

## **APPENDIX 12**

### **STATEMENT OUTLINING COMPLIANCE WITH MINISTERIAL GUIDELINES**

Under Section 28 of the Planning and Development Act 2000 (as amended), Wicklow County Council is required to append a statement to the Development Plan to include information which demonstrates:

1. How the Council has implemented the policies and objectives of the Minister contained in the Guidelines when considering their application to the area or part of the area of the Development Plan.
2. Alternatively, if the Council has formed the opinion that is not possible, because of the nature and characteristics of the area or part of the area of the Development Plan, to implement certain policies and objectives of the Minister contained in the guidelines, the statement shall give the reasons for the forming of the opinion and why the policies and objectives of the Minister have not been so implemented.

The required statement pertaining to the Wicklow County Development Plan 2016-2022 is set out below<sup>1</sup>. The Wicklow County Development Plan 2016-2022 is referred to hereunder as 'the Plan'.

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<sup>1</sup> Note: Guidelines that do not specifically apply to the Development Plan are excluded from the following table.

**TABLE 1 Statement outlining how the planning authority has implemented the policies and objectives contained in the guidelines**

<b>Section 28 Guidelines</b>	<b>Statement</b>
Development Plans – Guidelines for Planning Authorities (2007)	The plan follows the recommendations of the guidelines with regard to the preparation and content of the plan other than as set out in Table 2 to follow.
Implementing Regional Planning Guidelines – Best Practice Guidelines (2010)	The policies and objectives contained in the guidelines are implemented in Chapter 2: Vision and Core Strategy, Chapter 3: Settlement Strategy and Chapter 4: Housing.
Implementation of SEA Directive (2001/42/EC): Assessment of the Effects of Certain Plans and Programmes on the Environment (2004)	Strategic Environmental Assessment, in accordance with the guidelines, was carried out as part of an iterative process and the output reports are included as part of the plan documentation. Mitigation measures from the SEA process have been incorporated into the plan other than as set out in Table 2 to follow.
Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2009)	Appropriate Assessment has been carried out in accordance with the statutory requirements and having regard to the guidelines. Mitigation measures from the AA process have been incorporated into the plan.
Sustainable Rural Housing Guidelines (2005)	The policies and objectives contained in the guidelines are implemented in the following parts of the plan: Chapter 2 Core Strategy, Chapter 3 Settlement Strategy, Chapter 4 Housing and the Rural House Design Guide.
*Sustainable Residential Development in Urban Areas (2009)	These guidelines are referred to in the Development and Design Standards.
*Quality Housing for Sustainable Communities – Design Guidelines (2007)	These guidelines are referred to in the Development and Design Standards.
*Urban Design Manual – Best Practice Guidelines (2009)	These guidelines are referred to in the Development and Design Standards.
*Sustainable Urban Housing - Design Standards for New Apartments (2007)	These guidelines are referred to in the Development and Design Standards.
*Design Manual for Urban Roads and Streets (2013)	The policies and objectives contained in the guidelines are implemented in Chapter 9 Infrastructure, Section 9.1. Roads & Transportation and policies/objectives within 'Section 7: Roads and Transportation' of Development and Design Standards.
Redevelopment of Certain Lands in the Dublin Area Primarily for Affordable Housing (2006)	Not applicable
*Retail Planning Guidelines and Retail Design Manual(2012)	The policies and objectives contained in the guidelines are implemented in Chapter 6: Centres and Retailing, other than as set out in Table 2 to follow.
*Guidance on Spatial Planning & National Roads (2012)	The provisions of these guidelines have been implemented throughout the plan other than as set out in Table 2 to follow.
*Telecommunications and Support Structures – Guidelines (1996)	The policies and objectives contained in the guidelines are implemented in Section 10: Energy and telecommunications – Mast & Telecommunications, Development and Design Standards.
*Wind Energy Guidelines (2006)	The County Wicklow Wind Strategy has been prepared having regard to the guidelines and the provisions of the guidelines have generally been taken into account, other than as set out in Table 2 to follow.
*Quarries and Ancillary Activities (2004)	The policies and objectives contained in the guidelines are implemented in the Development & Design Standards – Section 3:

	Business, commercial and employment developments – Extractive Industry.
*The Planning System and Flood Risk Management Guidelines (2009)	The provisions of these guidelines have been implemented throughout the plan other than as set out in Table 2 to follow. A SFRA has been prepared in accordance with the guidelines. Objective FL2 requires applications to be assessed having regard to the guidelines.
*Childcare Facilities Guidelines (2001)	The policies and objectives contained in the guidelines are implemented in Chapter 8: Community and the Development & Design Standards, Section 6: Community developments, including open space.
*Provision of Schools and the Planning System: Code of Practice (2012)	This Code of Practice is referred to in Section 6: Community developments, including open space – Education, Development & Design Standards
*Architectural Heritage Protection for Places of Public Worship (2003)	The policies and objectives contained in the guidelines are implemented in Chapter 10: Heritage, including the Record of Protected Structures and ACAs etc. The guidelines have informed the objectives relating to the protection of the county's architectural and archaeological heritage.
*Architectural Heritage Protection - Guidelines for Planning Authorities (2011)	The policies and objectives contained in the guidelines are implemented in Chapter 10: Heritage, including the Record of Protected Structures and ACAs etc. The guidelines have informed the objectives relating to the protection of the county's architectural and archaeological heritage. Objective BH8 refers to the guidelines
Landscape and Landscape Assessment (2000)	The Landscape Assessment has been prepared in accordance with the guidelines.
*Tree Preservation Guidelines	Section 10.3.3 : Woodlands, Trees & Hedgerows of Chapter 10 Heritage sets out the policy in relation to TPOs. The objectives relating to TPOs are drafted having regard to the guidelines.
*Draft Guidance for Planning Authorities on Drainage and Reclamation of Wetlands	These guidelines are referred to in the Development and Design Standards.

\*The Development & Design Standards lists these guidelines as guidelines that will be used by Wicklow County Planning Authority as a tool in the assessment of planning applications.

**TABLE 2: Statement outlining non compliance with certain policies and objectives contained in the Guidelines**

<b>Objective</b>	<b>Non compliance with Ministerial Guidelines</b>	<b>Planning Authority's reason why policies and objectives of the Minister have not been implemented.</b>
<p><b>Chapter 5 Economic Development</b></p> <p><b>EMP12 employment zonings</b></p>	<p>Non compliance with the following guidelines:</p> <ol style="list-style-type: none"> <li>1. Development Plan Guidelines 2007 – EMP12 is at variance with Development Plan Guidelines (2007) which seeks a spatially sequential and evidence based approach to zoning.</li> <li>2. Implementation of SEA Directive, Guidelines for planning authorities, 2004 - The SEA Guidelines require the introduction of measures to prevent, reduce and as fully as possible offset any significant adverse environmental effects arising from the implementation of an objective. The SEA has found EMP12 to be inconsistent with the protection of the environment, with likely immitigable impacts identified.</li> <li>3. The Planning System and Flood Risk Management Guidelines (2009) – The zoning of lands at Scratenagh crossroads and Kilpedder Interchange are identified in the SFRA as at risk of flooding (Flood zone A) and as such are inappropriate for development with reference to the 'The Planning System and Flood Risk Management Guidelines for planning authorities' (2009).</li> <li>4. Guidance on Spatial Planning &amp; National Roads (2012) – The zoning of lands at Mountkennedy Demesne, Kilpedder Interchange and Killadreenan do not comply with the evidence based approach for zoning adjacent to national roads, as set out in the guidelines, which seeks to avoid any adverse impact on the national road infrastructure.</li> </ol>	<p>To maintain employment zones that are suitable and capable of providing significant employment in the County, many of which already have planning permission.</p> <p>Further detail on each site is set out below.</p>

**Mountkennedy  
Demesne, Kilpedder  
(Map 5.01)**

This site is capable of providing significant employment in the County. The site has valid permission for data centre up to 2024.

These lands have been zoned for employment uses (business, office, science and technology park) since 1999. In light of difficulties encountered during the course of planning applications for such uses, the members resolved in 2010 to alter the zoning of the land such that it is restricted to the development of a 'Data Centre' i.e. a facility used to house computer systems and associated components. Such facilities are dependent on secure power systems and need back-up power in the event of failure of any one system. It is considered that this site is uniquely positioned to be suitable for such use, having on site:

- high voltage electricity supply, 220kV and 110 kV;
- fibre optics;
- gas mains.

Such data facilities generally have a low employment density on site, which would mean that traffic volumes would not be significant and yet could provide major positive spin offs to the local economy.

