

**Leonora Earls**

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**From:** Ciara Gilgunn - (DECLG) [Ciara.Gilgunn@housing.gov.ie]  
**Sent:** 26 August 2016 09:39  
**To:** Planning - Plan Review  
**Cc:** Eoin Bennis - (DECLG); Ruth Murray - (DECLG); Niall Cussen - (DECLG); Colin Ryan - (DECLG); Stewart Logan - (DECLG)  
**Subject:** DHPCLG Submission Proposed Amendments to the Draft Wicklow County Development Plan 2016-2022  
**Attachments:** DHPCLG Submission Proposed Amend Draft Wicklow CDP 2016-2022.pdf; ATT00001.txt; ATT00002.htm

Good morning

Attached please find comments from the Minister for Housing, Planning, Community and Local Government on the **Proposed Amendments to the Draft Wicklow County Development Plan 2016-2022.**

Please acknowledge receipt of this email.

 Thanking you,

Ciara

Ciara Gilgunn  
Forward Planning Section

Planning & Housing Market Policy and Land Management Division | Department of Housing, Planning, Community and Local Government | Custom House | Dublin 1 | +353 (0) 1 8882418



Seirbhís ar scoth an domhain a chur ar fáil don Stát agus do mhuintir na hÉireann.



26 August, 2016.

Administrative Officer,  
Planning Department,  
Wicklow County Council,  
Station Road,  
Wicklow Town.

**Re: Proposed Amendments to the Draft Wicklow County Development Plan  
2016-2022**

A Chara,

I am directed by the Minister for Housing, Planning, Community and Local Government to refer to your recent letter in relation to the above and set out hereunder observations on behalf of the Minister.

The Department notes that certain observations made in its previous submission dated 19<sup>th</sup> February 2016 have been acknowledged and addressed in the Proposed Amendments to the Wicklow County Development Plan 2016-22 and other observations have not been addressed or insufficiently addressed and therefore requests the Planning Authority to address the following points.

Employment Zonings on Specific Sites

Specific zonings for employment as contained in Objective EMP12 were previously noted by the Department as being located outside of the identified settlements of the Plan, random in nature and with several subject to unacceptable flood risk. The Council was advised to delete these zonings which were considered to be in conflict with the core strategy of the draft plan and relevant ministerial guidelines.

While the Proposed Amendments seek to amend Objective EMP 12 by removing several of these zonings (at Kilmurray South, Kilmurray North and Rathmore Ashford) the proposed zonings at Rath East/Knockloe, and Scratenagh crossroads remain included in the policy while additional

commercial/employment zonings have been added at Killadreenan, Newtownmountkennedy (1.3 Ha) and Timmore, Newcastle (0.68 Ha).

These two additional sites are both at rural locations, with substandard road access for commercial development and are situated outside of the identified settlement strategy of the Plan. They are therefore in conflict with Objective EMP2 which seeks to strategically locate new employment generating development in settlements where provision is made for appropriately zoned and serviced commercial lands.

As previously advised to the Planning Authority, these zonings are not in accordance with an evidence base and supporting need as required by the Development Plans Guidelines (2007) whereby such zonings are considered on the basis of the necessary physical infrastructure, sequential spatial development and policy justification.

The Planning Authority is therefore requested to delete sites 5.02, 5.03, 5.06 and 5.07 from Objective EMP 12 to ensure consistency with the relevant guidelines of the Minister.

#### *Mountkennedy Demesne*

It is noted by the Department that the zoning objective included in EMP 12 provides for a specific data centre facility at Mountkennedy Demesne. The Department also notes that this type of data centre development is low employment density in nature and thereby would not be likely to put additional demands on the adjacent national road infrastructure from employee traffic. Data centres also have significant and specific energy requirements which would appear to be met at the Mountkennedy Demesne site.

In these circumstances, the specific development of a data centre facility would appear to be compatible with the location proposed. However, the zoning requirements included in Objective EMP 12 for the site must be sufficiently clear to restrict development to a data centre facility and any related infrastructure/supporting services. The Planning Authority is requested to revise the policy for the site as currently worded in Objective EMP 12 to exclude non-data related centre development and to prevent an unacceptable general or non-specific industrial development at this location. Additional policy requirements in relation to the amelioration of any adverse impact of development on the demesne and surrounding landscape should also be included.

#### *Kilpedder Interchange*

The proposed zoning of c.28 hectares at Kilpedder at Junction 11 on the N11 remains included in Objective EMP 12. This zoning, in close proximity to a national primary route interchange, has the

potential to generate traffic volumes to limit the operation of this adjoining national motorway interchange and compromising its capacity and efficiency. However, it is noted that there are existing uses at the location – quarry, transport/vehicle enterprise and cement facility – that are appropriate to the non-urban location of the site. These uses also require good available road infrastructure but would have limited traffic impacts related to the low density of employment activities involved. Notwithstanding, the extent of the proposed zoning also extends to a substantial greenfield area to the north where the traffic impact of development on road infrastructure has not been satisfactorily detailed and assessed.

Given the extensive nature and insufficiently specific nature of permissible development within this area, the objective, as previously indicated by the Department, the potential to generate traffic impacts contrary to the National Roads & Spatial Planning Guidelines (2012) and would be at odds with the core strategy of the Plan per Objective EMP2 which seeks to strategically locate new employment generating development in settlements.

Accordingly, the Planning Authority is requested to revise the proposed zoning at Kilpedder in order to reduce the significant extent of lands zoned and include specific policy safeguards in Objective EMP 12 to facilitate only employment/enterprise development that is appropriately low density in nature (warehousing, light industry, distribution, etc) and does not generate significant traffic impacts. Retail and retail warehousing uses should be specifically excluded.

#### *Ashford Film Studios*

The reduction in the extent of the zoning at Inchanappa South and Ballyhenry, Ashford included in Objective EMP 12 to c.60ha from the previous 160ha including a substantial area at the north of the site (per amended Map 5.05) is welcomed by the Department. It is considered that the policy requirements for this site contained in Objective EMP 12 should be expanded to include safeguards to protect the landscape and rural character of the location in order to ensure the minimal impact of any new development.

#### Retail Hierarchy

The Retail Strategy for the GDA 2008-16 identifies a Retail Hierarchy under Table E1 and designates County Wicklow with Greystones, Arklow, Blessington and Baltinglass as Level 3 Centres.

The Planning & Development Act 2010 requires that the core strategy of a development plan includes retail policy and that retail development proposed is consistent with the Regional Planning Guidelines. The relevant Retail Strategy for the GDA 2008-16 does not designate

Newtownmountkennedy or Rathdrum as Level 3 Centres (TOWN AND/OR DISTRICT CENTRE & SUB-COUNTY TOWN CENTRES). As previously advised, the retail hierarchy of the Draft Wicklow CDP 2016-22 is therefore not consistent with the Retail Hierarchy of Table E1 of the Retail Strategy for the GDA 2008-16.

Changes to the Retail Hierarchy of the GDA will be considered in the statutory review to the GDA Retail Strategy process associated with the new Regional Spatial and Economic Strategy for the Eastern and Midlands Region. The Department notes that Amendment 19 concerns the forthcoming RSES and the future review of regional retail strategy. Such a future Variation to the Wicklow Development Plan is considered the appropriate mechanism for making any changes to the Retail Hierarchy of the Wicklow CDP.

The Planning Authority is therefore respectfully requested to revise the retail policy/hierarchy to ensure it is in accordance with the Retail Hierarchy (Table E1) of the Retail Strategy for the GDA 2008-16 as required by the Planning & Development Act 2010.

#### Retail Policy RT17

The Department is of the view that the revised wording of Amendment 21 on policy RT17 is not considered to satisfactorily take account of the desire of national planning policy to create a mix of retail and town centre uses and the potential adverse impact such a restriction on fast food outlets may have on urban development.

It is considered that the revised policy in proposed Amendment 21 does not have sufficient regard to the many existing schools or playgrounds located in urban areas where existing retail facilities and future town centre development is appropriate and supported by national planning policy. It does not allow for the satisfactory consideration of other planning policies for an area whereby the specified 400m exclusion distance could discriminate against the creation of functioning and vibrant retail/town centre facilities in urban areas. The wording of policy RT17 is not considered to adequately balance consideration of the appropriateness of fast food retail facilities in the vicinity of schools and parks against wider land use considerations as provided for in section 5 of the *Local Area Plans Guidelines* (2013).

The Planning Authority is requested to revise the wording of Amendment 21/Objective RT17 in order to provide a more balanced policy context for the assessment of proposals for fast food facilities which allows the location and prevailing development pattern in an area to be considered in the assessment of development proposals.

### Wind Energy

The Department previously requested the deletion of Objective CCE6 pending the determination of a national policy in the wind energy sector. Proposed Amendment 45 relates to the re-wording of Objective CCE6 on wind energy policy in the Draft Plan including in relation to a minimum set back of wind energy development from residential properties.

Given the settlement patterns of rural housing throughout the county, the set-back proposed would effectively exclude the provision of wind energy projects from large parts of the county or the county in its entirety contrary to existing national and regional policy on encouraging wind energy development and contrary to the Wind Energy Guidelines 2006 including section 3.4 which outline how the development plan should set out objectives to maximise the potential from wind energy resources available.

The Planning Authority is therefore respectfully requested to delete Objective CCE6 from the Draft Plan because it is profoundly contrary to the objectives underlying national policy and guidelines on wind energy development in relation to maximising the contribution to renewable energy targets from wind energy.

Moreover, it should be noted that in the case of several county development plans to date, the Minister has directed planning authorities to remove non-compliant policies and objectives related to wind energy development under Section 31 under the Planning and Development Acts. If the Council does not comply with this request, the Minister would be likely to consider the use of his powers to direct the planning authority accordingly.

The officials of the Department are available to discuss the matters raised above as necessary. If there are any queries in relation to the content of this letter, please contact Mr. Stewart Logan, Planning Adviser, on 01-8882419.

Is mise le meas,



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Niall Cussen

Principal Adviser

Forward Planning Section

**Sorcha Walsh**

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**From:** Aisling Mac Namara  
**Sent:** 01 September 2016 14:19  
**To:** Sorcha Walsh  
**Cc:** Bernadette Harvey  
**Subject:** FW: Proposed Amendments Wicklow County Draft Development Plan 2016-2022 - DCCAE Submission

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**From:** Aaron Keyes [mailto:Aaron.Keyes@DCCAE.gov.ie]  
**Sent:** 01 September 2016 13:39  
**To:** Aisling Mac Namara  
**Cc:** Eamonn Confrey  
**Subject:** Proposed Amendments Wicklow County Draft Development Plan 2016-2022 - DCCAE Submission

Hi Aisling,

Thank you for affording the Department of Communications, Climate Action & Environment (the Department), an opportunity to respond further to the Proposed Amendments Wicklow County Draft Development Plan 2016-2022.

As the Department with policy responsibility for a number of key strategic sectors the issues that arise here are of significant importance.

As you are aware, the 2009 EU Renewable Energy Directive set member states legally binding targets for the use of renewable energy by the year 2020. To meet our target, Ireland is committed to meeting 40% of electricity demand from renewable sources. It should be noted that electricity produced from wind energy is significantly cheaper in Ireland than the cost of production from any other renewable source. Despite progress toward our targets being achieved, meeting them remains challenging and failure to do so is likely to result in considerable cost to the state.

The Department notes the intention of the County Council to set out Wind Energy Objectives in Chapter 9. I draw particular attention to section 9.5.3 and notably the impacts on residential amenity through noise and shadow flicker. Further to which, in determining a setback distance for wind farm projects from residential dwellings, the County Council should keep in mind the project to revise the Wind Energy Development Guidelines (the Guidelines) which is on-going between the Departments of Housing, Planning, Community and Local Government, and Communications, Climate Action and Environment. In December 2013, the then Department of Environment, Community and Local Government began a review of the Guidelines focussed specifically on the issues of noise, proximity and shadow flicker. Some 7,500 submissions were received in response to the public consultation.

Technical studies on various aspects of the issues, particularly noise and consequent setback distances required, have been obtained and detailed assessments of the various options have been undertaken by the two Departments. It is quite possible that any decision by Wicklow County Council to prescribe setback distances before the Guidelines are completed could cause a range of unintended consequences for meeting our legally binding renewable energy targets.

It is also important to note that any revisions to the guidelines following the conclusion of deliberations will be introduced by issuing the revised guidelines to planning authorities under Section 28 of the Planning and Development Act 2000, as amended.

We are happy to engage with the County Council and discuss this matter further if required.

Kind Regards,  
Aaron Keyes

 Aaron Keyes | Decarbonisation Division

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**Leonora Earls**

**From:** Eibhlín Doyle [Eibhlin.Doyle@DCCAE.gov.ie]  
**Sent:** 26 August 2016 16:31  
**To:** Planning - Plan Review  
**Subject:** Proposed Amendment 99 - submission from Department of Communication, Climate Action and Environment  
**Attachments:** DCCAE Submission on Proposed Amendments to Draft Wicklow CDP.PDF

Find attached submission from the Department of Communications, Climate Action and Environment on the Proposed Amendments to the Draft Wicklow County Development Plan 2016-2022.

Yours sincerely,  
Dr. Eibhlín Doyle PGeo



**Dr. Eibhlín Doyle PGeo** Chief Geologist | Exploration and Mining Division  
**Department of Communications, Climate Action & Environment**  
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**Roinn Cumarsáide, Gníomhaíthe  
ar son na hAeráide & Comhshaoil**  
Department of Communications,  
Climate Action & Environment

Administrative Officer'  
Planning Department,  
Wicklow County Council,  
Station Road,  
Wicklow

25 August 2016

Re. **Submission on behalf of the Minister for Communication, Climate Action and Environment  
on Proposed Amendment 99 to the Draft Wicklow County Development Plan 2016 - 2022**

Dear Sirs,

On behalf of the *Minister for Communications, Climate Action and Environment*, please find enclosed a submission in response to the Proposed Amendments to the Draft Wicklow County Development Plan 2016 - 2022.

**General Comments on the Proposed Amendments to the Draft Plan**

At the outset the Department of Communications, Climate Action and Environment (DCCA) would like to acknowledge and welcome the intention of the Proposed Amendments to assist the DCCA in implementing its current programme of priority safety works, while at the same time ensuring that appropriate protection is afforded those features within the former mining landscape which contribute to its historical, scientific, architectural, technical or social interest. The Department is in agreement with the Local Authority regarding these objectives.

The Department would also like to emphasise that its commitment to site remediation is in-line with the Council's own objectives as stated in the policies set out in the Development Plan. Specifically, it is noted that the Council's commitment to improving water quality in the area is inherently linked to the environmental management of the former mining site. The Environmental Report of the SEA (Section 4.6.3.2 WFD Surface Status) describes the Avoca River classified as being 'Bad' status under the Water Framework Directive (WFD), and notes that the Development Plan should protect and improve water quality within the Plan area, in accordance with the requirements of the WFD. The objectives of the Department and Wicklow County Council are therefore aligned in regard to environmental protection of the former mining site and the wider area.

