

**PROPOSED VARIATION NO. 2(i)  
TO THE WICKLOW COUNTY DEVELOPMENT  
PLAN 2010-2016**

**KILMACANOGUE SETTLEMENT PLAN**



**Report to the members of Wicklow County  
Council under Section 13(4) of the Planning and  
Development Act 2000  
(as amended)**

**29<sup>th</sup> August 2011**

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





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Part 4	Considering the submissions

## PART 1

### 1.0 Introduction

This Manager's Report is submitted under Section 13(4) of the Planning & Development Act 2000 (as amended); it is part of the formal statutory process of the making of a variation to the County Development Plan.

Section 13 (4) of the Planning Act requires that this report contains the following:

- (i) A list of the persons or bodies that made submissions;
- (ii) A summary of the following:
  - a. Issues raised by the Minister
  - b. Issues raised by other bodies or persons
  - c. In the case of a planning authority within the GDA, issues raised and recommendations of the NTA
  - d. Issues raised and recommendations made by the regional authority

(iii) The response of the Manager to the issues raised and the recommendation of the Manager in relation to the manner in which the issues should be addressed, taking account of the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.

It should be noted that the NTA and Greater Dublin Area Regional Authority did not make a submission on the proposed variation.

This report is now formally submitted to the Council for consideration. This report will be on the agenda of the County Council meeting on the 03<sup>rd</sup> of October 2011.

### 1.1 Draft Consultation Process

The proposed variation was placed on display during the period of 4<sup>th</sup> July to 2<sup>nd</sup> August 2011. The aim of the consultation process was to enable the public and interested parties to give their observations on the proposed variation.

A total of 8 written submissions were received. The written submissions are held on file and are available for Council and public inspection. The list of persons or bodies who made submissions on the proposed variation is set out in Part 3 of this Report.

## 1.2 Considering the Submissions

Each submission made has been summarised and the response and recommendations of the County Manager are given in Part 4 of this report.

This report is submitted to the Council Members for consideration.

## 1.3 Next Steps – Variation Timetable

The members of the planning authority are required to consider the proposed variation and this Manager's Report.

If the planning authority, after considering a submission, observation or recommendation from the Minister or Greater Dublin Area Regional Authority, decides not to comply with a recommendation made by either, it shall so inform the Minister or regional authority as soon as practicable by written notice and shall include the reasons for the decision.

The consideration of the variation and the Manager's Report shall be completed not later than 6 weeks after the submission of the Manager's Report to the members of the planning authority.

Having considered the proposed variation and Manager's Report, the members of the planning authority may, by resolution, either:

- (i) make the variation with or without further modification\*,
- (ii) refuse to make the variation,

Where a proposed modification, if made, would constitute a 'material alteration' of the variation, the following shall be carried out:

- the planning authority shall determine if a strategic environmental assessment or an appropriate assessment or both, is required to be carried out as respects a proposed modification. Within 2 weeks of such a determination, the Manager shall specify the period that is considered necessary to facilitate the carrying out of a SEA/AA.
- The planning authority shall publish notice of a proposed material alteration and any determination that requires the carrying out of an SEA/AA. The proposed material alteration and any determination shall be on public display for a period of not less than 4 weeks and submissions invited. All submissions shall be taken into account before the variation of the development plan is made.
- The SEA/AA shall be carried out within the period specified by the Manager.
- A further modification\* can be made to the variation.

\*A further modification to the variation may be made where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site, and shall not be made where it refers to an increase in the area of land zoned for any purpose, or an addition to or a deletion from the record of protected structures.

Formally, making a variation is done by resolution of the Council.

In making a variation to a development plan, the members are restricted to considering the proper planning and sustainable development of the area, the statutory obligations of a local authority and any relevant policies or objectives of the Government or any Minister of the Government

### Variation timetable

<b>Timeframe</b>	<b>Progress of variation process</b>
4 <sup>th</sup> July 2011 to 2 <sup>nd</sup> August 2011	Proposed Variation on display - submissions invited.
3 <sup>rd</sup> August 2011 –29 <sup>th</sup> August 2011	Preparation of Manager's Report on submissions received.
29 <sup>th</sup> August 2011 to 10 <sup>th</sup> October 2011	Manager's Report issued to Council Members for consideration. Variation made, with or without modification, or not made. If modification is material, the process continues as set out above.



