

Leonora Earls

From: Matthew Weiss
Sent: 12 August 2016 09:42
To: Bernadette Harvey; Planning - Plan Review
Cc: Planning - Plan Review; Sheila Clarke; Joe Kavanagh
Subject: Re: update to the Draft County Plan
Attachments: ADALDraftWCCPlan.pdf

Hi Bernadette,

Can you please accept our submission to the Updated Draft County Plan from the Ashford Development Association Ltd. We appreciate your listening to the voices of the community so far and only have the following suggestions that would bring the plan more in line with the wishes and long term plans and wishes of the Community.

Best Regards,

Matthew Weiss
Chairperson Ashford Development Association Ltd.

> On 21 Jul 2016, at 11:31, Bernadette Harvey <BHarvey@wicklowcoco.ie> wrote:

>
 > Matthew,
 > Thank you for getting in contact with us. The proposed amendments officially go on display from Monday 25th July, however we have uploaded them early and they are currently on line if you wish to view them today. We have also extended the consultation period so it is nearly 5 weeks.
 > Log onto the following link:

> <http://www.wicklow.ie/wicklow-county-development-plan-2016-2022>

> Kind Regards
> Bernadette Harvey

> -----Original Message---

> From: Matthew Weiss [mailto:_____]
 > Sent: 21 July 2016 11:27
 > To: Planning - Plan Review
 > Subject: update to the Draft County Plan

> Hi,

> I am out of the country until the 4th of August and I see that the new Update will be on display while I am away. Will there be an electronic copy or will it be put up on wicklow.ie so that I can read it carefully as the Ashford Development Association Ltd. have only 4 weeks and we will possibly need to reach out to the Ashford Community.

> Thanks for your help,

> Matthew Weiss
> Chairperson ADAL

> ***** This message is intended only for the use of the person(s) (\the intended recipient(s)) to whom it is addressed. It may contain information which is privileged and confidential within the meaning of applicable law. If you are not the intended recipient, please contact the sender as soon as possible. The views expressed in this communication may not necessarily be the views held by Wicklow Local Authorities. Any attachments have been checked by a virus scanner and appear to be clean. Please ensure that you also scan all messages, as Wicklow Local Authorities do not accept any liability for contamination or damage to your systems.

> ***** 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 earraíde, 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 víris 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.

Ashford Development Association Ltd.
c/o Matthew Weiss
Riverun Studio
Nun's Cross, Ashford
Co. Wicklow

Observation to the Proposed Amendments to the Draft Wicklow County Plan 2016-2022
From Ashford Development Association Ltd.

This is a submission which is on behalf of the residents of Ashford who feel strongly about the direction that Planning is going in Ashford and its effect on the Community.

There are two issues with the Update to the Draft Plan for Ashford.

Issue 1-

The objection for reducing the zoning to 7 per hectare from 20 per hectare in SL03 was rejected by the Chief Executive (C7,C151,C174). This was indicative of the Overall Community's upset of "what is in store for Ashford". There is a growing sense of Community in Ashford and a much more cohesive idea of what we want for the future and this is not what we want.

Our future was decided over 10 years ago when the Wicklow County Council decided to make Ashford a Small Growth Town. At the time, Judy Osborne of An Taisce, commented "too much too soon" but was ignored as there was no community to object or understand the implication of such a decision by the WCC. Today we of Ashford are faced with this decision from long ago and do not like what Wicklow County Council has planned for us, based on this old decision which is copied from County plan to County plan. Even though you can say it is according to the Government Strategy, Ashford could be left alone as a Level 6 or Level 7 pristine Tourist Village and did not have to be destined to be made into a Small Growth Town.

What we are really asking is, for the Wicklow County Council to re-evaluate this decision based on a Referendum of all the Residents of Ashford. Two simple questions, "Do you want Ashford to be a Small Growth Town?" or "Do you want Ashford to remain a Large Village or a Rural Town?"

In the plan is a great vision of expanding the Ashford Studio which will make Ashford an even more important Tourist Town. We want to be responsible for maintaining Ashford Village's Rural Tourist Nature as the home of Hunter's Hotel, Mount Usher Gardens, the River Vartry, and the Ashford Studios. You cannot maintain this quality while making it a Small Growth Town. The two goals are incompatible. Tourist and visitors come to see a rural Irish Village not a city or large town of commuter belt housing. This goal belongs elsewhere. We have examples of these types of towns in Rathnew or Wicklow Town, far more suitable, as they do not have another purpose as a Tourist destination.

A lot has changed since making the decision of Ashford as a Small Growth Town. Is it not reasonable to ask the residents "What do you want?". Are we not in a society that does not dictate but listens to the voice of the community? The alternative to this is that every Planning permission granted in Ashford will eventually be decided by An Bord Pleanála as there will be appeal after appeal unless the developments are reasonable in size and nature. We are not against development but expect it to be modest as in character with our modest small Tourist Village community.

Issue 2-

A-

The plans says as its goals...

The vision for Ashford is:

"Sustain a revitalised town centre with commercial, residential and community developments forming a new streetscape along the R772."

We like our Ashford town centre as it is. This phrase should be amended to say

"Sustain a revitalised town centre with commercial, residential and community developments forming an improved streetscape along the R772. Careful attention must be made to blend in with the character of the existing streetscape of Ashford. Maintaining the height of 2 story buildings with dormer windows facing the street is essential".

B- *"To reinforce and improve the visual appearance of the central area of the town and encourage development that will enhance the town's vitality and vibrancy."*

We suggest that it should say

"To reinforce and improve the visual appearance of the central area of the town and encourage development that will enhance the village's rural look as a preferred and important tourist destination."

C- *"To identify key sites suitable for development in the town centre and set out design criteria capable of meeting the overall vision for the town core area."*

We suggest that it should say

"To identify key sites suitable for development in the village centre and set out design criteria capable of meeting the overall vision for the village core area while not disturbing the overall look and feel of the village. New Developments must adhere to the character of Ashford and have the appeal as a classic Irish Village, taking Mt. Usher Gardens as a model of what is Ashford".

D- *"To ensure the protection and enhancement of natural habitats, cultural heritage, ecological resources and biodiversity. In particular, to safeguard the integrity of streams and watercourses which are hydrologically linked to The Murrough Natura 2000 site downstream."*

We suggest that it should say

"To ensure the protection and enhancement of natural habitats, cultural heritage, ecological resources and biodiversity. In particular, to safeguard the integrity of streams and watercourses which are hydrologically linked to The Murrough Natura 2000 site downstream.

To ensure that all development in and around the River Vartry, as a EU protected Salmonid River and a very sensitive ecosystem, adhere to the mandatory requirement for an Environmental Impact Assessment and Heritage Assessment."

Matthew Weiss
Chairperson Ashford Development Association Ltd.

Leonora Earls

From: Shelley O'Connell [mailto:shelley@ashfordstudios.com]
Sent: 25 August 2016 13:45
To: Planning - Plan Review
Subject: Submission to Draft County Development Plan 2016-2022
Attachments: MASTER plan.jpg; Apr10 020[2].jpg; IMG_1784[2].JPG; Zoning Change Submission.pdf; Draft Plan 2016-22 Submission - Ashford Studios.pdf

Dear Administrative Officer,

Please see our submission to the most recent Draft of the County Development Plan 2016-2022 and the relevant additional documents attached.

Kind Regards,
Shelley Hargadon
MD - Ashford Studios
Ph: 01273 811111
Email: shelley@ashfordstudios.com
Website: www.ashfordstudios.com

Ballyhenry
Ashford
Co. Wicklow

Planning & Development
Wicklow County Council
County Buildings
Wicklow

14th August 2014

Dear Sirs,

With reference to the draft for the Ashford Town Plan we wish to make the following submission.

We have recently purchased the adjoining land to Ashford Film Studio as shown on map 1. Subject to the impending development of the film studios in Ashford it would be our intention to make an application for residential to accommodate this expansion. In that regard, we submit that the existing zoned land be retained and changed to residential.

The current film studios are located in a depressed, low-lying plot, screened from the N11 by rolling hills. The lands as shown on map 1 are elevated and are directly adjacent to residential housing on the Roundwood road.

They are also adjacent to the school and are close to the village of Ashford and for this reason are unsuitable to accommodate modern buildings suitable for employment.

In our opinion it would be more prudent and in the best interest of the development of Ashford to change the Employment area AA2 to residential.

In discussions with the owner of the adjoining AA2 employment land, they are in agreement with this proposal and will contact you independently with submission, see Map 2.

It would be hugely helpful if the 6 acres owned by Wicklow County Council could also be included, which would complete the site.

I can, if it is helpful, arrange to conduct a survey to see what the residents of Ashford would prefer in this regard.

Yours Sincerely

Joe O'Connell
Managing Director
Ashford Studios
Universal Innovations
Tack Packaging
Ballyhenry
Ashford
Co. Wicklow
Ireland
Ph: +353 53 91 11 11
DDI: 053 91 11 11
Email: j.oco@ashfordstudios.com





Ballyhenry, Ashford, Co. Wicklow

Phone:

Email:

Planning Department,
Wicklow County Council,
Station Road,
Wicklow

24th August 2016

Dear Administrative Officer,

We would like to thank the work of the councilors and planning officials thus far on acknowledging the need for zoning on these lands for film and television production.

We have noted that the amended zoning in Draft 2 of the County Development Plan 2016-2022 has been released and would like to make the following submission.

ZONING LANDS AT BALLYHENRY

The lands proposed for zoning at Ballyhenry, highlighted in the attached map, are not suitable for the following reasons:

- **Visual impact** – these lands are on raised grounds and would negatively impact on the surrounding areas and would therefore, be contrary to the County Development Plan, which seeks to avoid negative impacts on the natural environment.
- **Ballyhenry Estate:** Please see photo attached of Ballyhenry House. This house, built in 1846, is an interesting house from a architectural and historical point of view and has been carefully restored. It is a fine example of an Estate Georgian House. In April of 2014, we outlined in our book 'The Story of the Irish Film Campus So Far', our aspirations and targets in creating '*a viable commercial business that creates employment, whilst at the same time, the commercial, residential and farming aspects of the complete project compliment each other and remain in harmony with its surroundings*'. Building on the Grounds at Ballyhenry would detract and undermine the character of this significant building and its surroundings.

Please find a copy of the Master Plan attached, which we will refer to throughout this submission. Upon request from the Planning Department a Master Plan was submitted at a pre-planning meeting on the 9th February 2015. The Master Plan illustrates the conceivable potential.

EMP 12 WORDING AMENDMENT 15

The wording allows for the production of film, TV, animation, but excludes “...*any associated spin offs such as visitor facilities; in particular residential development or other non film related commercial activities...*” Film and Television Studios require a large capital investment to put in place and generate a minimal return. For this reason, studio facilities have not been built and are not an attractive investment in their own right. However, without the studios it is not possible to obtain the other important benefits, which apply to all businesses in the area. To exclude the studios from providing these facilities would be problematic in the long-term viability of the studio.

Ensuring the sustainability of a studio facility is difficult because:

- a) there is no continuing lease for the studio on an ongoing basis
- b) the studio will be unoccupied between productions
- c) the revenue generated by the studio can be 20-30times less than commercial premises in the same categories of which the studios are rated.

The studio requires material supplies, catering, transport, accommodation, entertainment facilities e.g. golf courses, restaurants and the potential of attracting visitors. 10% of all people visiting New Zealand go there specifically to view the sets of Lord of Rings according to recent data. In this regard, we have submitted in the Master Plan that Ashford Studios would like to be part of that benefit, which would help ensure the sustainability of the studio. Please see the designation of a Visitors Centre at Kellytown.

Also included on the Master Plan is an area for residential/accommodation adjoining the studio to the West. This land is currently zoned Employment, please see attached submission made by Joe O’Connell on the 14th August 2014 requesting a change in this zoning. In discussions with neighbours, they would be in agreement with this and would make objections for this land to be used for commercial buildings.

So far during the first 5 years of operation no interest or principle on the loan provided for the studios construction has been paid. In other jurisdictions, depending on the success of the spin-off gains a studio could be provided to an incoming production at minimal cost.

It would be unfair to exclude Ashford Studios from providing additional facilities, such as a Visitors Centre and Accommodation, while it provides the cost of the infrastructure that attracts the production in the first place while potentially generating low revenue.

To exclude a Visitors Centre and ancillary residential accommodation from the permitted uses would effectively remove the potential for the development of film tourism and other spin offs from the project. This is wholly at odds with Section 5.4 (viii) of the Development Plan which seeks to promote the film industry at Ashford Studios and it acknowledges the *"...value from film making directly, plus film tourism, accommodation services and other support services"* (our emphasis). The County Wicklow Economic Think Tank Action Plan (2015) acknowledges that *"Film tourism is a not a new but rather an under-developed source of tourism in the county that has the potential to attract international visitors not traditionally looking at Wicklow as a potential destination."* This cannot be done without developing appropriate facilities.

UIG & TACK

Universal Innovations Ltd. and Tack Packaging Ltd., have provided funding for the construction of Ashford Studios and will continue to provide some necessary funding going forward. These businesses have been operating in Wicklow for more than 25 years and are in need of modern, up to date facilities. As shown on the Master Plan, it would be preferable to locate these new facilities at Kellystown given that we have control over the quality of the landscape and can project these businesses in a much better light in this new location.

In summary, we request that the lands at Ballyhenry be excluded from this zoning plan for the reasons stated above. The lands at Kellystown, as already included in the County Development Plan 2016-2022, remain included. In addition, we ask that the wording detailing the expansion of studio facilities being *'strictly limited to facilities for the production of film, TV, animation etc and any associated spin offs such as visitor facilities; in particular residential development or other non film related commercial activities are not to be permitted'* to be changed to include to providing of accommodation, locating of the businesses who provide funding to the development and the provision of Visitors facilities on site. These facilities have a connection to the production of Film and Television and should be included.

As detailed above, it is critical that the studio be permitted to provide such additional requirements in order to support viability of the project.

Should you have any questions or require further information please don't hesitate to contact me.

Kind Regards,

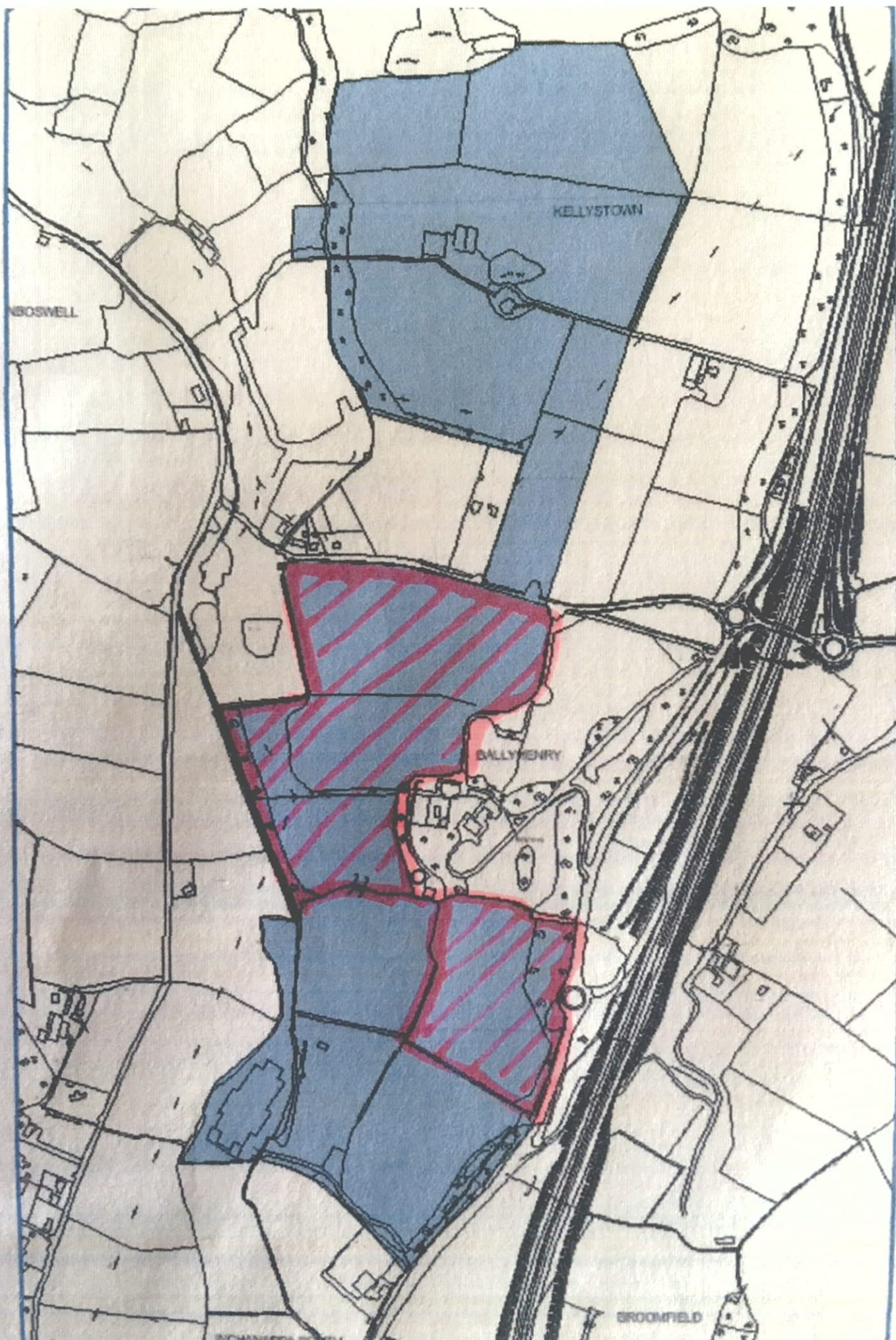
Shelley Hargadon

MD - Ashford Studios

DDI: (410) 441-4600

Email: shelley@ashfordstudios.com

Website: www.ashfordstudios.com



ASHFORD STUDIOS MASTER PLAN

N11

- PROJECT TWO
- WATER TANKS & LAKES
- LOCATIONS
- BACK LOTS
- RETAIL/RESIDENTIAL/ACCOMMODATION
- HEADQUARTERS
- TOWNSLAND MAIN HOUSES
- POLO FIELDS
- BOUNDARY LINE

*LOCATIONS - As locations are on site, Ashford Studios can offer an advantage that competitors cannot and reduces cost for film production companies.



JUNCTION 14 INTERCHANGE

SEA COAST 2.5 MILES

JUNCTION 15 INTERCHANGE

ASHFORD VILLAGE WITHIN WALKING DISTANCE



M11

Aughrim GAA
Cumann Lúthchleas Gael Eachdroim Ui Bhroin

Kevin Mann,
Chairperson,
Aughrim GAA Club,
Aughrim Co. Wicklow.
Date: 22nd August 2016.

The Planning Department,
County Buildings,
Whitegates,
Wicklow Town,
Co. Wicklow.

Re: Wicklow County Draft Development Plan 2016-2022 - Amendment No. 68.

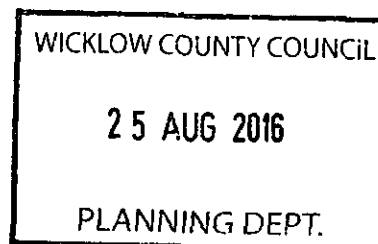
To Whom it may concern,

At a meeting of our Club, we have considered Amendment No. 68 in the Aughrim Town Plan section of the Wicklow County Draft Development Plan 2016-2022. I and Aughrim GAA Club fully support this Amendment.

Regards,



Kevin Mann.



AUGHHRIM ATHLETIC
CLUB.

Aughrim,

Co. Wicklow.

Date: 22nd August 2016.

The Planning Department,
County Buildings,
Whitegates,
Wicklow Town,
Co. Wicklow.

Re: Wicklow County Draft Development Plan 2016-2022 - Amendment No. 68.

To Whom it may concern,

At a meeting of our Club, we have considered Amendment No. 68 in the Aughrim Town Plan section of the Wicklow County Draft Development Plan 2016-2022. I and Aughrim Athletic Club fully support this Amendment.

Regards,

Fiona Shannon

WICKLOW COUNTY COUNCIL
25 AUG 2016
PLANNING DEPT.

CS

Aughrim Camogie Club.

Stephen Wilson,
Aughrim Camogie Club,
Aughrim Co. Wicklow.
Date: 22nd August 2016.

The Planning Department,
County Buildings,
Whitegates,
Wicklow Town,
Co. Wicklow.

Re: Wicklow County Draft Development Plan 2016-2022 - Amendment No. 68.

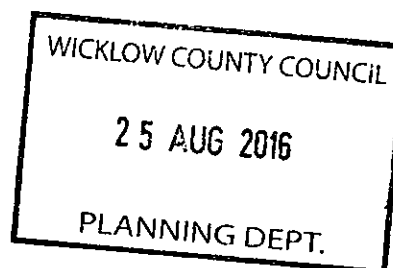
To Whom it may concern,

At a meeting of our Club, we have considered Amendment No. 68 in the Aughrim Town Plan section of the Wicklow County Draft Development Plan 2016-2022. I and Aughrim Camogie Club fully support this Amendment.

Regards,



Stephen Wilson.



C6

AUGHRIM COMMUNITY SPORTS AND LEISURE ASSOCIATION.

Ailise O'Loughlin,

Rednagh Rd.

Aughrim,

Co. Wicklow.

Date: 22nd August 2016.

The Planning Department,

County Buildings,

Whitegates,

Wicklow Town,

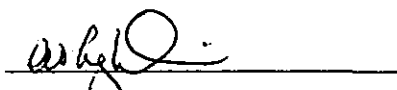
Co. Wicklow.

Re: Wicklow County Draft Development Plan 2016-2022 - Amendment No. 68.

To Whom it may concern,

At a meeting of our Committee we discussed Amendment No. 68 in the Aughrim Town Plan section of the Wicklow County Draft Development Plan 2016-2022. I and the committee of Aughrim Community Sports and Leisure Association fully support this Amendment.

Regards,



Ailise O'Loughlin (Secretary)

WICKLOW COUNTY COUNCIL

25 AUG 2016

PLANNING DEPT.

CA

AUGHRIM COMMUNITY SPORTS AND LEISURE ASSOCIATION.

Declan O'Brien,

Rednagh Rd.

Aughrim,

Co. Wicklow.

Date: 22nd August 2016.

The Planning Department,
County Buildings,
Whitegates,
Wicklow Town,
Co. Wicklow.

Re: Wicklow County Draft Development Plan 2016-2022 - Amendment No. 68.