It is proposed that this site would be served by a direct connection to the northern interchange of the Newtownmountkennedy by-pass (N11) where there is currently sufficient capacity to accommodate the development as proposed.

The site, while located at a greenfield rural location, is in close proximity to both the settlements of Newtownmountkennedy and Kilpedder and to the major centres of population of Greystones and Bray. Employment development at this location would have the potential to stem commuting from these settlements in a northwards direction and also capture northwards bound commuters from further south.

<p><b>Rath East/Knockloe (Map 5.02)</b></p>		<p>To maintain employment zones that are suitable and capable of providing significant employment in the County. This is an already developed employment site (former wood processing plant), which previously employed up to 140 persons and the zoning would potentially allow for an additional range of uses on same, providing essential local employment in a rural area, distant from any major town or employment locations, in an area with very few employment opportunities.</p> <p>The site is on a good local road with adequate sightlines and further development would not give rise to any adverse traffic impacts and in fact would reduce traffic flows out of the area towards the larger town and to Dublin.</p>
<p><b>Scratenagh crossroads (Map 5.03)</b></p>		<p>To maintain employment zones that are suitable and capable of providing significant employment in the County, many of which already have planning permission, including this site which has permission for a business park, valid until 2018. The site, while located at a greenfield rural location, is in close proximity to Arklow and a number of smaller villages in the area, and employment development at this location would have the potential to stem commuting from these settlements in a northwards direction and also capture northwards bound commuters from further south.</p>

**Kilpedder Interchange (Map 5.04)**

In addition to the above, this objective does not comply with 'Guidelines for Planning Authorities: Retail Planning' (2012) in the following respect:  
The zoning allows for the development of retail warehousing. This is contrary to the Guidelines which states a presumption against further development of out of town retail parks.

This site is in two land parcels, north and south of the Greystones southern access road. The southern parcel consists of an old quarry and a working cement plant, together with a large site currently being developed for commerce and industry. The land is elevated and is unlikely to flood. The northern parcel is a smaller site (named 'Greystones Junction') which has a connection road to the junction and while it had planning permission for the development of a business park (which commenced construction by building the main access road), the development stopped some years ago. Thus it is a brownfield site.

The sites are connected to Greystones by a good 5km footpath and cycle path alongside the limited access dual carriageway road. The sites are close to, but not connected to the pedestrian overbridge across the N11 south of the site. A condition of the zoning is to connect the path and this development to the bridge to the settlement of Kilpedder. The 133 and 184 busses stop there and the site will be connected by direct busses to Greystones, Delgany, Bray, Newtownmountkennedy, Wicklow Town, Arklow, Dublin Airport and Dublin.

There is an urgent need to provide employment in the area which has one of the highest commuting rates in Wicklow. Certain industry wants to move to these roads. The evidence for this is that of the 14 M50 junctions within Co. Dublin all but 1 (J12 Firhouse) has a major employment centre at it. Wicklow people are commuting to these as evidenced by the daily Peak Hour traffic jams at the N11 from the Glenview to Fassaroe. The NRA has been studying how to remedy these since at least 2010 but has not yet produced an agreed plan. There is an urgent need for these people to be employed further out so they do not add to congestion. Employing people here will also reduce the need to expand the N11 through the Glen o' Downs. This site is well connected to Greystones and public transport. The N11 will always have plenty of capacity in the reverse direction to rush hour for people to commute from the north. It also makes economic sense to use the expensive roads in both directions.

<p><b>Killadreenan, Newtown- mountkennedy (Map 5.06)</b></p>		<p>To provide employment zones that are suitable and capable of providing significant employment in the County. This is an already developed site (former grain store, with 3 large warehousing units and associated yard / car parking), and the zoning would only apply to the existing developed area and not to greenfield land. The zoning would potentially allow for an additional range of uses on same, providing essential local employment in this area.</p>
<p><b>Timore, Newcastle (Map 5.07)</b></p>		<p>To provide for small scale local employment in the Newtownmountkennedy area, on a previously developed site. The site, while located at a greenfield rural location, is in close proximity to the settlements of Newtownmountkennedy, Newcastle and Kilcoole and employment development at this location would have the potential to stem commuting from these settlements in a northwards direction.</p>