## PART 2

### Summary of Manager's recommended modifications

#### 1. a) Assessment of Flood Risk on Primary Lands:

From: Having considered the criteria of the test, it is considered that the justification ~~test would not be satisfied. It is therefore considered appropriate to ensure that the type of development proposed on flood risk lands within the tertiary lands is not especially vulnerable to the adverse impacts of flooding.~~

To:

Having considered the criteria of the test, it is considered that the justification **test is satisfied, as these lands are all fully developed.**

#### 1. b) Assessment of Flood Risk on Secondary Lands

From: Having considered the criteria of the test, it is considered that the justification test ~~would not be satisfied. It is therefore considered appropriate to ensure that the type of development proposed on flood risk lands within the tertiary lands is not especially vulnerable to the adverse impacts of flooding.~~

To:

Having considered the criteria of the test, it is considered that the justification test **would for the most part be satisfied, as nearly all the lands concerned are currently developed. However those lands currently undeveloped would not be suitable for any vulnerable use, including housing unless detailed flood risk assessment is prepared at the development management stage indicating that mitigation measures could overcome flood issues.**

#### 2. a) Insert a new objective after KM6

*KM 7: To plan for a new distributor road, subject to a feasibility report, linking Kilmacanogue directly to Bray, along a line from the eastern roundabout of the Kilmacanogue N11 junction, across lands to the east of route N11, and to provide alternative access to properties currently accessed directly from route N11.*

- Amend 'Kilmacanogue Settlement Plan Map showing an arrow of the approximate springing point for this proposed road.*

#### b). Amend Text as follows due to the inclusion of objective KM7

From:

The objectives included herein shall apply to all lands that are located within the development boundary, as shown on the map.

To:

The objectives included herein shall apply to all lands that are located within the development boundary unless **otherwise stated** as shown on the map.