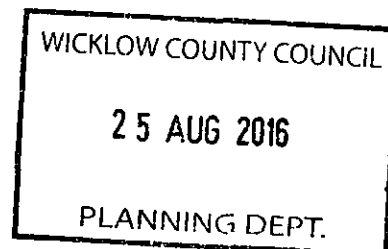
To Whom it may concern,

At a meeting of our Committee we discussed Amendment No. 68 in the Aughrim Town Plan section of the Wicklow County Draft Development Plan 2016-2022. I and the committee of Aughrim Community Sports and Leisure Association fully support this Amendment.

Regards,



Declan O'Brien. (Chairperson)



C8

AUGHRIM COMMUNITY SPORTS AND LEISURE ASSOCIATION.

John O'Shea,

Tinakilly,

Aughrim,

Co. Wicklow.

Date: 22nd August 2016.

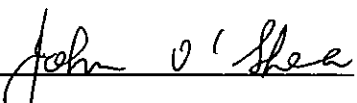
The Planning Department,
County Buildings,
Whitegates,
Wicklow Town,
Co. Wicklow.

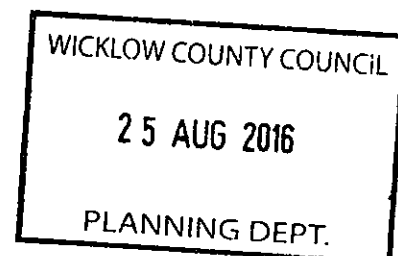
Re: Wicklow County Draft Development Plan 2016-2022 - Amendment No. 68.

To Whom it may concern,

I have considered Amendment No. 68 in the Aughrim Town Plan section of the Wicklow County Draft Development Plan 2016-2022. I fully support this Amendment.

Regards,


John O'Shea. (Trustee & Treasurer)



C9

AUGHRIM COMMUNITY SPORTS AND LEISURE ASSOCIATION.

Liam O'Loighlin,
Templeusk,
Aughrim,
Co. Wicklow.

Date: 22nd August 2016.

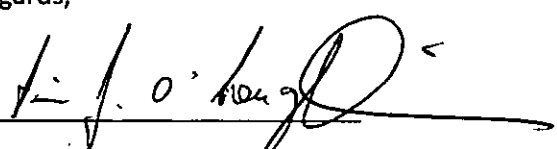
The Planning Department,
County Buildings,
Whitegates,
Wicklow Town,
Co. Wicklow.

Re: Wicklow County Draft Development Plan 2016-2022 - Amendment No. 68.

To Whom it may concern,

I have considered Amendment No. 68 in the Aughrim Town Plan section of the Wicklow County Draft Development Plan 2016-2022. I fully support this Amendment.

Regards,


Liam O'Loughlin. (Trustee)

WICKLOW COUNTY COUNCIL
25 AUG 2016
PLANNING DEPT.

C10.

AUGHRIM RANGERS SOCCER CLUB.

Tommy Forsyth,

Aughrim,

Co. Wicklow.

Date: 22nd August 2016.

Ⓛ The Planning Department,

County Buildings,

Whitegates,

Wicklow Town,

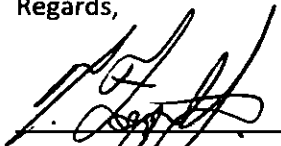
Co. Wicklow.

Re: Wicklow County Draft Development Plan 2016-2022 - Amendment No. 68.

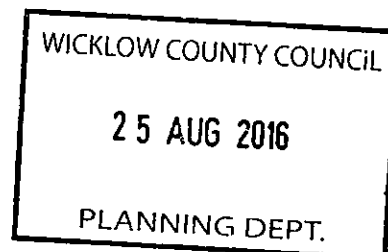
To Whom it may concern,

Ⓛ At a meeting of our Club, we have considered Amendment No. 68 in the Aughrim Town Plan section of the Wicklow County Draft Development Plan 2016-2022. I and Aughrim Soccer Club fully support this Amendment.

Regards,



Tommy Forsyth. (Treasurer)



CU

Leonora Earls

From: Lane Planning & Design (Planning) [planning@lpd.ie]
Sent: 23 August 2016 12:03
To: Planning - Plan Review
Cc: Planning - Admin
Subject: Submission to the Proposed Wicklow County Development Plan 2016-2022
Attachments: Newtownmountkennedy Map 1 Landuse (1).pdf; Correspondence to WCC (23-08-2016).pdf; Site Specific Details.pdf

**Forward Planning Section
Planning Department
Wicklow County Council
County Buildings
Whitegates
Wicklow Town
County Wicklow**

Date

23-08-2016

Reference

Submission to the Proposed Wicklow County Development Plan 2016-2022

Our Client

Ecologic Data Centres Limited

Location

Mountkennedy Demesne, Newtownmountkennedy, County Wicklow

A Chara

As per instruction from my Client, Ecologic Data Centres Limited, please find the attached documents for your consideration

Lane Planning & Design correspondence to Wicklow County Council (dated August 23-2016)

Site Specific details document

Newtownmountkennedy Map 1 (Landuse)

Kind regards

Michael Lane

On behalf of Lane Planning & Design

www.lpd.ie

LANE PLANNING & DESIGN
 Engineers, Planning Development & Design Consultants
 Planning Applications & Planning Permission for Houses, Extensions
 & Commercial Developments in Wicklow, Dublin & Nationwide

Correspondence

**Forward Planning Section
 Planning Department
 Wicklow County Council
 County Buildings
 Whitegates
 Wicklow Town
 County Wicklow**

Reference	Proposed Wicklow County Development Plan 2016-2022
Client	Ecologic Data Centres Limited
Location	Mountkennedy Demesne, Newtownmountkennedy, County Wicklow
Proposal	Re-zoning of C. 82 acres of land from 'Data Centre' use to 'Business, Science and Technology to include Data Centre and Energy Recovery uses'
Date	23-08-2016

A Chara

As per instruction from my Client, Ecologic Data Centres Limited, please find the attached submission for your consideration

Brian McDonagh is the registered owner of a substantial amount of land zoned for Data Centre use in the current *Wicklow County Development Plan (2010-2016)*. Planning permission was granted on February 24-2014 for a Data Centre on these lands. Please refer to Planning Reference No. 10-2123

We submit the following amendment to the published draft Development Plan

Ecologic Data Centres Limited, are now seeking to re-zone these lands to **'Business, Science and Technology to include Data Centre and Energy Recovery uses'**

A change of zoning will benefit North Wicklow enormously. The grant of planning permission as per planning reference No. 10-2123 is for a unique solution in Data Centre design as it allows for the recovery of the waste generated in the Data Centre to be collected for re-use. This is unique in Data Centre design and should be catered for in the 2016-2022 Wicklow County Development Plan. A zoning of 'Business, Science and Technology to specific consideration to Data Centres and Energy Recovery Uses' will enable the full potential of the development to be exploited and provide for additional employment in north Wicklow. This additional employment will include research and development and administration employment.

This is a unique opportunity for Wicklow to house a world class design centre and administration facility for the roll out of such Data Centres throughout Europe, North America and Asia

Lane Planning & Design, on behalf of its client, Ecologic Data Centres Limited, formally seeks that the land as detailed above be re-zoned to **'Business, Science and Technology to include Data Centre and Energy Recovery uses'** in the proposed Wicklow County Development Plan 2016-2022.

Your assistance and ongoing co-operation in planning matters is greatly appreciated

LANE PLANNING & DESIGN

Engineers, Planning Development & Design Consultants
Planning Applications & Planning Permission for Houses, Extensions
& Commercial Developments in Wicklow, Dublin & Nationwide

Correspondence

Attachments

Newtownmountkennedy Map 1 (Land-use)
Site Specific Details document

Yours truly,
*Michael Lane Bsc. Construction Technology,
Member (A) Royal Institute of British Architects (RIBA)*

Michael Lane

On Behalf of Lane Planning & Design

Visit our web site @ www.lpd.ie

34 Garden Village Crescent, Kilpedder, Co Wicklow
Landline 01-2810063 Mobile 086-2345570

E-Mail inbox@lpd.ie Web www.lpd.ie Web www.xplan.ie, Web www.xplans.co.uk

Sean Cotter (Chartered Engineer) B.E., M.B.A., M.I.E.I., M.I.C.E...

Michael Lane (Planning & Design Consultant) Bsc Construction Technology, Affiliate member Royal Institute of British Architects (RIBA)

VAT NO IE 3660280S

LANE PLANNING & DESIGN
 Engineers, Planning Development & Design Consultants
 Planning Applications & Planning Permission for Houses, Extensions
 & Commercial Developments in Wicklow, Dublin & Nationwide

Correspondence

**Forward Planning Section
 Planning Department
 Wicklow County Council
 County Buildings
 Whitegates
 Wicklow Town
 County Wicklow**

Reference Proposed Wicklow County Development Plan 2016-2022
 Client Ecologic Data Centres Limited
 Location Mountkennedy Demesne, Newtownmountkennedy, County Wicklow
 Proposal Re-zoning of C. 82 acres of land from 'Date Centre' use to 'Business, Science and Technology to include Data Centre and Energy Recovery uses'
 Date 23-08-2016

1. Site Details

Site Owner	Ecologic Data Centres Limited
Site Location	Mountkennedy Demesne, Newtownmountkennedy, County Wicklow
Site Area	C. 82 acres (C. 733.184 hectares)
Current Zoning	'Date Centre' use
Proposed Zoning	'Business, Science and Technology to include Data Centre and Energy Recovery uses'

2. Road & Transport Infrastructure

Site Location	The site is located adjacent to the N11 (a National Primary Route)
Dublin City Centre	The site is located 36 kilometers from Dublin City Centre with a journey time, by car, of circa 47 minutes
Dublin Airport	The site is located 58 kilometres from Dublin Airport with a journey time, by car, of circa 38 minutes
Dublin Port	The site is located 35 kilometres from Dublin Airport with a journey time, by car, of circa 42 minutes
Dublin Bus	The site is served by the 184 Dublin Bus (from Bray Dart Station to Newtownmountkennedy)
Dart	The site is 9 kilometres from Greystones Dart Station (the nearest one)
Luas	The site is 20 kilometres from Cherrywood Luas Station (the nearest one)

3. Services (Utilities)

Utility	Available	Provider	Type
Water	Yes	Irish Water	Public water main
Foul water disposal	Yes	Irish Water	Public water main
Surface water disposal	Yes	Irish Water	Public water main
Electricity	Yes	Multiple Provides	Single Phase
Electricity	Yes	Multiple Provides	3 Phase
Television	Yes	Multiple Provides	Terrestrial (Digital)
Television	Yes	Multiple Provides	Satellite
Broadband	Yes	Multiple Provides	Up to 360 MB (megabyte)

Correspondence

4. Planning History

Reference No	Date Granted	Description
10-2123	24-02-2014	access road from the south western roundabout of the Ballyronan interchange to the site entrance. The road continues northward for an additional c 0.3km terminating in a cul de sac formed by bollards at its junction with the laneway located at the northern site boundaries (total road length c 1.1km). The proposed road will include a two way cycle track and a footpath and will involve restoration / modification of the existing Demesne wall; closure of the existing left in / left out access to Mountkenedy House (protected structure) off the N.11. Access will be provided to the existing laneway directly from the proposed access road, 6 no identical two storey Data Centre units each measuring c 10,915 sqm gross. The ground floor of each unit comprises plant areas, storage, workshops, reception / lobby, office space, inspection area, breakroom, internal loading areas and circulation space. The first floor of each unit comprises a net technical area, offices, ancillary plant, storage and circulation space. Each Data Centre unit will also have an ancillary service yard that will incorporate a sprinkler tank, a pump house, an MV switchroom, ESB switch rooms, electrical transformers enclosed within a post and wire mesh fence and a fuel storage tank, an auxillary cooling compound located to the rear of each building and adjacent to the service yard, an enclosed electrical compound located centrally along the southern site boundary providing for a future step down transformer from the existing 220/110kv overhead power line, a primary dry cooling compound in area housing dry cooling units located to the west of the site; 3 no heat exchanger buildings located on site at the south west corner, north west corner and to the south of the site entrance at the eastern boundary, 250 car parking spaces including 40 electric car parking spaces and 20 disabled car parking spaces; a temporary waste water treatment plant and percolation area located centrally within the site; 1 main security hut located at the site entrance and 10 individual security huts located at the entrance to each individual Data Centre unit; landscape berming and additional planting at the site boundaries; all ancillary site developments works. The proposed development comprises or is for the purposes of an activity that may require an Integrated Pollution Prevention Control Licence and has a total gross floor area of 111,228 sqm

LANE PLANNING & DESIGN

Engineers, Planning Development & Design Consultants
Planning Applications & Planning Permission for Houses, Extensions
& Commercial Developments in Wicklow, Dublin & Nationwide

Correspondence

Member (A) Royal Institute of British Architects (RIBA)

Michael Lane

*On Behalf of **Lane Planning & Design***

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Sean Cotter (Chartered Engineer) B.E., M.B.A., M.I.E.I., M.I.C.E...

Michael Lane (Planning & Design Consultant) Bsc Construction Technology, Affiliate member Royal Institute of British Architects (RIBA)

VAT NO IE 3660280S

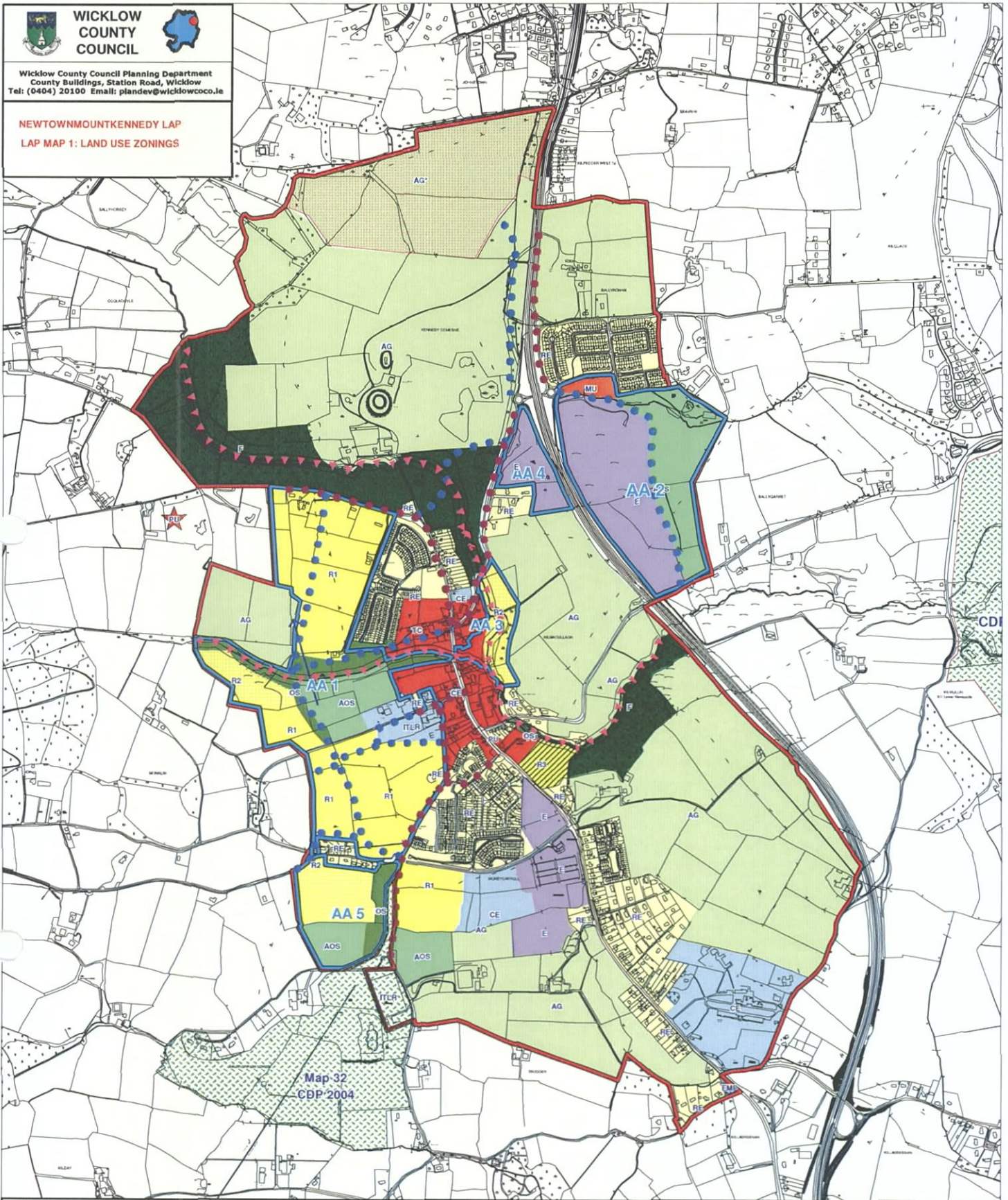


WICKLOW COUNTY COUNCIL



Wicklow County Council Planning Department
County Buildings, Station Road, Wicklow
Tel: (0404) 20100 Email: plandev@wicklowcoco.ie

NEWTOWNMOUNTKENNEDY LAP
LAP MAP 1: LAND USE ZONINGS



Map 32
CDP 2004

Director of Services: **Desmond O' Brien**
Senior Planner: **Patrick B. Hooper**
Scale: 1: 13,000 @ A3 Date: 22/12/2008
Drawn By: DMCC Checked By: SW

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Existing Residential (RE)	Open Space (OS)	Public Utility (PU)	Action Area
Proposed Residential (R1)	Active Open Space (AOS)	Proposed Distributor Roads (Indicative line only)	Development Boundary
Proposed Residential (R2) Low/Medium Density		Road Improvement	See County Development Plan Map 32 (2004-2010)
Proposed Residential (R3) High Density	Agricultural (AG)	Pedestrian Walkway	Sewage Pumping Station
Town Centre Activities (TC)	Agricultural (AG*)		Proposed site of new Reservoir
Employment (E)	Forestry (F)	Integrated Tourism, Leisure and Recreation use (ITLR)	
Mixed use (MU)			
Community & Education (CE)			

C12

Leonora Earls

From: Richard Henderson [rhenderson@pdlane.ie]
Sent: 26 August 2016 10:46
To: Planning - Plan Review
Cc: Malcolm Lane
Subject: Submission on behalf of Evans family
Attachments: A - Response to CDP Amendment.pdf; B - Site Location.pdf; C - Proposed Amendments to Draft CDP 2016-2022.pdf; D - draft CFRAM 2015.pdf; E - FloodRiskAssessment-GDK2013.pdf

To whom it may concern,

Please find attached submission on behalf of Evans Family under Amendment 103 of the Wicklow County Draft Development Plan.

Regards

Richard Henderson
rhenderson@pdlane.ie
Direct Line: +353 1 287 3259



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Administrative Officer
Planning Department
Wicklow County Council
Station Road, Wicklow
planreview@wicklowcoco.ie

26th August 2016

**Re: Amendment 103 – 'Proposed Amendments'
Wicklow County Draft Development Plan 2016-2022**

Dear Sir / Madam,

We refer to the recent Proposed Amendments (July 2016) to the Wicklow County Draft Development Plan 2016-2022, and in particular Amendment 103 (Appendix 11 – Strategic Flood Risk Assessment).

We make this submission on behalf of the Evans Family who own lands at Charlesland (see attached location mapping) that have been included as 'Flood Zones A & B draft CFRAMs' as part of Amendment 103.

Part of these lands provide for a golf & country clubhouse and associated machinery and storage shed building which appear to be proposed as designated 'Flood Zones'. This presents a serious concern for the owners of the buildings in terms of insurance issues.

It must be pointed out that there are no 'Flood Events' associated with this area evidenced on the OPW's National Flood Hazard Mapping system. Furthermore, see attached current 'Indicative Flood Zones' as part of the 2013-2019 LAP for the area which show the buildings outside any Flood Zones.

The CFRAM study carried out for the Greystones area appears to have been based on survey work carried out on the 12th October 2012 (see document for reference). See attached draft CFRAM mapping showing buildings not included in the areas designated 'Fluvial Flood Extents'. It must be pointed out that significant dredging of the adjoining stream has taken place since 2012 at this location.