The Department would also like to clarify that it remains its objective to implement the recommendations of the 2008 Feasibility Study concerning the former Avoca mining area. The Department is committed to continuing to work with the Local Authority, the local community and other stakeholders to ensure that the detailed design process for these proposed works affords

*Fáiltítear roimh comhfhreagras i nGaeilge*

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protection to those features within the former mining landscape which contribute to its special interest.

With regard to the overall vision for the development of the former mining site, the Department notes that the Chief Executive's Report questions whether the Department's submission was an *"attempt to ensure that public safety and environmental management are placed on as high a footing as the heritage and tourism related aspects of the future development of the mine area"*. The Department can confirm that public safety and the environment management of the site are the principal objective of their work programme. Significant safety, environmental management, remediation, heritage and conservation works, as identified by the 2008 Feasibility Study, are required at this site *before any* tourism proposals can be considered on lands owned by the Minister. In that respect, the Department notes that the Minister, as the principal landowner of the former mining area, and with regard to the significant potential liabilities involved, will not be in a position to agree to *any* tourism proposals on state lands until the Department is satisfied that all public health and safety and environmental issues have been fully addressed. The Department considers that the implementation of the Feasibility Study represents an opportunity for all involved to create a safe site and allow tourism proposals to develop which materially benefit Co. Wicklow and the Avoca area.

With respect to all of the works on the former mining site the Minister is keen to ensure the on-going liaison between the Local Authority and his Department continue such that the proposals are delivered expediently and efficiently. This can ensure that any proposals are both realistic and achievable. Speaking to the role of the Local Authority, the Department is fully supportive of the Local Authority proceeding to develop realistic and practical proposals for future tourism projects in the area. Early development of these proposals will ensure both stakeholder buy-in and also ensure proposals are mindful of the technical realities of meeting the significant public health and safety and environmental issues across the site.

#### Specific Comments on Proposed Amendment 99 to the Draft Plan

The Department wishes to take this opportunity to comment on specific amendments as follows.

##### **1. Proposed additions to the Record of Protected Structures**

It is noted that there are a number of proposed additions to the Record of Protected Structures (RPS). In examining these, the Department has reviewed the prevailing guidance on compiling an RPS as set out in the 2011 guidance document 'Architectural Protection Guidelines' issued by the Department of Arts, Heritage and the Gaeltacht.

Those Guidelines set out the three stage process involved in identifying structures proposed for addition to the Record – namely the stages described as: **identification; assessment and notification**. Dealing with each of these steps, the Department comments as follows:

- As elaborated upon below, the basis for the identification of these structures can include sources such as the National Inventory of Architectural Heritage (NIAH), an existing Record of Protected Structures, the Record of Monuments and Places (RMP), another inventory, a Ministerial Recommendation, or a number of 'other sources' which can include special

interest groups. In this instance the identification of the proposed structures located in and around the former mining area appears to be a single public submission from the Mining Heritage Trust of Ireland (MHTI).

- The Guidelines provide advice on how identified structures are assessed, stating:

*"A planning authority must decide whether a structure is worthy of inclusion in the RPS by identifying the characteristics of special interest which would merit its inclusion. Part 2 of these guidelines indicates features which may contribute to the character and special interest of a structure, under the heading 'identifying special features for protection'. The criteria given below should be applied when selecting proposed protected structures for inclusion in the RPS. Illustrative examples are also provided. Although there is no statutory requirement to do so, it is recommended that reference to the relevant category, or categories, of special interest be included in the file of the RPS." [Para. 2.5.1].*

The Guidelines clearly state that – on foot of the identification stage, the Local Authority should undertake an assessment process to evaluate the merit of any identified site / structure and then provide a justification for its inclusion in the RPS – or a justification for it not being included. This assessment would also indicate the special interest of that feature which is the basis for its inclusion and ensure that the Record contains an accurate description of each Structure so as to ensure it can be meaningfully identified and protected through the development management process.

Having considered the report available with the Proposed Amendments it is unclear how Wicklow County Council has verified the submission of the MHTI with respect to their submission. The MHTI submission appears to be historically informed but the Department has been advised by its team of technical and conservation advisors that the descriptions are inaccurate and in some cases describe features which no longer exist (see comments below). In support of this we have provided herein information that supports our assertion that – in the majority of cases, the proposed amendments should not be adopted.

It is essential for future planning that the proposed structures be accurately represented and be accompanied by an assessment report from the council. This will allow for the determination of the appropriateness of any impact on the character of Protected Structures and features of interest on the site.

Having reviewed the individual proposed additions, the Department comments specifically in the following table. Photographs of each entry proposed for inclusion are included in Annex 1.

**Proposed Additional Structures as per the Proposed Amendments Document and specific comments**

Ref.	NIAH Ref.	Building Address	Structure	Townland	Description	Photograph
County RPS 35-0701		Sroughmore, Avoca	Four masonry support structures (stanchions)	Sroughmore Td	Support bases for footprint of an aerial wire ropeway which extended from the Avonmore river to Connary. The rope was driven by a water turbine and operated pumps at Connary. The stanchions would have carried metal sheave wheels for the wire rope. Four of the stanchions remain. The system is unique in Ireland.	Map of curtilage to follow
<b>Comment</b>	<p>While this structure is not located on lands owned by the Minister, it is considered appropriate that the proposed amendment is commented upon in the context of the group of amendments proposed.</p> <p>It is noted that this structure is not included in the NIAH and no conservation-based assessment which supported the decision to include this structure was provided. The Department believes that this structure should not be included in the County Development Plan in the absence of such an assessment.</p> <p>The Department also notes that this structure is included within the description of County Geological Site Ref. No. 39, which are included in Proposed Amendment 58 as site 8. The Department submits that these features are adequately protected within this designation. It is submitted that this amendment should not be adopted.</p> <p>With regard to the proposed text, the origin and purpose of this structure is more uncertain than the description provided. Contrary to the proposed text Gallagher &amp; O'Connor (GSI, 1997) noted that these structures are "<i>tentatively identified as supports for a cable system</i>" and only two (not four per the description) support bases remain standing. If the amendment is adopted the text describing the feature should be amended to omit all text after the first sentence – ending '<i>... from the Avonmore River to Connary</i>'. The special interest of the site should also be referenced.</p> <p>With respect to curtilage, the comments below with respect to the definition of curtilage are noted. If this amendment is adopted the inclusion of a map defining its curtilage differs from the established mapping for the RPS in County Wicklow. Therefore this amendment should be omitted.</p>					
County RPS 36-1308		Tigroney East, Avoca	Footprint of Assay House	Tigroney East Td	Foot print of inferred mineral assay office at Cronebane. The curtilage includes the surrounding area containing archaeological artefacts such as assay crucibles and a mineral sett boundary stone.	Map of curtilage to follow
<b>Comment</b>	<p>It is noted that this structure is not included in the NIAH and no conservation-based assessment which supported the decision to include this structure was provided. The Department believes that this structure should not be included in the County Development Plan in the absence of such an assessment.</p> <p>The description of a "<i>footprint of inferred... office</i>" is so vague as to undermine the entire RPS</p>					

	<p>assessment process. The Department submits that there is no 'structure' at this location that meets the recommended standard for inclusion in the RPS. There is moreover no evidence that this was an "assay office", and Gallagher &amp; O'Connor (GSI, 1997) refers to the ruins as being a "carpenters' shop and cottage". It is submitted that this amendment should not be adopted.</p> <p>With respect to curtilage, the comments below with respect to the definition of curtilage are noted. If this amendment is adopted the inclusion of a map defining its curtilage differs from the established mapping for the RPS in County Wicklow. Therefore this amendment should be omitted</p>					
County RPS 35-1306		Tigroney West, Avoca	Ochre precipitation pits	Tigroney West Td	A series of linked pits used for the precipitation of ochre (iron oxide) from mine waters and oxidised ores. Ochre pits close to Baronets shaft and at Tigroney. The ochre pits are stone lined and interlinked with diversion channels so that one pit could be drained and the ochre extracted whilst the other(s) were in operation.	Map of curtilage to follow
<b>Comment</b>	<p>It is noted that this structure is not included in the NIAH and no conservation-based assessment which supported the decision to include this structure was provided. The Department believes that this structure should not be included in the County Development Plan in the absence of such an assessment.</p> <p>The description provided describes two locations – the Baronet's Shaft and Tigroney, but the map indicates the Baronet's location only (as 35-1306). It is inferred that the Tigroney ochre pits are marked as 35-1310 although this is not documented. These areas are today in various states of preservation and they have been included in the County Geological Site Reports for the respective areas (Tigroney West and Tigroney East), which are included in Proposed Amendment 58 as sites 10 &amp; 11 respectively. The Department submits that these features are adequately protected within his designation.</p> <p>The Department submits that there are no 'structures' at these locations that meets the recommended standard for inclusion in the RPS. It is submitted that this amendment should not be adopted.</p> <p>With respect to curtilage, the comments below with respect to the definition of curtilage are noted. If this amendment is adopted the inclusion of a map defining its curtilage differs from the established mapping for the RPS in County Wicklow. Therefore this amendment should be omitted.</p>					
County RPS 35-0702		Sroughmore, Avoca	Engine Pool	Sroughmore Td	Triangular shaped concrete lined engine pool which acted as a reservoir for a steam engine at whim shaft, Connary. This is an unusual design and probably dates from the late C19th. Extant engine pools are rare in Ireland.	Map of curtilage to follow
<b>Comment</b>	<p>It is noted that this structure is not included in the NIAH and no conservation-based assessment which supported the decision to include this structure was provided. The Department believes that this structure should not be included in the County Development Plan in the absence of</p>					

	<p>such an assessment.</p> <p>The description provided appears to be based on historical maps and the Department does not believe that the engine pool can be described as "extant". The County Geological Report refers to "trace remains of a reservoir" and there is no "concrete lined structure" of any description visible at the site. This area has been included in the County Geological Site Report for Avoca-Connary, which is included in Proposed Amendment 58 as site 8. The Department submits that there is no 'structure' at this location that meets the recommended standard for inclusion in the RPS. It is submitted that this amendment should not be adopted.</p> <p>With respect to curtilage, the comments below with respect to the definition of curtilage are noted. If this amendment is adopted the inclusion of a map defining its curtilage differs from the established mapping for the RPS in County Wicklow. Therefore this amendment should be omitted.</p>					
County RPS 35-1305		Tigrony West, Avoca	Precipitation launders	Tigron-ey West Td	Areas of partially exposed copper precipitation launders at Tigrony. The Tigrony mine was one of the pioneers of copper precipitation in the 18 <sup>th</sup> & 19th centuries.	Map of curtilage to follow
Comment	<p>It is noted that this structure is not included in the NIAH and no conservation-based assessment which supported the decision to include this structure was provided. The Department believes that this structure should not be included in the County Development Plan prior to the provision of such an assessment.</p> <p>The description is inaccurate. There are no "partially exposed copper precipitation launders" at this location. The Department's capping works undertaken on foot of planning permission have removed some timbers that were dispersed through the spoil in the area, under the supervision of an archaeologist. The discovery of timbers in this part of the site - as with any other waste materials, cannot be verifiably traced back to any singular activity on the site and it is erroneous to describe any such material as constituting 'precipitation launders'.</p> <p>The Department submits that there is no 'structure' at this location that meets the recommend standard for inclusion in the RPS. It is submitted that this amendment should not be adopted.</p> <p>With respect to curtilage, the comments below with respect to the definition of curtilage are noted. If this amendment is adopted the inclusion of a map defining its curtilage differs from the established mapping for the RPS in County Wicklow. Therefore, this amendment should be omitted.</p>					

As noted above, the Department is concerned with the inaccurate nature of information included in the descriptions provided in the proposed amendments and the acceptance into the development plan without detailed assessment. The Department submits that the incorporation of such references into the new Plan undermines the integrity of the Plan and may undermine the shared objective of remediating the site and protecting its unique heritage.



## **2. Definition of Curtilages as Part of the Record of Protected Structures**

As noted in the report of the Chief Executive, the Department intends to seek Section 57 Declarations in relation to each of the Protected Structures on the former Avoca mining site. Such Declarations would allow for the definition of the curtilages associated with each Structure based on site-specific assessment – as per the Guidelines.

The Chief Executive's report indicates that Wicklow County Council intends to define the specific curtilage of structures through the Development Plan. However the Draft maps provided to date have not included this detail and have adhered to the standard where a single dot and reference number shows the location of each site.

With regard to the overall issue of mapping, it would appear that there may have been some confusion in the compilation of this information at the 'proposed amendment' stage. It is noted that the seven maps included in the Proposed Amendments report include red line areas marked as 'curtilages of structures' in relation to each of the proposed amendments. This clearly differs from the established norm for the Draft Plan where no Protected Structures had their curtilages defined.

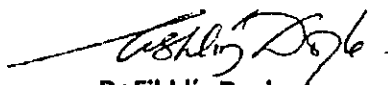
With respect to the definition of curtilage, the Department has concerns in relation to the assessment procedure that has led to the proposed inclusion and description of these structures and how the curtilage of each structure could have been accurately identified on a case-by-case basis without full on-site surveys for each structure. It is submitted that the definition of curtilage for these structures is not a process that should be completed as part of the Development Plan but should be subject to detailed submissions and assessments as part of the Section 57 process – as it will be for all other Protected Structures on the County Wicklow Record.

Furthermore the maps that accompany the proposed amendments also show the curtilages of other structures – such as 35-1302, which are not the subject of the proposed amendments. These curtilages appear to have been defined without regard to the detailed conservation based assessments previously provided by the Department (see *Assessment of Curtilages of Protected Structures* report included with submission dated 31 August 2015, appended as Annex 2) which were prepared by qualified professionals and based on site assessments. It is important to note that these curtilages were not shown on the Draft Plan and have not been subject to public display or consultation so it is presumed that their publication may have been unintended. That said, for each Protected Structure located on the site, it is important for both the Department and the Planning Authority that the curtilage of each structure is accurately described and defined as this will ensure development proposals are appropriately sensitive and that the Planning Authority can accurately assess the impact of all proposed works on features of the site so this is a matter that will require further discussion beyond the scope of Plan preparation.

To conclude, in the interests of clarity any additions to the Record of Protected Structures arising from the adoption of the Proposed Amendments should adhere to the established norm in County Wicklow – namely representation on the Wicklow RPS by means of a singular dot with a reference number, with the definition of individual curtilages being dealt with later and through the Section 57 process.

We thank you for your time and consideration and look forward to receipt of acknowledgement of this submission.

Yours sincerely,


A handwritten signature in black ink, appearing to read 'Eibhlín Doyle', with a long horizontal stroke extending to the left.

