



Kilcoole Local Area Plan 2008



**Manager's Report on submissions to proposed modifications
November 2008**

Kilcoole Local Area Plan 2008

Manager's Report on modifications to the draft Kilcoole Local Area Plan following the 2nd public display period

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PART 1

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) A summary of the issues raised by them,
- (iii) The opinion of the Manager on all proposed modifications (whether or not any submissions were received thereon), taking into account 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 1st December 2008.

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.

8 th September 2008	Council meeting Elected members resolved to modify draft plan
17 th September 2008 -15 th October 2008	Notice of modifications published Modifications on public display Submissions invited
16 th October 2008 - 7 th November 2008	Evaluation of submissions and preparation of Manager's Report
9 th November 2008	Manager's report issued to members for consideration
1 st December 2008	Council meeting Plan to be adopted with / without modifications
21 st December 2008	Plan comes into effect

PART 2 List of persons and bodies who made submissions

No.	Name	Agent/representative
1	Cllr Tom Fortune	
2	Bord Gais	William Kearney
3	DCENR	Frances Heaslip
4	DOEHLG	Patrick O'Sullivan
5	Dept of Education	Carolan, George
6	National Roads Authority	Michael McCormack
7	Doyle, Simon and Ciaran, Byrnes Irish House Ltd	
8	Fortune, Paul	
9	Gammell, Chris	Alan Quinn
10	O'Neill, Charles	Padraig Smith Partnership
11	O'Connor, Gammell, Foley & McGarry	Clodagh Holmes & Associates
12	Wexford Borough Council	Eddie Taffe

PART 4 Considering the submissions and modifications

Modification No. 1	
Replace "Kilcoole Marshes SPA" with "Murrough SPA"	
Name	Submissions
No submissions received	
Manager's Response	
This modification is considered to be acceptable and acknowledges the submission received from the DEHLG on the draft plan, which stated that the "Kilcoole Marshes SPA" had been renamed as "The Murrough SPA".	
Managers Recommendation	
No change	

Modification No. 2	
Amend last bullet point of residential objectives - <i>To provide for social and affordable housing a mixed housing development, including a range of tenure types (e.g. social, affordable and private housing) in the MU (Mixed Use) zone, subject to the agreement of a Master Plan for the entire zone.</i>	
Name	Submissions
Cllr Tom Fortune	Cllr Fortune is supportive of this modification
Manager's Response	
This modification is considered to be acceptable.	
Managers Recommendation	
No change	

Modification No. 3	
(a) Amend Map 1 to include R3 zoning at Druids Glen (b) Part B, Section 4 - Residential Development (p6) Add objective: - <i>To provide for an especially high quality, discretely designed, 40-unit low-density golf resort related residential development to be effectively and permanently screened from an early date from public view (including from the R761 on the east and from Kilmullin Lane on the west).</i>	
Name	Submissions
No submissions received	
Manager's Response	
The lands subject of this modification were originally zoned R7 in the 2002 Kilcoole LAP. As set out in the 1 st Manager's report it is considered reasonable to re-instate this zoning (to be designated R3). This zoning allowed for the development of 40 golf resort related units. For various reasons, it became necessary to amend the plans for the development of these lands, arising from which only 35 units fell within the precise boundary of the R7 zone. It is therefore considered acceptable to amend the boundary of these lands in order to allow for 5 additional units.	
Managers Recommendation	
No change	

Modification No. 4	
Part B, Section 4 – Residential development – amend 5 th bullet point	
Name	Submissions
No submissions received	
Manager's Response	
This modification was recommended in the 1 st Manager's report.	
Managers Recommendation	
No change	

Modification No. 5	
Add new bullet point to residential objectives: <i>New residential development shall have regard to the (draft) "Sustainable Residential Development in Urban Areas" guidelines (DoEHLG 2008)</i>	
Name	Submissions
No submissions received	
Manager's Response	
This modification was recommended in the 1 st Manager's report.	
Managers Recommendation	
No change	

Modification No. 6	
Part B, Section 5 – Employment –Amend first paragraph: <i>In terms of employment and enterprise, the role envisaged for Kilcoole is to sustain the local community and to provide for enhanced opportunities for the creation of new enterprises. There is sufficient land currently zoned in Kilcoole to meet the employment and enterprise needs of the settlement. Having regard to the quantum of existing employment zoned land in the settlement, limited additional zoning of land for employment is required to meet this objective.</i>	
Name	Submissions
Cllr Tom Fortune	Cllr Fortune is supportive of this modification
Manager's Response	
This modification is necessary if Modification 25 proceeds (Modification 25 comprises the zoning of an additional area of 2.4ha for employment use at Ballycrone). The Manager is not supportive of Modification 25 as the employment calculations in Part A draft plan show that no additional employment zoning is required in Kilcoole	
Managers Recommendation	
It is recommended that this modification is not adopted	