The Wicklow County Draft Development Plan 2016-2022 states: '*It is important to note that compliance with the requirements of the Flood Risk Guidelines is currently based on emerging and incomplete data as well as estimates of the locations and likelihood of flooding... Available information in relation to flood risk - which is imperfect and incomplete - therefore may be altered in the future in light of emerging data and analysis. New Flood Hazard and Risk mapping as published from the OPW will be integrated into this SFRA once finalised and available during the CDP preparation process. Future publishing of new and emerging flooding data from the OPW will be assessed upon publication and consideration will be given to whether a variation of the CDP would be necessary.'*

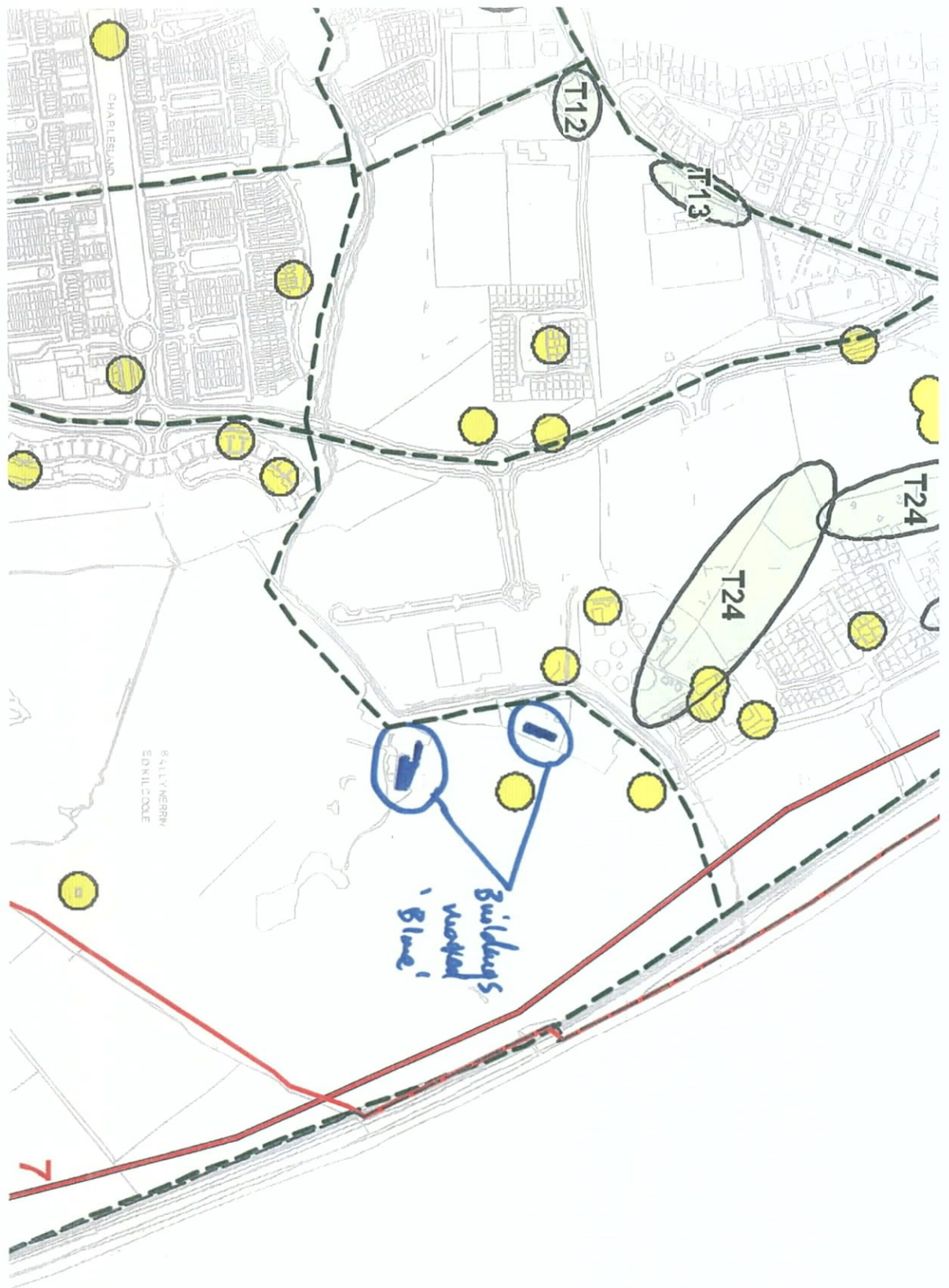
Taking into consideration the serious matter for the owners of the abovementioned buildings that have now (for the first time) appear to have been proposed in a 'Flood Zone', and the CFRAM study based on survey work from 2012 and more recent dredging of the adjoining stream in this area, it is contended that the Flood Risk Assessment mapping associated with Amendment 103 should not be included in the Wicklow County Draft Development Plan 2016-2022 as it stands at the moment.

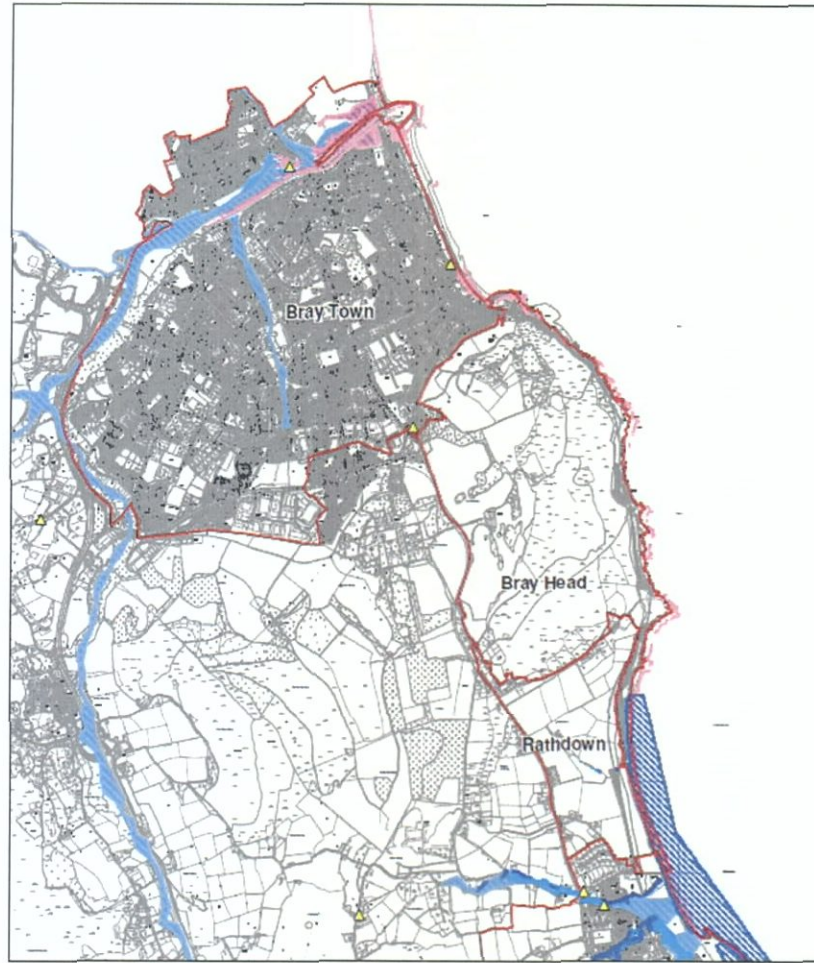
We respectfully request the contents of this submission to be seriously considered by the Planning Department, Wicklow County Council as part of the County Development Plan preparation process.

Yours faithfully,

Malcolm Lane

Malcolm Lane
PD Lane Associates
1 Church Road
Greystones
Co. Wicklow
TEL: (01) 2874674



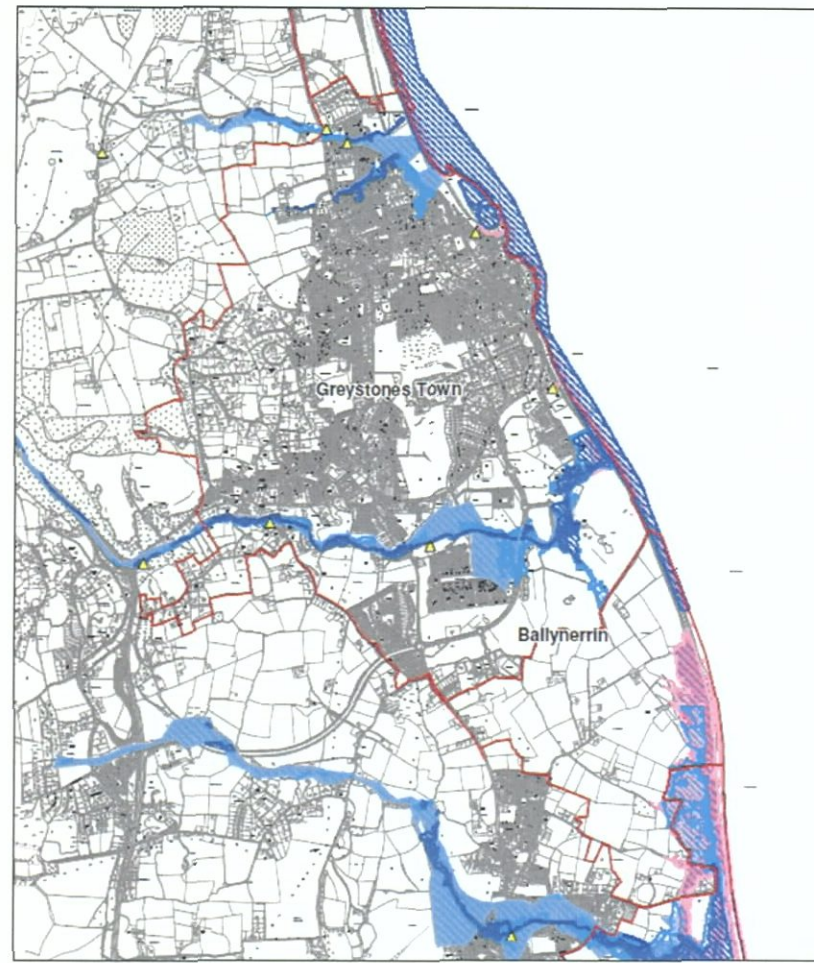


Stage One Strategic Flood Risk Assessment

WICKLOW COUNTY DEVELOPMENT PLAN 2016 - 2022

Identification Assessment Coastal Cells SFRA Map 1

Flood Zone A PFRA	Flood Zone B PFRA
Flood Zone A draft CFRAMs	Flood Zone B draft CFRAMs
Flood Zone A Coastal	Flood Zone B Coastal
Historic Flood Points (OPW)	

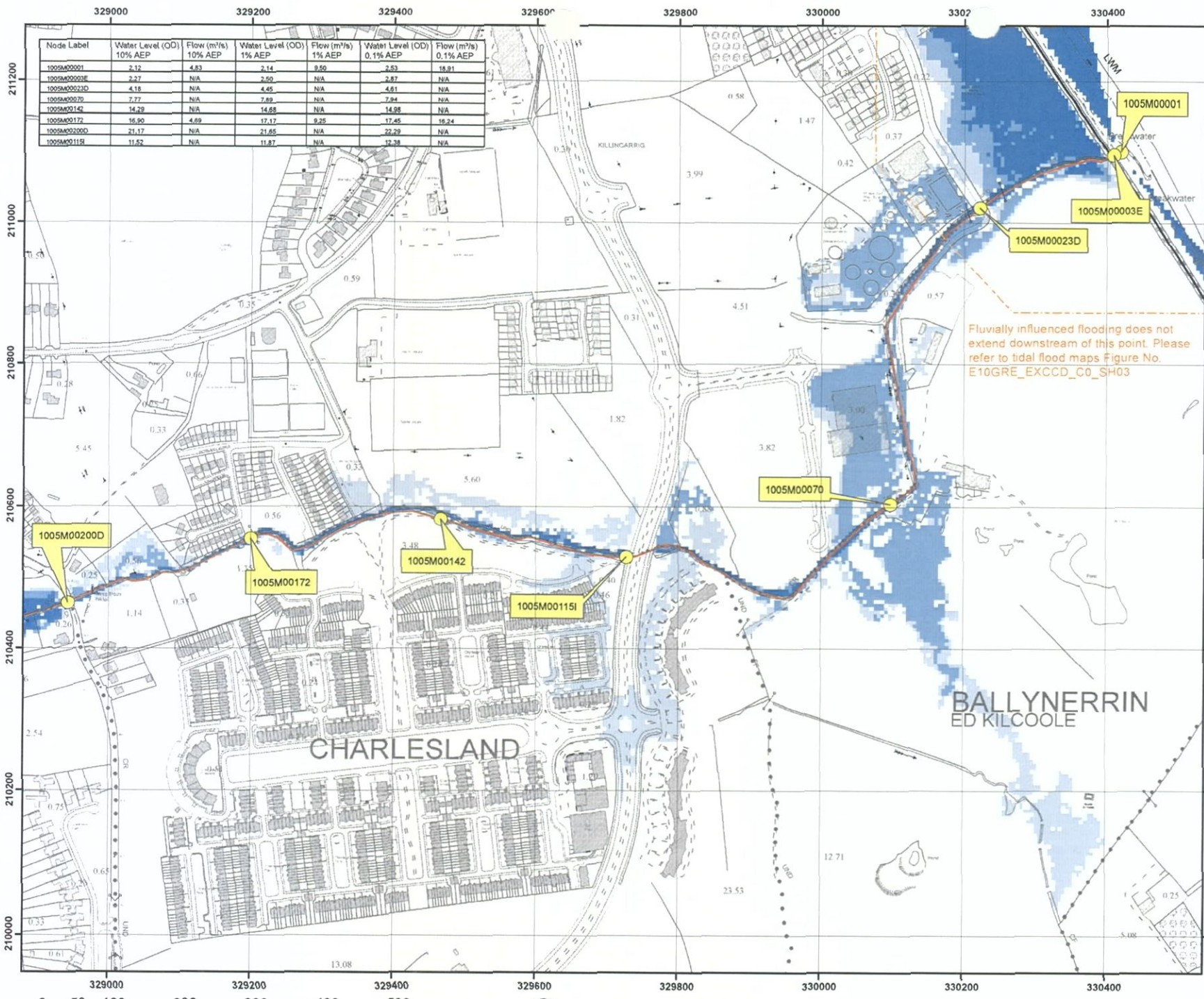


Stage One Strategic Flood Risk Assessment

WICKLOW COUNTY DEVELOPMENT PLAN 2016 - 2022

Identification Assessment Coastal Cells SFRA Map 2

Flood Zone A PFRA	Flood Zone B PFRA
Flood Zone A draft CFRAMs	Flood Zone B draft CFRAMs
Flood Zone A Coastal	Flood Zone B Coastal
Historic Flood Points (OPW)	



Node Label	Water Level (OD) 10% AEP	Flow (m³/s) 10% AEP	Water Level (OD) 1% AEP	Flow (m³/s) 1% AEP	Water Level (OD) 0.1% AEP	Flow (m³/s) 0.1% AEP
1005M00001	2.12	4.83	2.14	9.50	2.53	18.81
1005M00003E	2.27	N/A	2.50	N/A	2.87	N/A
1005M00023D	4.18	N/A	4.45	N/A	4.61	N/A
1005M00070	7.77	N/A	7.89	N/A	7.84	N/A
1005M00142	14.29	N/A	14.68	N/A	14.88	N/A
1005M00172	16.90	4.69	17.17	9.25	17.45	16.24
1005M00200D	21.17	N/A	21.65	N/A	22.29	N/A
1005M00115I	11.52	N/A	11.87	N/A	12.38	N/A

Fluvially influenced flooding does not extend downstream of this point. Please refer to tidal flood maps Figure No. E10GRE_EXCCD_C0_SH03



The viewer of this map should refer to the Disclaimer, Guidance Notes and Conditions of Use that accompany this map. This draft map is for consultation purposes only, and should not be used for any other purpose.

- Legend**
- 10% Fluvial AEP Event
 - 1% Fluvial AEP Event
 - 0.1% Fluvial AEP Event
 - Modelled River Centreline
 - AFA Extents
 - Embankment
 - Wall
 - Defended Area
 - Standard of Protection of Flood Defence (Walls / Embankments)
 - AEP
 - Node Point
 - Node ID

DRAFT

REV:	NOTE:	DATE:
------	-------	-------



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Map:

Greystones Fluvial Flood Extents

Map Type:	EXTENT
Source:	FLUVIAL
Map Area:	HPW
Scenario:	CURRENT
Drawn By:	C.C. Date: 10th February 2015
Checked By:	J.D. Date: 10th February 2015
Approved By:	S.P. Date: 10th February 2015

Drawing No.:
E10GRE_EXCCD_C0_SH03

Map Series: Page 3 of 8
Drawing Scale: 1:5,000 @ A3



Flood Zone A: High likelihood of flooding

Where the probability of flooding from rivers and the sea is highest (greater than 1% or 1 in 100 for river flooding or 0.5% or 1 in 200 for coastal flooding)

Flood Zone B: Moderate likelihood of flooding

Where the probability of flooding from rivers and the sea is moderate (between 0.1% or 1 in 1000 and 1% or 1 in 100 for river flooding and between 0.1% or 1 in 1000 year and 0.5% or 1 in 200 for coastal flooding)

Disclaimer

These Indicative Flood Zones are based on currently available information. All information may be substantially altered in light of future data and analysis. In particular, the assessment and mapping of areas of flood risk awaits the publication of the CFRAMS. Full Disclaimer is included in Section 3 of SFRA.

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Wicklow County Council
Planning Section
September 2013

**Indicative Flood Zones
Map C**

GREYSTONES - DELGANY AND KILCOOLE LOCAL AREA PLAN (LAP) 2013-2019



Drawn by: AM
Checked by: AM
Scale: NTS

C13

Léonora Earls

From: Brian Dawson [brian@iwea.com]
Sent: 26 August 2016 15:11
To: Planning - Plan Review
Cc: Stella Burke
Subject: IWEA Submission to the CDP 2016-2022
Attachments: IWEA Wicklow Material Amendments Submission 26082016 PDF.pdf

Dear Wicklow Forward Planning,

Please find attached a submission on behalf of the Irish Wind Energy Association (IWEA) to the Material Amendments to the Wicklow County Development Plan 2016-2022.

We would strongly feel that certain provisions in relation to wind energy development especially within Objective CCE6 would be directly in contravention to national guidance on wind energy development, and therefore ask for your direct consideration on these points.

We thank you for your time and consideration on this important matter.

Best wishes for a good weekend,

Brian

Brian Dawson
Head of Communications
Irish Wind Energy Association
Tel: +353 (0)45 899341
Fax: +353 (0)45 854958
Email: brian@iwea.com
Web: www.iwea.com



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Irish Wind Energy Association,
Sycamore House,
Millennium House,
Osberstown,
Naas, Co. Kildare.

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

By email to planreview@wicklowcoco.ie

26th August 2016

Re: Submission to the Draft Wicklow County Development Plan 2016-2022 (Proposed Amendments).

Dear Wicklow Forward Planning Team,

The Irish Wind Energy Association (IWEA) welcomes the development of the Draft Wicklow County Development Plan 2016-2022 as a strategic planning framework for County Wicklow. This submission follows on from our two previous submissions to the Issues Paper dated 23rd December 2014, and to the Draft County Development Plan dated 18th February 2016.

IWEA is Ireland's leading renewables energy representative body and as such has an active interest in the potential for renewable energy, and in particular wind energy in County Wicklow. As the proposed amendments to the County Development Plan will inform the vision, objectives and policies for the entire county, IWEA would like to make the following comments which we request the planning authority take into consideration in the finalisation and adoption of the Development Plan.

We would kindly ask that the planning authority notify IWEA when the adopted County Development Plan has been finalised.

We very much welcome this opportunity and look forward to engaging constructively with you in the future, we would also welcome the opportunity to discuss this submission in more detail at any stage.

Yours Sincerely,

*Sent by email.

Brian Dawson
Head of Communications,
Irish Wind Energy Association

Draft Wicklow County Development Plan 2016-2022

IWEA welcomes the opportunity to comment on the Draft Wicklow County Development Plan 2016-2022, and acknowledges that the County Wicklow Wind Energy Strategy forms part of the Draft Plan. IWEA appreciates the recognition the Draft Development Plan affords to the significant increase in Ireland's energy requirements over the past two decades and the key role renewable energy will play in meeting increasing targets.

The Draft County Development Plan also recognises the substantive wind resources available to the Country, with Ireland only accounting for 2% of the total EU land mass but still accounting for 6% of the EU wind resources. IWEA welcomes in this regard Objective EMP 17 which states that it is an Objective of the Council *"to encourage and facilitate the development of "green" industries, including industries relating to renewable energy and energy- efficient technologies, waste recycling and conservation"*.

The Draft Plan goes on in section 9.5 to acknowledge the renewable energy commitments that have been undertaken at a national and European level. In relation to Electricity generation the Draft Plan states *"It is therefore imperative that further progress is made in this area and that alternative renewable source are further expanded and developed"*.

The County Wicklow Wind Energy Strategy has identified areas that are *"Most Favoured"*, *"Less Favoured"* and *"Not Favoured"*, for wind energy development within the County, and is included as Appendix 6 of the current draft plan. The Draft Plan states that *"it is the policy of the Council to maximise wind energy development within the County in all three if these areas, on a case by case basis, subject to meeting specific requirements and guidance contained within the strategy"*.

IWEA wishes to state that we are fully supportive of the above objectives and provisions within the Draft County Development Plan.

Serious Concerns within Objective CCE6

Following our previous submission in February 2016, IWEA wishes to place on record some very serious reservations in connection with the proposed amendments associated with Objective CCE6. It is apparent that the proposed changes to this objective have had little, if any regard for the existence of binding national targets for renewable energy generation. IWEA would regard this as a significantly negative step and one that is at odds with the existing National Policy guidelines.

The proposed amendment states as follows:

'Wind farms shall be at least 1,000m or 10 times the tip height of the proposed turbines from any residential properties or other centres of human habitation with special consideration given to the proximity of such developments to educational establishments.'

While IWEA acknowledges the importance of selecting the optimum locations for wind developments and ensuring that projects follow the requirements of proper planning and sustainable development, the imposition of the requirement for wind farms to be at least 1,000m or 10 times the tip height of the proposed turbines from any residential dwellings or other centres of human habitation runs directly contrary to the current *Wind Energy Development Guidelines*. Furthermore, it places

unnecessary restriction and constraint on the site selection process which would jeopardise or prevent renewable energy investment and development in the County.

It is clear from research carried out by the AIRO Institute of NUI, Maynooth that the setback being proposed by Wicklow County Council, would leave virtually no viable sites available for wind energy development.

Non-Compliance with National and Regional Policy

In proposing this new standard of separation distance, Wicklow County Council is blatantly disregarding both national and regional policy. Such a policy would also run contrary to the principles of EIA which seeks to establish a baseline and then predict associated impacts, in this case principally noise and shadow flicker. The replacement of a scientific approach with an arbitrary standard unsupported by factual evidence to justify its inclusion is completely at odds with best practice in development plan formulation.

The amendment to Objective CCE6 at this late stage is a major regressive change and will ensure that there will be no potential for the deployment of any new wind energy in Wicklow over the proposed lifetime of the Plan.

IWEA would like to clearly state that the setting of such a separation distance under this variation, would cut across and undermine the Government policy to deliver more indigenous renewable energy and reduce our current 85% imported fossil fuel dependency. Ruling out what could be suitable sites on an arbitrary basis could hinder our ability to meet our ambitious, but necessary and legally binding EU renewable energy and EU climate change commitments.

The Draft Plan does not provide any justification for the imposition of this proposed separation distance, nor is one contained in the County Wicklow Wind Energy Strategy. The separation distance quoted is an arbitrary distance and no explanation has been provided for this deviation from current planning guidance.