**Dr Eibhlín Doyle**

**Chief Geologist**

**Exploration & Mining Division**

## **Annex 1 – Photographs of Structures proposed for inclusion in RPS**

County RPS 36-1308		Tigroney East, Avoca	Footprint of Assay House	Tigron- ey East Td	Foot print of inferred mineral assay office at Cronebane. The curtilage includes the surrounding area containing archaeological artefacts such as assay crucibles and a mineral sett boundary stone.
					
View of ruins (13-08), taken August 2016					



County RPS 35-1306		Tigroney West, Avoca	Ochre precipitation pits	Tigron- ey West Td	A series of linked pits used for the precipitation of ochre (iron oxide) from mine waters and oxidised ores. Ochre pits close to Baronets shaft and at Tigroney. The ochre pits are stone lined and interlinked with diversion channels so that one pit could be drained and the ochre extracted whilst the other(s) were in operation.
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View of Ochre pit beside Baronets Shaft (1306), taken August 2016



View of Ochre pit at Tigroney West (1310), taken August 2016



County RPS 35-0702		Srough- more, Avoca	Engine Pool	Srough- more Td	Triangular shaped concrete lined engine pool which acted as a reservoir for a steam engine at whim shaft, Connary. This is an unusual design and probably dates from the late C19th. Extant engine pools are rare in Ireland.
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Aerial photograph taken November 2014

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## 1 INTRODUCTION

### 1.1 GENERAL

This report has been produced for CDM Smith on behalf of their client, the Minister for Communications, Energy and Natural Resources, to be submitted to Wicklow County Council as suggested defined curtilages of the protected structures at, Avoca Mines, Co. Wicklow (Figure 1).

The sites had been visited at various times prior to the preparation of this report and was visited again for this specific purpose on 20<sup>th</sup> August 2015. Some photographs from earlier visits are included where appropriate, such as when a structure was more visible at a time of less vegetation growth.

### 1.2 THE PROTECTED STRUCTURES

A total of eight protected structures associated with the mining activities at Avoca are addressed in this report. These are:

Reference	Townland	Description
35-03	Ballymurtagh	Tramway arch
		Western whim engine house
		Twin shafts engine house and chimney stack north
		Twin shafts engine house south
		Tramway engine house stack
		Ballygahan engine house
35-07	Connary Upper	Chimney
35-13	Tigroney West	Williams engine house
		Baronet engine house
		Flat rod tunnel, east
		Flat rod tunnel, west

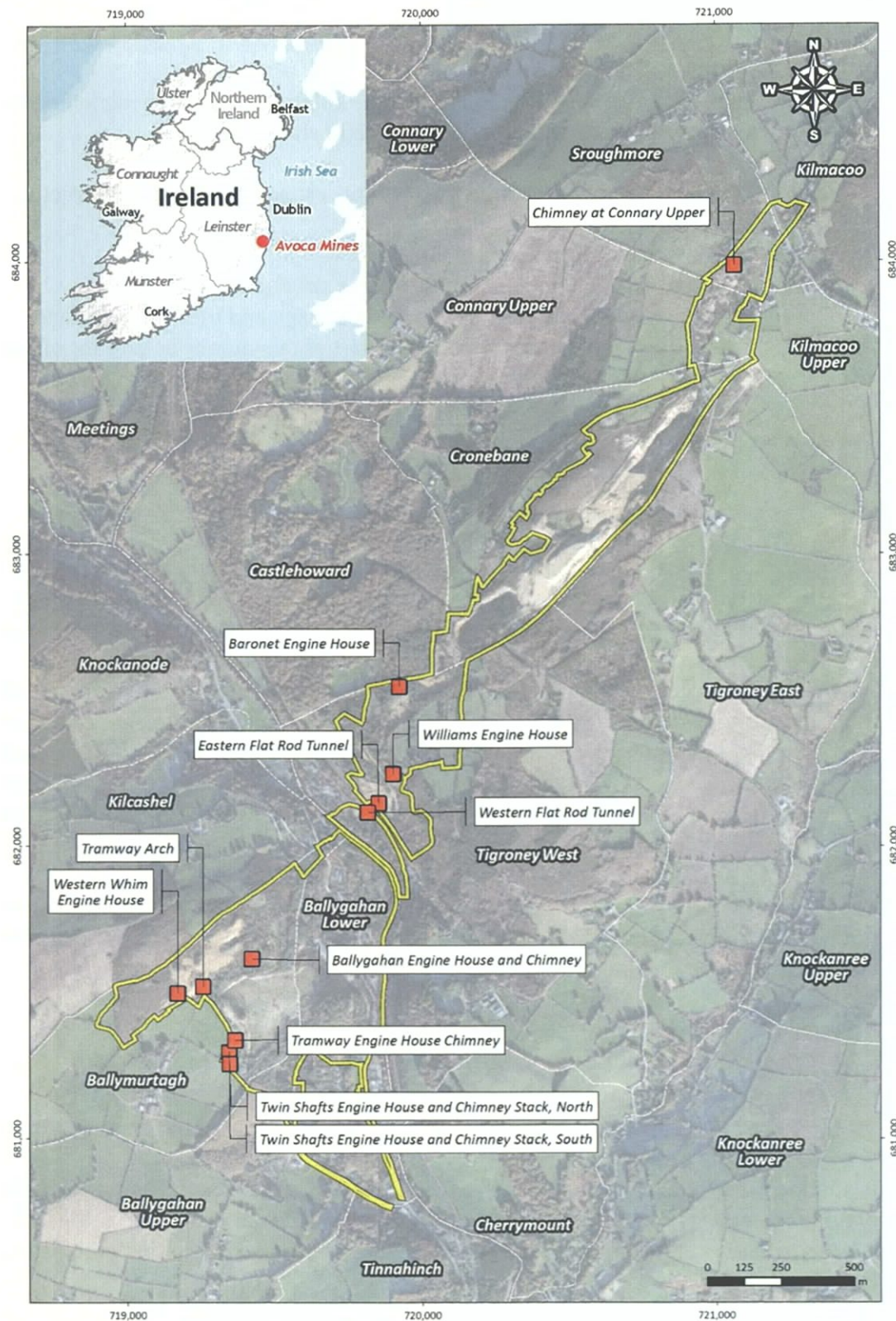


Figure 1: Location map

## 2 CURTLAGE

### 2.1 PLANNING ACTS

Section 2 of the Planning and Development Act, 2000 set down the definition of 'structure' for the purposes of the act and section 2(b) states that:

- (b) in relation to a protected structure or proposed protected structure, includes—
- (i) the interior of the structure,
  - (ii) the land lying within the curtilage of the structure,
  - (iii) any other structures lying within that curtilage and their interiors, and
  - (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii);

The act does not provide a definition for 'curtilage'.

### 2.2 ARCHITECTURAL HERITAGE GUIDELINES

The *Architectural heritage guidelines for planning authorities*, published by the Department of the Environment, Heritage and Local Government in 2004 and subsequently reissued, addresses the issue of curtilage, though does not provide a definition. Paragraph 13.11 of those guidelines introduces the concept of curtilage:

By definition, a protected structure includes the land lying within the curtilage of the protected structure and other structures within that curtilage and their interiors. The notion of curtilage is not defined by legislation, but *for the purposes of these guidelines it can be taken to be the parcel of land immediately associated with that structure* and which is (or was) in use for the purposes of the structure [emphasis added].

In paragraph 13.13 it is made clear that a structure that is a protected structure need not have a curtilage. It would follow that where a structure had no land immediately associated with it, then there would be no curtilage.

Paragraph 13.14 includes the following statement:

The extent of the curtilage will need to be determined on a case-by-case basis

### 2.3 DEFINING CURTLAGE AT THE AVOCA MINES

In the following section each of the structures listed above is considered individually and the case for its curtilage is set down. In each instance, an extract from the 1908 Ordnance Survey 1:2500 map is included and this shows the extent of the curtilage as it is recommended here.



### 3 PROTECTED STRUCTURES

#### 3.1 TRAMWAY ARCH



Plate 1: Tramway arch

Townland: Ballymurtagh  
Grid reference: 719256 681521

The tramway arch provides for road access through a more substantial structure, which is an inclined plane associated with a tramway that formerly existed at Avoca. The inclined plane provided the route down which wagon loads of ore were brought by tram trucks running on a track. At the foot of the inclined plane the tramway brought the wagons on further, ultimately reaching the harbour at Arklow. The inclined plane originally ran down the hill over a distance of about seven hundred metres and was a substantial feature in the landscape. The upper part of it consists of a substantial bank running directly down the hill, with a straight upper surface with a regular gradient. At the top the highest section of the inclined plane is bounded by retaining walls to form a causeway. The tramway arch pierces this causeway and has flanking wing walls to retain the embankment.

The tramway arch cannot realistically be separated from the causeway element of the inclined plane, nor should the causeway be treated separately from the entire surviving section of the inclined plane. In reality it is all part of a single entity, which is a very substantial inclined plane. This is a substantial feature and is of significance to the mining heritage of Ballymurtagh. It is of regional importance for its historical and technological significance.

The inclined plane was depicted on the Ordnance Survey of 1908 at a scale of 1:2500 and an extract from this map is reproduced overleaf. The upper section of the feature as shown on the map no longer exists and the causeway ends at its north-western end at walls that were depicted on the 1908 map.

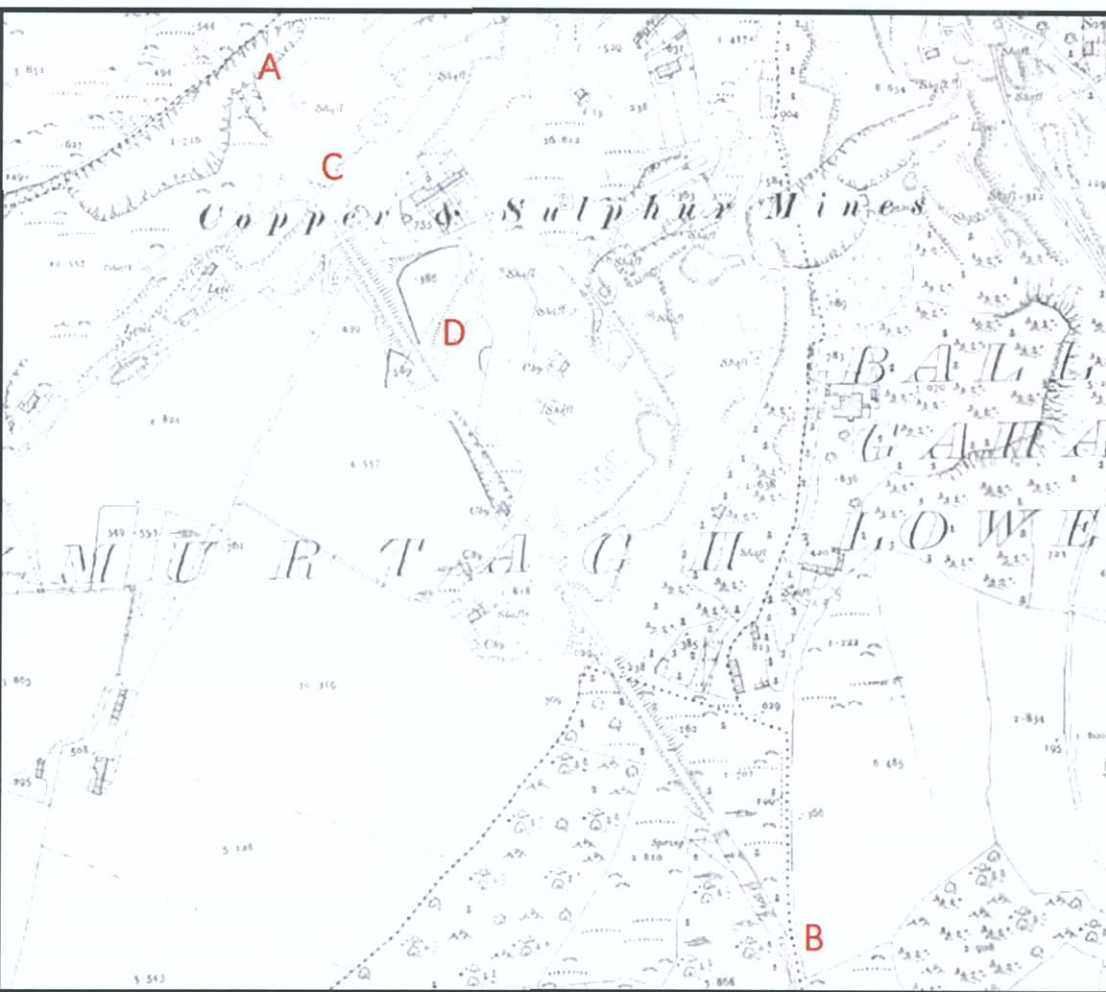


Figure 2: Extract from 1908 OS map showing inclined plane

In the map extract the inclined plane runs between points A and B, covering a distance of about 700 metres. In its present form, the upper end of the inclined plane is at point C, while the area between A and C is now a substantial spoil heap. Just below point C, beneath the letter 'e' of 'Copper' a roadway crosses the inclined plane and this is the location of the tramway arch. At point D the inclined plane reached ground level and then entered a cutting, where there was a rise in the natural ground level. This part is no longer evident and it appears that later spoil has been tipped along this section. The present ground level is higher than the ground on which the tramway engine house chimney stands, whereas in its original form there would have been a significant width adjacent to the building where the engine house formerly stood, adjacent to which there was a corridor along which tramway formerly ran.

The photographs overleaf show the upper part of the surviving section of the inclined plane, with the causeway and the tramway arch.





Plate 2: Upper part of inclined plane with tramway arch



Plate 3: Embankment of inclined plane below tramway arch

#### RECOMMENDATION

It is recommended that the surviving section of the embankment and causeway of the inclined plane be included in the Record of Protected Structures, extending from the top of the causeway to the point where it originally met ground level.

The extract from the 1908 Ordnance Survey map reproduced overleaf shows the recommended outline of the curtilage of the protected structure.