Modification No. 7	
Amend 3 rd bullet point of Community Infrastructure section: <i>Active Open Space shall be provided in the MU zone, including an equipped playground of c. 200sqm, subject to the agreement of a Master Plan for the entire area.</i>	
Name	Submissions
Cllr Tom Fortune	Cllr Fortune is supportive of this modification
Manager's Response	
This modification provides for Active Open Space within the MU zone, as well as normal residential open space and a playground. These lands are required to be developed in the most efficient way that maximises the investment in the lands and provides the best return to the community in terms of housing and other facilities. At this time, prior to the preparation of a master plan for these lands, it is not possible to confirm that meaningful active open space can be provided in this zone.	
Managers Recommendation	
It is recommended that this modification is not adopted	

Modification No. 8	
Add new objective to Community Infrastructure section: <i>To promote and facilitate the maintenance and improvement of the Mass path, as shown on Map 1.</i>	
Name	Submissions
Cllr Tom Fortune	Cllr Fortune is supportive of this modification
Manager's Response	
This modification was recommended in the 1 st Manager's report.	
Managers Recommendation	
No change	

Modification No. 9	
(a) Omit proposed CE zoning (c. 2ha) to the rear of the Holy Faith Convent and new 2ha CE zone to north of Holy Faith convent and (b) amend Part B: Section 7 – Education	
Name	Submissions
Department of Education	The department has no objection to this modification
Cllr Tom Fortune	While Part A of this modification is supported, it is contended that the CE zoning within Action Area 1 should be removed.
O'Connor, Gammell, Foley & McGarry	Contend that the inclusion of a school site within Action Area 1 is not only unsuitable but also surplus to requirements. It is proposed that this modification be amended to state the following: <ul style="list-style-type: none"> • <i>A site shall be reserved for primary school development north of the convent (to be served by the proposed new link road west of R761/Lott Lane Junction)</i> • <i>Land of c. 1.6ha shall be reserved adjacent to Colaiste Chraobh Abhann for future school expansion. In the event that it is determined that this land is not needed for this school this site shall be reserved as an alternative primary school location (suitable for 16 classrooms).</i>
Manager's Response	
Part A Section 8.2 of the draft plan sets out the requirements for primary school provision in Kilcoole in order to meet the projected population of 4,500. Given the existing primary school catchment in Kilcoole, the draft plan provided for in excess of this population and provided sufficient lands in order to meet a population of c.6,000 (32 classrooms). The draft plan provided lands capable of accommodating 2 no. 16 classroom schools, one on the convent lands and one within AA1. A third CE zoned site is provided in the draft plan adjacent to Colaiste Chraobh Abhann. These lands have been reserved primarily for the future expansion of the existing secondary school; however should these lands not be required for the expansion of this school, the possibility of a primary school being located on these lands is open for consideration in the future. It is considered reasonable to maintain three possible primary school sites although only 2 are required in order to ensure a 'market factor' i.e. the possibility of sites not being released to the market. The CE zoning within AA1 is strategically positioned in very close proximity to a number of existing and proposed	

residential areas and will form part of the overall development of AA1 thereby making this CE zoning the most likely to be developed during the lifetime of this plan. The other CE zonings within the plan boundary are essentially stand alone zonings and are not connected to any residential zonings making them more likely to be long-term objectives in the plan.
Managers Recommendation
No change

Modification No. 10	
(a) Map 1 - Add new footpath objective along Sea Road between Main Street and the train station	
(b) Part B, Section 8 - Transportation and traffic (p10) Add new objective:- <i>Provide footpath along the Sea Road between Main Street and the train station</i>	
Name	Submissions
No submissions received	
Manager's Response	
While it is agreed that this is a worthwhile objective, as set out in the 1 st Manager's Report, there may be a number of impediments to the achievement of this footpath, and therefore its inclusion in this plan is not likely to hasten its delivery.	
Managers Recommendation	
No change	

Modification No. 11	
<i>Realign proposed link road north of the Convent to run directly west of Lott Lane, along northern boundary of proposed CE zone</i>	
Name	Submissions
Cllr Tom Fortune	Cllr Fortune is supportive of this modification
Manager's Response	
This modification is linked to the proposed zoning of lands for CE use to the north of the Convent (Modification no. 9 above). The proposed link to the long term road objective of the western distributor road will ensure that the proposed CE lands are easily accessible from the south of Kilcoole without the necessity for traffic to pass through the town centre thereby relieving congestion at peak times. The proposed link road will also connect the proposed east-west link road via Lott Lane from the Sea Road thereby further alleviating any traffic congestion from the town centre area.	
Managers Recommendation	
No change	