In this regard, we refer to the Department of the Environment, Communities and Local Government Wind Energy Development Guidelines 2006, which contain the following statements in relation to setbacks and buffer distance requirements for wind turbines (in the context of noise and shadow flicker):

- *"In general, noise is unlikely to be a significant problem where the distance from the nearest turbine to any noise sensitive property is more than 500 metres", (Section 5.6, page 30 of the Guidelines refer);*
- *"It is recommended that shadow flicker at neighbouring offices and dwellings within 500m should not exceed 30 hours per year or 30 minutes per day" (Section 5.12, Page 33 of the Guidelines refer);*
- *"Where the calculations indicate that occupied dwelling houses would be significantly affected, a condition requiring the non-operation of turbines at times when predicted shadow flicker might adversely impact on any inhabited dwelling within 500m of a turbine may be appropriate." (Section 7.14, Page 85 of the Guidelines refer);*

Practical Implications of Proposed Policy Change

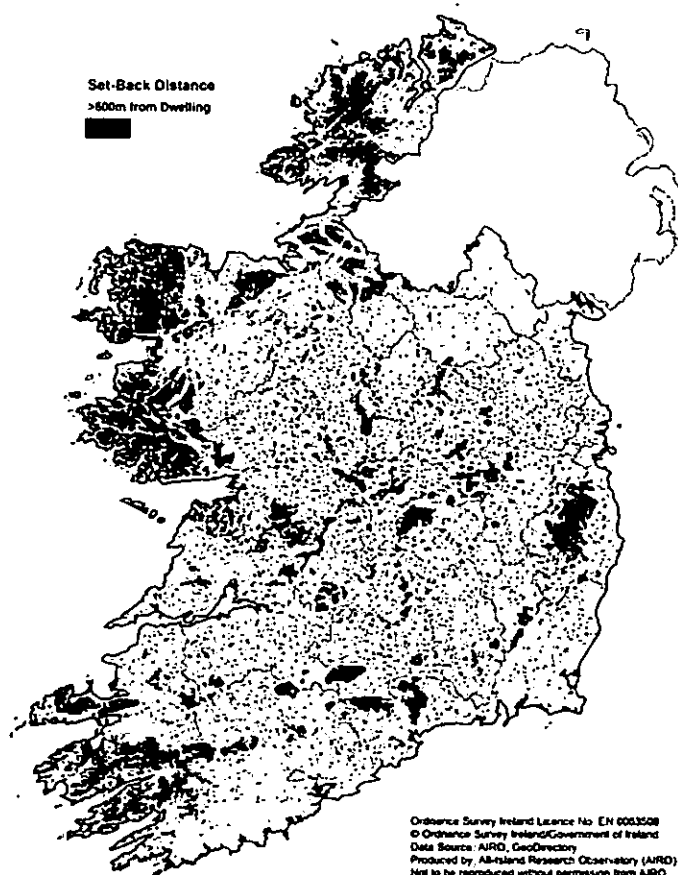
In the February 2016 submission IWEA sought to explain the implications of the proposed separation distance from dwellings standard, which at that stage was "at least 1km". The amendment now proposed is 10 times the tip height which in practical terms, based on prevailing turbine technology

would give a distance of anywhere between 1,250m and 1,500m. In this regard, it is considered appropriate to re-state much of the information put forward in February.

The All-Island Research Observatory (AIRO) who are an independent spatial research body has mapped that for a 500m setback, just under a quarter (23.75%) of the total land area of the country would remain available for new wind farm development.

However, this significantly drops to:
9.4% for a 1,000m setback,

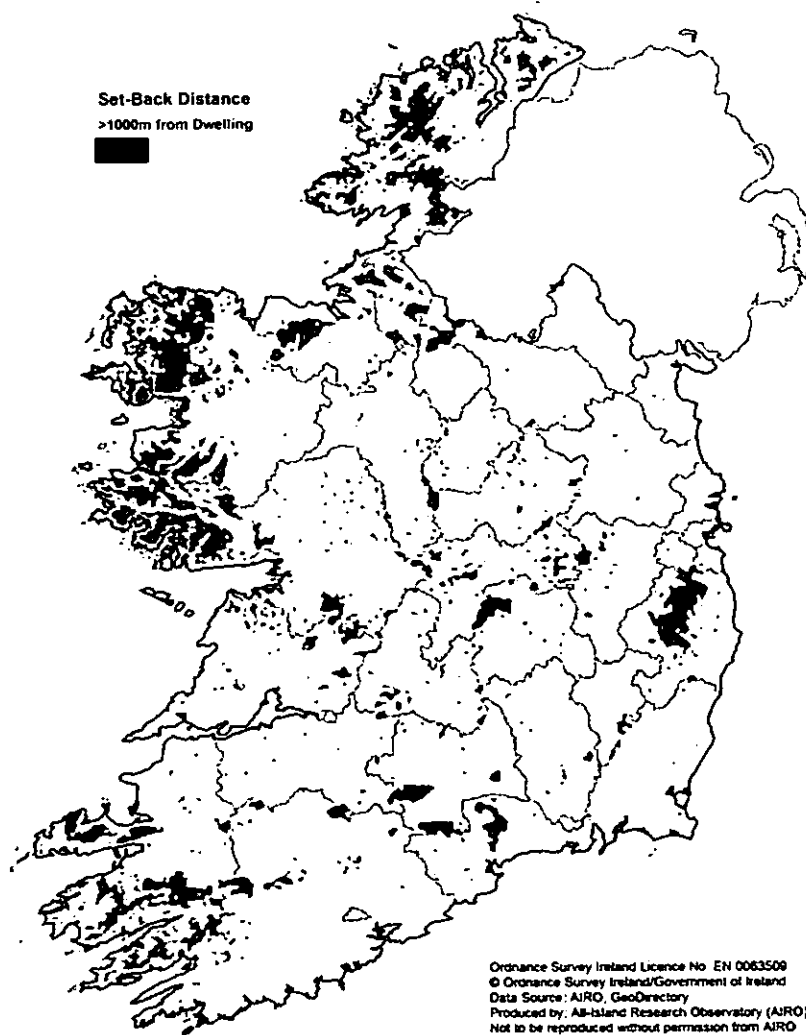
- (i) **Impact of a 500M Housing Buffer Zone in ROI**
In the case of the 500m setback, 23.75% of the total land area of the country would remain available for new wind farm development.



Source: Analysis carried out by AIRO at NUJ Maynooth

(ii) Impact of a 1KM Housing Buffer Zone in ROI

In the case of the 1000m setback, only 9.4% of the total land area of the country would remain available for new wind farm development.



Source: Analysis carried out by AIRO at NUI Maynooth

It is also important to note that while the analysis above from AIRO at NUI Maynooth is robust, it does not take into account, other constraints such as:

- Availability of a viable Wind resource
- Avoidance of known archaeological features with an appropriate buffer if required
- An airport buffer
- A radar buffer
- A telecommunications buffer

- Landscape constraints for sensitive landscape
- County Development Plan zoning

Therefore the total land area remaining available under the above scenario remains an optimistic number as the % land area would in fact be significantly smaller, if not towards zero for distances >500m, when all other constraints are taken into account.

This analysis clearly indicates that a setback distance of approximately 1.5km as proposed in Wicklow would mean that there would be *virtually no land available within the county for wind development and demonstrates that applying such a restriction is uninformed given no quantitative study has been prepared.*

There is no doubt such a policy will rule out the development of Wind Energy Development within the County even in the areas considered otherwise suitable.

IWEA are concerned that the inclusion of an "at least 1,000 metre or 10 times the tip height of the proposed turbines" standard set back of wind farm developments from dwellings will:

- Greatly reduce the suitable site alternatives available for wind farm development within County Wicklow, as identified within the wind Energy Strategy that has been adopted;
- Reduce the ability of landowners to bring forward renewable energy projects on their own lands;
- Apply an inappropriate strategic level constraint that would not be necessary to ensure the protection of residential amenity at individual project level;
- Restrict the opportunities for Wicklow to benefit from development of its own Green Economy with benefits from jobs, investment, carbon emissions savings and for the reputation of the country. We note that within Chapter 5 on Economic Development, Green Energy is clearly identified as an opportunity for economic development within objective EMP17, including renewable energy.
- Reduce the ability of Wicklow as a County and the Country as a whole to support the delivery and achievement of renewable energy targets that have been set and are subject to national and international agreement;
- Restrict the ability of the planning Authority to favourably consider wind farm projects that fully satisfy all the other listed requirements following detailed individual project assessment and study; and
- Render the Wicklow Development Plan inconsistent with Ministerial Guidelines that have been issued under Section 28 of the Planning and Development Act, 2000 as amended.

IWEA reiterate our serious concern that the result of the proposed amendments would be the further overall reduction in wind farm capacity areas within County Wicklow.

The imposition of a rigid extreme separation distance within the strategic planning policy for the County will further restrict, to the point of extinction, any potential for future wind energy development in Co. Wicklow. IWEA would like to ask the Council if this is the intended consequence of such proposals.

Concern with Omission of Objective CCE7

In the previous draft, Objective CCE7 stated:

"All wind farms shall be granted for a duration of 10 years (maximum) unless a shorter period is requested".

The proposed Draft Plan is seeking to remove the objective stated above. Given the lead times for grid connections and the current uncertainty of the future support regime for wind farms, a ten year planning permission is deemed necessary and reasonable for these types of development. This can be clearly seen by the recent orders issued by An Bord Pleanála below. The project timescales for this type of infrastructure requires a significant amount of time to negotiate all the elements required to build out a project. We would also note that the removal of the provision is likely in time to lead to further applications under Section 42 of the Planning and Development Act 2000 (as amended) to extend the appropriate period;

IWEA is clear that 10 year planning permissions are regularly applied for specifically as part of the proposed development as set out under section 41 of the Planning and Development Act 2000 (as amended), Power to vary appropriate period can be permitted by the consenting Planning Authority.

"41.— Without prejudice to the powers conferred on them by this Part to grant a permission to develop land for a limited period only, in deciding to grant a permission under F184[section 34, 37, 37G or 37N], a planning authority or the Board, as may be appropriate, may, having regard to the nature and extent of the relevant development and any other material consideration, specify the period, being a period of more than 5 years, during which the permission is to have effect, and in case the planning authority F185[or the Board] exercises, or refuses to exercise, the power conferred on it by this section, the exercise or refusal shall be regarded as forming part of the relevant decision of the authority or the Board under F184[section 34, 37, 37G or 37N]."¹

This period as set out in Objective CCE7 is in line with recent permissions that have been granted by An Bord Pleanála (ABP), examples of which include;

- PA0044 – Grousemount Wind Farm, granted with conditions 21/07/2016 for a period of 10 years from the date of the order
- PL03.244095 – Boolynagleragh Wind Farm, granted with conditions 13/06/2016 for a period of 10 years from the date of the order
- PI16.PA0029 – Oweninny Wind Farm, granted with conditions 02/06/2016 for a period of 10 years from the date of the order

While the duration of planning is a matter for the applicant to propose under their development, as part of their planning application, and to be considered under the clear terms of the Planning and Development Act 2000, considering Wicklow County Council considered it appropriate for this Objective to be included in previous drafts, it is difficult to understand the logic that prompted the omission of this policy at such a late stage.

Conclusion

IWEA is hopeful that the new County Development Plan will contribute to achieving the continued development of the wind resource in the County. This is a valuable opportunity for Wicklow County

¹ Planning and Development Act 2000 Revised – updated to 30th June.

Council, by taking a proactive approach, to realise, in an appropriate manner, the wind energy development potential of the County and to adopt policies and objectives that enhance sustainable development. The importance of adopting clear policies and a detailed strategy using a logical methodology and with the benefit of the statutory process is immeasurable. This approach brings a greater degree of clarity for the wind energy industry, as well as for the planning authority and the general public.

Given the development plan's remit in relation to wind energy development (i.e. that it provides a broad strategic land use framework), it is suggested that development plan objectives should not stipulate site specific design constraints. Appropriate design constraints such as set-back distances are informed by national policy guidance and further informed by the detailed project design process undertaken in tandem with the preparation of an Environmental Impact Statement for a project.

The inclusion of a mandatory set back distance within a policy objective will unnecessarily and inappropriately restrict the implementation of national and local policy to generate additional electricity from renewable sources and artificially restrict the number and range of sites that could be brought forward that would otherwise satisfy all the other requirements of the County Development Plan, National Guidelines and the requirements of proper planning and sustainable development.

Climate change is a global issue and is a matter for all levels of government to address from an international to a local level. The inclusion of a mandatory set back will unnecessarily prevent the full potential of County Wicklow's renewable energy and wind energy resources being harnessed, and would be misaligned with the other policies and provisions within the Draft Plan that support the development of renewables.

To conclude, therefore, IWEA fully supports the provisions contained within the plan which seek to increase and foster further renewable energy development within the County.

However, IWEA strongly requests that the requirement for an "at least 1,000m or 10 times the tip height of the proposed turbines" set back from residential development be omitted from the final plan. Omitting this provision will ensure compliance with National Guidance while also allowing wind farm developments to be assessed on a more detailed case by case basis. Reviewing wind farm applications on a specific project by project basis will allow all relevant potential impacts to be assessed during the planning application process and will ensure that an appropriate balance can be struck between reaching national and international renewable targets and the protection of residential amenities.

C14

Leonora Earls

From: Roger Garland [t]
Sent: 25 August 2016 17:48
To: Planning - Plan Review
Subject: Proposed amendments
Attachments: Wicklow Sub to Amends Aug 2016.docx

We attach our submission to the above.

Pl acknowledge receipt and also ensure that this submission is ascribed to KIO and not to me personally.

Keep Ireland Open 43 Butterfield Drive Dublin 14

Ph ()

SUBMISSION TO PROPOSED AMENDMENTS - WICKLOW

AMEND 29

T3 We support

AMEND 57

We support P.R.O.W 1 to 4 & 6

5 We are totally opposed to the proposed deletion of practically the entire route. This is the response to Submission 1 by CIE(see page 727). In their submission, CIE advanced a number of rather dubious reasons. In our opinion the CEO's response in the last paragraph doesn't attempt in any way to refute any of CIE's claims. It is impossible to stress the importance of this route as a recreational amenity for the people of Nth Wicklow but also to visitors from other parts of Ireland and visitors from abroad.

7 **Lovers' Leap** We are opposed to the proposed deletion. This walk is an important amenity for the people of Enniskerry and has been used for generations by local people.

8 **Stratford on Slaney Mass path** We are opposed to this proposed deletion. The CEO in his Report 3.10 on page 731 quite rightly refers to this as *an amenity pathway*. We submit that by arguing for its deletion he actually makes a strong case for its retention when he says that its inclusion *could potentially create public demand for the inclusion of other similar means of public access*. This is precisely what should be encouraged. Mass Paths are part of our history and every protection should be accorded to them. Also, we do not agree with his narrow interpretation of Sec 10(2).

This minimalist list of nine compares unfavourably with Kerry where over fifty rights of way have been listed. Also, we would remind you that reasonable access to the countryside is the norm in virtually all European countries. We would have to say

that there many more traditional walking routes which should have been included

We would also the point out the anolomy in that in Chpt 11 Coastal Zone Management Cell 2 Bray Head Obj CZ2.2 refers to the existence of *public rights of way on Bray Head* whereas they are not included in Table 10.3

We note that you have failed to include additional Prows in North East Wicklow. 110 routes details of which we understand are with the Council. The Council will be aware that back in the late 1980's and early 1990's the Council initiated a programme to identify and describe traditional walking routes.

Unfortunately, it appears that the findings were *pigeon-holed* and none of the routes was ever included in successive Development Plans. All these routes were investigated, researched, mapped, walked and identified by witnesses. We would expect that a similar programme for the rest of the county would more than likely come up with many more designateable routes.

The CEO's response 3.13 2nd paragraph on page 732 can only be described as a sleigh of hand when he tries to justify their omission by contending that the research project considered *rights of way* and that the omission of the prefix *public* meant that it was never the intention of the project to establish these routes as public rights of way.

Public Rights of Way Objs

NH46 We are opposed to the deletion of *users of amenity access routes*. We submit that this deletion reflects the undue influence of landowners and their associations in their agenda of excluding recreational users from any input on access issues.

NH47 While we support this, we submit that the duty of maintenance should be extended to include all public rights of way. We submit that the wording reflects the narrowing thinking of the Council in seeking to accept the minimum possible

responsibility in this matter. Presumably, this shifts the obligation to the landowner. It begs the question: if she/he fails to do this what then? The Council can and should accept this further responsibility.

CONCLUSION

We have to say that the attitude of the Council in totally ignoring our well reasoned and well researched submission, which was almost entirely non-controversial and which sought merely to make the Plan a better one is regrettable. It was based mainly on precedents from plans in adjoining counties or counties in the GDA. The word *contempt* comes to mind as the most appropriate description of its response.

We wish to put on record that The Draft fails to comply with, have regard to or take into account:

Planning & Development Acts

The NSS

Plans in adjoining counties(including Draft Plans in DLR & Sth Dublin)

GDA Regional Planning Guidelines

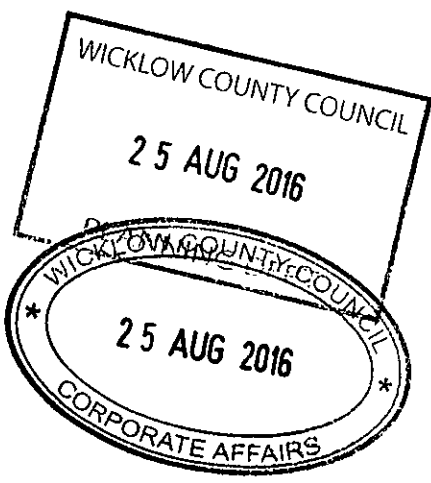
Development Plan Guidelines

Heritage Act 1995

KEEP IRELAND OPEN

Aug 2016

C15



23 August, 2016

Wicklow County Council
Planning Section
County Buildings
WICKLOW

Dear Sir/Madam:

**Wicklow County Development Plan 2016-2022
Proposed Material Amendment Number 15**

I would like to make a submission regarding the Wicklow County Development Plan 2016-2022 with regard to Proposed Material Amendment Number 15. I would like to submit that the proposal for the site in question at Timmore Lane not go ahead.

Enclosed please find documentation from the SEA Report in the Wicklow County Development Plan which indicates that there would be significant adverse environment effects even after mitigation.

It is obvious that the site is not suitable for the proposal for many reasons.

I would also like to note that it is my understanding that the principals involved in this proposal are the same principals who were involved in a proposed material contravention of the Wicklow County Development Plan in 2008. This proposed material contravention became a major public issue and was one that I did not support as a Wicklow County Councillor at the time.

Because I did not support the 2008 proposal, I was told by the principals that they "would get me for this." And indeed they did. During the 2009 Local Elections, the principals organised a determined campaign against me and two other councillors who also did not support the 2008 proposal. This campaign included signs in shops and a lorry with a sound system and huge signage circulating the constituency, on election day, urging people not to vote for us. I was not returned as a Wicklow County Councillor. I made a complaint to An Garda Síochána, as it is against the election rules to campaign near polling stations, but no charges were brought. While these two issues are separate and I understand my note might not be considered relevant to the current proposal, I still think it should be made. The current proposal should fail on its own merits.

It is also my understanding that the proposer of this 2016 proposal is a person who was involved in the 2008 campaign as an employee of the company involved. I feel the current proposer should make the connection known publicly so that Wicklow County Council business can be seen as transparent.

Thank you for your attention.


Kathleen Kelleher

Kathleen Kelleher, 27 Rathdown Park, Greystones, Co. Wicklow

STRATEGIC ENVIRONMENTAL ASSESSMENT REPORT
(INCORPORATING SCREENING AND FURTHER ASSESSMENT, WHERE NECESSARY)
ADDENDUM TO SEA ENVIRONMENTAL REPORT

FOR

**DRAFT WICKLOW COUNTY DEVELOPMENT PLAN
2016-2022
PROPOSED MATERIAL ALTERATIONS**

*Page 107
online*

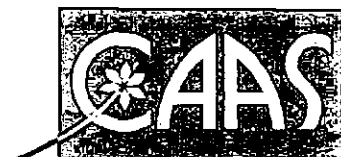
for: Wicklow County Council

County Hall
Station Road
Wicklow Town
County Wicklow



by: CAAS Ltd.

2nd Floor, The Courtyard
25 Great Strand Street
Dublin 1



JULY 2016

3.3 Assessment of Proposed Amendment No. 15

The SEA Screening detailed in Section 2 identified that:

Objective EMP12 to which this proposed change relates was assessed in the SEA Environmental Report as follows:

Objective EMP12 provides for employment development in areas which are removed from the established development envelopes of existing settlements. As such this provision provides for a less sustainable type of development and poses a greater extent of those potential conflicts detailed above – including with regard to the following:

- *Adverse effects on sustainable mobility with increases in car usage;*
- *Associated adverse effects with respect to energy usage and travel related greenhouse gas and other emissions to air;*
- *Adverse visual impacts on the landscape; and*
- *Increased pressures on ground and surface water bodies arising from limited options for water services.*

Given the size and greenfield nature of this collection of sites, adverse visual impacts would be likely to occur. Also, given increasingly stringent national objectives relating to sustainable mobility and transport emissions, it is uncertain as to whether adverse effects could be mitigated and significant conflicts would be likely to remain.

The alteration removes a number of locations for which development is provided for by Objective EMP12 in the Draft Plan. The removal of these locations would reduce the extent of predicted adverse effects identified by the SEA. Nonetheless, the assessment of the altered Objective would not be different to that provided in the SEA Environmental Report as adverse effects in relation to other locations would remain.

Flood Risk Assessment (FRA) has been undertaken on the part of the Proposed Material Alterations relating to the Employment Zone at Inchanappa South and Ballyhenry. The FRA found that this land use zoning is not appropriate due to the flood risk at these lands. A Justification Test was undertaken (as per the requirements of the Flood Risk Management Guidelines) and the zoning failed the test. Therefore, the zoning does not comply with the Guidelines and has the potential to result in significant effects upon flood risk, if unmitigated. However, measures from the Draft Plan are identified that will ensure that the Guidelines are complied with at project level – consequently further SEA is not required for this zoning on account of flood issues. The amendment to the Employment Zone at Inchanappa South and Ballyhenry would necessitate additional commentary on flood risk, the justification test and mitigation in the final, consolidated SEA Environmental Report.

The alteration proposes new areas of employment development at Killadreenan and Timmore that are removed from the established development envelopes of existing settlements. This development would contribute towards significant adverse environmental effects upon efforts to: improve sustainable mobility; and reduce energy usage and travel related greenhouse gas and other emissions to air.

Furthermore, these lands are exposed sites, lacking in screening, that are elevated above and directly adjoining the N11.

Taking the above factors into consideration, further assessment of the Killadreenan and Timmore component of this Proposed Material Alteration is required under Section 3 "Further SEA".