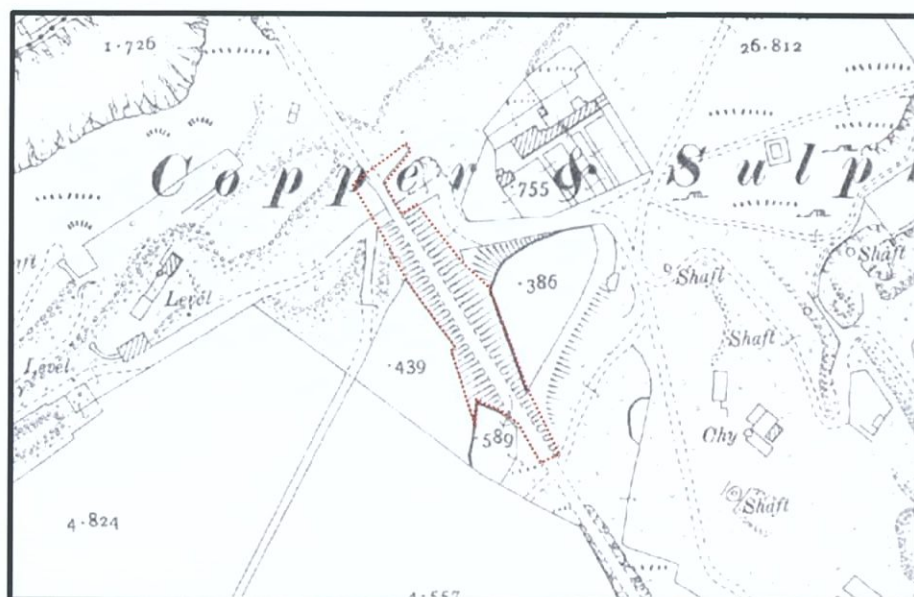


Figure 3: Recommended curtilage of inclined plane

### 3.2 WESTERN WHIM ENGINE HOUSE



Plate 4: Site of western whim engine house

Townland: Ballymurtagh  
Grid reference: 719168 681498

The trees and other vegetation in the photograph above cover the remnants of a building, though it is so broken down and so overgrown that it is not possible to determine the extent of the surviving remains.

#### RECOMMENDATION

In view of the small amount that remains of this structure it is queried as to whether it is appropriate to retain it on the Record of Protected Structures. However, should it be decided that it should retain its protection it is suggested that the original extent of the buildings, as depicted on the 1908 Ordnance Survey map, be taken as the curtilage.

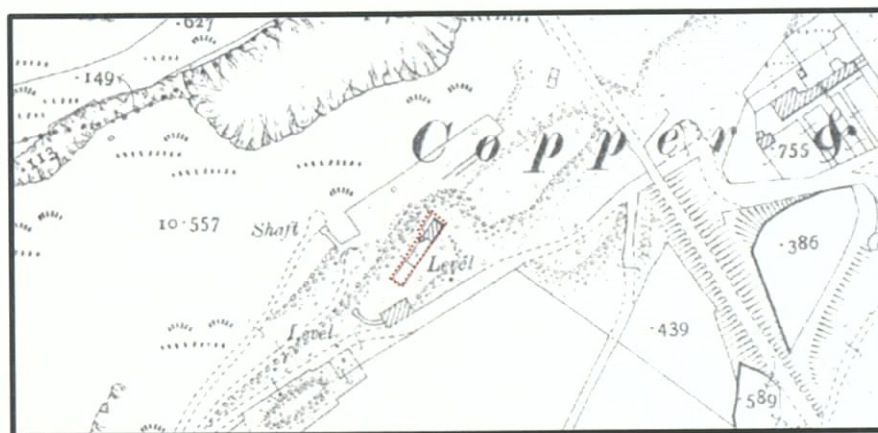


Figure 4: Recommended curtilage of western whim engine house



### 3.3 TWIN SHAFTS ENGINE HOUSE AND CHIMNEY STACK, NORTH



Plate 5: Twin shafts engine house

**Townland:** Ballymurtagh  
**Grid reference:** 719344 681295

The northern twin shafts engine house and chimney remain relatively intact, as seen in the photograph above. The Ordnance Survey 1:2500 map of 1908 shows the extent of the structures that were associated with this engine house.

#### RECOMMENDATION

An engine house and chimney would not tend to have any land associated with them other than that occupied by associated buildings and hence it would be appropriate that the curtilage be defined as the total extent of the engine house, the chimney and the associated structures.

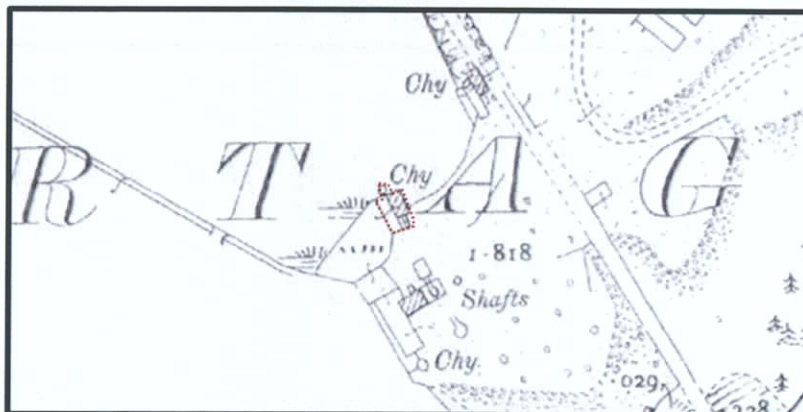


Figure 5: Recommended curtilage of northern twin shafts engine house

### 3.4 TWIN SHAFTS ENGINE HOUSE, SOUTH



Plate 6: Remnants of Twin Shafts engine house and chimney stack, south

Townland: Ballymurtagh  
Grid reference: 719346 681257

The southern twin shafts engine house was depicted on the 1908 Ordnance Survey map as a larger group of buildings than was shown at its northern counterpart. Due to the heavy growth of trees and vegetation it has not been possible to determine the precise extent of the surviving buildings. However, the base of the chimney may be seen adjacent to the roadway, just above the Ballymurtagh water tank, and just to the north of it the end of a wall remains visible beside the road. This wall is at far left in the photograph above, with the chimney being the masonry in the right-hand side of the photograph.

#### RECOMMENDATION

In view of the absence of information as to the full extent of the survival of these buildings it may be expedient to define the curtilage of the engine house as extending to the full footprint of the buildings shown on the 1908 Ordnance Survey map.

As with the northern twin shafts engine house, it is considered that an engine house and chimney would not tend to have any land associated with them other than that occupied by associated buildings and hence it would be appropriate that the curtilage be defined as the total extent of the engine house, the chimney and the associated structures.

An extract from the 1908 Ordnance Survey map showing the proposed curtilage is reproduced overleaf.



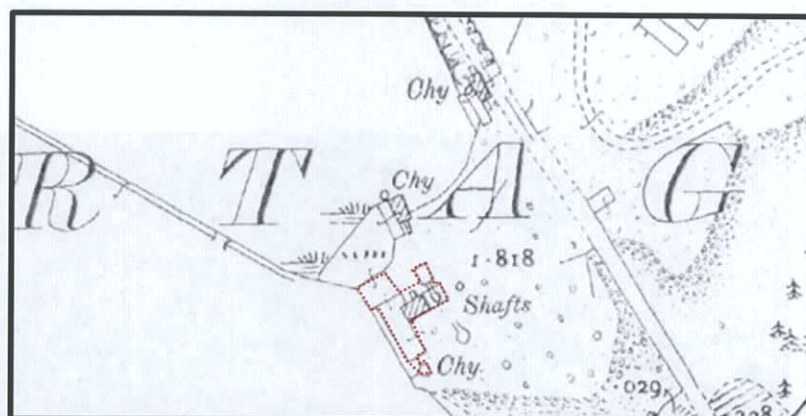


Figure 6: Recommended curtilage of southern twin shafts engine house

### 3.5 TRAMWAY ENGINE HOUSE CHIMNEY



Plate 7: Tramway engine house chimney

Townland: Ballymurtagh  
Grid reference: 719364 681337

As noted above, the original line of the tramway in the vicinity of the tramway engine house chimney has been backfilled with spoil. There is no trace of the engine house and most of its site is covered with spoil. No other structures appear to survive alongside the chimney.

#### RECOMMENDATION

It is recommended that the curtilage of the tramway engine house chimney be defined as the footprint of the chimney only.

### 3.6 BALLYGAHAN ENGINE HOUSE



Plate 8: Ballygahan engine house and chimney

Townland: Ballymurtagh  
Grid reference: 719422 681616

There are significant remnants of the Ballygahan engine house, while the chimney is complete and appears to be in good condition. Some walls survive from other buildings associated with the engine house.

#### RECOMMENDATION

As noted above, an engine house would not have had any land associated with it other than the land on which the engine house and its associated buildings stood. It is recommended that the curtilage of the Ballygahan engine house and chimney be defined as the footprint of the buildings and chimney as shown on the 1908 map, which corresponds with the layout of the structures visible on site.

An extract from the 1908 Ordnance Survey map showing the proposed curtilage is reproduced overleaf.



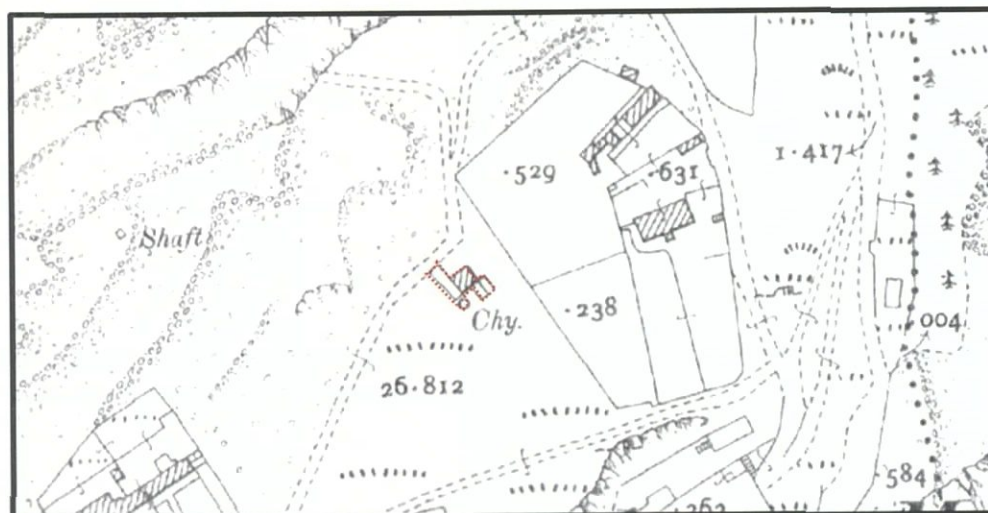


Figure 7: Recommended curtilage of Ballygahan engine house

## CHIMNEY AT CONNARY UPPER

that on the site inspection the intensity of the rain prevented the taking of a [le photograph].

and: Sroughmore  
ference: 721066 683985

is no trace of the engine house on this site. No other structures appear to survive  
ide the chimney and none were shown on the 1908 Ordnance Survey map.

## MMENDATION

commended that the curtilage of the chimney be defined as the footprint of the  
ey only.

uld also be noted that this chimney is in the townland of Sroughmore, and not  
ry Upper.

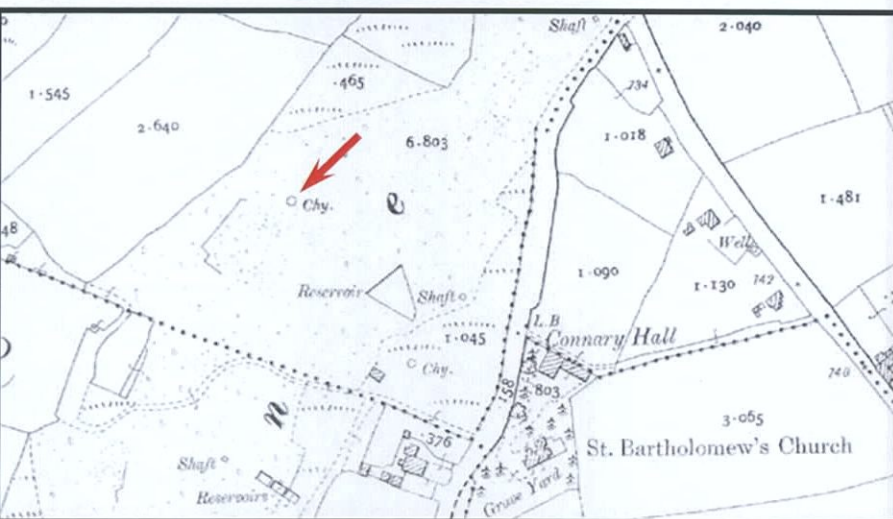


Figure 8: Extract from 1908 OS map showing chimney

### 3.8 WILLIAMS ENGINE HOUSE



Plate 9: Williams engine house and chimney

Townland: Tigroney West  
Grid reference: 719901 682247

A substantial amount of the Williams engine house survives to its full original site and various structures also survive alongside, as well as the chimney, which stands nearby.

#### RECOMMENDATION

As noted above, an engine house would not have had any land associated with it other than the land on which the engine house and its associated buildings stood. It is recommended that the curtilage of the Williams engine house and chimney be defined as the footprint of the buildings and chimney as shown on the 1908 map, which corresponds with the layout of the structures visible on site.

An extract from the 1908 Ordnance Survey map showing the proposed curtilage is reproduced overleaf.

It should also be noted that the engine house is named after a man whose surname was Williams and hence there is no apostrophe in the word.



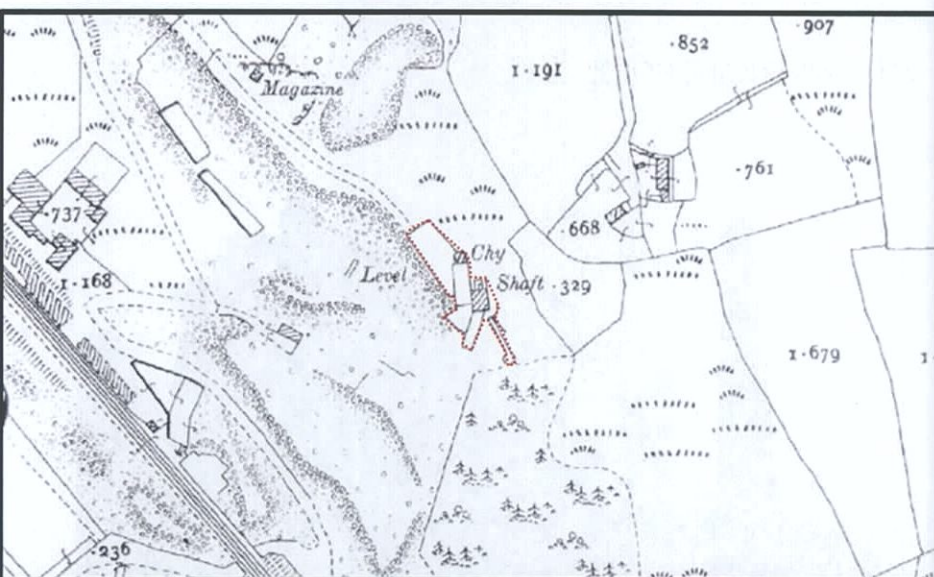


Figure 9: Recommended curtilage of Williams engine house

### 3.9 BARONET ENGINE HOUSE



Plate 10: Baronet engine house and chimney

**Townland:** Tigroney West  
**Grid reference:** 719923 682546

The Baronet engine house survives to its full height, but is in poor condition. Supporting steelwork has been attached to the engine house to prevent further collapse. The chimney is attached to the engine house and there are other walls and derelict structures adjacent.

