatment, water supply, surface and storm water drainage, transport, waste management, community services and amenities etc. should be planned and phased to address any current problems or deficits and to reflect predicted increases in population.

(4) Obligations with respect to National Plans and Policies and EU Environmental Legislation

Wicklow County Council is referred to responsibilities and obligations in accordance with all national and EU environmental legislation. It is a matter for Wicklow County Council to ensure that, when undertaking and fulfilling their statutory responsibilities; they are at all times compliant with the requirements of national and EU environmental legislation.

The Plan should provide for the inclusion, where appropriate, of the policies and recommendations of the following:

- Wicklow County Development Plan (and associated SEA and Appropriate Assessment).
- Draft Greater Dublin Area Regional Planning Guidelines 2010-2022 (and associated SEA and Appropriate Assessment)

Wicklow County Council response:

- (1) All of the issues requested to be considered were fully considered in the Strategic Environmental Assessment which accompanied the Greystones – Delgany LAP 2006. The proposed amendment may result in minor changes to the uses that the E1 zone can be put to and no changes that would result in any risk to the outlined factors, that were not identified and evaluated as part of the Strategic Environmental Assessment of the entire LAP, have been identified. The proposed amendment has been screened for Appropriate Assessment and it has been concluded that full Appropriate Assessment is not warranted due to the unlikelihood of any impacts on Natura 2000 sites;
- (2) Noted – the Strategic Environmental Assessment screen has full regard to Schedule 2A of the Strategic Environmental Assessment Regulations;
- (3) Noted – no servicing issues arise - no new land is being zoned and the change in uses that would be allowable do not have a higher infrastructure demands than the current uses. Nevertheless, no development would be allowed to proceed in the absence of appropriate services;
- (4) This plan, being lower in the planning hierarchy than the Wicklow County Development Plan and the Regional Planning Guidelines for the Greater Dublin Area 2004-2016 will be bound by the provisions of these higher order strategies and policies.

Conclusion

Strategic Environmental Assessment is not warranted for the proposed amendment

Appropriate Assessment screening

Screening determines whether appropriate assessment is necessary by examining:

1. Whether a plan or project can be excluded from AA requirements because it is directly connected with or necessary to the management of the site, and
2. The potential effects of a project or plan, either alone or in combination with other projects or plans, on a Natura 2000 site in view of its conservation objectives, and considering whether these effects will be significant.

1. This amendment is not directly connected with or necessary to the management of any Natura 2000 site.

2. Screening involves the following:

- a. Description of plan or project, and local site or plan area characteristics
- b. Identification of relevant Natura 2000 sites, and compilation of information on their qualifying interests and conservation objectives
- c. Assessment of likely effects – direct, indirect and cumulative – undertaken on the basis of available information as a desk study or field survey or primary research as necessary
- d. Screening statement with conclusions

- a. Description of plan or project

The proposed amendment will alter the users and uses to which E1 lands can be put, in particular

- the proposed amendment would remove the restriction that all employment developments in the E1 zone be supported by the IDA
- the proposed amendment would allow minor changes to the uses to which E1 lands can be put as follows:
 - (a) education – this use is proposed to be ‘permissible’, rather than ‘open for consideration’ as it is considered that educational facilities are compatible with high technology and research based employment developments
 - (b) garden centre – this use is proposed to be ‘open for consideration’ rather than ‘not permissible’ as it is considered that garden centres may be compatible with employment developments in employment zones
 - (c) heavy vehicle park - this use is proposed to be ‘open for consideration’ rather than ‘not permissible’ as it is considered that employment zones may require heavy vehicles parking facilities depending on the nature of the manufacturing / warehousing / distribution activity that may be permitted in the zone