In combination with the other provisions of the Draft Plan and associated Proposed Material Alterations, new development at Killadreenan and Timmore would have the potential to result in the following adverse environmental effects :

- Loss of biodiversity
- Spatially concentrated deterioration in human health
- Damage to the hydrogeological and ecological function of the soil resource
- Adverse impacts upon the status and quality of water bodies
- Increase in the risk of flooding
- Failure to provide adequate and appropriate waste water treatment
- Failure to comply with drinking water regulations and serve new development with adequate drinking water that is both wholesome and clean
- Increases in waste levels
- Effects on entries to the Record of Monuments and Places and other archaeological heritage
- Effects on entries to the Records of Protected Structures and other architectural heritage

For Proposed Material Alteration No. 15, these effects would be mitigated by, inter alia, provisions that have been integrated into the Draft Plan resulting in insignificant residual effects (see Table 2.2).

However, in combination with the other provisions of the Draft Plan and associated Proposed Material Alterations, new areas of employment development at Killadreenan and Timmore that are removed from the established development envelopes of existing settlements, would contribute towards significant adverse environmental effects upon efforts to: improve sustainable mobility; and reduce energy usage and travel related greenhouse gas and other emissions to air. Given increasingly stringent national objectives relating to sustainable mobility and transport emissions, it is uncertain as to whether adverse effects could be mitigated and significant adverse effects would be likely to remain⁵.

Furthermore, these lands are exposed sites, lacking in screening, that are elevated above and directly adjoining the N11. Locally significant residual adverse effects would occur on the landscape at this part of the N11 corridor if development took place⁶.

3.4 Further Assessment of Proposed Amendment No. 88

The SEA Screening detailed in Section 2 identified that:

This alteration proposes new employment/enterprise/open space uses in the townlands of Togher More and Baltyanima to the southwest of the Roundwood Settlement Plan area.

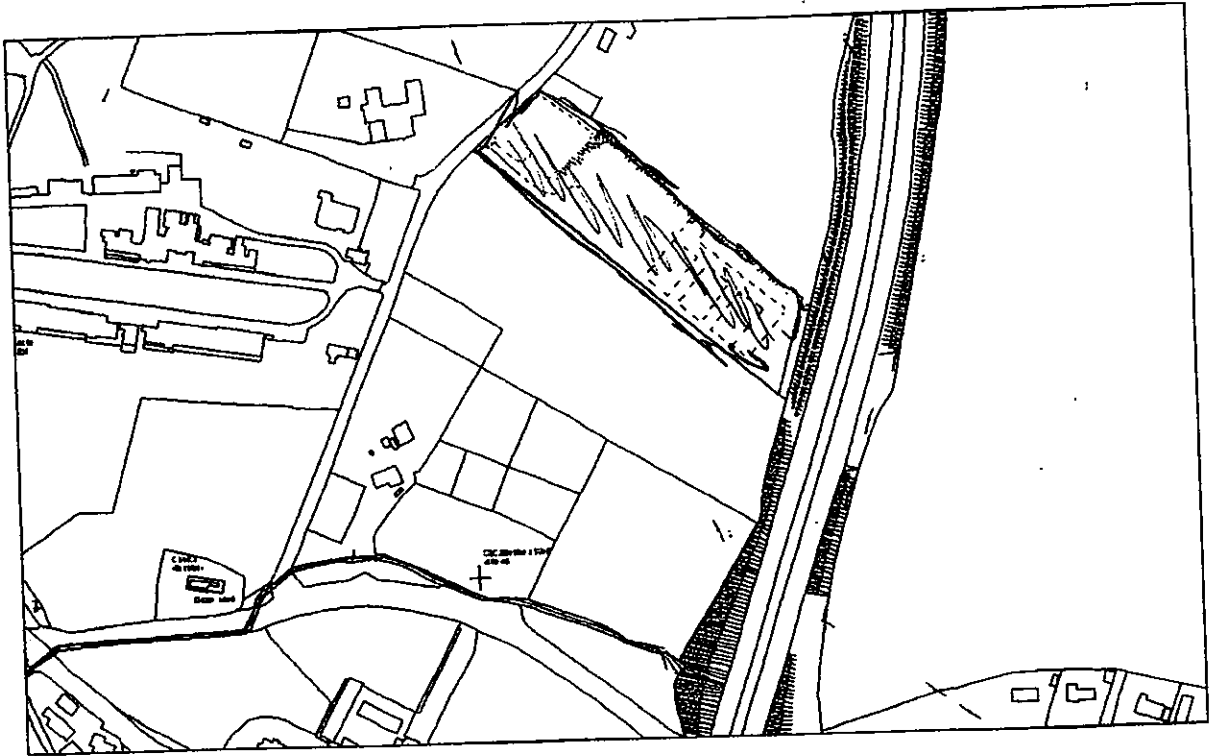
This area is situated beyond the existing development envelope of the town and the Town Plan boundary from the Draft County Development Plan. As a result, the proposal would be likely to result in significant adverse environmental effects upon efforts to: improve sustainable mobility; and reduce energy usage and travel related greenhouse gas and other emissions to air.

These lands are part of a wider landscape that is sensitive to new development due to a number of factors including elevation, slope, land cover and reduced levels of development beyond the existing envelope of the town.

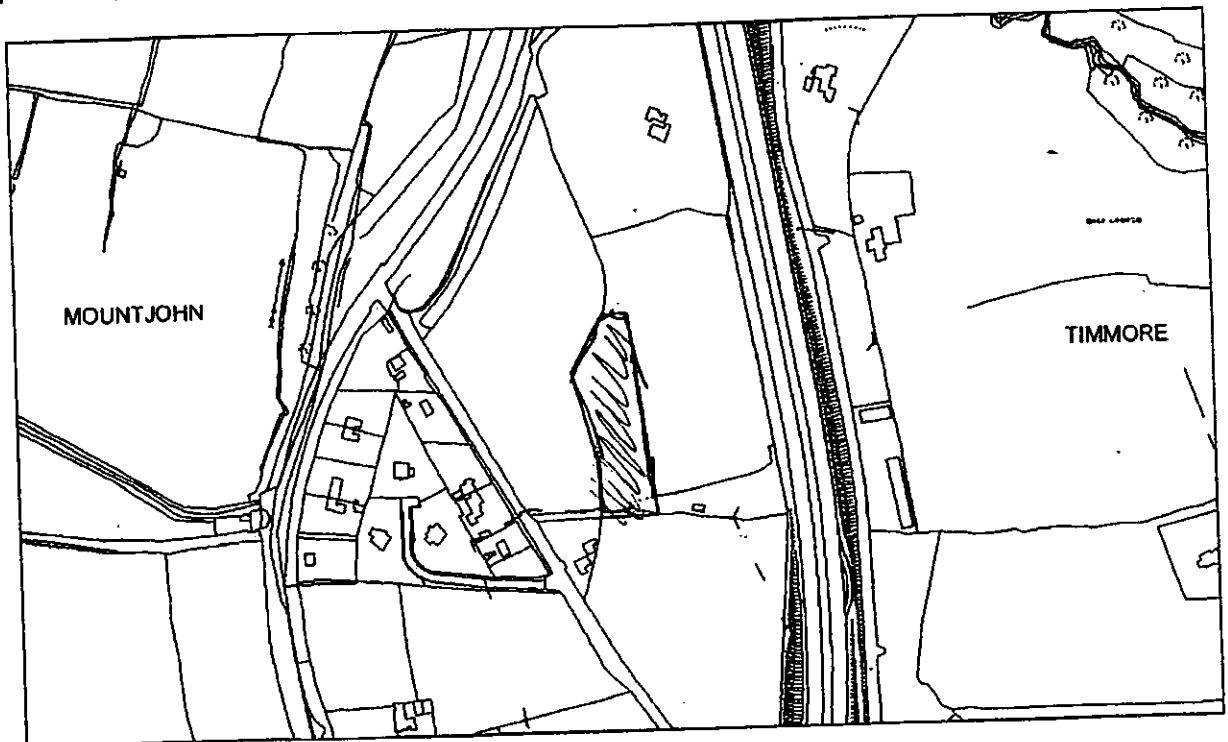
⁵ The Strategic Environmental Objective (SEO) conflicted with in this regard is SEO C1 "To reduce travel related emissions to air and to encourage modal change from car to more sustainable forms of transport". SEOs have been considered for all environmental components throughout the SEA process and have been used in the assessment of Draft Plan provisions as detailed in the SEA Environmental Report.

⁶ The SEO conflicted with in this regard is SEO L1 "To minimise significant adverse visual impacts within and adjacent to the County".

Map 5.06
Proposed Employment Zone at Killadreenan, Newtownmountkennedy shown in blue:



Map 5.07
Proposed Employment Zone at Timmore, Newcastle shown in blue



**Strategic Environmental Assessment (SEA)
Determination under:**

The Planning and Development Acts 2000-2015

for:

**Draft Wicklow County Development Plan 2016-2022
Proposed Material Alterations**

A Strategic Environmental Assessment (SEA) Screening determination has been made by Wicklow County Council regarding the Draft Wicklow County Development Plan 2016-2022 Proposed Material Alterations.

Section 12 (7) of the Planning and Development Act 2000 (as amended), requires, inter alia, a determination to be made as to whether Proposed Material Alterations to the Draft Plan warrant the undertaking of SEA.

Such a determination takes into account relevant criteria set out in Schedule 2A 'Criteria for determining whether a plan is likely to have significant effects on the environment' of the SEA Regulations, as amended.

Taking into account the content of the Proposed Material Alterations and the measures that have already been integrated into the Draft Plan that contribute towards environmental protection, environmental management and sustainable development, it is determined that potential effects arising from most Proposed Material Alterations are either present already (beneficial) and will be further contributed towards or will be mitigated so as not to be significant (adverse).

However, two Proposed Material Alterations (No's. 15 and 18) were identified as being likely to contribute towards significant adverse environmental effects after mitigation. These Alterations have been subjected to SEA.

An SEA Report (incorporating screening and further assessment, where necessary) has been prepared which accompanies and has informed this determination.

Signed: _____
Signatory
Approved Officer

J. Quill
Senior Planner

Section 4 Conclusion

For most Proposed Material Alterations, it is determined that potential effects arising are either present already (beneficial) and will be further contributed towards or will be mitigated so as not to be significant (adverse).

However, two Proposed Material Alterations (No's. 15 and 18) were identified as being likely to contribute towards significant adverse environmental effects after mitigation. These Alterations have been subjected to SEA in this report.

A one-page SEA determination accompanies this SEA Report.

C16

Leonora Earls

From: Bradshaw, Simon [simon.bradshaw@gva.ie]
Sent: 26 August 2016 16:28
To: Planning - Plan Review
Subject: Submission on the Material Amendments to the Draft Wicklow County Development Plan 2016-2022 on behalf of Yum Restaurants International Ltd.
Attachments: 160826_Wicklow Proposed Amendments Submission_Yum Restaurants Ltd.pdf

To whom it may concern,

Please see attached a submission on behalf of Yum Restaurants International Ltd. with regard to the Proposed Amendments to the Draft Wicklow County Development Plan 2016-2022. Please note that the submission relates to policies RT 16 & RT 17.

Should any further contact be required in relation to this submission please contact;




Simon Bradshaw,
Bilfinger GVA,
2nd Floor Segrave House,
19-20 Earlsfort Terrace,
Dublin 2.
Email: simon.bradshaw@gva.ie
Phone: 01 661 8500
Mobile: 086 045 6079

Should you have any queries please don't hesitate to contact the above.

Regards,

Simon.

Simon Bradshaw, Planner, Bilfinger GVA
Email: simon.bradshaw@gva.ie Web: www.gva.ie Mobile: +353 (0)86 045 6079
National Number: +353 (0) 1 661 8500 - Fax: +353 (0) 1 661 8568

 	<p>Segrave House 19-20 Earlsfort Terrace Dublin 2</p>
<p>Save a tree... please don't print this e-mail unless you really need to</p>	 Follow Bilfinger GVA on Twitter

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

Submission on Proposed Material Alterations to the Draft Wicklow County Development Plan 2016-2022

On Behalf of KFC UK & Ireland Ltd.

August 2016

gva.ie

Contents

1.	Introduction	1
2.	Applying the Proposed Fast-Food Definition	2
3.	Up to Date Research	4
4.	Ministerial Direction	6
5.	Policy RT 16	7
6.	Conclusion	9

Prepared By: Paul O'Neill
Date: August 2016

For and on behalf of GVA Grimley Ltd.

1. Introduction

This submission has been prepared by Bilfinger GVA on behalf of our Client, KFC UK & Ireland, part of Yum Restaurants International Ltd. of 32 Goldsworth Road, Woking, Surrey, United Kingdom, GU21 6JT, United Kingdom. Yum Restaurants International Ltd. is a franchise company with a number of restaurant brands who have premises in the Wicklow County Council area, including the KFC brand. The purpose of this submission is to directly address the proposals outlined in the Proposed Amendments to the Draft Wicklow County Development Plan 2016-2022 (hereafter referred to as the Material Amendments) that relate to Fast Food Outlets/Takeaways and "formula businesses" as defined in the Material Amendments document. This relates to material alterations nos. 20 and 21 which amend policies RT16 and RT17 respectfully.

KFC Ireland and its three franchisees play an important role in the economic development and vitality of Wicklow County by providing a source of employment and venues for social interaction that are extremely popular. Our client is committed to working in partnership with governments to increase the availability of healthy diet and exercise choices. This matter was addressed in detail as part of our submission made at the draft stage and for this reason will not be unnecessarily repeated as part of this submission.

As outlined above this submission will directly address the proposed material alterations and the rationale for same. The contents of this submission include;

- How it is inappropriate to consider a planning application purely based on the assumptions of the applicant and their product range. Furthermore, planners are not trained to deal with matters of diet and health and any attempt to enforce a policy could prove difficult.
- Questioning why convenience retail outlets have been excluded from Policy RT17;
- The identification of up to date research that questions the rationale for Policy RT17;
- Outlining the potential issues that could arise based on the Chief Executive's previous reports and the submission on behalf of the Department of Housing, Planning, community and Local Government; and
- Addressing issues with regard to the amendments to Policy RT16, particular how a corporate brand/identity is not relevant in considering the principle of land use planning impacts.

2. Applying the Proposed Fast-Food Definition

As outlined in the original submission on behalf of our client, the matter of public health and diet is something that has come to the fore of the public consciousness over the last number of years. Diet and the impact of different foods on health is, however, a highly complex matter and should, in our opinion, remain outside the remit of planning. As part of the Material Amendments, it is proposed to alter the existing policy so as to define fast food as the following:

"For the purposes of RT17, 'fast food/takeaway outlet' shall mean any outlet whose business will primarily be the sale of hot or otherwise prepared food that is high in fat, salt or sugar (such food being heated or prepared on the premises comprising of the outlet) for consumption on or off the premises comprising of the outlet. For the purposes of considering whether a particular food item is high in fat, salt or sugar, reference shall be had to Department of Health or other governmental guidelines or publications current at the time of considering of a planning application."

It is submitted that it is not practical for the planning system to regulate the sale of goods in such a detailed manner. For instance our client sells a number of products that contain fewer than 500 calories, lower than many high street sandwiches, and offer salad options that have fewer than 300 calories. To control or manage the proposed policy this would require the submission of menu's or individual products and their assessment by the Planning Authority. As already noted, planners are not qualified to adjudicate on such matters and it would not be practical for the Planning Authority to attempt to consider each individual product that is being sold. As noted in our previous submission diet and health are a complex matter and even expert's including Professor Mike Gibney of University College Dublin has noted this and highlighted that picking on a specific sector of the market is not an ultimate submission¹. In this regard we would question if it is practical to define a policy based on unspecified guidance from a government department, in a field (diet and health related matters) that has not conclusively identified a solution to the issue of growing obesity rates.

It is also submitted that the policy as currently set out is negative in using generalised assumptions about 'fast food', which are at best, unhelpful in isolation from an understanding of the person eating the food, their health and lifestyle, and at worst is simply subjective. Any grant of permission in this context would also be based on the subject products being low in fat, salt and sugar and such a grant of permission may even include a condition restricting the sale of goods to accord with the perceived levels of appropriateness for these ingredients. We would, however, question if this consideration has any relevance in planning and if a new operator who sold foods high in fat, sugar and salt, could be restricted by such a condition. Whilst we are not aware of any precedent that

¹ <http://www.irishtimes.com/life-and-style/people/ireland-s-growing-appetite-for-fast-food-1.1741807?page=3> (Last accessed: 15/02/2016, 15:15)

exists in planning law, it is questionable if the courts would accept the complete restriction of certain goods based on assumptions of those goods and the operator who is selling them. In this regard it is our view that the entirety of this policy should be removed including the proposed material alterations.

The definition outlined above has also been included so as to differentiate between the fast food outlets and convenience retail units. The intention of including the word "primarily" in the definition was to ensure that convenience stores (Spar, Centra, etc.) are not subject to the 400m restriction even though they sell foods that would be defined as being high in sugar, salt and fat, the threshold that it is proposed to apply to fast food/takeaway uses.

The proposed policy amendment fails to recognise that energy drinks and convenience meals sold in supermarkets have been equally implicated in the rising obesity problem yet it specifically excludes such uses from the 250m restriction on fast food outlets proximate to schools. In a recent RTE programme, "What are you eating?" it was outlined that chicken fillet rolls prepared at a deli are commonly found to contain approximately 1,000 calories and it is common for such delis to provide pizza's, fried potato wedges, etc. all of which are high in fat, sugar and salt . This clearly indicates the subjectiveness of this policy and the proposed policy amendment demonstrates the anti-competitive nature of this policy (as it would give the existing outlets, including deli's, an unassailable competitive advantage), which is contrary to the Retail Planning Guidelines, 2012.

The wider question of the appropriateness of planning to deal with the issue of obesity has yet to be adequately addressed. As outlined in the next section of this submission, there is no evidence to support the draft policy and, in our view, this policy unfairly targets certain operators whilst ignoring other retailers where foods high in sugar, salt and fat are sold (i.e. most other convenience retail outlets or even the majority of 'traditional' restaurants). The proposed policy is, therefore, entirely subjective and open to a wide range of interpretations and, for this reason, it is submitted that this policy should be removed in its entirety.

3. Up to Date Research

As part of this submission we have questioned the research and evidence basis that the Planning Authority are using and we would question if it demonstrates correlation or causality between the proximity of schools and fast food outlets. We would also highlight the specifics of the Development Plan/Management Guidelines and we would again ask if there is a more appropriate vehicle to deal with the issue of child obesity, as this is not something the planning system is equipped for and in our view, is outside of the scope of planning as a discipline.

In this regard, we have undertaken further research and we would highlight recent studies that reinforce our view that there is a lack of evidence to justify the proposed policy. Such research has not been undertaken in Ireland in any significant scale and it is therefore necessary to consider studies that have been undertaken in similar jurisdictions such as the UK. In May 2014 a research article was published that considered retailing around schools (including fast food outlets, takeaways, etc.²). This article considered the results of a number of other studies that assessed the effect of fast food outlets near schools on the levels of childhood obesity. It was noted throughout the paper that, where there are higher levels of childhood obesity, there is no proven link between fast food outlets and these levels of obesity. As part of the conclusions of this paper it is noted that;

"In conclusion, we did not find strong evidence at this time to justify policies related to regulating the food environments around schools."³

Further to this, a more recent study published in July 2015⁴ addressed a similar question and used Geographical Information Systems (GIS), data from local councils and the 2010/11 National Child Measurement Programme in England, to measure the density of fast food outlets and food stores within a child's school and home environment. In relation to the matter of fast food outlets and schools, this article found that;

"...there were no significant associations between retailing near schools and student BMI...."⁵

On this basis, we would again question the rationale for the proposed policy as there is no research currently available in Ireland on this subject and the research that is currently available in the UK has

² Williams, J. et al. (2014). *A systematic review of the influence of the retail food environment around schools on obesity-related outcomes*, Oxford: British Heart Foundation Health Promotion Research Group.

³ Pg. 15, Conclusions, Williams, J. et al. (2014). *A systematic review of the influence of the retail food environment around schools on obesity-related outcomes*, Oxford: British Heart Foundation Health Promotion Research Group.

⁴ Williams J, Scarborough P, Townsend N, Matthews A, Burgoine T, Mumtaz L, et al. (2015) Associations between Food Outlets around Schools and BMI among Primary Students in England: A Cross-Classified Multi-Level Analysis. *PLoS ONE* 10(7): e0132930. doi:10.1371/journal.pone.0132930

⁵ Pg. 1, Results, Williams J, Scarborough P, Townsend N, Matthews A, Burgoine T, Mumtaz L, et al. (2015) Associations between Food Outlets around Schools and BMI among Primary Students in England: A Cross-Classified Multi-Level Analysis. *PLoS ONE* 10(7): e0132930. doi:10.1371/journal.pone.0132930

specifically indicated that there are no significant associations between retailing near schools and higher levels of obesity.

It was specifically noted that in the Planning Authority's elected members meeting, which proposed this material alteration that the trend of including a locational restriction (i.e. the 400m restriction area) had originated in the UK and that based on its perceived success, which there is no evidence for, it should be implemented in Wicklow. We would now request that the Planning Authority consider the recent evidence coming from the UK which demonstrates that the location of a fast-food outlet proximate to a school does not equate to higher levels of obesity.

Based on the above, the proposed policy is contrary to the Development Management Guidelines as not only does it lack an evidence base, as highlighted in our client's submission made at the Draft stage, it contradicts the available evidence on the subject. Based on this we would request that the policy is reconsidered in line with the Chief Executive's recommendation or that the policy is removed in its entirety.

4. Ministerial Direction

Having reviewed the Material Amendments and the Chief Executive's report it could be viewed that Wicklow County Council has not taken sufficient account of the submission on behalf of the Department of Housing, Planning, Community and Local Government as this submission indicated that;

"A specified distance should also be avoided to allow consideration of individual case circumstances.⁶"

Based on the above we would highlight the potential for the Minister to direct Wicklow County Council to amend the Draft Plan using the mechanism under Section 31 of the Planning and Development Act 2000 (as amended). This section of legislation states;

"(1) Where the Minister is of the opinion that—

(a) has ignored, or has not taken sufficient account of submissions or observations made by the Minister to the planning authority under section 12, 13 or 20,...

(c) the plan is not in compliance with the requirements of this Act.....

the Minister may in accordance with this section, for stated reasons, direct a planning authority to take such specified measures as he or she may require in relation to that plan."⁷

On this basis it is our view that Wicklow County Council should adhere with the Minister's recommendation as well as that of the Chief Executive and amend the subject policy or remove it in its entirety.