#### RECOMMENDATION

As noted above, an engine house would not have had any land associated with it other than the land on which the engine house and its associated buildings stood. It is recommended that the curtilage of the Baronet engine house and chimney be defined as the footprint of the buildings and chimney as shown on the 1908 map, which corresponds with the layout of the structures visible on site.

An extract from the 1908 Ordnance Survey map showing the proposed curtilage is reproduced overleaf.

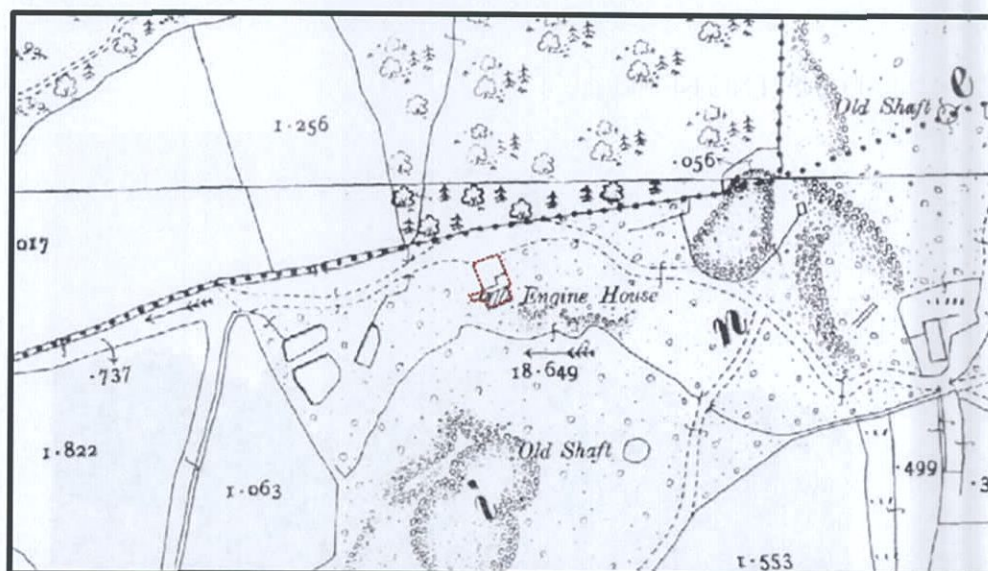


Figure 10: Recommended curtilage of Baronet engine house



### 3.10 EASTERN FLAT ROD TUNNEL



Plate 11: Entrance to eastern flat rod tunnel

**Townland:** Tigroney West  
**Grid reference:** 719852 682148 (approximately)

#### RECOMMENDATION

The flat rod tunnel is essentially an underground feature with little expression at the surface. The only visible portion above ground is the entrance to the tunnel, which is close to the ore bins on the north-eastern side of the railway line. It would not be appropriate to define the curtilage on the surface of a feature that is below ground. At the surface the tunnel has no land that is associated with it and hence there would be no curtilage other than the footprint of the visible entrance to the tunnel.

### 3.11 WESTERN FLAT ROD TUNNEL



Plate 12: Entrance to western flat rod tunnel

**Townland:** Tigroney West  
**Grid reference:** 719816 682116 (approximately)

#### RECOMMENDATION

The flat rod tunnel is essentially an underground feature with little expression at the surface. The only visible portion above ground is the entrance to the tunnel, which is at the foot of the railway embankment on the south-western side of the railway line. It would not be appropriate to define the curtilage on the surface of a feature that is below ground. At the surface the tunnel has no land that is associated with it and hence there would be no curtilage other than the footprint of the visible entrance to the tunnel.

RM

## Leonora Earls

**From:** Kelly, Veronica [Veronica\_Kelly@education.gov.ie]  
**Sent:** 26 August 2016 14:32  
**To:** Planning - Plan Review  
**Cc:** Catherine McDonald  
**Subject:** FW: WICKLOW DRAFT COUNTY DEVELOPMENT PLAN  
**Attachments:** email\_prescribed\_bodies.doc; Proposed Amendments Wicklow County Development Plan 2016 - 2022.pdf; Sub\_Amend\_DraftWicklowCDP\_2016-22\_Aug16.pdf

Planning Department:

Attached please find the Department of Education and Skills submission to the above plan.

Hi Catherine,

Can you please note for future reference that the email addresses below used for Brian Power and Fidelma Lyons are incorrect and should be as follows: [Brian\\_Power@education.gov.ie](mailto:Brian_Power@education.gov.ie) and [Fidelma\\_Lyone@education.gov.ie](mailto:Fidelma_Lyone@education.gov.ie).

Regards,

Veronica.

Veronica Kelly  
Forward Planning Section  
Department of Education and Skills  
Portlaoise Road  
Tullamore  
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R35 Y2N5

Ph: 057 932 4448

Fax: 057 932 5409

Email: [Veronica\\_Kelly@education.gov.ie](mailto:Veronica_Kelly@education.gov.ie)

---

**From:** Catherine McDonald [mailto:CMcDonal@wicklowcoco.ie]

**Sent:** 20 July 2016 10:24

**To:** Cregg, Mary <[mary\\_cregg@education.gov.ie](mailto:mary_cregg@education.gov.ie)>; 'b\_power@education.gov.ie' <[b\\_power@education.gov.ie](mailto:b_power@education.gov.ie)>; 'f\_lyons@education.gov.ie' <[f\\_lyons@education.gov.ie](mailto:f_lyons@education.gov.ie)>

**Subject:** DRAFT COUNTY DEVELOPMENT PLAN

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\*\*\*\*\* Is d'úsáid an duine/na ndaoine chuig a bhfuil sí seolta agus sin amháin atá an teachtaireacht seo. D'fhéadfadh go bhfuil faisnéis faoi phribhléid nó faoi rún de réir bhrí an dlí is infheidhme inti. Má fuair tú an ríomhphost seo de bharr earráide, téigh i dteagmháil leis an seoltóir chomh luath agus is féidir, le do thoil. Ní gá gurb ionann na dearcaí a léirítear sa ríomhphost seo agus dearcaí Comhairle Contae Chill Mhantáin. Tá aon iatáin seiceáilte ag scanóir viris agus dealraíonn sé go bhfuil siad glan. Bí cinnte go ndéanfaidh tusa scanáil ar gach teachtaireacht chomh maith, le do thoil, mar ní ghlacann an Chomhairle dliteanas ar bith i leith éilliú ná dámáiste do do chuid córas.

\*\*\*\*\*  
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Administrative Officer  
Planning Department  
Wicklow County Council  
Station Road  
Wicklow

26 August 2016

**Re: Proposed Amendment to the Draft Wicklow County Development Plan 2016-2022**

Dear Sir/Madam

Thank you for your email of 20 July 2016 in relation to the above. The Department of Education and Skills wishes to make the following submission.

**School provision**

It is important that there is sufficient educational infrastructure to meet the needs of the community. The Department has worked closely with the Council in relation to securing sites for educational infrastructure and the Department will continue to work closely with the Council in relation to the provision of new schools and the development of existing schools and emphasises the critical importance of the Council ensuring sufficient land is zoned for this purpose. In this regard, the Department requests that a suitable site is zoned educational for an existing primary school – Gaelscoil na Lochanna, Blessington, Co. Wicklow

Schools may develop within the lifetime of the Development Plan. It is important that suitable sites, taking the documents referenced in appendix 2 of this submission into account, are zoned to cater for this provision. The Department requests that the Council consider including a specific school/education land use zoning objective and identify suitably located lands to meet the educational infrastructure needs within the Development Plan in accordance with *Development Plans: Guidelines for Planning Authorities, Appendix F (DEHLG, 2007)* and the Department of Education and Skills Technical Guidance Documents for primary schools and for post-primary schools.

In this regard land should be zoned where provision of services and access will not hinder the development of the school within the required timeframe. The Council is requested to consider favourable implementation strategies and phasing in the identification of school specific sites in order to ensure ready access to existing infrastructure and to avoid the risk of disproportionate costs by the Department towards such infrastructure to benefit the receiving communities.



The Department requests that site reservations are made, where possible, as close as possible to community facilities such as sports facilities, libraries etc. so that these can be shared between the school and the community. The Department is also open to the concept of multi-campus school arrangements, for example where two or three primary schools are located side by side or a primary school and a post primary school sharing the same site. Both of these approaches can have the effect of reducing the land take for school development.

Where possible, land adjacent to existing schools should be zoned appropriately to allow for the potential future expansion of these schools. In addition, the Council is requested to consider a policy of introducing a buffer zone around existing school sites, where possible. This would facilitate adequate separation from housing while allowing reasonable scope for increased school heights particularly in established neighbourhoods identified for consolidation or intensification of population.

Using the projected population targets published in the Draft Plan (158,000 by 2022) and applying the information used to calculate educational infrastructure requirements as set out in Appendix 1, the last 2 columns of the table below outlines the number of primary classrooms and the number of post primary school places which would be required to meet the projected increase in population as set out in the draft Development Plan, if this level of population growth was to materialise.

Strategic Planning Area	2011 Population	2022 Population	Growth	National Primary School Going Average 12%	Potential Primary Classroom Requirement Based on PTR 27:1	National Post-Primary School going Average (8.5%) Deficit of Places
County Wicklow	136,640	158,000	21,360	2,563	95	1,816

The projected population targets referenced in the draft Plan provides figures for 2011 and projected figures for 2022. Five of these 11 years have already elapsed so the additional children may already be attending the existing primary and post-primary schools. However, for your information in relation to the additional educational infrastructure which may arise as a result of such a population increase, the growth of 21,360 would result in the need for an additional 95 classrooms at primary level and 1,816 school places at post-primary level. If none of these projected numbers were to be catered for in existing schools, this population growth would equate to the need for 6 new 16-classroom primary schools or 4 new 24-classroom primary schools. The post-primary numbers equate to two 1,000 pupil post-primary schools. In terms of site size, a new primary school ranging in size from 16 - 24 classrooms, as a guide, requires 1.6 hectares (4 acres). A new post-primary school catering for 1,000 students would require circa. 4.57 hectares (12 acres approximately). It is important therefore that sufficient lands in the areas where significant additional population is likely to arise, is zoned educational, to ensure that educational infrastructure can be put in place to meet the needs of these new communities.

### **Programme of Capital Investment**

A new programme of capital investment in schools, listing the school projects planned to go to construction during the years 2016 to 2021 was published on the 17<sup>th</sup> November 2015. For your information, the school projects in the Wicklow area included on this programme are listed in Appendix 3 to this submission.

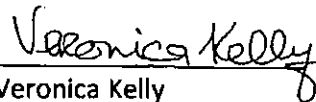
Please see appendix 1 for details in relation to how the Department calculates educational requirements based on demographic projections from the Council; references to technical guidance and other documents which relate to educational provision at appendix 2 and the projects included in the 6 year construction programme from 2016-2021 at appendix 3. All Technical Guidance Documentation used in the design of all new school buildings and extensions are available from the Department's website [www.education.ie](http://www.education.ie)

Demographic changes in the Wicklow area will continue to be monitored on an ongoing basis and it is possible that further educational requirements may arise over the lifetime of the Development Plan. Accordingly it is important that sufficient land is zoned for educational use.

The Department is available to meet with Council officials to discuss in more detail the educational implications arising from the draft Plan.

If you have any queries in relation to the above or require any additional information please do not hesitate to contact me.

Yours sincerely



Veronica Kelly  
Executive Officer  
Forward Planning Section

Tel. No: 057-9324448

Email: [Veronica\\_Kelly@education.gov.ie](mailto:Veronica_Kelly@education.gov.ie)

## **Appendix 1**

### **Information used to calculate educational infrastructural requirements**

Based on the projected population growth included in the draft Plan, the Department calculates the extent of primary and post primary provision needed in an area to cater for this additional population as follows:

- 12% of the population at any given time is of primary school going age.
- 8.5% of the population at any given time is of post primary school going age.
- At primary level, school accommodation is calculated on the basis of a Pupil Teacher Ratio of 27:1, meaning each individual classroom in a school will have 27 pupils.
- New primary school buildings are generally provided in multiples of 8 classrooms. This is because there are eight individual class groupings between junior infants and 6th class. A 16 classroom school would mean that there are 2 junior infant classes, 2 senior infant classes, with a 24 classroom school having 3 junior infant classes.
- A new primary school ranging in size from 4 - 8 classrooms, as a guide, requires 0.77 hectares (1.9 acres).
- A new school ranging in size from 8 - 16 classrooms, as a guide, requires 1.14 hectares (2.8 acres).
- A new school ranging in size from 16 - 24 classrooms, as a guide, requires 1.6 hectares (4 acres).
- A new school ranging in size from 24 - 32 classrooms, as a guide, requires 2.2 hectares (5.47 acres).
- At post primary level, the Department refers to the size of a building by the number of pupils it will cater for because the number of pupils, together with the curriculum to be delivered (which is school specific), will dictate the range and extent of specialist facilities to be provided.
- Generally, the maximum size of new post-primary school the Department will build, is for 1,000 pupil places.
- 4.57 hectares (12 acres approximately), as a guide, are required for a new 1,000 pupil post primary school.

## Appendix 2

### Site Suitability

This Department has published two documents that provide guidance in relation to site suitability for educational provision. Technical Guidance Document - 025 – Identification and Suitability Assessment of Sites for Primary Schools & Technical Guidance Document - 027 – Identification and Suitability Assessment of Sites for Post Primary Schools. Both of these documents are available, for download, from this Department's website [www.education.ie](http://www.education.ie).

Your attention is also drawn to the Department of Environment, Community and Local Government guidelines titled "**Sustainable Residential Development in Urban Areas**" published in May 2009 which provides that no significant residential development should take place without an assessment on the impact of school provision (refer to Chapter 4: Page 25). Please refer to Department of Environment, Community and Local Government website [www.environ.ie](http://www.environ.ie).

In addition, the Department of Education and Skills draws your attention to the published (July 2008) Code of Practice for Planning Authorities and the provision of schools, in particular Item 2 and the need for consulting with this Department regarding the assessment of specific sites. This document is available on both the Department of Education and Skills and Department of Environment, Community and Local Government websites.

Furthermore, following on from the publication of the Code of Practice in 2008, a Memorandum of Understanding between the Department of Education and Skills and the City & County Managers' Association on the acquisition of sites for school planning purposes is in place. This Memorandum of Understanding is designed to codify practice in relation to cooperation between this Department and local authorities in relation to the acquisition of sites suitable for the construction and development of buildings for educational purposes.