# Kilmacanogue Settlement Plan 2011 - 2016

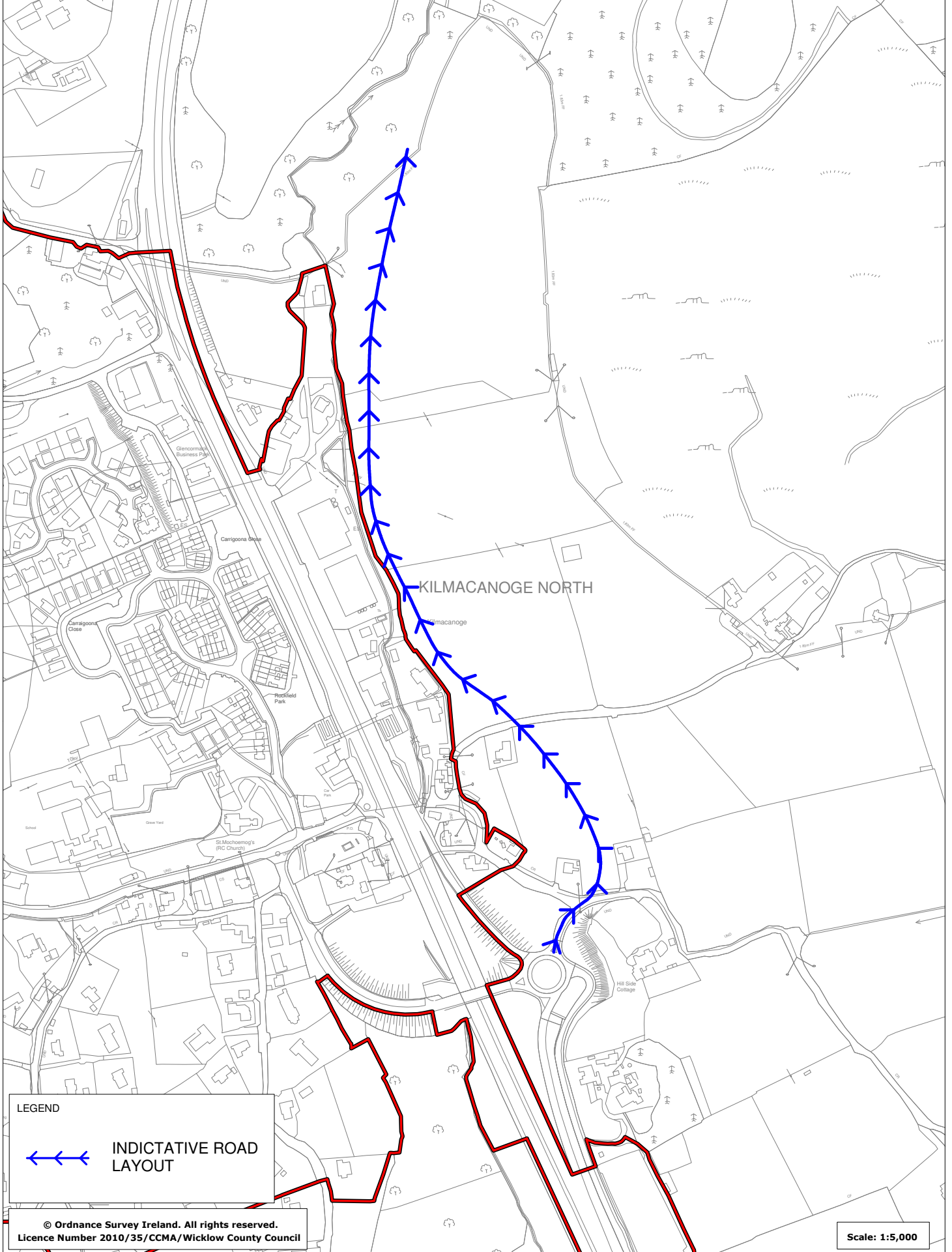


## Manger's Modification No.2(a)

WICKLOW COUNTY COUNCIL

PLANNING DEPARTMENT

Date: August 2011



### LEGEND



INDICATIVE ROAD LAYOUT

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Scale: 1:5,000



**PART 3 List of persons and bodies who made submissions**

No.	Name	Agent/ Representative
<b>Prescribed Bodies</b>		
1	Department of Communications, Energy and Natural Resources	Stephanie Redmond
2	Department of Education and Skills	Lorraine Brennan
3	Health and Safety Authority	Alice Doherty
4	Office of Public Works	Kevin Byrne
5	Dublin Airport Authority	Tanya Murray
6	National Roads Authority	Michael McCormack
<b>Public Submission</b>		
7	Holfeld Plastics Limited/Edmund Holfeld	Malcolm Lane
8	Walter Browne Ardea Ltd	Frank O Gallachoir Associates

**PART 4 Considering the submissions**

For all submissions, the Manager will provide an opinion on the issues raised and a recommendation in relation to the issue. Where the Manager is recommending amendments to the draft plan, these changes will be set out under each issue, with new text shown in red and deleted text in ~~blue strikethrough~~.

<b>No. 1</b>
<b>Department of Communications, Energy and Natural Resources</b>
No specific submission made regarding the variation.
<b>Manager's response</b>
n/a
<b>Manager's recommendation</b>
No change

<b>No. 2</b>
<b>Department of Education and Skills</b>
The Department has expressed no objection to the proposed variation. There are no changes in projected population figures for the area and therefore no changes likely to future school provision for the area.
<b>Manager's response</b>
Noted.
<b>Manager's recommendation</b>
No change

<b>No. 3</b>
<b>Health and Safety Authority</b>
No specific submission made regarding the variation.
<b>Manager's response</b>
n/a
<b>Manager's recommendation</b>
No change

<b>No. 4</b>
<b>Office of Public Works</b>
<p>The Office of Public Works (OPW) has expressed no objection to the proposed variation.</p> <p>1.The OPW welcomes that a Strategic Flood Risk Assessment (SFRA) has been carried out and that this has followed the 'Planning System and Flood Risk Management Guidelines for Planning Authorities'.</p> <p>2.The (OPW) welcome the inclusion of KM10 and the objectives and polices of the "Section 12.6: Flooding" that is contained in the Wicklow County Development Plan 2010-2016.</p> <p>3. The (OPW) has indicated that the Flood Risk Assessment that accompanies the plan would appear to have a number of erroneous references to "tertiary lands" and that the Assessment of both the Flood Risk on Primary and Secondary Lands both state that Flood Risk Management Guidelines Justification Test would not be satisfied for these lands.</p>
<b>Manager's response</b>
<p>Noted. The OPW comments in relation to the Flood Risk Assessment have been noted. From re-examining the Flood Risk Assessment and in relation to the second page there are some typing errors where tertiary was put into the text analysing the impacts in both the primary and secondary lands. These had the effect of confusing matters. In addition, the wording used that the 'justification test' was not satisfied while strictly true, only referred to a small portion of both the primary and secondary lands (as nearly all of the affected lands are already developed) and was thus misleading. Revised wording is presented below which more accurately deals with the flood risk.</p> <p>1. a) Assessment of Flood Risk on Primary Lands:</p> <p>From: Having considered the criteria of the test, it is considered that the justification <del>test would not be satisfied. It is therefore considered appropriate to ensure that the type of development proposed on flood risk lands within the tertiary lands is not especially vulnerable to the adverse impacts of flooding.</del></p> <p>To: Having considered the criteria of the test, it is considered that the justification <b>test is satisfied, as these lands are all fully developed.</b></p> <p>1. b) Assessment of Flood Risk on Secondary Lands</p> <p>From: Having considered the criteria of the test, it is considered that the justification test <del>would not be satisfied. It is therefore considered appropriate to ensure that the type of development proposed on flood risk lands within the tertiary lands is not especially vulnerable to the adverse impacts of flooding.</del></p> <p>To: Having considered the criteria of the test, it is considered that the justification test <b>would for the most part be satisfied, as nearly all the lands concerned are currently developed. However those lands currently undeveloped would not be suitable for any vulnerable use, including housing unless a detailed flood risk assessment is prepared at the development management stage indicating that mitigation measures could suitably overcome flood issues.</b></p>
<b>Manager's recommendation</b>
<p>1. a) Assessment of Flood Risk on Primary Lands:</p> <p>From: Having considered the criteria of the test, it is considered that the justification <del>test would not be satisfied. It is therefore considered appropriate to ensure that the type of development proposed on flood risk lands within the tertiary lands is not especially vulnerable to the adverse impacts of flooding.</del></p>