- (d) petrol station - this use is proposed to be 'open for consideration' rather than 'not permissible' as it is considered that employment zones may require petrol supply services depending on the transportation demands of the employment activities that may be permitted in the zone
- (e) public services – this use is proposed to be 'permissible', rather than 'open for consideration' as it is considered that public services such as utilities are likely to be required in the development of a modern employment zone
- (f) shops (local) – it is proposed that a caveat be added that such shops shall be restricted to small scale convenience retail facilities serving only the needs of those employed in the zone
- (g) shops (other) - this use is proposed to be 'open for consideration' rather than 'not permissible' subject to the caveat that such shops would be strictly only small scale factory retail, strictly ancillary to main use.
- (h) warehouse - this use is proposed to be 'permissible', rather than 'open for consideration' as it is considered that warehousing facilities are suitable in employment zones

b. There are three Natura 2000 sites within 5km of the subject lands

- Glen Of The Downs SAC
- Bray Head SAC
- The Murrrough wetlands SAC

GLEN OF THE DOWNS SITE CODE: 000719

This site is a semi-natural Oak wood situated within an impressive glacial overflow channel. It is located on the Dublin-Wexford road about 7 km south of Bray, Co. Wicklow. The underlying rock is mostly quartzite and it outcrops in a few places. The soil is a sandy loam, Brown Earth to Brown Podzolic, and is very dry over much of the site. Most of the site has been a Nature Reserve since 1980.

Much of the site comprises Sessile Oak (*Quercus petraea*) woodland referable to the Blechno-Quercetum petraeae association. Sessile Oak is especially dominant on the mid to upper slopes. The quality of the Oak-dominated areas is variable - the association is well developed and especially pure on the western side, while in some places it occurs as coppice scrub. The shrub layer is sparse but Holly (*Ilex aquilinum*) is locally common. On the ground, Great Wood-rush (*Luzula sylvatica*) forms a dense carpet over much of the area, with other species such as Bilberry (*Vaccinium myrtillus*), Heather (*Calluna vulgaris*) and Wood Sage (*Teucrium scorodonia*) occurring occasionally. Brambles (*Rubus fruticosus* agg.) and ferns such as Soft Shield-fern (*Polystichum setiferum*) are abundant in places, especially on the south western slopes.

The site includes some areas of mixed woodland, in which Beech (*Fagus sylvatica*), Sycamore (*Acer pseudoplatanus*), Scot's Pine (*Pinus sylvestris*) and other

exotics occur. Bryophytes are notably scarce within the valley and may reflect the dryness of the site, however, some rare species have been recorded.

A narrow band of alluvium associated with a small stream occurs on the valley floor. There, the woodland is dominated by Ash (*Fraxinus excelsior*) and Hazel (*Corylus avellana*), with a species-rich herb layer that includes Ramsons (*Allium ursinum*), Dog Violet (*Viola riviniana*) and Bluebells (*Hyacinthoides non-scripta*).

A breeding bird census carried out in 1990 recorded a total of 21 species holding territory. Wren, Robin, Blue Tit, Chaffinch and Great Tit were the most abundant species. Blackcap and Jay also breed, and the rare Wood Warbler has been recorded. Grey Wagtail breeds along the stream.

The site is notable for the presence of the rare bryophytes, *Cephaloziella turneri*, *Pterigynandrum filiforme* and *Plagiothecium curvifolium*, the last named in its only Irish site, as well as for several rare or scarce Myxomycete fungi, namely *Echinostelium colliculosum*, *Licea marginata*, *L. perexigua*, *Perichaena vermicularis*, *Comatricha ellae* (only known Irish site), *Diderma chondrioderma* and *Didymium crustaceum*.

Glen of the Downs is also notable for some rare invertebrates, including *Mycetobia obscura* (Diptera) which is found in only one other locality in Britain and Ireland. The glacial overflow channel is the largest example of such a feature in the country.

Although exploited heavily in the past, this woodland is well developed, rich in species and one of high conservation significance. The site supports Oak woodland of a type that is listed on Annex II of the EU Habitats Directive.

BRAY HEAD SITE CODE: 000714

This coastal site is situated in the north-east of Co. Wicklow between the towns of Bray and Greystones. Bedrock geology is Cambrian quartzites and shales (with mudstones and greywackes). Bray Head consists of a plateau of high ground, with five prominent quartzite knolls and has a maximum height of 241 m. The more exposed higher ground has a covering of shallow acidic soils, with protruding bedrock and scree. Elsewhere, deeper soils are formed by drift deposits, calcareous in character.