⁶ Section 3(c), pg. 117, Chief Executive's Report on Public Consultation on the Draft Plan, May 2016

⁷ Section 30, Part II, Planning and Development Act 2000 (as amended)

5. Policy RT 16

With regard to Policy RT 16 we would note that the following amendments have been made:

"To promote an appropriate mix and balance of different types and styles of retail within centres and to control the number of bookmakers, off-licences (including off-licences in convenience stores), takeaways, 'cash for gold' and 'Pound' shops, 'formula businesses' (i.e. franchise / chain type outlets that have standardised services, décor, methods of operations and other feature that make them virtually identical to similarly branded businesses elsewhere) and other uses that can adversely affect the character of a centre.

The mix and balance of different type of retail (including retail services) is important to attract people to centres, and to ensure centres remain the main meeting point for the community. Too many of certain types of outlet can destroy the balance of a centre."

Note: changes made at material alterations stage is indicated by underlined red text.

The proposed material alteration to this policy is of concern not only to our client but to other businesses that operate multiple stores and rely on brand recognition to attract customers. Such operators are of the view that the term "formula business" could apply to them. Such businesses are economically vital to Wicklow County Council and could include stores such as Centra, Spar, Super Valu etc. We would request that the Planning Authority reconsider this policy, or clarify it, to ensure that it does not apply to such businesses.

Having reviewed this policy we would highlight that it is possible that it could be applied in two ways. It could be the case that based on this policy, any application by a "formula business" which could include a Lidl, etc. will be refused or that such business will have to vary their model to comply with requirements of Wicklow County Council.

In this regard, it is submitted that it is not the role of planning to differentiate between individual operators and it is entirely inappropriate (and possibly illegal) for the Draft Plan to establish a policy that would prevent permission being granted for an operator who has multiple sites but for permission to be granted to a sole trader. This is likely to be considered anti-competitive and would be contrary to the general provision of planning legislation as well as the contents of the Retail Planning Guidelines 2012⁸.

Businesses that operate from multiple locations use a distinctive brand that is familiar to the customer and guarantees a certain standard of service/product. Such branding is fundamental to the vitality and viability of any such business and is intrinsically linked to commercial activities, as it is the primary means of informing customers as to the location of a premises and the services on offer. In this regard

⁸ Section 1, pg. 2 Retail Planning Guidelines for Planning Authorities 2012

branding is key to a company's identity which differentiates it from other competitors. This can take the form of certain colours or signage and is common practice in such a competitive market, as retailers and brands require that their corporate identity is clearly identifiable with customers. For this reason, it is necessary to use the operator's branding/corporate identity to ensure that the proposed development is distinguished from other competitors. Restricting commercial stores from using their branding in its entirety or the requirement for these stores to dramatically change their brand, is anti-competitive and is contrary to the Retail Planning Guidelines 2012.⁹.

For example, with regard to signage it should also be noted that the materials and colours of a sign can have a significant impact on its effect and visibility. If certain colours or materials are restricted then this could lead to signage not being visible to the public. Such an approach would defeat the purpose of signage which, as outlined above, is designed to inform customers of the location of a premise and the services on offer. It should also be noted that if this policy was to proceed it would have a large impact on commercial stores that operate a franchise model. In such cases, an individual enters into a contract with a franchise and in doing so commits to using their brand but also using their quality control systems, engaging with their sustainability policies as well as abiding with the franchise's commitments to corporate social responsibility. In this regard, entering a franchise model ensures that an operator meets the overall quality standards that the franchise requires, thus ensuring a better experience for the customer. Developing customers trust and familiarity is vital to business such as these. The proposed policy could impact on the ability of a business to develop this trust and familiarity and could, therefore, threaten the viability of these businesses. This is another example of how the proposed policy could negatively impact on the economic development of County Wicklow and its urban settlements.

Based on the above we would request that the reference to "formula business" is removed and that the proposed policy is also removed in its entirety as per the request outlined in our submission on the Draft Wicklow County Development Plan 2016-2022.

⁹ Section 1, pg. 2 Retail Planning Guidelines for Planning Authorities 2012

6. Conclusion

Our client takes its role as a responsible retailer extremely seriously and it offers a wide range of foods to its customers that are to be enjoyed as part of a balanced diet. Our client's product range has broadened over the years and will continue to do so as part of on-going brand development. Examples of this on-going development include the introduction of salads as well as new beverage layers and "Seattle's best coffee (a Starbucks Brand).

The effectiveness of using the planning system to tackle obesity is highly questionable and is not supported by any objective evidence and our client is of the view that it is wholly inappropriate to target a specific type of operator when the causes of obesity are so wide ranging, with little or no restrictions placed on other uses, such as convenience retailing.

We would respectfully request that the issues that are highlighted above are considered and that the policies are amended accordingly. As per our submission on the Draft Plan we would also request that policy provisions RT16 and RT17 are removed in their entirety from the Draft Plan and proposals for takeaway uses/drive through restaurants are assessed in relation to their land use impacts only.

We are available to discuss the above at any time, should you so require. In such an event, please do not hesitate to contact the undersigned.

Yours sincerely,



Paul O'Neill

Associate

For and on behalf of **GVA Grimley Ltd.**

C17

Leonora Earls

From: Martin Critchley
Sent: 26 August 2016 16:48
To: Planning - Plan Review
Subject: Submission draft development plan amendments
Attachments: Wicklow Co Co Revised Draft County Development Plan 2016 MHTI Submission 26th Aug.pdf

Please find attached a submission from the Mining Heritage Trust of Ireland in relation to proposed amendments to the draft County Development Plan 2016-2022

Please acknowledge receipt.

Regards, Martin Critchley



Mining Heritage Trust of Ireland / Iontaobhas Oidhreachta Mianadóireachta
c/o Natural History Museum, Merrion Street, Dublin 2, Ireland

Planning Department
Wicklow County Council
Wicklow

26th August 2016

Re: Revised Draft County Development Plan 2016-2022

Dear Sirs,

The Mining Heritage Trust of Ireland (MHTI) wishes to make observations on the Revised Draft County Development Plan 2016-2022 in relation to the proposed amendments and additions to the County Wicklow Record of Protected Structures (RPS) and the County Geological Sites (CGS).

The MHTI welcomes the revision of mining heritage related structures on the RPS in relations to the Avoca mine site and inclusion for defined the curtilages to these structures.

Specific comments on proposed amendments are as follows:

AMENDMENT 29

T32 To support the development of Avoca Mines as a tourist attraction having regard to the public safety issues associated with such brownfield sites.

Brownfield is a term used in urban planning to describe land previously used for industrial purposes or some commercial uses. The Avoca mines are in a rural, not urban, setting and the use of the term brownfield is suggestive of contaminated derelict land which is only suitable for regeneration. We propose the following amendment:

T32 To support the development of Avoca Mines as a tourist attraction having regard to the public safety issues associated with historical mine sites.

AMENDMENT 50

Built Heritage

- to safeguard archaeological sites, monuments, objects and their settings above and below ground and water listed in the Record of Monuments and Places (RMP), and any additional newly discovered archaeological remains

The MHTI supports the inclusion of underground features in the RPS and any newly discovered underground archaeology but would suggest slight rewording for clarity:

Directors: S. Callaghan, Dr. M. F. Critchley (UK), E. Duffy, A. Lings (UK), N.T. Monaghan, Dr. M.A. Parkes (UK),
Dr. S. Schwartz (UK), Dr. P. Rondelez (B)

Registered in Ireland. No. 340387.

Registered Office: c/o Natural History Museum, Merrion Street, Dublin 2, Ireland.

www.mhti.com



- to safeguard archaeological sites, monuments, objects and their settings above ground, below ground and underwater listed in the Record of Monuments and Places (RMP), and any additional newly discovered archaeological remains

AMENDMENT 58

County Geological Sites

The MHTI approves of the proposed inclusion of County Geological Sites as candidate NHAs as listed in Schedule 10.10, and would encourage their adoption

AMENDMENT 81

Settlement Profile

Avoca and its surrounding area, including The Meetings, Connary, Tigroney and Woodenbridge, has considerable potential to develop as a tourism hotspot. The area has particular potential to be a destination for niche ecotourism and educational tourism products. Attractions in the area include the historic copper mines at Connary and Tigroney, the 'Meeting of the Waters', Avoca Handweavers, Avoca Gallery shop and painting school, walking trails such as the Avoca Red Kite Loop and the Avoca River for river based activities such as kayaking and angling. The development of sustainable tourism and service related industries could yield significant economic benefits in terms of job creation and investment.

Add Ballymurtagh and Ballygahan mines at above text to read:

Avoca and its surrounding area, including The Meetings, Connary, Tigroney and Woodenbridge, has considerable potential to develop as a tourism hotspot. The area has particular potential to be a destination for niche ecotourism and educational tourism products. Attractions in the area include the historic copper mines at **Ballygahan, Ballymurtagh**, Connary and Tigroney, the 'Meeting of the Waters', Avoca Handweavers, Avoca Gallery shop and painting school, walking trails such as the Avoca Red Kite Loop and the Avoca River for river based activities such as kayaking and angling. The development of sustainable tourism and service related industries could yield significant economic benefits in terms of job creation and investment.

AMENDMENT 99

Record of Protected Structures

The MHTI agrees with the amendments as given in relation to RPS 35-017 35-072 35-1305 035-1306 and 35-1308 including the associated maps of the curtilages.

We do not see any revised text for the following RPS (as suggested in our submission of 19th Feb 2016), although the curtilage maps are shown for these and we agree with the curtilage maps



35-02
35-0301
35-0302
35-0303
35-0304
35-0305
35-0306
35-1301
35-1302
35-1303
35-1304
35-1305
35-1306
35-1310
35-07
35-072

RPS location map is missing for:

35-0701

Yours faithfully,

Dr. Martin Critchley,

On behalf of the board of the Mining Heritage Trust of Ireland

Leonora Earls

From: Pat O'Connor
Sent: 26 July 2016 17:24
To: Planning - Plan Review
Subject: nursing homes

86 SECTION 2 – VOLUME THREE
AMENDMENT 96

Section 6 Community Developments and Open Space

Amend text as follows:

Nursing home & 'step down' care developments

- Nursing home developments and facilities for the elderly shall be located close to local amenities and where adequate pedestrian infrastructure has been or is capable of being provided;

that suitable sites outside the development boundaries be considered

pedestrian access is not as important as an environmental friendly site which none of the anti social behaviour that is happening central locations

pat oconnor

Leonora Earls

From: Pat O'Connor (for
Sent: 26 July 2016 17:12
To: Planning - Plan Review
Subject: amendment 64
Attachments: brambleglade.pdf

that a portion of the land be set aside for assisted sites for locals similar to what was provided in rosanna close

pat o connor

AMENDMENT 64

**Ashford Town Plan
Land Use Zoning map**

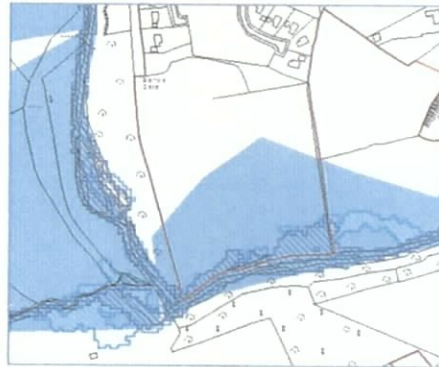
Change the zoning of lands currently identified as 'existing residential' to the south of the Bramble Glade estate to 'open space'.

Change From:

Change To:



Retain this area for Assisted site for locals as way provided in Kosanna close.



Inchanappa South and Ballyhenry, Ashford

Stage 1 Strategic Flood Risk Assessment

Land zoning	OS
Flood Zone	A and B
Vulnerability of land use vs. Flood Zone	Land use zoning appropriate
Requirement for Justification Test	No

Leonora Earls

From: Don O'Leary [mailto:...]
Sent: 05 August 2016 18:08
To: Planning - Plan Review; Sinead O'Leary
Subject: Fwd: Wicklow County Development Plan - how to register a request?
Attachments: knocksink_access.png

Hi there

Would like to resubmit this request based on the latest rev of the development plan. It would now be specific to Amendment 75. The request is to maintain right of way for residents of Glen View, next to the GAA pitch to Knocksink woods.

Thanks
Don

○ ----- Forwarded message -----

From: Don O'Leary <...>
Date: Tue, Jun 14, 2016 at 7:09 AM
Subject: Wicklow County Development Plan - how to register a request?
To: planreview@wicklowcoco.ie
Cc: Sinead O'Leary <...>

Hi there

I'm currently a resident in Glen View, Kilgarron Hill in Enniskerry and was reviewing the current draft plan for the area.
<http://www.wicklow.ie/wicklow-county-development-plan-2016-2022>

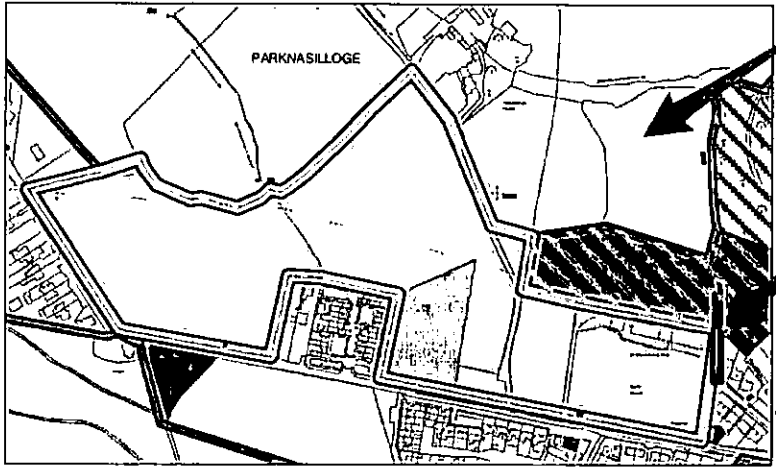
What stage is this plan at and is there still time to input?

○ My request is specifically with "Action Area 1 - Lands at Parknasilloge" My estate "Glen View" is adjacent to the GAA pitch (12 houses to the East of the pitch). The residents of Glen View use the GAA pitch to access the fields and woods associated with Knocksink nature reserve (north of the GAA pitch). This access has been used by the residents of Glen View for 20 years.

If the GAA pitch is redeveloped, my request would be for a provision to be made for the residents of Glen View to access the fields/woods of Knocksink nature reserve. (see attached photo)

What is the best way to raise this point with the council?

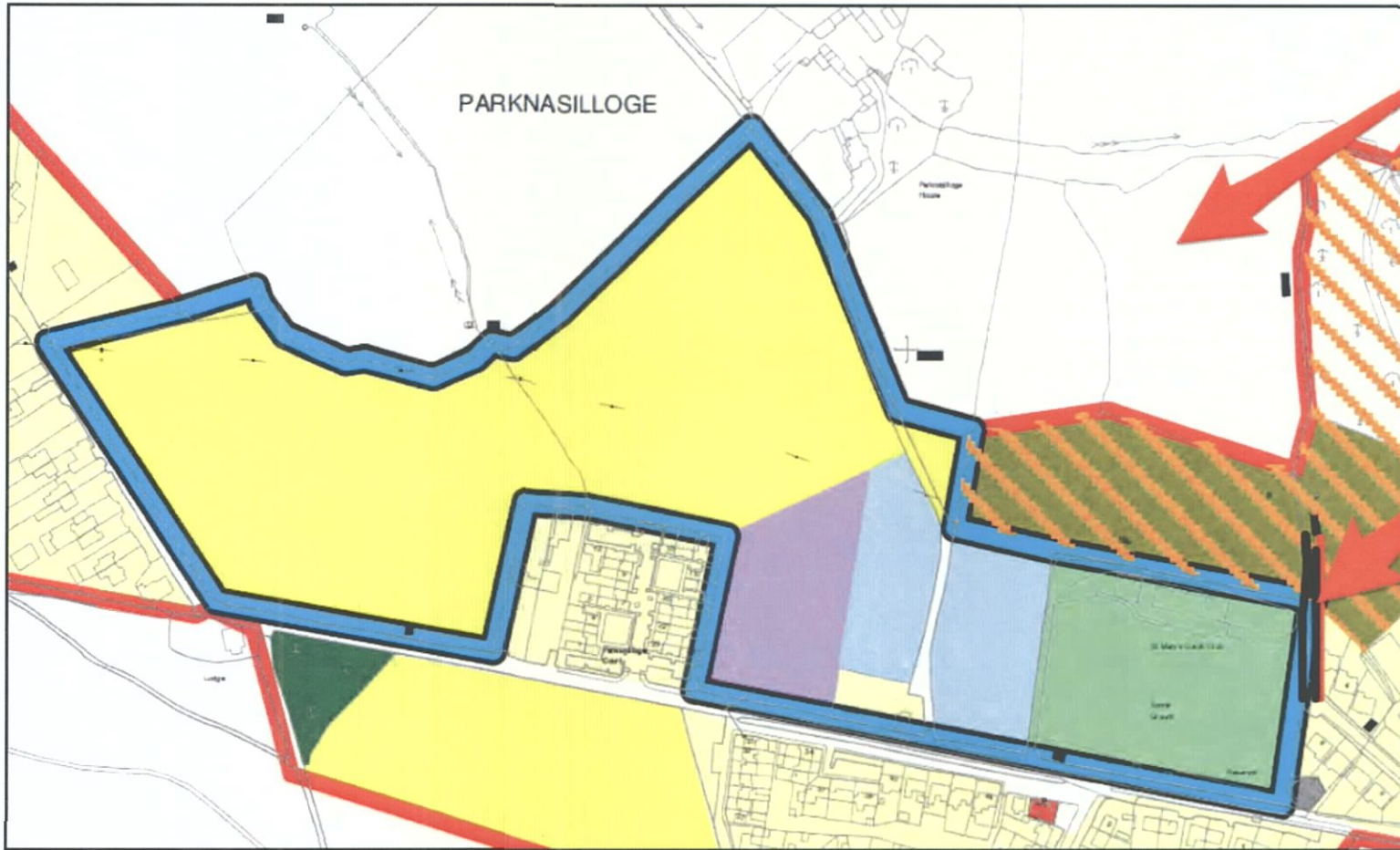
Thanks
Don



Knocksink woods

Current access

Glen View



Knocksink
woods

Current access

Glen View

Leonora Earls

From: Brendan Slattery [brendan@doyleandco.com]
Sent: 18 August 2016 14:57
To: Planning - Plan Review
Subject: Submission on Proposed Amendment No. 15
Attachments: wcc 160818.pdf

Brendan Slattery
Partner
Barry Doyle & Company, Solicitors
Marshalsea Court, 23 Merchants Quay, Dublin 8
t: +353 1 670 6966

BARRY DOYLE AND COMPANY

SOLICITORS

**MARSHALSEA COURT
23 MERCHANTS QUAY
DUBLIN 8, D08 C6XP**

Tel: (01) 6706 966
Fax: (01) 6706 985
DX: 1081 (Fourcourts)
E-mail: info@doyleandco.com

Partners: Alan Doyle, LL.B., LL.M. (Bruges),
Brendan Slattery, LL.B. (Dub)
Consultant: Barry Doyle, B.C.L., LL.B. (Notary Public)
Associates: Eibhlin Dowley, LL.B. (Dub),
Maeve Larkin, LL.B. (Dub), LL.M. (Cantab)

Our Ref: BNS
Your Ref:

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

18 August 2016
By: email

**Re: Consultation on Proposed Material Alterations to Wicklow County Development Plan
2016-2022**

Proposed Amendment No. 15 (Timmore)

Our client - Eoghan O'Shea, Pinehill Nurseries, Timmore, Newcastle, County Wicklow

Dear Sirs,

On behalf of our client, Mr Eoghan O'Shea of Pinehill Nurseries, Timmore, Newcastle, County Wicklow, we make this written submission in relation to proposed amendment no. 15. That is one of the proposed amendments considered to be a material alteration of the proposed development plan, in respect of which written submissions before 5pm on 26 August have been invited.

Our client is the owner of lands adjacent to the 0.68 hectares in Timmore for which the zoning objective "to provide for light industrial and employment use" is now proposed.

Our client notes that the decision to propose the material alteration was made contrary to the recommendation Chief Executive (County Manager) and that the purported strategic environmental assessment identifies significant adverse environmental effects.

We note and welcome the reference by the Chief Executive (County Manager) to the troubled planning history of these and related lands. The High Court judgments in Wicklow County Council v. Forest Fencing Ltd t/a Abwood Homes & anor, [2007] IEHC 242 and Forest Fencing Ltd t/a Abwood Homes & anor. v. Wicklow County Council [2011] IEHC 69 include comprehensive details of the planning issues arising. These judgments are available at:

<http://www.courts.ie/Judgments.nsf/0/47F8354DAD40DDC480257344005689B6>
<http://www.courts.ie/Judgments.nsf/0/8A0A7D4FE82795498025785D00570B55>

Against this background, great care should be taken before granting the benefit of industrial zoning to lands where the Council have identified a long history of unauthorised development.

Finally, we agree with the Chief Executive (County Manager) that Timmore Lane (L5400) should not be unthinkingly burdened with additional heavy goods vehicles. We say this on the basis that the word "additional" is understood to mean additional to those vehicles the lane was designed and required to accommodate when the Council revised the access to Pinehill Nurseries in 1990. Before 1990, Pinehill Nurseries had direct vehicular access onto the N11 (now R772). After the Newtownmountkennedy Bypass scheme in 1990, that direct access was extinguished. The Council constructed an alternative access at an entirely different location. Specifically, access was provided from a laneway constructed by the Council that connects to Timmore Lane (L5400). At that time, Pinehill Nurseries was commercially active with commercial glasshouses covering more than 8,000 square metres. Put simply, the Council delivered that access to Pinehill Nurseries on the basis that it was appropriate in the context of existing and future potential traffic generation at Pinehill. The Council must not prejudice that access. The impact of the proposed amendment must be considered within that context.

Please mark your acknowledgment of receipt and further correspondence to Mr Brendan Slattery of this firm.

Yours faithfully,

Barry Doyle and Company

C28.

Leonora Earls

From: Philip Pratt |
Sent: 17 August 2016 14:59
To: Planning - Plan Review
Subject: Wicklow County Draft Development Plan 2016-2022 amendment 15 section 5.5
Attachments: An Bord Pleanála.pdf; MAP 5.06.pdf

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

Dear Sir or Madam,

I refer to the proposed amendments (July 2016) to the Wicklow County Draft development Plan 2016-2022.

My particular interest involves amendment 15 under section 5.5 (Map number 5.06). This amendment involves the rezoning of this 1.3 ha site currently containing 3 grain stores to provide for light industrial and warehousing use.