To:  
 Having considered the criteria of the test, it is considered that the justification test is satisfied, as these lands are all fully developed.

1. b) Assessment of Flood Risk on Secondary Lands

From:  
 Having considered the criteria of the test, it is considered that the justification test ~~would not be satisfied. It is therefore considered appropriate to ensure that the type of development proposed on flood risk lands within the tertiary lands is not especially vulnerable to the adverse impacts of flooding.~~

To:  
 Having considered the criteria of the test, it is considered that the justification test would for the most part be satisfied, as nearly all the lands concerned are currently developed. However those lands currently undeveloped would not be suitable for any vulnerable use, including housing unless a detailed flood risk assessment is prepared at the development management stage indicating that mitigation measures could suitably overcome flood issues.

<b>No. 5</b>
<b>Dublin Airport Authority</b>
No specific submission made regarding the variation.
<b>Manager's response</b>
n/a
<b>Manager's recommendation</b>
No change

<b>No. 6</b>
<b>National Roads Authority</b>
The National Roads Authority (NRA) has welcomed the opportunity to comment on the proposed variation. Their submission summaries the content of the plan, however they have raised the following specific issues regarding objective KM6: <ol style="list-style-type: none"> <li>1. They note the content of objective KM6, however on the basis of the reports that they have carried out previously namely, (<i>M11/N11 Merging Study Report</i>” and the <i>“N11 Corridor review-Fassaroe Junction to Kilmacanogue, Co.Wicklow</i>, the NRA has requested that the Council would incorporate specific proposals that can be incorporated into the plan to support and reinforce objective KM6.</li> </ol>
<b>Manager's response</b>
The NRA's comments in relation to the proposed variation have been noted and specifically in relation to objective KM6. In the preparation of this land-use plan the reports referred to were considered particularly the latter report. This report was a feasibility analysis prepared by the National Roads Authority's consultants, but was not subject to any public consultation or consultation with Wicklow County Council, and consisted of a number of proposals from the county boundary to Kilmacanogue to remove local traffic from the N11. It was decided not to include objectives from this, as they were not considered to have been worked up to a sufficient degree to include in a statutory plan. One of the recommendations was to link Kilmacanogue from the eastern roundabout, to the

Southern Cross Road in Bray across the field to the east of the N11, and thus remove the need for potentially hazardous weaving movements for traffic from Kilmacanogue accessing the local primary retail and services centre of Bray. Such a road could also potentially provide an alternative access to properties on the east side of Kilmacanogue that currently front onto route N11 as it approaches the deceleration off-ramp lane from the N11 to the Kilmacanogue junction. Even though this is only at feasibility stage, it is considered worthwhile to include this as an objective of this Plan, so that critical land can be reserved from development in the short-term. Due to this new objective, the text in the Settlement Plan under section 3 "Settlement Objectives" requires a minor addition in the text.

**Manager's recommendation**

a). Insert a new objective after KM6

*KM 7: To plan for a new distributor road, subject to a feasibility report, linking Kilmacanogue directly to Bray, along a line from the eastern roundabout of the Kilmacanogue N11 junction, across lands to the east of route N11, and to provide alternative access to properties currently accessed directly from route N11.*

- *Amend 'Kilmacanogue Settlement Plan Map showing an arrow of the approximate springing point for this proposed road.*

b). Amend Text as follows due to the inclusion of objective KM7

From:

The objectives included herein shall apply to all lands that are located within the development boundary, as shown on the map.

To:

The objectives included herein shall apply to all lands that are located within the development boundary unless **otherwise stated** as shown on the map.