Heath, a habitat listed on Annex I of the EU Habitats Directive, is the principal habitat over much of the Head. The vegetation of the upper plateau area is dominated by dwarf shrubs, mainly Ling (*Calluna vulgaris*), Bell Heather (*Erica cinerea*) and Gorse (*Ulex europaeus* and *U. gallii*). Broom (*Cytisus scoparius*) also occurs and associated with the gorse and broom is the Red Data Book species Greater Broomrape (*Orobanche rapum-genistae*). In the areas where the shrubs are less dense Tormentil (*Potentilla erecta*), Milkwort (*Polygala vulgaris*), Heath Bedstraw (*Galium saxatile*) and a variety of grasses (e.g. *Aira praecox*, *Agrostis tenuis*, *Deschampsia flexuosa*) are present. Where rock outcrops occur species such as English Stonecrop (*Sedum anglicum*) and Sheep's-bit Scabious (*Jasione montana*) are found. Bracken (*Pteridium aquifolium*) is dominant in some areas.

The heath communities which occur on the dry slopes above the sea-cliffs, especially those south-facing, are more open in character and dominated by grasses rather than dwarf shrubs. The annual plant communities which develop here are very typical of those found only on sites in south-eastern Ireland. Common species include Wood Sage (*Teucrium scordonia*), clovers (*Trifolium dubium*, *T. campestre*), Scarlet Pimpernel (*Anagallis arvensis*) and Field Madder (*Sherardia arvensis*). An uncommon annual species which can appear abundantly in the heath after a fire event is Yellow Fumitory (*Corydalis claviculata*). Some rare plants are found in this habitat, notably Bird's-foot (*Ornithopus perpusillus*) and Spring Vetch (*Vicia lathyroides*), both Red Data Book species.

Calcareous dry grassland, typically species-rich, occurs on deposits of glacial till. The primary grass species are Quaking Grass (*Briza media*), Smooth Meadow-grass (*Poa pratensis*) and Red Fescue (*Festuca rubra*). Typical calcicole herbs include Pale Flax (*Linum bienne*), Salad Burnet (*Sanguisorba minor*), Burnet-saxifrage (*Pimpinella saxifrage*), Carlina Thistle (*Carlina vulgaris*) and Kidney Vetch (*Anthyllis vulneraria*). Orchids are a feature of this habitat, with five species known from the area - Pyramidal Orchid (*Anacamptis pyramidalis*), Common Spotted Orchid (*Dactylorhiza fuchsii*), Common Twayblade (*Listera ovata*), Fragrant Orchid (*Gymnadenia conopsea*) and Bee Orchid (*Ophrys apifera*). Bloody Crane's-bill (*Geranium sanguineum*) was refound recently in this community at Bray Head - this is a typical species of the Burren and is very rare in eastern Ireland.

Rocky sea cliffs, another Annex I habitat, form most of the seaward boundary at this site and extend for approximately 2 km. Steep clay cliffs extend southwards for a further 1 km, with a small area of clay cliff also at the northernmost part of site. The rocky cliffs are divided by a railway track built in the 1800s. The lower cliffs are fairly steep in places but above the track they are less steep and often support heath or dry grassland vegetation. In parts the cliffs are up to 60 m in height. Typical species of the more exposed rock areas are Common Scurvy-grass (*Cochlearia officinalis*), Rock Spurrey (*Spergularia rupicola*), Thrift (*Armeria maritima*), Sea Campion (*Silene maritima*), and Sea Samphire (*Crithmum maritimum*). On some sections of the cliff face, the locally scarce Tree Mallow (*Lavatera arborea*) is found. Species of the upper cliff flora include Kidney Vetch (*Anthyllis vulneraria*) and Red Fescue. A widespread species found from the mid to upper zones of the cliff face is Ivy (*Hedera helix*). Associated with the Ivy is the scarce *Rubia peregrina*. The clay cliffs in the southern part of the site are steep and unstable and have little vegetation.

A stand of mostly native woodland occurs in the northern part of the site. This is a fairly pure Sessile Oak (*Quercus petraea*) dominated woodland, with some Ash (*Fraxinus excelsior*) and Birch (*Betula pubescens*). Understorey trees which occur are Holly (*Ilex aquifolium*) and Hawthorn (*Crataegus monogyna*). The wood is on shallow drift and the ground flora often has species more associated with heath than woodlands. Other habitats which are found at this site include bedrock shore, a sandy/shingle beach and an area of shallow marine water.