In relation to additional educational needs identified for this plan, subject to the availability of resources and on foot of a formal request to the CEO of your local authority, it would be this Department's intention to request, at the appropriate time, that Wicklow County Council would assist this Department in relation to the identification/acquisition of suitable school sites as required.

The Memorandum of Understanding document is available, for download, from this Department's website [www.education.ie](http://www.education.ie).

### Appendix 3

The Department's current programme of capital investment in schools includes the following projects, which are due to go to construction over the course of the plan.

#### Projects going to construction

6 Year Programme Projects to go to construction 2016			
County	Roll Number	School Name & Address	School Type
Wicklow	07246U	Scoil Philomena, Bray	Primary
Wicklow	20045K	Gaelscoil Chill Mhantain, An Casadh Meidhreach, Rath Naoi	Primary
Wicklow	20346B	Kilcoole Primary School, Kilcoole	Primary
Wicklow	61830M	St. David's Holy Faith, Co-Educational School, Greystones	Post-Primary
Wicklow	70821M	Coláiste Raithlin, Bray	Post-Primary
6 Year Programme Projects to go to construction 2018			
County	Roll Number	School Name & Address	School Type
Wicklow	20278K	Newtownmountkennedy Primary School, Kilcoole	Primary
Wicklow	20473I	Greystones Community NS, Greystones	Primary
Wicklow	70760S	Blessington Community College	Post-Primary
Wicklow	70790E	Coláiste Bhríde, Carnew	Post-Primary
Wicklow	70800E	St. Kevin's Community College, Dunlavin	Post-Primary
Wicklow	76076M	Coláiste Chraoibh Abhainn, Kilcoole	Post-Primary
Wicklow	76106S	Gaelcholáiste na Mara, Arklow	Post-Primary
Wicklow	N/A	KWETB Bray	Post-Primary
6 Year Programme Projects to go to construction 2019 - 2021			
County	Roll Number	School Name & Address	School Type
Wicklow	20243O	GS na Lochanna	Primary
Wicklow	61770U	Arklow CBS	Post-Primary
Wicklow	61820J	Loreto Secondary School, Bray	Post-Primary
Wicklow	70810H	Avondale Community College, Rathdrum	Post-Primary

**To: Prescribed Bodies**

20<sup>th</sup> July 2016

**WICKLOW COUNTY COUNCIL**

**NOTICE OF PROPOSED AMENDMENTS TO THE DRAFT WICKLOW COUNTY DEVELOPMENT PLAN 2016-2022**

A Chara,

Notice is hereby given, in accordance with Section 12 (7) of the Planning & Development Act 2000 (as amended), that Wicklow County Council resolved to amend the Wicklow County Development Plan 2016-2022, and have determined that these amendments, if made, would constitute material alterations to the draft plan.

The Proposed Amendments are accompanied by three Addendums:

(i) an Addendum to the Environmental Report which provides information on the likely significant effects on the environment of implementing the proposed amendments, prepared in accordance with the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (as amended).

(ii) an Addendum to the Natura Impact Report which provides an evaluation of the impacts, if any, of the proposed amendments on any Natura 2000 site either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives, prepared in accordance with Article 6 of the Habitats Directive (92/43/EEC).

(iii) an Addendum to the Strategic Flood Risk Assessment which provides an assessment of the flood risk, if any, of the proposed zoning amendments. This has been prepared in accordance with The Planning System and Flood Risk Management – Guidelines for Planning Authorities.

A copy of the Proposed Amendments and the Addendum Reports (please see attached pdf document) will be on display at the following locations **from 25 July 2016 to 26 August 2016 inclusive:**

Planning Department, Wicklow County Council, County Buildings, Station Road, Wicklow Town, during normal office hours

- Municipal District offices, during normal office hours, as follows:
  - Greystones Municipal District, Mill Road, Greystones,
  - Arklow Municipal District, Castle Park, Arklow
  - Bray Municipal District, Civic Offices, Main Street, Bray
  - Baltinglass Municipal District, Blessington Business Park, Blessington
- All branches of Wicklow libraries, during their normal opening hours
- A copy may be also be viewed and downloaded from the Council's website [www.wicklow.ie](http://www.wicklow.ie)

Written submissions or observations made **on or before 5.00pm on 26 August 2016** specifically in relation to the **Proposed Amendments** and/or the Addendum Reports will be taken into consideration before the making of any amendment. Late submissions will not be accepted.

Submissions may be made in one of the following ways:

1. **Write to:** Administrative Officer, Planning Department, Wicklow County Council, Station Road, Wicklow.
2. **Email to:** [planreview@wicklowcoco.ie](mailto:planreview@wicklowcoco.ie)

All submissions should include your name and a contact address, a map (where appropriate), proposed amendment number (where appropriate) and, where relevant, details of any organisation, community group or company etc., which you represent. Children, or groups or associations representing the interests of children, are entitled to make

submissions or observations. Please make your submission by one medium only, i.e. hard copy or e-mail. Please note that submissions will be available for public viewing.

In accordance with section 12 [7] of the planning & development act only submissions in relation to the proposed amendments and/or the addendum reports can be taken into consideration. Submissions not adhering to these criteria will be considered invalid.

Please do not hesitate to contact any members of the Development Plan team on 0404 20148 or at [planreview@wicklowcoco.ie](mailto:planreview@wicklowcoco.ie) if you have any queries or require a hard copy of the documents.

Is mise le meas,

Leonora Earls  
Administrative Officer  
Planning Department

**Leonora Earls**

**From:** David Galvin [d.galvin@epa.ie]  
**Sent:** 26 August 2016 09:43  
**To:** Planning - Plan Review  
**Subject:** Re. Proposed Amendments to the Draft Wicklow County Development Plan 2016-22  
**Attachments:** SCP141007.2 EPA Submission Draft Wicklow CDP 2016-22 and SEA ER.pdf;  
 SCP141007 3 EPA Comments\_Prop Amends\_Wicklow\_CDP2016-22.pdf

Administrative Officer  
 Planning Department  
 Wicklow County Council  
 Station Road  
 Wicklow

26<sup>th</sup> August 2016

Our Ref: SCP141007.3

**Re. Proposed Amendments to the Draft Wicklow County Development Plan 2016-22**

Dear Ms Earls,

The Environmental Protection Agency (EPA) acknowledges your notice, dated 20/07/2016, regarding the above and notes its contents.

**SEA Determination**

We note your position with regard to the need for Strategic Environmental Assessment (SEA) of the Proposed Amendments to the Draft Wicklow County Development Plan 2016-2022 (the Amendments). A number of specific comments on the Amendments are provided below and should be taken into account. In addition to these, the EPA's previous submission on the Draft Plan / SEA ER should also be taken into consideration at this time, as appropriate and relevant to the proposed Amendments. This previous submission is attached for reference purposes.

**Specific Comments on the Proposed Amendments**

In *Section 3 Further SEA*, we note your determination that *Proposed Amendments No. 15* and *No. 88* are identified as '...having the potential for likely significant environmental effects...' You should consider clarifying whether the

SEA recommends that these two Amendments proceed.

*Section 3.3 Assessment of Proposed Amendment No. 15* describes that the changes (as proposed) to *Objective EMP12* would give rise to:

- Employment development in areas removed from the established development envelopes of existing settlements
- The proposed land use zoning not being appropriate to the flood risk associated with these lands,
- Non-compliance with the recommendations of the *Planning System and Flood Risk Management Guidelines for Planning Authorities (OPW/DEHLG, 2009)*
- Failure of the justification test undertaken in respect of these lands.

*Section 3.4 Further Assessment of Proposed Amendment No. 88* also describes that the proposed new *employment/enterprise/open space* zoning for lands at Togher More and Baltynima, would be likely to result in significant adverse environmental effects given that:

- These are situated beyond the existing development envelope for the town of Roundwood
- Factors such as elevation, slope and land cover determine that '...these lands are part of a wider landscape that is sensitive to new development...'
- This would give rise to a loss of semi-natural habitat and other impacts upon ecological connectivity
- This would give rise to adverse effects on improving sustainable mobility, reducing energy usage and emissions to air
- The risk of flooding would be increased



You should clearly show how the likely significant effects identified, will be mitigated for, in order to avoid/minimise any significant adverse environmental effects. In proposing Amendments to the Draft Plan, the proposed Amendments need to remain consistent with the Policies and Objectives of the Regional Planning Guidelines and associated County Core Strategy and also reflect proper and sustainable development. The requirements of the *Planning System and Flood Risk Management Guidelines* (OPW, DEHLG, 2009), should also be fully integrated/implemented as appropriate and relevant to ensure that any proposed development/ land use zoning is appropriate to the level of flood risk identified.

The DoECLG Circulars (PSSP 6/2011) '*Further Transposition of the EU Directive 2001/42/EC on Strategic Environmental Assessment (SEA)*' and (Circular PL 9 of 2013) '*Article 8 (Decision Making) of EU Directive 2001/42/EC on Strategic Environmental Assessment (SEA) as amended*' should also be taken into account.

#### **Future Amendments to the Draft Plan**

Wicklow County Council should determine whether or not the implementation of the 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.

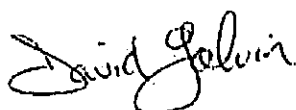
#### **SEA Statement – "Information on the Decision"**

Following adoption of the Plan, an SEA Statement, should summarise the following:

- How environmental considerations have been integrated into the Plan;
- How the Environmental Report, submissions, observations and consultations have been taken into account during the preparation of the Plan;
- The reasons for choosing the Plan adopted in the light of other reasonable alternatives dealt with; and,
- The measures decided upon to monitor the significant environmental effects of implementation of the Plan.

A copy of the SEA Statement with the above information should be sent to any environmental authority consulted during the SEA process. Should you have any queries or require further information in relation to the above please contact the undersigned. I would be grateful if an acknowledgement of receipt of this submission could be sent electronically to the following address: [sea@epa.ie](mailto:sea@epa.ie).

Yours sincerely,



**David Galvin**  
SEA Team  
Office of Environmental Assessment  
Environmental Protection Agency  
Regional Inspectorate  
Inniscarra  
County Cork

.....

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Administrative Officer  
Planning Department  
Wicklow County Council  
Station Road  
Wicklow

26<sup>th</sup> August 2016

Our Ref: SCP141007.3

**Re. Proposed Amendments to the Draft Wicklow County Development Plan 2016-22**

Dear Ms Earls,

The Environmental Protection Agency (EPA) acknowledges your notice, dated 20/07/2016, regarding the above and notes its contents.

**SEA Determination**

We note your position with regard to the need for Strategic Environmental Assessment (SEA) of the Proposed Amendments to the Draft Wicklow County Development Plan 2016-2022 (the Amendments). A number of specific comments on the Amendments are provided below and should be taken into account. In addition to these, the EPA's previous submission on the Draft Plan / SEA ER should also be taken into consideration at this time, as appropriate and relevant to the proposed Amendments. This previous submission is attached for reference purposes.

**Specific Comments on the Proposed Amendments**

In *Section 3 Further SEA*, we note your determination that *Proposed Amendments No. 15* and *No. 88* are identified as '*...having the potential for likely significant environmental effects...*' You should consider clarifying whether the SEA recommends that these two Amendments proceed.

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- The risk of flooding would be increased

You should clearly show how the likely significant effects identified, will be mitigated for, in order to avoid/minimise any significant adverse environmental effects. In proposing Amendments to the Draft Plan, the proposed Amendments need to remain consistent with the Policies and Objectives of the Regional Planning Guidelines and associated County Core Strategy and also reflect proper and sustainable development. The requirements of the *Planning System and* SCP141007.3 EPA SEA Submission Prop Amends Draft Wicklow CDP 2016-22

26.08.16



*Flood Risk Management Guidelines* (OPW, DEHLG, 2009), should also be fully integrated/implemented as appropriate and relevant to ensure that any proposed development/ land use zoning is appropriate to the level of flood risk identified.

The DoECLG Circulars (PSSP 6/2011) '*Further Transposition of the EU Directive 2001/42/EC on Strategic Environmental Assessment (SEA)*' and (Circular PL 9 of 2013) '*Article 8 (Decision Making) of EU Directive 2001/42/EC on Strategic Environmental Assessment (SEA) as amended*' should also be taken into account.

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- The reasons for choosing the Plan adopted in the light of other reasonable alternatives dealt with; and,
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A copy of the SEA Statement with the above information should be sent to any environmental authority consulted during the SEA process. Should you have any queries or require further information in relation to the above please contact the undersigned. I would be grateful if an acknowledgement of receipt of this submission could be sent electronically to the following address: [sea@epa.ie](mailto:sea@epa.ie).

Yours sincerely,

**David Galvin**  
*SEA Team*  
*Office of Environmental Assessment*  
*Environmental Protection Agency*  
*Regional Inspectorate*  
*Inniscarra*  
*County Cork*



County Development Plan Review  
Planning Department,  
Wicklow County Council,  
Station Road,  
Wicklow Town,  
Co. Wicklow

9<sup>th</sup> February 2016

Our Ref: SCP141007.2

**Re. Draft Wicklow County Development Plan 2016 - 2022 and Strategic Environmental Assessment Environmental Report**

Dear Sir/Madam,

The Environmental Protection Agency (EPA) acknowledges your notice, dated 27<sup>th</sup> November 2015 regarding the preparation of the Draft Wicklow County Development Plan (the Plan) and associated SEA Environmental Report (the SEA ER).

We welcome the incorporation of many of the issues made in our SEA Scoping submission, dated the 11<sup>th</sup> December 2014, have been incorporated into the Plan and the SEA ER. A number of key additional aspects to be considered are outlined below and should also be taken into account in finalising the plan.

**Specific Comments on the Draft Plan to be considered**

We acknowledge the commitment, in *Chapter 2 Vision and Core Strategy*, to prepare local area plans (LAPs) for eight settlements within the County. These LAPs should be prepared taking into account the requirements of the SEA, Floods, Water Framework and Habitats Directives.

Flood risk assessments should also be carried out for the LAPs to guide/inform the appropriate zoning and development of lands in accordance with the requirements of the *Flood Risk Management Guidelines* (DEHLG, 2009). Where existing zoned undeveloped lands are identified as being at risk of significant flood risk (Flood Zone A or B), the LAPs should consider re-zoning or de-zoning to more appropriate land uses as appropriate.

The Settlement Maps accompanying the Plan should also take into account the findings of the flood risk assessment(s). Superimposing existing (and proposed additional) land use zoning within the settlement, with flood risk maps may highlight potential zoning conflicts to be addressed. The Plan should ensure that only appropriate land uses are considered in areas of significant flood risk, in accordance with the *Flood Risk Management Guidelines*, as relevant and appropriate.

We acknowledge the intention that in the current 'Level 5 settlements', surplus zoned housing lands will be either re-zoned or reserved as a 'Strategic Land Bank' for future development. The flood risk assessment(s) could assist in identifying potential surplus zoned lands for removal, where relevant.

