

# CHAPTER 1

## INTRODUCTION

### 1.1 Introduction

The Wicklow County Development Plan 2010 – 2016 has been prepared in accordance with the Planning and Development Acts, 2000 – 2007. The plan embraces the entire County excluding the Town Council Areas of Bray, Wicklow and Arklow. However, components of the County Plan such as Population and Settlement Strategy, the Housing and Retail Strategies will advise and guide the development of these towns and find expression in the form and content of their respective Town Plans.

The County Development Plan is the pre-eminent County Document that is central to the management of the County. It sets out an overarching vision, policies, strategies and objectives in the context of a coherent spatial framework that is crafted upon the principles of proper planning and sustainable development. It shall consist of a written statement and a plan or plans all of which indicate the development objectives of the county.

County Development Board (CDB) Strategies and Development Plans exist as parallel statements on the future development of counties. However, their remit is different. The focus of the CDB strategy is on economic, social and cultural, while the focus of development plans is on physical development and land use and how this can serve wider economic social and environmental objectives.

This plan builds upon its predecessor, the 2004 – 2010 County Development Plan, taking account of National, Regional and County Plans, Strategies and Policy Documents. It is also advised by issues of particular environmental importance that have evolved, and are now accepted as being critical to the formulation and implementation of sustainable development, such as climate change, flooding, renewable and alternative energy. While the County Development Plan specifically deals with the areas of flooding and alternative energy, the climate change challenge, as a plan dynamic, is addressed indirectly throughout the plan in statements of plan policy and policy formulation.

### 1.2 Plan Composition and Implementation

Section 9 of the Planning and Development Act 2000 states that every Planning Authority shall, every 6 years, make a development plan. This plan consists of a written statement (Volume 1), schedules, maps and Appendices (Volume 2) and a set of town / district plans and associated maps (Volume 3).

In accordance with Section 10 (2) of the Planning and Development Act, 2000, without prejudice to the overall strategy for the proper planning and sustainable development of the area, the Act sets out mandatory objectives that must be included in the development plan and the First Schedule of the Act sets out those objectives that may be included in plans. Mandatory objectives shall include:

- Zoning of land
- Provision or facilitation of the provision of infrastructure, including transport, energy and communication, water supplies, waste recovery and disposal.
- Conservation and the protection of the environment.
- Integration of planning and sustainable development of the area within social, community and cultural requirements of the area and its population.
- Preservation of the character of the landscape, including the preservation of views and prospects.
- Protection of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.
- Preservation of the character of architectural conservation areas.

- Development and renewal of areas in need of regeneration.
- Provision of accommodation for Travellers.
- Preservation, improvement and extension of amenities and recreational amenities.
- Control of establishments under the Major Accidents Directive.
- Provision or facilitation of the provision of services for the community, including crèches, schools and other education and childcare facilities.
- Protection of the linguistic and cultural heritage facilities of the Gaeltacht.

### **1.3 Development Management**

Development Management is the statutory process that manages development in accordance with the policies and objectives set out in the County Development Plan in the interests of the common good. The plan, being a strategic document, sets out these broad policies and objectives the details of which are subject to best practice interpretation and analysis depending upon the nature and specifics of the development proposed.

The granting of planning permission does not per se enable development to be undertaken as such development will have a legal context outside the remit of the permission. It will also be required to conform with the requirements of legislation and regulations that are outside the scope of planning legislation and that will impact upon the specific development proposed.

The Council is obliged to monitor the operation and implementation of the Plan. The successful implementation of the provisions of this Plan will require the combined involvement of the community, local business, statutory service providers as well as Wicklow County Council.

The achievement of the objectives of the Plan will frequently be dependent on the availability of appropriate levels of finance. Accordingly, the Council will actively and innovatively strive to identify and secure resources from both public and private sectors, to implement the provisions of this Plan and facilitate private investment in the County, in accordance with this Plan.

To facilitate the implementation of roads and transportation, water and drainage, and community facilities infrastructure, the Council will require contributions from benefiting developers. Contributions shall be required in accordance with Wicklow County Council's Development Contribution Scheme, prepared under Section 48(1) of the Planning and Development Act, 2000.

### **1.4 Enforcement**

It is the policy of the Council that development will be controlled in accordance with policies and objectives set out in the County Development Plan and in accordance with the principles of proper planning and sustainable development.

With regard to the enforcement provisions of Part VIII of the Planning and Development Act, 2000, as amended, the role of Wicklow County Council is to undertake enforcement action where necessary with respect to the non compliance with conditions attached to planning permissions and the carrying out of non exempted development without the benefit of planning permission. Furthermore the Planning Authority has special control powers under current legislation pertaining to such areas as protected structures and tree preservation orders.

In addition, Wicklow County Council will continue the practice of granting planning permission with the inclusion of conditions requiring levies and/or bonds to be paid to ensure compliance with the conditions of the permission.

## 1.5 Ministerial Guidelines, Directives and Directions

In accordance with Sections 28, 29 and 31 of the Planning and Development Act, 2000, the Minister may issue Guidelines, Policy Directives and Directions to local authorities regarding any of their functions under the 2000 Act. Section 28 stipulates that the Minister may issue guidelines to Planning Authorities and that they shall have regard to those Guidelines, while Section 29 provides that the Minister may issue policy directives and that Planning Authorities shall comply with such directives.

Section 31 facilitates the Minister in issuing directions regarding development plans. This includes where either a draft plan or a development plan fails to set out an overall strategy for the proper planning and sustainable development of their area or otherwise fails to comply with the provisions of the Planning Acts.

## 1.6 Environmental Assessment

Under Section 10 (5) of the 2000 Act, a plan shall contain information on the likely effects on the environment of implementing the plan. The remit required under this section has been superseded by the mandatory requirement that certain plans and programmes, including plans of the stature of County Development Plans, require Strategic Environmental Assessment.

On the 21<sup>st</sup> July 2004, the Strategic Environmental Assessment Directive (2001/42/EC), was transposed into Irish Law through the European Communities (Environmental Assessment of certain Plans and Programmes) Regulations 2004 (SI No 435 of 2004) and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (SI No 436 of 2004). The Minister subsequently issued relevant 'Guidelines for Planning and Regional Authorities' for the Environment Heritage and Local Government in November 2004.

Strategic Environmental Assessment (SEA) is the formal systematic process of predicting and evaluating the likely significant environmental effects of implementing a proposed plan or programme. Such an assessment ensures that these environmental effects of policy or actions are appropriately assessed at the earliest stages of decision-making on a par with economic and social considerations. The strategic assessment of the environmental impacts of alternative actions is an ongoing process throughout the entire plan making exercise. It ensures the integration of environmental considerations at all stages of the plan and is integral to the sustainable outcome of the plan making process.

Separate to the SEA process, all land use plans also require to be 'screened' for any potential impact on areas designated as Natura 2000<sup>1</sup> sites. In any case where, following screening, it is found that the draft plan may have an impact on the objectives of a Natura site, or such an impact cannot be ruled out, an Appropriate Assessment (AA) under the EU Habitats Directive must be undertaken. This AA process comprises the assessment, based on scientific knowledge, of the potential impacts of the plan on the conservation objectives of any Natura site 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 impacting on the site. It informs plans of the environmental impacts of alternative actions and contributes to the integration of environmental considerations into plan making.

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<sup>1</sup> Natura 2000 sites are subject to European Designations normally known as SACs (Special Areas of Conservation) and SPAs (Special Protection Areas). These are protected under the Habitats Directive of 1992 (EU Directive 92/43/EC)