Modification No. 12	
Add new objective to services infrastructure section: <i>Developments in excess of 1,000sqm must as a minimum reach a B1 Building Energy Rating</i>	
Name	Submissions
Cllr Tom Fortune	Cllr Fortune is supportive of this modification
Manager's Response	
While it is considered that issues relating to energy efficiency are more correctly dealt with through the County Development Plan and national Building Regulations, there is no objection to this proposed modification.	
Managers Recommendation	
No change	

Modification No. 13	
Add new heritage objective: <i>Where new development is adjoining surface waters, a minimum buffer zone of 10m shall be maintained between the riverbank and new development. The developer shall consult with the DoEHLG and the ERFB to determine the most appropriate layout, design and usage of the buffer zone.</i>	
Name	Submissions
Cllr Tom Fortune	Cllr Fortune is supportive of this modification
Manager's Response	
This modification was recommended in the 1 st Manager's report.	
Managers Recommendation	
No change	

Modification No. 14	
Amend Action Area 1 (a) Omit all zoning colours from AA1, (b) Part B: Section 11 – amend wording.	
Name	Submissions
Department of Education	The department has no objection to the Modification 14
Cllr Tom Fortune	Requests that this action area should be developed as soon as possible and would be suitable for a park area.
O'Connor, Gammell, Foley & McGarry	It is requested that the following amendments be made to modification <ol style="list-style-type: none"> 1. Remove the proposed 1.2ha of land proposed to be used for a primary school 2. Increase the amount of residentially zoned lands from 6.4ha to 7.8ha. 3. Remove the word "educational" from the objectives for this action area. 4. Include the provision of "Institutional Uses" as permissible within the CE zone. 5. Provide for 3ha of AOS as set out in the original modification 6. Provide for a density of 22 units/ha
Gammell, C	Supports this modification
Manager's Response	
<p>The subject lands (AA1) have been zoned in order to provide for a balanced mixed residential, community and educational development with adequate provision of open space. While the majority of the submissions received in relation to this submission are supportive of its contents the submission by O'Connor, Gammell, Foley & McGarry proposes a number of changes to the objectives for this action area.</p> <p>These changes are not considered acceptable for the following reasons:-</p> <ul style="list-style-type: none"> - the primary school zone is necessary to maintain in order to ensure that sufficient lands are zoned in the town for future educational needs. The CE zoning within AA1 is strategically positioned in very close proximity to a number of existing and proposed residential areas and will form part of the overall development of AA1 thereby making this CE zoning the most likely to be developed during the lifetime of this plan; - there is no justification for the zoning of additional land for residential use. The population projections (which are in accordance with the County Development Plan 2004) and calculations of required land zoning are set out in Part A of the plan. The quantity of zoned land required takes into account the 2006 census population, permissions granted and constructed since 2006 and existing permissions, which have yet to begin construction. This section clearly set out the process under which it was determined what land requirements were needed in order to accommodate the projected population in 2016. The calculations also provide for an "excess factor" and substantial "headroom", given the location of the settlement, its designation in the Regional Planning Guidelines and the demand for housing. - The County Development Plan does not allow for a density in excess of 20/ha in Kilcoole and the LAP must be consistent with the County Development Plan. <p>Institutional uses are considered acceptable in CE zones</p>	
Managers Recommendation	
No change	

Modification No. 15 Amendments to AA2	
Name	Submissions
Doyle, Simon & Ciaran	This submission contends that this proposed modification is inappropriate in its current format. It is proposed that one acre of land be donated to the Council for the purposes of providing a playground/park and that the remaining lands be zoned for residential development. It is considered that this proposal is reasonable given that this one acre plot of land represents 20% of the site.
Cllr Tom Fortune	Consider that this proposed modification is inappropriate and should be revised in accordance with the proposals set out in the Doyle family submission

Manager's Response

The submissions received request that a number of alterations be made to the objectives and layout of this action area. AA2 is situated to the immediate east of the town centre and measures 2ha, with the draft plan setting out the following objectives for this area

- *A maximum of 6 residential units shall be constructed within this area, on a site area not exceeding 0.5ha. The optimal location and configuration of this housing area shall be determined following an archaeological assessment of the Action Area. The design and orientation of houses shall reflect the setting of the existing the Church ruin;*
- *The remainder of the Action Area shall be provided for a public park, including an equipped playground of c.900sqm;*
- *The existing Church site shall be maintained as a feature in the new open space area.*

Proposed Modification 15 increases the number of residential units that would be permissible from 6 to 7 and also increases the amount of lands to be devoted to residential use from 25% to 50% of the 2ha site. This modification also includes a new objective that the development of the Action Area would be phased such that the new park shall be dedicated to the use of the public prior to the construction of the dwellings.