<p><b>Chapter 6 Centres and Retailing</b></p> <p><b>Section 6.2 County Wicklow Retail Strategy</b></p>	<p>The Retail Planning Guidelines (2012) states that the Regional Planning Guidelines should provide the strategic retail context for planning authorities.</p> <p>The inclusion of Rathdrum and Newtownmountkennedy within Level 3 of the County Retail Hierarchy does not comply with the Retail Strategy for the Greater Dublin Area 2008.</p>	<p>The Wicklow County Retail hierarchy has, <b>since 2010</b>, included Rathdrum and Newtownmountkennedy in this level, in recognition of:</p> <ul style="list-style-type: none"> <li>- The designation of Newtownmountkennedy as a 'moderate growth town' in the RPGs and the County Core Strategy, on par with Blessington and above Baltinglass;</li> <li>- The population target for Newtownmountkennedy of 6,000, again on par with Blessington (at 7,500) and significantly higher than Baltinglass (3,000);</li> <li>- The population target for Rathdrum (3,500) and its significant service role to a wide rural catchment in mid east Wicklow; which is considered very similar in role and function to its hinterland as Baltinglass;</li> <li>- It should be noted that the RPGs flag Rathdrum, along with Kilcoole and Baltinglass, as having a 'heightened' status compared to other settlements in Level 5 of the settlement hierarchy</li> </ul> <p><b>Wicklow</b></p> <p><i>The extension of the Luas line into Wicklow from Cherrywood opens up new opportunities for both new housing areas and supporting consolidation of the urban area of Bray and its environs. The recommended examination of possible improvements to the Wicklow rail route by the RPGs will assist in supporting economic and housing activity in the key towns of Greystones, Wicklow and Arklow; as well as the smaller rail served towns of <b>Rathdrum</b> and <b>Kilcoole</b>, and support the continued delivery of a strong defined settlement pattern for the County. The rural and particular landscape qualities of the County, which see a large rural hinterland to the south west more focused towards Carlow allows the town of <b>Baltinglass</b> to grow in a sustainable manner, meeting the needs of the local community and surrounding districts, and playing critical local role. (RPGs p99)</i></p>
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<p><b>Chapter 6 Centres and Retailing</b></p> <p><b>RT17 Fast food</b></p>	<p>The objective excludes new fast food/takeaway outlets from being built or from operating within 400m of the gates or site boundary of schools or playgrounds, excluding premises zoned town centre.</p> <p>This is at variance with the Retail Planning Guidelines for planning authorities.</p> <p>The practical application of RT17 is at odds with the guidelines which promote a mix of retail uses within centres. Severely restricting the location of new outlets is contrary to the guidelines which aim to ensure the planning system continues to play its role in supporting competitiveness and choice in the retail sector.</p>	<p>The 400m exclusion zone was introduced as a measure to tackle childhood obesity.</p> <p>As the objective specifically excludes areas zoned 'Town Centre' or existing fast-food outlets, it is considered it will not be at odds with a desired mix of retail and town centre uses.</p>
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<p><b>Chapter 9</b></p> <p><b>Objective CCE6</b></p> <p><b>Wind Energy</b></p>	<p>The objective requiring that wind farms be at least 1,000m from any dwelling, does not accord with Ministerial guidelines, which emphasises the need to promote renewable energy and the importance of developing wind energy infrastructure in Ireland. The set back included in CCE6 seriously restricts the potential for wind energy development within County Wicklow.</p>	<p>In the absence of revised Wind Energy guidelines from the Minister, including guidance on setbacks, it is considered unreasonable of the Minister to request that no setbacks be provided in this plan.</p>
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<p><b>Roundwood Settlement Plan</b></p> <p><b>Objective RD6 - zoning objective for 5.5ha as secondary development lands, which are included within the settlement of Roundwood</b></p>	<p>Non compliance with the following guidelines:</p> <ol style="list-style-type: none"> <li>1. Development Plan Guidelines 2007 – the zoning is outside the town envelope and is at variance with Development Plan Guidelines (2007) which seeks a spatially sequential and evidence based approach to zoning.</li> <li>2. The 'Implementation of SEA Directive, Guidelines for planning authorities, 2004' requires the introduction of measures to prevent, reduce and as fully as possible offset any significant adverse environmental effects arising from the implementation of an objective. The SEA has found RD6 to be inconsistent with the protection of the environment, with likely immitigable impacts identified.</li> </ol>	<p>This land was zoned for the following reason: To ensure consistency with the existing zoning on the site and to reflect the policy of allowing more flexibility in zoning in smaller settlements.</p>
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