**No. 7**

**Holfeld Plastics Limited/Edmund Holfeld**

This submission relates to lands to the north of Kilmacanogue, on the east of the N11. The subject lands are to the rear of existing industrial units (Currently being occupied as (S.Kelly Recovery and Oxygen Care). The existing buildings are within the settlement boundary and are on secondary lands measuring .97ha. This submission has requested that the lands immediately to the rear of these buildings which measure 1.87ha would be included in the settlement boundary and zoned secondary lands (future expansion of employment/light industrial uses) for the following reasons:

1. It is considered that the lands subject lands are critical for the existing operators to expand their operations without having to relocate off-site in light of future potential expansions of their businesses.
2. It is considered that any employment lands being used by an operator in the current market conditions is off benefit to the county and local area.
3. Additional lands have been zoned for residential purposes within the settlement boundary.
4. The subject lands are located at Kilmacanogue North, which is within the "Metropolitan Area" designated in the Regional Planning Guidelines for the Greater Dublin Area 2004-2016.
5. The inclusion of the subject lands within the settlement boundary for Kilmacanogue will contribute positively to the achievement of this development plan policy.

**Manager's response**

Noted. The analysis carried out in Appendix A of this plan has found that having regard to the existing level of employment provision in Kilmacanogue, the proximity of Kilmacanogue to Bray which is designated a Metropolitan Consolidation Settlement by the Regional Planning Guidelines for the Greater Dublin Area where various employment opportunities exist and are provided for, there is no need to designate additional lands in Kilmacanogue for new development. A further expansion of the existing industrial enterprises at this location would create an increase in traffic that would be generated and would increase the level of turning movements on national primary route N11 via an entrance directly onto the N11.

<b>Manager's recommendation</b>
No Change

<b>No. 8</b>
<b>Ardea Limited-Walter Browne</b>

This submission relates to lands to the north of Kilmacanogue at Hollybrook. The lands measure 11.6ha. This submission has requested that these lands would be included within the settlement boundary of Kilmacanogue and with an objective to create employment and foster local enterprises.

-The submission reviews in detail the existing employment objectives and settlement objectives of the Wicklow County Development Plan 2010-2016, which pertain specifically to Kilmacanaogue and it is suggested that these objectives would support the proposed inclusion of the subject lands within the Kilmacanogue Settlement boundary. The proposed Kilmacanogue Plan does not permit new employment uses within the plan area and as such is contrary to the objectives that are contained in the county development plan which encourage enterprise and employment and sustainable transport.

-It is suggested that there is a specific need within the plan area for new employment developments and that the only sustainable option for the further expansion of Kilmacanogue is to the north of the plan area as a number of other areas are constrained due to heritage features (Kilmacanogue Marsh, listed views & prospects, Great Sugar Loaf Special Amenity Area Order, Rocky Valley Area of Geological Interest and High Amenity Area) and the road network surrounding Kilmacanogue which would not support the expansion of the plan area to the east of the N11.

**Manager's response**

The content of the submission has been noted. It is considered that the analysis that was carried out in formulating the land-use plan and specifically in determining the quantum of land that is required for Kilmacangoue to develop in the future was accurate in determining that there was no requirement to for any new lands to be zoned for employment developments. In the analysis that was carried out it was estimated that a jobs requirement in the town and its catchment of 266. It is estimated that there are approximately 170 jobs within the town and its catchment. It is considered that there would be sufficient opportunities to provide for the remaining 96 jobs in the retail and service sector as these sectors are significantly under –provided in the settlement at present and will be the main focus of growth in employment in the future. There are a number of offices and commercial units in the local business park that could accommodate the majority of the remaining job requirements.

The proximity of Kilmacanogue to Bray, which is designated a Metropolitan Consolidation Settlement by the Regional Planning Authority, where various employment opportunities exists and from the analysis above, it is considered that there is no need to designate additional lands in Kilmacanogue for significant new employment development.

Furthermore, the lands subject to this submission are located at some distance from the town core and residential areas and access to same would be totally car dependent and would be likely to result in significant new traffic movements onto the national road.

**Manager's recommendation**

No Change

# Kilmacanogue Settlement Plan 2011 - 2016



## SUBMISSION 7

WICKLOW COUNTY COUNCIL

PLANNING DEPARTMENT

Date: August 2011



1.08 ha

KILMACANOGE NORTH

Kilmacanogue

### LEGEND

 **Submission 7**  
Employment and Light Industrial Purposes

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# Kilmacanogue Settlement Plan 2011 - 2016



## SUBMISSION 8

WICKLOW COUNTY COUNCIL

PLANNING DEPARTMENT

Date: August 2011


WINGFIELD

11.6 ha

HOLLYBROOK

### LEGEND

#### Submission 8

 Local Business & Enterprise Park

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