The subject site is located in a rural setting in the townland of Killadreenan circa 1 km southeast of Newtownmountkennedy's town centre. The subject site is located in an elevated position on a local county road called Kilmullen lane (L5049). The site has a road frontage of approximately 60 metres.

Kilmullen lane (L5049) is a narrow poorly aligned link road between the Kilcoole / Newtownmountkennedy regional road and the Newtownmountkennedy / Newcastle regional road. It serves as a shortcut to the N11 from Kilcoole. A short section at the northern end of the road has been improved to serve the Druids Glen Resort Hotel. The remainder of the road is circa 3.0 – 3.5 metres in carriageway width and is poorly aligned both vertically and horizontally.

My family own 6.07 ha (15 acres) of land immediately to the south of the site. Our holding comprises of our family house, stables and barn for accommodating and training of sport horses and show ponies. Our land includes the site of St. Catherine's Well which is a recorded monument. We feel that the rezoning of this site would have a serious negative effect on our residential amenities.

St. Catherine's Special School and the rear of Newcastle Psychiatric Hospital are located opposite the site. Killadreenan Church and graveyard which are recorded monuments are located at the end of Kilmullen lane on the junction of Rathmullen Lane (N11-R772 link). The National Primary Route the N11 is located less than 20 metres east of the subject site's eastern boundary.

Since planning permission was granted for 3 grain stores back in 2001 this site has been the subject of a number of planning applications for change of use from agricultural to commercial / industrial. The latest of which was a change of use for the recycling of construction and demolition materials and associated works.

Wicklow county Council granted planning permission for the Recycling Centre in 2010 however this was overturned by An Bord Pleanála (Ref. no. PL 27.236128).

The reasons outlined by An Bord Pleanála (copy attached) were as follows;

1. The site of the proposed construction and demolition waste recycling facility is located in an elevated position in a rural area in close proximity to an existing school, hospital and dwelling. It also determined that the proposed development would not be compatible with the adjoining land uses and would seriously injure the amenities of property in the vicinity by reason of traffic, noise and general disturbance.
2. The proposed development is located in an unzoned and unserviced rural area as set out in the Wicklow County Development plan 2004-2010. It is policy of the planning authority as set out in the plan to channel industrial/employment development into serviced centres and to restrict development in rural areas to


developments that comply with specific criteria as set out in section 5.2 of chapter 6 of the plan. This objective is considered reasonable. It is considered that the proposed industrial activity does not have any local resource, process or workforce related need to be situated in this rural area and therefore would be contrary to the proper planning and sustainable development of the area.

3. An Bord Pleanála were concerned that an industrial development on this site would cause a significant risk of water pollution and would therefore be prejudicial to public health.

I realise that the above refusal by An Bord Pleanála refers only to a specific application for the change of use to a Recycling Centre however all the arguments outlined would apply to a change in zoning for light industrial and warehousing use. Furthermore I would like to point out that Wicklow County Council refused planning permission on three separate occasions for relatively small scale operations (see Planning Register References 05/4245, 05/3227 and 04/1142) on this site, therefore its request for rezoning of this site is inconsistent. The planning authority is governed by the legal principles of Res Judicata. On this basis the Planning Authority has not got sufficient reason to change its decision from that established in many previous precedents by seeking rezoning of this site for light industrial or warehousing use.

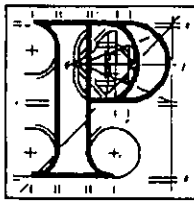
I urge Wicklow County Council to reject the amendment for rezoning of this site to light industrial and warehousing use for the reasons outlined above.

Regards,



Philip R Pratt
St. Catherines Well,
Killadreenan,
Newcastle,
Co. Wicklow.
A63 K232
Tel:

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2009

Wicklow County

Planning Register Reference Number: 09/889

An Bord Pleanála Reference Number: PL 27.236128

APPEAL by Philip Pratt care of Frank Ó'Gallachóir and Associates Limited of 16 Parklands Office Park, Southern Cross Road, Bray, County Wicklow against the decision made on the 27th day of January, 2010 by Wicklow County Council to grant subject to conditions a permission to C and D Recycling care of Deane Turner Associates of Suite 6A, Block 6, Broomhall Business Park, Rathnew, County Wicklow.

PROPOSED DEVELOPMENT: (1) Extension and change of use of three existing warehouses from grain store to recycling and demolition of materials. (2) Extension and change of use of existing dwelling to administration/office/canteen building to serve recycling business. (3) On-site effluent disposal to Environmental Protection Agency 2000 guidelines. (4) Relocation of existing access/exit onto Kilmullen Lane (L5049). (5) Internal skip and truck storage, staff car parking, bunded fuel storage, a petrol interceptor, truck weighbridge and internal access roads together with associated site works. (6) Upgrading and widening of circa 410 metres of Kilmullen Lane (L5049) including provision of new public footpath. (7) Improvement of sightlines from existing junction Kilmullen Lane (L5049) to Rathmullen Lane (N11 to R 772 Link) at Killadreenan, Newtownmountkennedy, County Wicklow.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

1. The site of the proposed construction and demolition waste recycling facility is located in an elevated position in a rural area in close proximity to an existing school, hospital and dwelling. It is considered that, because of its nature and scale, the proposed development would not be compatible with adjoining land uses and would seriously injure the amenities of property in the vicinity by reason of traffic, noise and general disturbance. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development is located in an unzoned and unserved rural area as set out in the Wicklow County Development Plan 2004-2010. It is a policy of the planning authority, as set out in the plan, to channel industrial/employment development into serviced centres and to restrict development in rural areas to developments that comply with specific criteria as set out in section 5.2 of Chapter 6 of the Plan. This objective is considered reasonable. It is considered that the proposed industrial activity does not have any local resource, process or workforce related need to be situated in this rural area and, therefore, does not comply with the specified criteria. The proposed development would, therefore, be contrary to the development objective as set out in the development plan and be contrary to the proper planning and sustainable development of the area.
3. Having regard to the location of the proposed construction and demolition waste recycling facility in an area of high vulnerability in a ground water protection scheme, the nature and scale of the proposed activities, the results of soil suitability tests carried out on site and to proposals for effluent treatment and disposal including disposal of processed wastewater, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that the site can be drained satisfactorily by means of a wastewater treatment system and septic tank. The proposed development would result in a significant risk of water pollution and would, therefore, be prejudicial to public health.


Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 23rd day of July 2010.

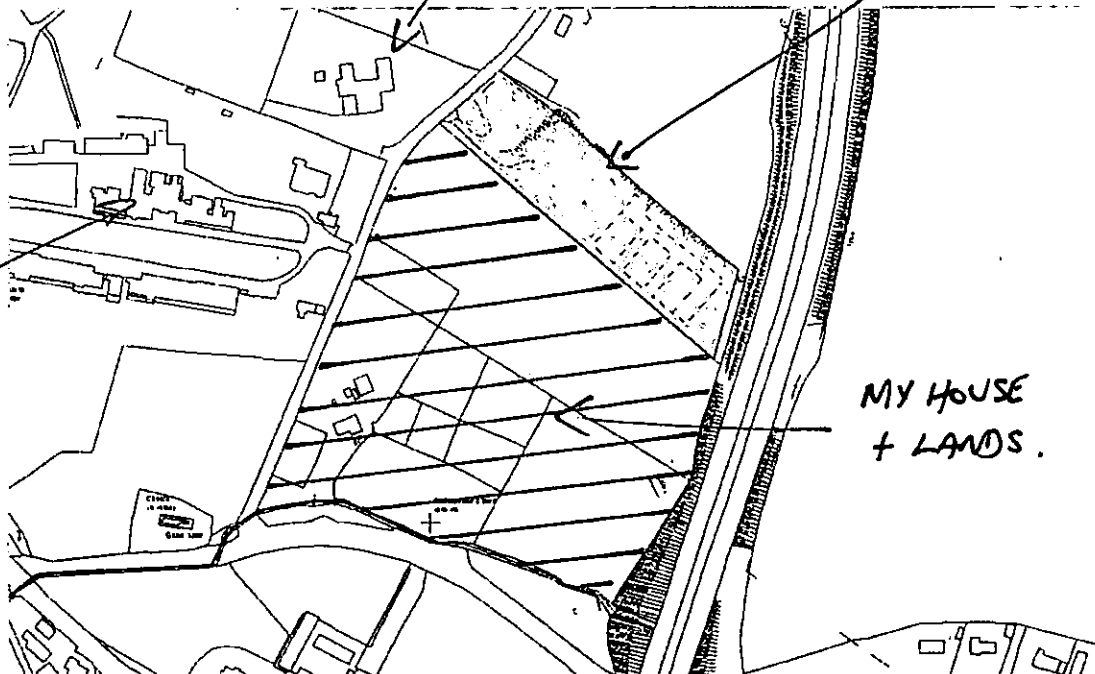
MAPS.06

Proposed Employment Zone at Killadreenan, Newtownmountkennedy shown in blue:

NEWCASTLE SPECIAL SCHOOL

NEWCASTLE HOSPITAL

MY HOUSE + LANDS.



Leonora Earls

From: Aoife Byrne [abyrne@slrconsulting.com]
Sent: 25 August 2016 16:05
To: Planning - Plan Review
Subject: 501.00180.00141/02 WCDP amendments consultation
Attachments: 160716 501.00180.000141.02 L.Wicklow CDP amendments submission.pdf

Dear Sir/Madam,

Please find attached a submission regarding the amendments to the draft Wicklow County Development Plan.

Regards,

Aoife

Aoife Byrne

Senior Planner - Planning
SLR Consulting Ireland

Email: abyrne@slrconsulting.com

Tel: +353 1 296 4667

7 Dundrum Business Park, Windy Arbour, Dublin, D14 N2Y7, Ireland

www.slrconsulting.com

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Any views or opinions are solely those of the author and do not necessarily represent those of SLR Management Ltd, or any of its subsidiaries, unless specifically stated.

SLR Environmental Consulting (Ireland) Limited (T/A SLR Consulting Ireland). Registered Office: 7 Dundrum Business Park, Windy Arbour, Dublin 14. Registered in Ireland No: 253332



By E-mail Only

25th August 2016

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

Our Ref: 501.00180.00141/02

Dear Sir / Madam,

RE: AMENDMENTS TO WICKLOW COUNTY COUNCIL DEVELOPMENT PLAN 2016-2022 CONSULTATION: SUBMISSION BY ROADSTONE LIMITED

1.0 INTRODUCTION

SLR Consulting Ireland acts as planning and environmental advisors to Roadstone Limited, Fortunestown, Tallaght, Dublin 24.

Roadstone Limited has a number of property assets within the Wicklow County Council administrative area at Calary Quarry, Fassaroe, Arklow, Ballyhorsey and Doran's Pit in Blessington. These property assets provide aggregates, added-value products and inert material recovery to Wicklow and the surrounding region.

This submission relates to the consultation on the amendments to the Draft Wicklow County Development Plan 2016-2022 ('draft development plan').

This submission identifies further proposed revisions to the amended policies in red and proposed deletions in blue.

2.0 BASIS OF THE SUBMISSION

2.1 Transport Strategy for the Greater Dublin Area 2016-2035

Amendment 5 and amendment 37 reflect the policies of the adopted Transport Strategy for the Greater Dublin Area 2016-2035. This transport strategy does not provide for a Luas stop or other mass transit at Fassaroe. Roadstone supports Wicklow County Council's clear intention to seek the provision of a mass transit solution at Fassaroe. The sustainable development of Fassaroe for mixed use and housing development is key to meeting the housing targets for Bray and for the county.

2.2 Extractive Industries

Roadstone welcomes the changes proposed by Amendment 7 to the objective in relation to extractive industries. It is considered, however, that the policy revised by Amendment 94 (relating to development management policies) could be further amended as follows:

Proposed method of extraction

SLR Consulting Ireland, 7 Dundrum Business Park, Windy Harbour, Dublin 14, Ireland
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Registered in Ireland as: SLR Environmental Consulting (Ireland) Limited. Registered No.253332. VAT No. 8253332I

- ~~Total quantity over the life of the quarry including the maximum annual quantity of material to be extracted (tonnes)~~
- expected life of the excavation and anticipated timeframe for the completion of the extraction;
- Proposed method and depth of working, including details of direction of work, phasing, duration of each of the site development works, tipping and extractive operation and restoration;
- Details of plans of plant and machinery for mineral or aggregate extraction;
- Method of transporting material to processing or disposal point (e.g. roadway, conveyor, tramway, etc);
- State the length of time the operation will last from inception to final restoration.

This further amendment would ensure that commercially sensitive information is not available on the public record.

Furthermore, Amendment 94 also provides for revisions to the policy on financial sureties. It is considered that point 3 should be amended as follows:

3. The planning authority will require the developer to lodge a cash deposit, a bond of an insurance company, or other security acceptable to the planning authority as security for the satisfactory restoration of the site.

The requirement for a cash deposit (often a significant sum) imposes unnecessary restrictions on the industry and can create financial difficulties for operators by tying up significant sums of cash. The proposed amendment reflects the standard condition used by An Bord Pleanála; it provides the council with the necessary security to ensure site restoration and it ensures that the operator's cash flow is not unduly affected.

2.3 Environmental Monitoring and Designations

Roadstone welcomes the revisions proposed by Amendment 43 and Amendment 44 in relation to air quality and noise monitoring. The draft policies now propose a pragmatic approach to air quality and noise monitoring.

Amendment 58 identifies certain county geological sites as recommended candidate NHAs, including the Blessington Delta. Doran's Pit is an operational pit that is located within the Blessington Delta and it is considered, therefore, that any designation should not constrain the ongoing and permitted operations of Doran's Pit. It is considered that the text relating to county geological sites and candidate NHAs should state the following:

The preservation of geological heritage is not incompatible with continued extraction at quarries and pits. Extractive operations often expose geological heritage that would otherwise remain inaccessible and restoration schemes can incorporate appropriate faces for geological study.

2.4 Coastal Flooding

Amendment 61 proposes a policy relating to coastal flooding and amendment 103 incorporates a map identifying various flood zones in coastal zones, which is based on a map prepared by the OPW. The map shows that the extant quarry void and the access road to Roadstone's operational quarry in Arklow is in Flood Zone A Coastal. The amended policy (CZM-X) prohibits all development in such zones.

National planning policy in relation to flooding is set out in 'The Planning System and Flood Risk Management: Guidelines for Planning Authorities' (November 2009). This policy

identifies water compatible development that is permissible in Zone A and outlines a Justification Test for other development on zoned land that cannot be located elsewhere. It is considered that the policy proposed by Amendment 61 does not reflect national policy by requiring a blanket ban on all development in Zone A in all instances.

In a letter dated 25th August 2016, Roadstone requested that the OPW remove the quarry void from the coastal tidal flooding maps. The coastal tidal flooding maps do not indicate a pathway from the coastline at the site to the area on the quarry floor, which is below sea level. The lowest ground level between the coastline and the quarry void at the Roadstone site is at c. 19mOD Malin. The lowest ground level is above the modelled tidal flood levels of 1.95mOD, and it is, therefore, not possible for the quarry void to flood as indicated on the coastal flood mapping.

It should be noted that Roadstone's quarry at Arklow is an operational site that has been established for many years. The existing development on the site relates to a tied resources and it cannot be relocated. In addition, the aggregate resource at Arklow is of strategic importance. The rhyolite stone resources at the quarry represent an aggregate resource of regional and national importance. This high quality deposit is suitable for high PSV, railway ballast and rock armour, which is used for coastal defense applications. We are not aware of any other location in the south-east region that produces aggregate with similar characteristics.

3.0 CONCLUSIONS

The extractive industry provides essential building materials for residential development, infrastructure, health care facilities, education facilities and all other forms of built development. Extraction can only take place where resources occur and it is, therefore, tied to certain locations.

The county development plan should ensure that the extraction of aggregates can take place in suitable locations where resources exist without undue environmental effects. It is important to ensure that the future interpretation of county development plan policies does not result in the sterilisation of aggregate resources and does not prevent the secure, long-term supply of construction aggregates and value-added products such as concrete blocks and road making materials and the continued operation of established and operational quarries.

Through this submission, Roadstone requests that the recommended amendments be made to the draft development plan before it is finalised and published.

Yours faithfully

SLR Consulting Ireland

Tim Paul
Director



Cc. Mr. R. Griffin/ Mr. S. Geraghty (Roadstone Ltd.)

Leonora Earls

From: Aoife Byrne [abyrne@slrconsulting.com]
Sent: 25 August 2016 16:09
To: Planning - Planning and Development Secretariat
Subject: FW: 501.00180.00141/02 WCDP amendments consultation
Attachments: 160716 501.00180.000141.02 L.Wicklow CDP amendments submission.pdf

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SLR Environmental Consulting (Ireland) Limited (T/A SLR Consulting Ireland). Registered Office: 7 Dundrum Business Park, Windy Harbour, Dublin 14. Registered in Ireland No: 253332

From: Aoife Byrne
Sent: 25 August 2016 16:05
To: 'planreview@wicklowcoco.ie'
Subject: 501.00180.00141/02 WCDP amendments consultation

Dear Sir/Madam,

Please find attached a submission regarding the amendments to the draft Wicklow County Development Plan.



By E-mail Only

25th August 2016

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

Our Ref: 501.00180.00141/02

Dear Sir / Madam,

RE: AMENDMENTS TO WICKLOW COUNTY COUNCIL DEVELOPMENT PLAN 2016-2022 CONSULTATION: SUBMISSION BY ROADSTONE LIMITED

1.0 INTRODUCTION

SLR Consulting Ireland acts as planning and environmental advisors to Roadstone Limited, Fortunestown, Tallaght, Dublin 24.

Roadstone Limited has a number of property assets within the Wicklow County Council administrative area at Calary Quarry, Fassaroe, Arklow, Ballyhorsey and Doran's Pit in Blessington. These property assets provide aggregates, added-value products and inert material recovery to Wicklow and the surrounding region.

This submission relates to the consultation on the amendments to the Draft Wicklow County Development Plan 2016-2022 ('draft development plan').

This submission identifies further proposed revisions to the amended policies in red and proposed deletions in blue.

2.0 BASIS OF THE SUBMISSION

2.1 Transport Strategy for the Greater Dublin Area 2016-2035

Amendment 5 and amendment 37 reflect the policies of the adopted Transport Strategy for the Greater Dublin Area 2016-2035. This transport strategy does not provide for a Luas stop or other mass transit at Fassaroe. Roadstone supports Wicklow County Council's clear intention to seek the provision of a mass transit solution at Fassaroe. The sustainable development of Fassaroe for mixed use and housing development is key to meeting the housing targets for Bray and for the county.

2.2 Extractive Industries

Roadstone welcomes the changes proposed by Amendment 7 to the objective in relation to extractive industries. It is considered, however, that the policy revised by Amendment 94 (relating to development management policies) could be further amended as follows:

Proposed method of extraction

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- *Total quantity over the life of the quarry including the maximum annual quantity of material to be extracted (tonnes)*
- *expected life of the excavation and anticipated timeframe for the completion of the extraction;*
- *Proposed method and depth of working, including details of direction of work, phasing, duration of each of the site development works, tipping and extractive operation and restoration;*
- *Details of plans of plant and machinery for mineral or aggregate extraction;*
- *Method of transporting material to processing or disposal point (e.g. roadway, conveyor, tramway, etc);*
- *State the length of time the operation will last from inception to final restoration.*

This further amendment would ensure that commercially sensitive information is not available on the public record.

Furthermore, Amendment 94 also provides for revisions to the policy on financial sureties. It is considered that point 3 should be amended as follows:

- 3. The planning authority will require the developer to lodge a cash deposit, a bond of an insurance company, or other security acceptable to the planning authority as security for the satisfactory restoration of the site.*

The requirement for a cash deposit (often a significant sum) imposes unnecessary restrictions on the industry and can create financial difficulties for operators by tying up significant sums of cash. The proposed amendment reflects the standard condition used by An Bord Pleanála; it provides the council with the necessary security to ensure site restoration and it ensures that the operator's cash flow is not unduly affected.

2.3 Environmental Monitoring and Designations

Roadstone welcomes the revisions proposed by Amendment 43 and Amendment 44 in relation to air quality and noise monitoring. The draft policies now propose a pragmatic approach to air quality and noise monitoring.

Amendment 58 identifies certain county geological sites as recommended candidate NHAs, including the Blessington Delta. Doran's Pit is an operational pit that is located within the Blessington Delta and it is considered, therefore, that any designation should not constrain the ongoing and permitted operations of Doran's Pit. It is considered that the text relating to county geological sites and candidate NHAs should state the following:

- The preservation of geological heritage is not incompatible with continued extraction at quarries and pits. Extractive operations often expose geological heritage that would otherwise remain inaccessible and restoration schemes can incorporate appropriate faces for geological study.*

2.4 Coastal Flooding

Amendment 61 proposes a policy relating to coastal flooding and amendment 103 incorporates a map identifying various flood zones in coastal zones, which is based on a map prepared by the OPW. The map shows that the extant quarry void and the access road to Roadstone's operational quarry in Arklow is in Flood Zone A Coastal. The amended policy (CZM-X) prohibits all development in such zones.

National planning policy in relation to flooding is set out in 'The Planning System and Flood Risk Management: Guidelines for Planning Authorities' (November 2009). This policy

identifies water compatible development that is permissible in Zone A and outlines a Justification Test for other development on zoned land that cannot be located elsewhere. It is considered that the policy proposed by Amendment 61 does not reflect national policy by requiring a blanket ban on all development in Zone A in all instances.

In a letter dated 25th August 2016, Roadstone requested that the OPW remove the quarry void from the coastal tidal flooding maps. The coastal tidal flooding maps do not indicate a pathway from the coastline at the site to the area on the quarry floor, which is below sea level. The lowest ground level between the coastline and the quarry void at the Roadstone site is at c. 19mOD Malin. The lowest ground level is above the modelled tidal flood levels of 1.95mOD, and it is, therefore, not possible for the quarry void to flood as indicated on the coastal flood mapping.

It should be noted that Roadstone's quarry at Arklow is an operational site that has been established for many years. The existing development on the site relates to a tied resources and it cannot be relocated. In addition, the aggregate resource at Arklow is of strategic importance. The rhyolite stone resources at the quarry represent an aggregate resource of regional and national importance. This high quality deposit is suitable for high PSV, railway ballast and rock armour, which is used for coastal defense applications. We are not aware of any other location in the south-east region that produces aggregate with similar characteristics.