Bray Head has an important seabird colony. A census in 1999 gave the following populations: Fulmar (55 pairs), Shag (8 pairs), Kittiwake (781+ pairs), Guillemots (286 individuals),

Razorbills (191 individuals) and Black Guillemots (123 individuals). A few pairs of gulls also breed. Both the Kittiwake and Black Guillemot populations are of national importance.

Peregrine Falcon, an Annex I species of the EU Birds Directive, breeds, as well as Raven and Kestrel. Characteristic bird species of the heath areas are Stonechat, Whitethroat, Linnets and Skylark.

The heath and grassland habitats at this site are threatened by reclamation for agriculture and also by frequent burning. The site is a popular recreational area and is especially used by walkers.

Bray Head is of high conservation importance as it has good examples of two habitats (sea cliffs and dry heath) listed on Annex I of the EU Habitats Directive. It also supports a number of rare plant species and has ornithological importance.

THE MURROUGH WETLANDS SITE CODE: 002249

The Murrough is a coastal wetland complex which stretches for 15 km from Ballygannon to north of Wicklow town, and in parts, extends inland for up to 1 km. A shingle ridge stretches the length of the site and carries the mainline Dublin-Wexford railway.

The site supports a number of habitats listed on Annex I of the EU Habitats Directive and a number of bird species listed on Annex I of the EU Birds Directive, as well as a wide range of important migratory birds. There are also many rare plants in the site.

On the seaward side, driftline vegetation includes species such as Sea Rocket (*Cacile maritima*), Sea Sandwort (*Honkenya peploides*), Sea Holly (*Eryngium maritimum*) and Yellow-horned Poppy (*Glaucium flavum*). The rare and legally protected Oyster Plant (*Mertensia maritima*) (Flora (Protection) Order, 1999) has been recorded on the gravelly shore in the past but is now considered to be extinct from this locality.

Low sand hills occur at Kilcoole, with Marram (*Ammophila arenaria*) and Lyme-grass (*Leymus arenarius*). In other areas and further inland a rich grassy sward, which is most extensive in the south end of the site, has developed. Typical species include Sweet Vernal-grass (*Anthoxanthum odoratum*), Crested Dog's-tail (*Cynosurus cristatus*), Common Bird's-foot-trefoil (*Lotus corniculatus*), Burnet Rose (*Rosa pimpinellifolia*) and Pyramidal Orchid (*Anacamptis pyramidalis*). A community dominated by Silverweed (*Potentilla anserina*) and Strawberry Clover (*Trifolium fragiferum*) occurs in some of the wetter, grassy areas. In some places, particularly at the south of the site, a Gorse (*Ulex*) heath has developed on the stony ridge.

Saltmarsh is present within the site in two distinct areas. At the southern end of the site, Broad Lough, a brackish, partly tidal lake, has a well developed saltmarsh community which includes Sea Rush (*Juncus gerardii*), Common saltmarsh-grass (*Puccinellia maritima*), Sea Aster (*Aster tripolium*), Sea Purslane (*Hamillione portulacoides*) and Common Scurvy-grass (*Cochlearia officinalis*). Common Reed (*Phragmites australis*) is abundant along the western shore, along with some Sea Clubrush (*Scirpus maritimus*).

Saltmarsh is also present in the northern end of the site in the vicinity of the Breaches. Though this has been greatly affected by drainage in the late 1980s and early 1990s, localised Sea Couch (*Elymus pycnanthus*) still occurs. The grassland which was improved as a result of the drainage is now influenced by seepage and flooding of saline waters.

An area of fen occurs at Five Mile Point. Here Black Bog-rush (*Schoenus nigricans*) is dominant, with Marsh Pennywort (*Hydrocotyle vulgaris*), Purple Moor-grass (*Molinia caerulea*), heather (*Calluna vulgaris*), Cross-leaved heath (*Erica tetralix*), Devil's-bit Scabious (*Succisa pratensis*) and a wide variety of orchids also present. The rare, Narrow-leaved Marsh Orchid (*Dactylorhiza traunsteineri*) has also been recorded here. Fen Sedge (*Cladium mariscus*) is present where the ground is wetter. This in turn, merges into areas dominated by Common Reed. Fen is found in mosaic with reed bed, and wet woodland in the townland of Blackditch.