We welcome the commitment in *Section 2.2 Strategic Policy Context* to accommodate higher density developments in areas that are well served by rail. This will assist in encouraging and facilitating increased public transport use. We also note that *Section 2.4.2 Population* describes that settlement growth will be carried out in collaboration with





Transport Infrastructure Ireland, in the context of ensuring sustainable modes of travel and public transport usage are promoted / encouraged.

We note that Appropriate Assessment Screening will be required for all projects and plans arising from the Plan, under Article 6 of the Habitats Directive, in *Objective NH4* where relevant and appropriate. A similar commitment to take into account the requirements of the Environmental Impact Assessment, Water Framework and Floods Directives respectively, as appropriate and relevant should also be considered.

In *Subsection 9.2.2 Water Supply and Demand* and *Subsection 9.2.3 Waste Water*, we acknowledge the commitment to collaborate with Irish Water to ensure the provision of appropriate potable water and an adequate wastewater collection and treatment infrastructure.

In *subsection 9.5 Climate and Energy*, the Plan should include a reference to the National Mitigation Plan (DECLG), which is currently being prepared. This national plan seeks to reduce greenhouse gas emissions across a range of sectors (transport, energy, agriculture etc.) in collaboration with other Government Departments including DTTAS, DAFM and DCENR.

#### **Specific Comments on the SEA Environmental Report**

The SEA ER (in *Section 4.6.3.2 WFD Surface Status*) describes that certain rivers to the west of the County (including the Douglas River, the Derry River and the Shillelagh River), are currently classified as being of 'Poor' status under the Water Framework Directive (WFD) and the Avoca River is classified as being 'Bad'. The Plan should protect and improve water quality within the Plan area, in accordance with the requirements of the WFD.

*Section 4.8.1.2 Waste Water Infrastructure* and *Section 4.8.1.3 Drinking Water* of the SEA ER describes the specific issues with a number of public waste water treatment plants and drinking water plants in the County. These are also highlighted in the EPA reports on *Urban Waste Water Treatment in 2014* (EPA, 2015) and *Drinking Water Report for 2013*, (EPA, 2015). The Plan should ensure population and economic growth (and associated development) are linked to the ability to provide adequate and appropriate critical service infrastructure to support current and future growth, in collaboration with other key stakeholders. Issues with drinking water and wastewater treatment facilities should be addressed on a priority basis in association with Irish Water.

We welcome the inclusion of the Green Infrastructure Strategy 2016 – 2022 (Appendix 8) of the Plan. This will provide a framework to guide future zoning and development in the County while protecting ecological corridors and linkages (and associated biodiversity) at a Plan level. This strategy should also be taken into account and inform the preparation of the proposed eight LAPs as appropriate.

We note the inclusion the coastal zone management objectives in *Chapter 11 – Coastal Zone Management*. The Plan should also consider future climate scenarios in terms of predicted higher sea levels and periods of increased frequency of storm conditions and associated flooding. The Plan should ensure the protection of ecological buffers/marshlands/estuaries, in order that the effects of coastal squeeze on protected species/designated habitats can be managed appropriately where possible. The role which estuaries and marshes play in terms of flood alleviation could also be highlighted.

We note the inclusion of *Table 7.1 - Environmental objectives, indicators and targets*. To further strengthen Water objective W1, there is merit in amending it as follows: "To maintain and approve where possible the quality and status of surface water, in accordance with the requirements of the Water Framework Directive". Including an additional indicator to monitoring trends in (WFD) water quality status would also be useful.

This trend in water quality status should also be incorporated into the monitoring programme for the plan period. The EPA's WFD Application, available on EDEN ([www.edenireland.ie](http://www.edenireland.ie)) may assist in monitoring the trend of water bodies.

#### **Additional Plans/Programme considerations**

The following additional Plans/Programmes should also be considered and integrated as appropriate into the Plan:



- National Peatlands Strategy and associated Raised Bog SAC Management Plans and Raised Bog NHA Review (NPWS, 2015)
- Draft Plan for Forestry and Freshwater Pearl Mussel in Ireland (DAFM, currently being prepared).
- Draft National Bioenergy Plan (DCENR, currently under preparation).
- National Landscape Strategy
- Wicklow Mountains National Park Management Plan 2005-2009

#### **Future Amendments to the Draft Plan**

Where amendments to the Plan are proposed, these should be screened for likely significant effects in accordance with the criteria as set out in Schedule 2A of the SEA Regulations and should be subject to the same method of assessment applied in the "environmental assessment" of the Draft Plan.

#### **SEA Statement– "Information on the Decision"**

Following adoption of the Plan, an SEA Statement, should summarise the following:

- How environmental considerations have been integrated into the Plan;
- How the Environmental Report, submissions, observations and consultations have been taken into account during the preparation of the Plan;
- The reasons for choosing the Plan adopted in the light of other reasonable alternatives dealt with; and,
- The measures decided upon to monitor the significant environmental effects of implementation of the Plan.

A copy of the SEA Statement with the above information should be sent to any environmental authority consulted during the SEA process. Should you have any queries or require further information in relation to the above please contact the undersigned.

I would be grateful if an acknowledgement of receipt of this submission could be sent electronically to the following address: [sea@epa.ie](mailto:sea@epa.ie).

Yours sincerely

**Cian O'Mahony**  
*Scientific Officer*  
*SEA Section*  
*Office of Environmental Assessment,*  
*Environmental Protection Agency,*  
*Regional Inspectorate,*  
*Inniscarra,*  
*County Cork*

## Leonora Earls

**From:** Manager Dau [Manager.Dau@ahg.gov.ie]  
**Sent:** 26 August 2016 10:55  
**To:** Planning - Plan Review  
**Subject:** Proposed Material Amendments to the Draft Wicklow County Development Plan  
**Attachments:** FP2016-046 Resp.pdf

I refer to the Council's notification in relation to the proposed Material Amendments to the Draft Wicklow County Development Plan.

Attached are the nature conservation recommendations of the National Parks & Wildlife Service (NPWS) of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

Regards

 Michael Murphy

Development Applications Unit,  
 Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs,  
 Newtown Road,  
 Wexford  
 Y35 AP90  
 053-911 7516



An Roinn Ealaíon, Oidhreachta,  
 Gnóthaí Réigiúnacha, Tuaithe agus Gaeltachta  
 Department of Arts, Heritage,  
 Regional, Rural and Gaeltacht Affairs





An Roinn Ealaíon, Oidhreachta,  
Gnóthai Réigiúnacha, Tuaithe agus Gaeltachta

Department of Arts, Heritage,  
Regional, Rural and Gaeltacht Affairs

26 August 2016

FP2016/046

Administrative Officer,  
Planning Department,  
Wicklow County Council,  
Station Road,  
Wicklow

[planreview@wicklowcoco.ie](mailto:planreview@wicklowcoco.ie)

### **Proposed Material Amendments to the Draft Wicklow County Development Plan**

A Chara,

I refer to the Council's notification in relation to the proposed Material Amendments to the Draft Wicklow County Development Plan. Outlined below are the nature conservation recommendations of the National Parks & Wildlife Service (NPWS) of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

These comments should be read in conjunction with the previous comments made by this Department on nature conservation, (our ref. FP2015/122), many of which apply to the assessment of the proposed material alterations.

### **Material Alterations**

This Department has concerns with some of the material alterations including those made to:

- Objective T34 (amendment 34 on page 34) concerning the addition of the development of blueways in chapter 7
- Amendment 60 made to objective CZM7 (page 55) in chapter 11
- and to the amendment to Avoca Specific Development Objective 2 (on page 72) concerning river walks

It is the view of this Department that these proposed amendments have the potential to negatively impact on the natural heritage.

### **SEA addendum**

Mitigation for amendment 34 is stated to be the addition of the words "*subject to normal environmental protection and management criteria*". However since the whole country is currently planning a network of blueways and greenways the potential for impact is large and cumulative and this Department would have expected a lot more discussion on this issue. Where such blueways are along coastline, rivers and lakes with European designations there is the potential for a negative impact on a European site.

The above comments are also applicable to the amendment to Specific Development Objective 2 for Avoca.

Amendment 60 does not appear to have been assessed in the SEA addendum. This amendment adds in wording so the objective now includes the provision new coastal defences where necessary along the full coastline. This objective has the potential to cause significant negative impacts and is discussed further under AA below.

AA screening report addendum to NIR

This Department notes that in section 2.2.1 it is stated that a distance of 15km is currently recommended in the DoE guidance document on AA but that distances beyond this should be considered where there are linkages and pathways. However the DoE document referred to has three points on the distance to be used in section 3.2.3. Figure 1 on page 11 of the AA screening report shows sites within 15km and does not appear to have considered any *outside this distance*. In the case of the current draft Plan, if migrating bird flight paths was an issue to be assessed, then distances beyond those shown in figure 1 would need to be considered for species such as terns and geese.

As identified above under SEA, amendment 34 of objective T34 and amendment 60 of CZM7 have the potential to negatively impact on European sites. Objective T34 does not appear to have been assessed, while objective CZM7 is actually considered as mitigation.

Objective CZM7 has the potential to impact negatively on coastal habitats. Any coastal defence has knock on effects that need to be assessed by considering coastal sediment processes etc. While such a study may not be appropriate at Plan level this Department would have considered that there would have been at least a discussion of the issues. Objective CZM7 also refers to The Murrough. The Murrough is designated as a Special Area of Conservation (SAC) designated under the EC Habitats Directive (Council Directive 92/43/EEC) and Special Protection Area designated under the EC Birds Directive (Directive 2009/147 EC).

Table 2.1 details plans that may have *cumulative impacts* but omits projects such as greenways and blueways along waterways and coastlines in other counties.

In view of the above comments this Department cannot agree with the conclusions of the SEA and AA addenda. The Department recommends that these documents are revised to reconsider these issues.

Kindly forward any further information received or in the event of a decision being made a copy of the same should be forwarded to [manager.dau@ahg.gov.ie](mailto:manager.dau@ahg.gov.ie); if this is not possible, correspondence may alternatively be sent to the address set out on the cover page.

Is mise le meas,



**Michael Murphy,**  
**Development Applications Unit**  
**Tel: (053) 911 7516**



A7

## Leonora Earls

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**From:** McCormack Michael [Michael.McCormack@tii.ie]  
**Sent:** 24 August 2016 11:48  
**To:** Planning - Plan Review  
**Subject:** Proposed Material Alterations to the Draft Wicklow County Development Plan, 2016 - 2022  
**Attachments:** SKHFI216082411510.pdf

Dear Sir/Madam,

Please find attached a copy of the Authority's observations on the Proposed Material Alterations to the Draft Wicklow County Development Plan, 2016 – 2022.

A hard copy has also issued by post.

Yours sincerely,  
Michael McCormack  
Senior Land Use Planner

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r?omhphost seo tr? bhot?n, cuir sin in i?il do [postmaster@tii.ie](mailto:postmaster@tii.ie), le do thoil, agus scrios an r?omhphost bunaidh agus  
aon cheangalt?in.

Administrative Officer  
Planning Department  
Wicklow County Council  
County Buildings  
Station Road  
Wicklow

Dáta | Date  
24 August, 2016

Ár dTag | Our Ref.  
TII16-95212

Bhur dTag | Your Ref.

Re. **Proposed Material Amendments to the Draft Wicklow County Development Plan, 2016 – 2022**

Dear Sir/Madam,

Transport Infrastructure Ireland (TII) welcomes consultation on the Proposed Material Amendments to the Draft Wicklow County Development Plan, 2016 – 2022. The Authority acknowledges the detailed review and assessment of TII's initial submission on the Draft Development Plan outlined in the Chief Executives Report on Submissions and TII welcomes the resulting proposed material amendments.

In relation to other proposed material alterations on display, TII provides the following observations for the Councils consideration;

**Proposed Material Amendment No. 15;**

**Section 5.5 Objectives for Economic Development (Objective EMP 12)**

The Authority acknowledges that proposed zoning objectives outlined in EMP 12 as they relate to Kilmurray South, Kilmurray North and Rathmore, Ashford, are proposed to be deleted from the Draft Plan and the Authority supports the Councils proposals in this regard for the reasons outlined in the Authority's initial submission on the Draft Plan.

TII also acknowledges that the Chief Executives Report on Submissions on the Draft Plan recommended that zonings applied to lands in proximity to the N11, national primary road, and associated junctions at Mountkenedy Demesne, Kilpedder (Map Ref. 5.01) and Kilpedder Interchange (Map Ref. 5.06) be omitted and that the zoning applied at Inchanappa South and Ballyhenry, Ashford (Map Ref. 5.08) be significantly reduced and with additional requirements addressing transport impact assessments and phasing.

It is noted with concern that the zonings applied to lands at Mountkenedy Demesne, Kilpedder (Map Ref. 5.01) and Kilpedder Interchange (Map Ref. 5.06) remain in the Draft Plan despite the Chief Executives recommendations. In that regard, the Authority advises that the position outlined in our initial submission in relation to proposed zoning objectives at these locations remains the position of TII. The Authority's initial submission on the Draft Plan refers in full to this issue and the Authority respectfully requests further review of these zoning designations.

In addition to the foregoing, the Authority notes the proposals to zone additional lands at Kiladreenan, Newtownmountkenedy (Map Ref. 5.06) and Timmore, Newcastle (Map Ref. 5.07) outlined in the Proposed Amendments. The Authority notes the Chief Executives recommendation that the zoning of such lands would set



an undesirable precedent for similar types of development and having regard to the rural nature of the subject sites in proximity to the strategic national road network, the Authority supports the recommendation of the Chief Executive.

**Proposed Material Amendment No. 33;**

**Section 7.4 Tourism & Recreation Objectives (Objective T30)**

The Authority notes and supports the proposed material amendment to Objective T30 and concurs with the Chief Executives assessment of this site outlined in the Chief Executives Report on Submissions on the Draft Plan. The proposed intensification of the direct access to the N11, national primary road, is considered to be at variance with the provisions of the DoECLG Spatial Planning & National Roads Guidelines (2012) and the Authority supports the Councils omission of zoning objectives for this site from the Draft Plan in accordance with the provisions of official policy.

**Proposed Material Amendment No. 35;**

**Section 8.3.2 Health and Care Objectives (Objective CD17)**

The Authority notes that the proposed zoning objective at Killickbawn, Kilpedder (new Map Ref. 8.02) remains in the Draft Plan and is not subject to any proposed material amendment or removal. As outlined in the Authority's initial submission on the Draft Plan, the proposal appears to be progressed in the absence of any basic transport assessment and the lands appear almost completely reliant on access by private car. Identifying such lands in proximity to the N11 and associated junction is not considered a practice consistent with the requirement to provide future upgrades to the N11 or this junction included in Section 9.1.4 of the Draft Plan.