The alternative proposal put forward in Doyle family submission would further reduce the amount of land to be provided for a public park to 0.4ha and to zone the remaining 1.6ha for residential purposes. This suggestion is not considered acceptable as 0.4ha is not considered sufficient to provide a meaningful public park. It is considered a reasonable balance to allow 25% of this land (which is currently zoned OS with no development potential) to be developed for housing but in return, a substantial park is to be provided.

Managers Recommendation

It is recommended that this modification be rejected and the objectives for this action area revert to those set out in the 1st Manager's Report with the inclusion on a 4th objective with regard to phasing i.e.

This Action Area is located east of Lott Lane and south of the Wellfield housing development, in the townland of Ballydonarea, as shown on Map 1. This Action Area measures c. 2ha. This Action Area shall be developed as a residential and public open space zone in accordance with the following criteria:-

- ***A public park of not less than 1.5ha, including an equipped playground of not less than 900sqm shall be provided.***
- ***The existing church site shall be maintained as a feature in the new open space area***
- ***The remainder of the action area may be developed for housing, at densities up to 20/ha. The optimal location and configuration of this housing area shall be determined following an archaeological assessment of the action area. The design and orientation of the houses shall reflect the setting of the existing church ruin.***
- ***The development of this action area shall be phased such that the new park shall be dedicated to the use of the public prior to the construction of the dwellings.***

Modification No. 16 Amend AA3 (increase TC zone by 0.5ha)	
Name	Submissions
Cllr Tom Fortune	Cllr Fortune is supportive of this modification
Manager's Response	
There are no objections to this minor modification	
Managers Recommendation	
No change	

Modification No. 17 Add new zoning objectives R2, R3 and AGR	
Name	Submissions
No submissions received	
Manager's Response	
The Manager, in his 1 st report, recommended the inclusion of the R2 and R3 zones The proposed AGR zoning is opposed in principle but providing that the designation of land as AGR does not prejudice the right / ability of the Council to select other lands for development in future plans, there are no objections to this modification.	
Managers Recommendation	
No change	

Modification No. 18 Amend land use matrix:- (a) Residential development shall be "permissible" "Y" in the TC zone. (b) Residential institution shall be permissible "Y" in the CE zone.	
Name	Submissions
O'Connor, Gammell, Foley & McGarry	Supports this modification
Manager's Response	
This modification was recommended in the 1 st Manager's report.	
Managers Recommendation	
No change	

Modification No. 19 Insert footnote in the land-use matrix stating that 'residential' development in AG zone is permissible only in the context of Policy SS9 of the County Settlement Strategy	
Name	Submissions
No submissions received	
Manager's Response	
This modification was recommended in the 1 st Manager's report	
Managers Recommendation	
No change	

Modification No. 20 Increase AT (Agri-tourism) zone by c. 4.3ha	
Name	Submissions
Cllr Tom Fortune	Supports this modification
Manager's Response	
The boundaries of the AT zone originally proposed in the draft plan generally correspond to the area for which planning permission exists for the agri-tourism facility but also include an additional 'expansion' area of c. 2ha (the total area of the tourism zone proposed in the draft plan is 5.7ha). This modification proposes to increase this zone by a further 4.3ha. While it is acknowledged that there is an existing rural enterprise on the adjoining lands, it is considered that the provisions of the County Development Plan (under section 2.3 of Chapter 12 "Rural Enterprise") makes adequate provision for the expansion of such facilities where a reasonable case has been put forward for such	

developments. It is considered that the draft plan provided for sufficient zoned lands which would facilitate a significant expansion of this existing rural enterprise without the necessity to increase this zoning by 4.3ha. It is therefore considered unnecessary to zone the subject lands "AT" given the provisions made for such developments under the County Development Plan.
Managers Recommendation
It is recommended that this modification is not adopted

Modification No. 21 Re-instate all AGR lands from 2002 plan	
Name	Submissions
Cllr Tom Fortune	Supports this modification
Manager's Response	
The proposed AGR zoning is opposed in principle but providing that the designation of land as AGR does not prejudice the right / ability of the Council to select other lands for development in future plans, there are no objections to this modification.	
Managers Recommendation	
No change	