A fine wet woodland occurs at Blackditch. Birch (*Betula pubescens*) is the dominant species with some Alder (*Alnus glutinosa*), Willow (*Salix* spp.) and Ash (*Fraxinus excelsior*) also present. The ground flora of this wooded area is often quite dense. This wood also contains a rich invertebrate community with at least eight rare or notable species of fly (Diptera) occurring, including *Syntormon setosus*, a species unknown elsewhere in Britain or Ireland.

A wide range of freshwater and brackish marsh habitats occur within the site. These vary from reed-marsh dominated by reeds and Rushes (*Juncus* spp.), to those of Sedges (*Carex* spp.) with other areas supporting a mixture of Sedges and Yellow Iris (*Iris pseudacorus*) also occurring. A wide variety of grasses and herbs are also found. These include Meadowsweet (*Filipendula ulmaria*), Silverweed and Common Spikerush (*Eleocharis palustris*). The scarce, Marsh Pea (*Lathyrus palustris*) occurs in one area. The marshes merge into wet grassland in many areas. Where grazing pressure is low, a herb-rich sward occurs with species such as Ragged Robin (*Lychnis flos-cuculi*), Cuckoo Flower (*Cardamine pratensis*), Meadowsweet and Spotted Orchid (*Dactylorhiza maculata*) occurring. Sedges are abundant in the wetter areas. Where drains have been cut, there are many other species such as Greater Spearwort (*Ranunculus lingua*), Bogbean (*Menyanthes trifoliata*) and the scarce Reed Sweetgrass (*Glyceria maxima*).

The Murrough is an important site for wintering waterfowl and breeding birds. Annex I bird species present include Red-throated Diver, Little Egret, Bewick's Swan, Whooper Swan, Greenland White-fronted Goose, Golden Plover, Kingfisher, Sandwich Tern and Little Tern. Average peak winter counts from 1994/95 - 1997/98 showed the site to have an internationally important population of Brent Geese (1,318, which is much higher than it was in the early 90s), nationally important populations of Wigeon (1,518), Teal (772), Common Scoter (103) and Lapwing (3,140) and regionally or locally important populations of Whooper Swan (80), Little Grebe (22), Shelduck (95), Gadwall (9), Mallard (391), Shoveler (22), Golden Plover (615), Curlew (605) and Redshank (181). Greylag Geese numbers were nationally

important in the early 90s but these numbers have dropped off. The average peak is now 213.

Little Tern breed on the shingle beach near The Breaches and this is the largest colony on the east coast (c.50 pairs in 1993, an average of 37 pairs over the ten year period 1988-1998). Redshank, Oystercatcher, Ringed Plover and Water Rail also breed. The reedbeds at Broad Lough provide habitat for Reed Warbler and the rare Bearded Tit has bred here. Otter has been reported regularly from the Murrrough.

Recent farming and drainage practices and afforestation have greatly reduced the area and quality of the wetlands habitats - the area between Kilcoole and Newcastle is particularly affected. In 1997 there was some levelling of the sand hills below Killoughter station. Pollution, reclamation and further drainage would adversely affect this site.

This site is of importance as it is the largest coastal wetland complex on the east coast of Ireland. Although much affected by drainage, it still contains a wide range of coastal and freshwater habitats including five listed on Annex I of the EU Habitats Directive, some of which contain threatened plants. Areas on the site contain a rich invertebrate fauna, including several rarities. It is an important site for both wintering and breeding birds and supports a wide variety of species listed on Annex I of the EU Birds Directive.

c. Assessment of likely effects

Having regard to the location of the site that is the subject of the proposed amendment vis-à-vis the adjacent Natura 2000 sites, and the characteristics and conservation objectives of the sites identified above, no significant impacts can be determined. In particular

- the proposed amendment will not impact on the management of these sites
- the proposed amendment will not give rise to development or any other activities on these sites
- the proposed amendment will not result in any impacts on the extent of these sites or the species found therein
- the proposed amendment will not require clearance and conversion to other land-uses
- the proposed amendment will not result in any changes to the water regimes in these sites
- the proposed amendment will not result in any exploitation or removal of the resources within these sites
- the proposed amendment will not result in pollution or disturbance of these sites

Consultation with Environmental Authorities

No comments / submissions were received to Wicklow County Council's invitation to input into the Appropriate Assessment screening exercise

Conclusion

Appropriate Assessment is not warranted for the proposed amendment