The proposals to zone lands at this location appears to be inconsistent with the zoning principles outlined in Section 5.4 (ii) (b) of the Draft Plan and appears to be proposed in the absence of the evidence base required under Section 2.7 of the DoECLG Spatial Planning and National Roads Guidelines.

TII acknowledges the Chief Executives assessment of this objective in the Report on Submissions and the recommendation that the zoning be omitted and the Authority respectfully requests further review of this zoning designation.

**Proposed Material Amendment No. 39;**

**Section 9.1.4 Public Roads (Objective TR21)**

In relation to the above proposed Material Amendment, the Authority acknowledges the alteration to the text to conform to the provisions of the DoECLG Spatial Planning and National Roads Guidelines (2012) concerning access to national roads. However, it is noted that the proposed amendment outlines that the only exceptions to the restriction on access to national roads shall be as set out in Section 2.6 of the 'Spatial Planning and National Roads' – Guidelines for Planning Authorities.

The Council will be aware that Section 2.6 of the DoECLG Guidelines requires that where a less restrictive approach to the control of development accessing national roads may be applied this should only be as part of reviewing or varying the relevant development plan. In the Authority's opinion, deferring consideration of individual cases to development management is inappropriate, piecemeal and at variance with the provisions of the DoECLG Guidelines. As outlined in the Authority's initial submission on the Draft Plan the Authority is available to discuss proposals with the Executive of Wicklow County Council; where the Council proposes to identify 'exceptional circumstances' for agreement with TII, a sufficient and robust evidence base will need to be established.

**Proposed Material Amendment No. 40;**

**Section 9.1.7 Road Side Signage (Objective AS 2)**

The final sentence of the proposed amendment states that the Council 'will' facilitate signage for Fáilte Ireland approved tourist accommodation at the ends of motorway/dual carriageway off-slips only, however, in the Authority's opinion, the text should advise that the Council 'may' facilitate such signage proposals. Amending 'will' for 'may' ensures closer compliance with the Policy on the Provision of Tourist and Leisure Signage on National Roads (2011).

#### **Section 7.4 Tourism & Recreation Objectives (Objective T20)**

The Authority notes that the proposed zoning objective at Jack Whites Cross (new Map Ref. 7.08) remains in the Draft Plan and is not subject to any proposed material amendment or removal. As outlined in the Authority's initial submission on the Draft Plan, the Authority is concerned with the proposal to zone lands in such close proximity to a new junction of the recently completed M11 having regard to the provisions of the DoECLG Spatial Planning and National Roads Guidelines (2012).

It is considered premature to include the proposed zoning designation in the Draft Plan in the absence of the required plan-led evidence based data required in accordance with the provisions of the DoECLG Spatial Planning and National Roads Guidelines (2012) and having regard to the potential impact the development of such lands could have on the safety and efficiency of the strategic national road network in the area.

TII acknowledges the Chief Executives assessment of this objective in the Report on Submissions and the recommendation that the zoning be omitted and the Authority respectfully requests further review of this zoning designation having regard to the foregoing.

#### **Conclusion**

The Authority acknowledges the significant undertaking for the Council in drafting a development plan and the requirement to consider and address a multiplicity of factors in developing a sustainable spatial planning framework not just issues relating to national roads. The Authority also acknowledges the detailed assessment of the Authority's initial submission outlined in the Chief Executives Report on Submissions on the Draft Plan.

The Authority acknowledges and welcomes proposed amendments that have resulted from the consideration of the Authority's initial submission. However, as outlined above, there remain issues in the Draft Plan/Proposed Amendments that, in the Authority's opinion, require review prior to the formal adoption of the Development Plan to ensure consistency with official policy and in order to safeguard the strategic function of the national road network in the area. The Authority would welcome consideration of the issues identified in the foregoing.

It is respectfully requested that the above observations are taken into consideration prior to the adoption of the Wicklow County Development Plan, 2016 – 2022.

Yours sincerely,

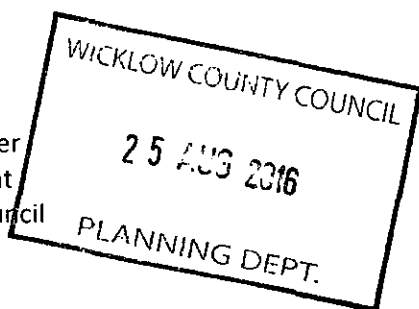


Michael McCormack  
Senior Land Use Planner



Bonneagar Iompair Éireann  
Transport Infrastructure Ireland

Administrative Officer  
Planning Department  
Wicklow County Council  
County Buildings  
Station Road  
Wicklow



Dáta | Date  
24 August, 2016

Ár dTag | Our Ref.  
TII16-95212

Bhur dTag | Your Ref.

**Re. Proposed Material Amendments to the Draft Wicklow County Development Plan, 2016 – 2022**

Dear Sir/Madam,

Transport Infrastructure Ireland (TII) welcomes consultation on the Proposed Material Amendments to the Draft Wicklow County Development Plan, 2016 – 2022. The Authority acknowledges the detailed review and assessment of TII's initial submission on the Draft Development Plan outlined in the Chief Executives Report on Submissions and TII welcomes the resulting proposed material amendments.

In relation to other proposed material alterations on display, TII provides the following observations for the Councils consideration;

**Proposed Material Amendment No. 15;**

**Section 5.5 Objectives for Economic Development (Objective EMP 12)**

The Authority acknowledges that proposed zoning objectives outlined in EMP 12 as they relate to Kilmurray South, Kilmurray North and Rathmore, Ashford, are proposed to be deleted from the Draft Plan and the Authority supports the Councils proposals in this regard for the reasons outlined in the Authority's initial submission on the Draft Plan.

TII also acknowledges that the Chief Executives Report on Submissions on the Draft Plan recommended that zonings applied to lands in proximity to the N11, national primary road, and associated junctions at Mountkennedy Demesne, Kilpedder (Map Ref. 5.01) and Kilpedder Interchange (Map Ref. 5.06) be omitted and that the zoning applied at Inchanappa South and Ballyhenry, Ashford (Map Ref. 5.08) be significantly reduced and with additional requirements addressing transport impact assessments and phasing.

*It is noted with concern that the zonings applied to lands at Mountkennedy Demesne, Kilpedder (Map Ref. 5.01) and Kilpedder Interchange (Map Ref. 5.06) remain in the Draft Plan despite the Chief Executives recommendations. In that regard, the Authority advises that the position outlined in our initial submission in relation to proposed zoning objectives at these locations remains the position of TII. The Authority's initial submission on the Draft Plan refers in full to this issue and the Authority respectfully requests further review of these zoning designations.*

In addition to the foregoing, the Authority notes the proposals to zone additional lands at Kiladreenan, Newtownmountkennedy (Map Ref. 5.06) and Timmore, Newcastle (Map Ref. 5.07) outlined in the Proposed Amendments. The Authority notes the Chief Executives recommendation that the zoning of such lands would set



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an undesirable precedent for similar types of development and having regard to the rural nature of the subject sites in proximity to the strategic national road network, the Authority supports the recommendation of the Chief Executive.

**Proposed Material Amendment No. 33;**

**Section 7.4 Tourism & Recreation Objectives (Objective T30)**

The Authority notes and supports the proposed material amendment to Objective T30 and concurs with the Chief Executives assessment of this site outlined in the Chief Executives Report on Submissions on the Draft Plan. The proposed intensification of the direct access to the N11, national primary road, is considered to be at variance with the provisions of the DoECLG Spatial Planning & National Roads Guidelines (2012) and the Authority supports the Councils omission of zoning objectives for this site from the Draft Plan in accordance with the provisions of official policy.

**Proposed Material Amendment No. 35;**

**Section 8.3.2 Health and Care Objectives (Objective CD17)**

The Authority notes that the proposed zoning objective at Killickbawn, Kilpedder (new Map Ref. 8.02) remains in the Draft Plan and is not subject to any proposed material amendment or removal. As outlined in the Authority's initial submission on the Draft Plan, the proposal appears to be progressed in the absence of any basic transport assessment and the lands appear almost completely reliant on access by private car. Identifying such lands in proximity to the N11 and associated junction is not considered a practice consistent with the requirement to provide future upgrades to the N11 or this junction included in Section 9.1.4 of the Draft Plan.

The proposals to zone lands at this location appears to be inconsistent with the zoning principles outlined in Section 5.4 (ii) (b) of the Draft Plan and appears to be proposed in the absence of the evidence base required under Section 2.7 of the DoECLG Spatial Planning and National Roads Guidelines.

TII acknowledges the Chief Executives assessment of this objective in the Report on Submissions and the recommendation that the zoning be omitted and the Authority respectfully requests further review of this zoning designation.

**Proposed Material Amendment No. 39;**

**Section 9.1.4 Public Roads (Objective TR21)**

In relation to the above proposed Material Amendment, the Authority acknowledges the alteration to the text to conform to the provisions of the DoECLG Spatial Planning and National Roads Guidelines (2012) concerning access to national roads. However, it is noted that the proposed amendment outlines that the only exceptions to the restriction on access to national roads shall be as set out in Section 2.6 of the 'Spatial Planning and National Roads' – Guidelines for Planning Authorities.

The Council will be aware that Section 2.6 of the DoECLG Guidelines requires that where a less restrictive approach to the control of development accessing national roads may be applied this should only be as part of reviewing or varying the relevant development plan. In the Authority's opinion, deferring consideration of individual cases to development management is inappropriate, piecemeal and at variance with the provisions of the DoECLG Guidelines. As outlined in the Authority's initial submission on the Draft Plan the Authority is available to discuss proposals with the Executive of Wicklow County Council; where the Council proposes to identify 'exceptional circumstances' for agreement with TII, a sufficient and robust evidence base will need to be established.

**Proposed Material Amendment No. 40;**

**Section 9.1.7 Road Side Signage (Objective AS 2)**

The final sentence of the proposed amendment states that the Council 'will' facilitate signage for Fáilte Ireland approved tourist accommodation at the ends of motorway/dual carriageway off-slips only, however, in the Authority's opinion, the text should advise that the Council 'may' facilitate such signage proposals. Amending 'will' for 'may' ensures closer compliance with the Policy on the Provision of Tourist and Leisure Signage on National Roads (2011).

#### **Section 7.4 Tourism & Recreation Objectives (Objective T20)**

The Authority notes that the proposed zoning objective at Jack Whites Cross (new Map Ref. 7.08) remains in the Draft Plan and is not subject to any proposed material amendment or removal. As outlined in the Authority's initial submission on the Draft Plan, the Authority is concerned with the proposal to zone lands in such close proximity to a new junction of the recently completed M11 having regard to the provisions of the DoECLG Spatial Planning and National Roads Guidelines (2012).

It is considered premature to include the proposed zoning designation in the Draft Plan in the absence of the required plan-led evidence based data required in accordance with the provisions of the DoECLG Spatial Planning and National Roads Guidelines (2012) and having regard to the potential impact the development of such lands could have on the safety and efficiency of the strategic national road network in the area.

TII acknowledges the Chief Executives assessment of this objective in the Report on Submissions and the recommendation that the zoning be omitted and the Authority respectfully requests further review of this zoning designation having regard to the foregoing.

#### **Conclusion**

The Authority acknowledges the significant undertaking for the Council in drafting a development plan and the requirement to consider and address a multiplicity of factors in developing a sustainable spatial planning framework not just issues relating to national roads. The Authority also acknowledges the detailed assessment of the Authority's initial submission outlined in the Chief Executives Report on Submissions on the Draft Plan.

The Authority acknowledges and welcomes proposed amendments that have resulted from the consideration of the Authority's initial submission. However, as outlined above, there remain issues in the Draft Plan/Proposed Amendments that, in the Authority's opinion, require review prior to the formal adoption of the Development Plan to ensure consistency with official policy and in order to safeguard the strategic function of the national road network in the area. The Authority would welcome consideration of the issues identified in the foregoing.

It is respectfully requested that the above observations are taken into consideration prior to the adoption of the Wicklow County Development Plan, 2016 – 2022.

Yours sincerely,



Michael McCormack

Senior Land Use Planner

**Leonora Earls**

**From:** David Clements [David.Clements@nationaltransport.ie]  
**Sent:** 06 September 2016 10:08  
**To:** Planning - Plan Review  
**Subject:** NTA Submission on Material Amendments to Wicklow County Development Plan  
**Attachments:** NTA Submission Wicklow County Draft Development Plan 2016-2022 Material Amendments.pdf

To whom it may concern,

Please find attached the National Transport Authority's submission on the Material Amendments to the Draft Wicklow County Development Plan. Can you please confirm receipt of this submission at your earliest convenience.

Regards,

David Clements  
 Land Use & Transport Planner  
 Transport Planning and Capital Investment



Dún Scéine  
 Iveagh Court  
 Harcourt Lane  
 Dublin 2

Tel: + 353 (0)1 879 8305  
 Email: [david.clements@nationaltransport.ie](mailto:david.clements@nationaltransport.ie)  
 Web: [www.nationaltransport.ie](http://www.nationaltransport.ie)



Tá eolas sa teachtaireacht leictreonach seo a d'fhéadfadh bheith príobháideach nó faoi rún agus b'fhéidir go mbeadh ábhar rúnda nó pribhléideach ann. Is le h-aghaidh an duine/na ndaoine nó le h-aghaidh an aonáin atá ainmnithe thuas agus le haghaidh an duine/na ndaoine sin amháin atá an t-eolas. Tá cosc ar rochtain don teachtaireacht leictreonach seo do aon duine eile. Murab ionann tusa agus an té a bhfuil an teachtaireacht ceaptha dó bíodh a fhios agat nach gceadaítear nochtadh, cóipeáil, scaipeadh nó úsáid an eolais agus/nó an chomhaid seo agus b'fhéidir d'fhéadfadh bheith mídhleathach.

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## **Náisiúnta**

National Transport Authority

Harcourt Lane, Dublin 2

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Administrative Officer,  
Planning and Development,  
Wicklow County Council,  
County Buildings,  
Wicklow Town.

5<sup>th</sup> September 2016

### **Re: Material Amendments to the Draft Wicklow County Development Plan 2016-2022**

Dear Sir / Madam

The National Transport Authority ("the Authority") welcomes the opportunity to comment on the Material Amendments to the Draft Wicklow County Development Plan 2016-2022. The Authority acknowledges that the majority of the comments made on the Draft Development Plan have been addressed through these amendments, and welcomes the incorporation of the provisions of the Transport Strategy into the plan.

While certain recommendations have not been addressed, the Authority is of the view that the Draft County Development Plan, with the proposed amendments included, is broadly consistent with the Transport Strategy for the Greater Dublin Area, in accordance with section 31C of the Planning and Development Act (2000, as amended).

I trust that the views of the Authority will be taken into account in the finalisation of the County Development Plan.

Yours sincerely,

**Michael MacAree**

**Head of Planning and Data Analysis**