Modification No. 22 (a) Change zoning of 5.7ha at Ballydonarea (Sea Road) from AG to AGR (b) Change zoning of 9.6ha at Ballydonarea (Sea Road) from AG to AOS	
Name	Submissions
Charlie O'Neill	Requests the AGR zone (5.7ha) be altered to R2 (low-medium density residential development) This submission also includes a short environmental synopsis of the impacts the proposed development would have on the adjoining SAC and concludes by stating that the proposed development will have no impact on the SAC.
Manager's Response	
<p>The population projections and calculation of required land zoning are set out in Section 8 of Part A of the plan. The quantity of zoned land required takes into account the 2006 census population, permissions granted and constructed since 2006 and existing permissions, which have yet to begin construction. This section clearly set out the process under which it was determined what land requirements were needed in order to accommodate the projected population in 2016. The calculations also provide for an "excess factor" and substantial "headroom", given the strategic location of the settlement, its designation in the Regional Planning Guidelines and the demand for housing. There is no requirement for the zoning of additional lands for residential use during the current plan period. Furthermore, the lands suggested in this submission are not centrally located and would not consist the planned and orderly expansion of the settlement.</p> <p>This modification is opposed on the grounds that:-</p> <ol style="list-style-type: none"> (1) There is no logical justification for the zoning of additional residential or open space lands, given the population targets for the settlement (2) The lands in question are peripheral to the town, being located 1km from the Main Street / Sea Road junction (i.e. further from this junction than either Kilcoole Golf Club to the south or Kilcoole FC to the north) (3) The zoning of lands, with the development that may result thereon, cannot be considered until the full environmental impacts of the development have been identified and evaluated (in accordance the Habitats Directive) and appropriate impact mitigation or avoidance measures built into the plan. The proposed AOS zone directly adjoins a SAC site, with is a site with European designation. Any works that would involve disturbance to the habitat including removal of natural scrub, hedgerows, trees or interfere with the natural water regime through land drainage, excavating, levelling etc have the potential to result in adverse impacts on the SAC and therefore such development is precluded under recent EC Case 418/04 EC Commission v Ireland, where it was found that Ireland had not correctly transposed and implemented the Habitats Directives. 	
Managers Recommendation	
It is recommended that this modification is not adopted	

Modification No. 23	
<i>Change zoning of 0.1ha at Creowen from E to RE</i>	
Name	Submissions
No submissions received.	
Manager's Response	
This modification was recommended in the 1 st Manager's report	
Managers Recommendation	
No change	

Modification No. 24	
<i>Change zoning of 0.3ha at Ballyphilip from AOS to AG</i>	
Name	Submissions
Cllr Tom Fortune	Supports this modification
Manager's Response	
This modification was recommended in the 1 st Manager's report	
Managers Recommendation	
No change	

Modification No. 25	
<i>Expand E zone at Ballycrone by 2.4ha</i>	
Name	Submissions
Cllr Tom Fortune	Supports this modification
Manager's Response	
<p>Section 8.3 of Part A of draft LAP sets out the background and rationale for employment zoning and takes into account the 2016 population projection for Kilcoole as set out in the County Development Plan, along with labour force participation rate in Wicklow, plot ratio, current zoning etc. This section clearly sets out the process under which it was determined what land requirements were needed for employment use by 2016 given the strategic location of the settlement of Kilcoole, its designation as a Small Growth Town I in the Regional Planning Guidelines and the demand for employment. In this regard, c. 30Ha (75 acres) of land is proposed for employment zonings in the draft LAP, which is sufficient to accommodate the employment needs of the 2016 population. Therefore there is no requirement for the zoning of additional lands for employment use during the current plan period.</p> <p>Furthermore, the lands in question are located in proximity to an existing employment area on the southern side of the town, where it is considered that there has been excessive industrial / employment type development, leading to an inadequate mix / balance in the area. It is therefore not considered appropriate to zone these lands for Employment purposes and therefore it is recommended that this modification be removed from the plan.</p>	
Managers Recommendation	
It is recommended that this modification is not adopted	

Modification No. 26	
<i>Expand plan boundary to include modifications 3, 10, 20, 21, 22 & 25</i>	
Name	Submissions
Cllr Tom Fortune	Supports this modification
Manager's Response	
This modification proposes that lands currently outside the plan boundary and subject to a modification, namely 3, 10, 20, 21, 22 & 25 be included within the plan boundary. With the exception of Modification 3, the Manager is opposed to the remaining modifications and the extension of the plan boundary to accommodate them.	
Managers Recommendation	
Amend plan boundary where necessary	