3.0 CONCLUSIONS

The extractive industry provides essential building materials for residential development, infrastructure, health care facilities, education facilities and all other forms of built development. Extraction can only take place where resources occur and it is, therefore, tied to certain locations.

The county development plan should ensure that the extraction of aggregates can take place in suitable locations where resources exist without undue environmental effects. It is important to ensure that the future interpretation of county development plan policies does not result in the sterilisation of aggregate resources and does not prevent the secure, long-term supply of construction aggregates and value-added products such as concrete blocks and road making materials and the continued operation of established and operational quarries.

Through this submission, Roadstone requests that the recommended amendments be made to the draft development plan before it is finalised and published.

Yours faithfully

SLR Consulting Ireland

Tim Paul
Director



Cc. Mr. R. Griffin/ Mr. S. Geraghty (Roadstone Ltd.)

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

John Royds
Timmore House
Newcastle
Greystones
Co. Wicklow



26th August 2016

Dear Sir / Madam

Comments on
Wicklow County Development Plan 2016-2022
Chief Executive's Report on Public Consultation on the Draft Plan
Section 3.3.5 Chapter 5 Economic Development Plan
Plan Topic: Zoning
C182 Warmridge Ltd

3 un-numbered pages between pp 373 & 374

C182 submitted by Malcolm Lane of P D Lane Associates for Warmridge Ltd
re-zoning of 0.68 Ha/1.7 acres from unzoned/'rural' to 'Light Industry/Employment

1.0 General Comments

1.1 Warmridge Ltd / Abwood re-zoning proposal

Apparently, Councillor John Snell proposed this re-zoning and it is understood no mention was made by him that he worked for Abwood for many years. This 3 page re-zoning proposal has been inserted into the "Chief Executive's Report on Public Consultation on the Draft Plan" between pages 373 and 374 un-numbered. The report does not mention that Breda Hamilton (director of Warmridge) was Abwood's Financial Director.

1.2 Abwood Planning History at Timmore townland

As noted by the Chief Executive in his report, "there has been a long history of planning applications and unauthorised development associated with these lands." Other developments at Timmore including the Display Centre and original factory were build without planning permission by Abwood. A summary of various Abwood activities at Timmore are attached as an appendix.

1.3 Abwood trade name

Various companies have been behind the Abwood trade name. Originally it was **Newcastle Timber Ltd** which went into liquidation. After this, **Abwood Ltd** which also went into liquidation. **Forest Fencing Ltd** was then created and this is apparently in receivership.

2.0 Opposition to re-zoning

I am opposed to the re-zoning of 0.68 Ha (1.7 acres) of lands at Timmore owned by Warmridge Ltd from unzoned/'rural' to 'Light Industry/Employment' for the following reasons:

- ◇ There are many serviced areas zoned for employment nearby in Newtownmounkennedy so there is no need to re-zone this part of the Timmore townland from rural to light industry/employment.
- ◇ Timmore Lane is narrow and allowing articulated trucks and other heavy goods vehicles associated with the proposed re-zoning would create a traffic hazard. The turning movements and sightlines leaving and entering the site are inadequate.
- ◇ The proposed re-zoning site by virtue of its prominent location and industrial nature, which is incongruous in this rural context, would detrimentally affect the rural character and injure the visual amenities of the area, including views from the N11 which is the primary tourist route in Co. Wicklow.

Yours faithfully



John Royds

APPENDIX

SUMMARY OF ABWOOD ACTIVITIES IN TIMMORE TOWNLAND

1. The kind neighbour

Around 1985, a kind neighbour offered Abwood the rent-free use of a small field he owned near his house temporarily for cutting logs until such time as they 'got on their feet' and could move to a properly zoned area.

2. Legal action

By the late 1980s, the business had grown considerably, but Abwood did not relocate to a suitable neighbouring Industrial Estate. Instead, it expanded by building a Display Centre and sawmill on the kind neighbour's land without permission from either the neighbour or from the planning authorities. The Display Centre became a full-fledged commercial enterprise, complete with bunting and flags.

In addition, Abwood purchased more trucks and parked them all along the narrow driveway that led to the neighbour's house. This rendered the entering and exiting of their property hazardous. Furthermore, on a number of occasions, people narrowly missed having their cars hit or being physically knocked down on Timmore Lane as the huge trucks reversed from the neighbour's narrow drive onto Timmore Lane at the Junction of Timmore Lane and the N11 itself. Complaints were made to An Garda Siochana without subsequent action being taken.

The kind neighbour finally had to mount a lengthy, time consuming, very expensive legal action to rid himself of Abwood.

During the course of the proceedings, Abwood leveraged their position – claiming ownership of the land and attempting to leverage further by claiming land as settlement for an alleged debt.

On the 24th July 1990, Judge Smith found against Abwood and an Order for Possession was given to the plaintiffs with a stay of three months and costs.

The decision was appealed to the High Court. Proceedings were settled whereby Abwood agreed to vacate on or before the 1st September 1991 and comply with other restrictions.

3. Building new Display Centre

After the eviction from the kind neighbour's land, Abwood then proceeded to construct a new display centre without planning permission.

This was built in a garden at the junction of Timmore Lane and the old N11 without planning permission. Retention permission was then applied for on the 4th November 1991 (Wicklow County Council ref: 91/7589) but was refused on the 2nd May 1992 for 3 reasons:

- 1 The use of the site for commercial purposes materially contravenes the County Development Plan policy to restrict development along the National Primary Road and to protect the road from commercial exploitation.
- 2 The continued use of the land for commercial purposes would endanger public safety by reason of serious traffic hazard because the traffic turning movements and roadside parking generated would interfere with the free flow and safety of traffic on the road network at this location.
- 3 The commercial use of the site seriously interferes with the views of special amenity value which it is necessary to preserve because this use detracts from the scenic character and amenity value of the land adjoining the National Primary Road which is the main tourist route in the County.

Wicklow County Council presumably took action against this unauthorised development in the District Court but no mention of this could be found on the file. However, a note was attached about the subsequent appeal to the Circuit Court on the 4th February 1994 from the Law Agent:

"Honour Judge Patrick Smith held Notice was specious and inadequate and said he was satisfied that the accused had got planning permission by default and he dismissed the prosecution."

So, in spite of the use of this display centre endangering public safety by reason of serious traffic hazard, this unauthorised commercial development now had permission by default.

Why was Wicklow County Council's Notice "specious and inadequate"? No indication was given on the file. Whether this was maladministration or some other factor, this permission by default means that this display centre still presents a serious traffic hazard at the junction of Timmore Lane and the old N11 (reason 2 of refusal).

Furthermore, it is understood that no default permission can arise when a development contravenes the County Development Plan (reasons 1 & 3 of refusal).

4. Construction of New Factory

A new factory was built without planning permission on land belonging to Michael Byrne. The site had been refused permission for bungalows on 4 separate occasions (6900/81, 1977/86, 4564/89 and 6459/90). In each case, one of the reasons for refusal was that the site might be required for the construction of a new road (the N11 re-alignment).

Retention permission was then applied for on the 3rd January 1992 (ref: 92/7745). 19 months later, on the 9th August 1993 permission was granted subject to 14

conditions. Condition 1 concerned the new road:

1. This permission shall be for a period of 3 years only.
REASON: The Roads Authority have yet to determine the layout for road improvements in the area and it is likely that this site could be affected.

Allowing a factory to be built in this agricultural zoned area was contrary to the County Development Plan. No consideration by Wicklow County Council of this material contravention could be found in file 92/7745

The residents felt that a 3 year permission was just about acceptable as after this period the factory would be re-located to a properly zoned industrial area.

Furthermore, there would be no compensation entitlement in the event of this site being needed for the N11 re-alignment and a CPO being served.

During this 3 year period, further sheds were constructed on the site without permission (see appendix 1 original plan drawings for 7745/92 and appendix 2 Abwood original factory photograph). These are referred to in the enforcement notice (underlined) sent by Wicklow County Council by registered post to Abwood on the 23rd August 1996 (see below and appendix 3) when the temporary permission for the Abwood factory lapsed in 1996:

23rd August 1996
A Chara

ref: BM/MP/DT

As planning permission under 7745/92 has now expired and as no extension of time has been granted, your production facility is now unauthorised. As no permission has been granted for any other building on your production site, they are also unauthorised.
[underline added]

It is also noted that you installed an office type building in your display area together with some advertising hoardings.

You are required to cease all production operations immediately and to remove all unauthorised structures from both your production and display/sales premises within two weeks.

Failure to comply with this request shall result in this Council seeking an injunction through the Courts.

Mise, le meas,
ACTING STAFF OFFICER
PLANNING SECTION
REGISTERED POST

As nothing seemed to be happening with the enforcement, the resident's chairperson sent a registered letter to Wicklow County Council on the 14th February 1997 asking that the Abwood factory be relocated to an area designated for industrial use.

Wicklow County Council replied on the 28th February 1997. In relation to the Abwood factory, they stated:

"The planning permission granted under planning reg. ref. 7745/92 expired on the 17th August, 1996. It is intended to pursue the unauthorised works with the developer and if necessary to initiate legal proceedings with regard to same."

From our examination of file 92/7745, it appears that absolutely no action was taken by Wicklow County Council "to pursue the unauthorised works with the developer and if necessary to initiate legal proceeding with regard to same".

This may have serious financial implications for rate and tax payers.

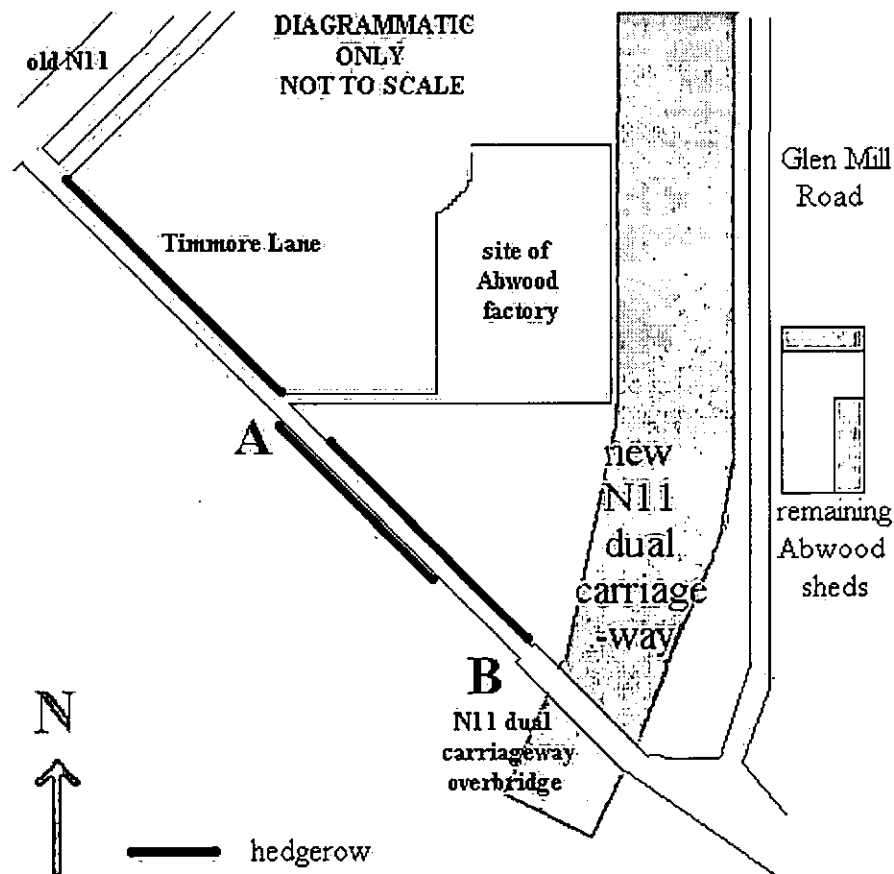
The reason for a High Court case is discussed in section 12. An extract from the judgement is quoted below from pp. 2 & 3, part of paragraph 4 of Justice Charleton's judgement of the 13th July 2007 (see appendix 5) who states:

"The relevant land was compulsorily purchased for the N11 and, I understand from the submissions of counsel, the disruption to the existing business was valued together with the land purchase price at sum around of €4m. By reason of this dispute between the parties, such portion of that sum as requires to go to arbitration has yet to be decided upon and, in consequence, that amount has yet to be paid."

So by not forcing Abwood to move to a properly zoned industrial area in 1996 when the temporary 3 year permission expired, Wicklow County Council may cost tax and rate payers up to 4 million euro.

The remaining sheds which were erected without planning permission are still being used as part of the Abwood factory. Abwood trucks regularly cause traffic problems on the narrow lane-way between the original exit onto Timmore Lane and the access down the new Glen Mill Golf Club road. Cars have to reverse and Abwood trucks have even been seen mounting the pavement at speed.

This is a serious traffic hazard which has not been considered by the planners. Trucks turning left out of the new factory site south will not be able to keep in the left lane. For the section of Timmore Lane between point A and point B on the diagram, the lane is far too narrow for commercial traffic. Abwood trucks are regularly driving between the remaining Abwood sheds on Glen Mill Golf Club Road and Timmore Lane (see diagram below). This serious traffic hazard endangers public safety and all users of Timmore Lane including pedestrians and the many people riding horses are affected.



Why are these sheds being used at all? On page 29, part of paragraph 44 of Justice Charleton's judgement (see appendix 5) of the 13th July 2007, he states:

"The condition attached to it, however, was that the permission should endure for three years. On the face of it, that permission related to both the activity and the buildings. It made sense to impose a three year limit because the new N11 roadway was due to be built over that site then. Everybody knew this. That time has expired and the application for an injunction has been made within time."

In an article in the *Wicklow People* of the 21st October 2004, Mr Bryan Doyle who was then Director of Planning with Wicklow County Council discusses the 92/7745 temporary permission:

"Director of planning with Wicklow County Council, Bryan Doyle, says that the original permission for the factory was for retention of use back in [1993]. This application was granted for a period of three years because of the impending road scheme, he recalls.

"The size of the building granted was 5,000 square feet. This building was increased without any further permission or without a renewal of the temporary permission, Mr Doyle states." [underline added]

5. N11 re-alignment

In late 1995, Wicklow County Council started the process of considering various route options for the N11 re-alignment.

After the final route selection had been made, "Notices to Treat" were served on affected landowners in March 2001.

The selected route required the demolition of the original Abwood factory building. However, it is understood that not all of the additional buildings added without planning permission were demolished – see section 4.

6. Abwood application 02/6030

On the 18th January 2002, Abwood applied for outline planning permission on the site of this appeal.

This was refused on the 14th March 2002 for 7 reasons. A short summary is given below:

- ◇ Would impinge on protection of Greenbelt area between the expanding urban areas in close proximity from unnecessary and haphazard development.
- ◇ Impinge on 100 metre restriction from N11.
- ◇ Contrary to development control of the County Development Plan.
- ◇ Deficiency of water supply.
- ◇ Traffic hazard due to traffic turning movements.
- ◇ Traffic hazard due to – inadequate sightlines at entrance and laneway access is deficient in width and surface to carry heavy goods and private vehicles likely to be generated by this development.
- ◇ Scale and setting would seriously injure the amenities of the area and detract from the views of special amenity value which it is necessary to preserve.

The subsequent appeal to An Bord Pleanála was withdrawn.

7. Abwood application 02/6876

On the 12th August 2002 Abwood applied to Wicklow County Council for full planning permission for inter alia 15,000 sq.ft. factory on the same site.

However, the application was incomplete and all the material required was not received from the architects until 10th September. [This is dealt with by Justice Charleton's High Court Judgement of the 13th July 2007 – see section 12].

On page 13 of Justice Charleton's High Court Judgement, paragraph 20 quotes the letter of the 10th September to Abwood's architects stating that it was "received on 12/08/2002" [12th August 2002].

Why was this back-dated? Was it maladministration or was there some other factor

involved?

The Wicklow County Council's Planner recommended refusal for 7 reasons – "in particular the development would be inconsistent with the County Development Plan policy, traffic impacts and inadequacy of information re omissions and processes on site, impact on 100m setback from N11."

Wicklow County Council sought further information on the 30th October 2002 but Abwood did not respond instead claiming permission by default on the 5th December 2002.

The further information request sought on the 30th October 2002 was within the required 8 week period as the application was received in full on the 10th September 2002.

However, Abwood claimed that the application was received by Wicklow County Council on the 12th August 2002 making the request for further information sought on the 30th October 2002 outside the 8 week period.

Wicklow County Council insisted that permission by default could not be granted when the application contravened the Development Plan. Abwood claimed the request for further information was really a request for Modification of Plans.

This permission by default issue has delayed the planning process for nearly 6 years as the case was taken through the Circuit Court, the High Court and then when Abwood lost, applying for retention.

8. New Abwood factory constructed

Having claimed permission by default, the new Abwood factory was built.

However, as Justice Charleton states in his Judgement of the 13th July 2007 on page 27, part of paragraph 39:

"This site . . . was entirely built by the developer in the way that they wanted it, with virtually no reference to any plans which they have contended are the subject of a default decision."

9. First Abwood Circuit Court Motion May 2003

Wicklow County Council brought the first Abwood motion to the Circuit Court in May 2003.

Judge McCartan published his judgement on the 10th February 2004.

This is summarised in Justice Charleton's judgement (see appendix 5) of the 13th July 2007 (see section 12) pp 3 & 4, part of paragraph 6:

"Wicklow County Council brought the first motion in this case in May 2003 and the case came on for hearing before the Circuit Court on the 10th February 2004. Judge McCartan granted the relevant injunctions but allowed time for an application to be made by the respondents/appellants for retention permission. This indulgence was not taken up as, I am told, the respondents/appellants believed that they had a default permission in respect of their development and, as was their right, proposed instead to appeal to the High Court."

10. Second Abwood Circuit Court Motion October 2004

The second motion in this case was brought on the 12th October 2004 because of what had initially been a development incorporating two new buildings, had by that stage become four new buildings with other major changes to the site.

On the 5th November 2004, Judge McCartan made further orders on the second motion. The result was to effectively condemn the entire of the development.

The Circuit Court proceedings featured in the *Wicklow People* of the 11th November 2004:

"Judge McCartan observed that the proprietor of Abwood and the fencing company, . . . had totally ignored the ruling of this Court and made his own decision to carry on. Judge McCartan said that he had no hesitation in acceding to the application of the Council."

11. Amendments to Draft County Development Plan 2004 – 2010

In 2004, between Judge McCartan's Circuit Court Judgement of 10th February 2004 and making of further orders on the 5th November (see section 10 above), Abwood sought to have the site occupied by the claimed permission by default to be re-zoned commercial in the Draft County Development Plan 2004 – 2010. This was voted against by the elected Wicklow County Councillors on Monday 1st November 2004 with 14 of the 24 elected members in favour of removing the Abwood site from the draft plan.

During the debate, County Manager Eddie Sheehy was quoted in the *Wicklow People* of the 4th November 2004 as saying:

". . . 'We get a lot of complaints from councillors that we don't enforce planning regulations. This is by far the worst flouting of the planning laws. He has stuck up his two fingers at the planning law. The court case has been adjourned and the development at the site has continued. It is an eyesore on the N11. Re-zoning this land would pull the rug from beneath the enforcement staff at the council and may prejudice the court case,' he said."

12. Appeal to High Court June 2007

After hearings in the High Court during June 2007, Justice Charleton delivered his judgement on the 13th July 2007.

He held in favour of Wicklow County Council so that there was no default permission for the Abwood factory.

Regarding the development of the site under Abwood's claimed default permission, Justice Charleton states on page 27 part of paragraph 39:

"This site, however, and for whatever reason, was entirely built by the developer in the way that they wanted it, with virtually no reference to any plans which they have contended are the subject of a default decision."

On page 33, part of paragraph 50 of his judgement, Justice Charleton states:

"This is a major development, for which there is no planning permission. It is in material contravention of the County Wicklow Development Plan. It is built entirely to suit the developer and with almost no reference to legal constraint. I am obliged to decide in favour of the injunctive relief sought."

On a later application to the Court by Abwood, Justice Charleton allowed a period of 9 months for Abwood to comply.

13. Abwood Retention Application 07/2646

Rather than demolish the factory and re-instate the original site and move to a suitably zoned industrial area, Abwood decided to apply to Wicklow County Council for retention.

An application (07/2646) was lodged on the 7th December 2007. The address was given incorrectly as:

Abwood Homes, Timore (sic) Lane, Newtownmountkennedy (sic)

The correct address is: Abwood Homes, Timmore Lane, Newcastle

All previous Abwood planning applications to Wicklow County Council have given the address as Timore (sic), Newcastle.

Wicklow County Council seemed to have accepted this incorrect address.

On the 5th February 2008, Wicklow County Council's Planner dealing with this retention application – Ms Edel Bermingham – recommended refusal for 4 reasons but was overruled by the Director of Services, Mr Des O'Brien who requested that further information be sought.

This retention application materially contravened the County Development Plan so if Wicklow County Council wanted to grant permission this would have to be approved by the elected Councillors.

After the further information had been received, the County Manager approved proceeding to Material Contravention on the 17th April 2008.

On Monday 9th June 2008, the elected Councillors considered this material contravention. For the proposal to succeed required the support of 18 out of the 24 Councillors. This failed. 17 were "for", 6 were "against" and 1 was not present. Significantly, out of the 4 local Councillors for Timmore, 3 were "against" and 1 was "for". The local Councillor who was "for" the material contravention confirmed that he had an in-law who is not a connected person working for Abwood.

Many of the councillors who voted "for" the material contravention were concerned about job losses. Of course no jobs would be lost if Abwood transferred their operation to a properly zoned industrial area.

Immediately after this vote, Wicklow County Council refused to grant retention for 07/2646 at "Abwood Homes, Timore (sic) Lane, Newtownmountkennedy" (sic).

14. Abwood appeal to An Bord Pleanála 30th June 2008

This refusal of 07/2646 by Wicklow County Council on the 9th June 2008 was appealed by Abwood to An Bord Pleanála on the 30th June 2008 on the 7th July 2008.

An Bord Pleanála's letter of the 2nd July 2008 to Wicklow County Council (ref: PL27.229830, 072646) for "Appeal Re:", it states:

"Retention of buildings, alterations to factory, upgrading of junctions and associated sites works.

"Abwood Homes, Timore (sic) Lane, Newtownmountkennedy (sic), Co. Wicklow."

As has been stated in Section 13, this is not the address for Abwood Homes and it is important that this is corrected to Timmore Lane, Newcastle, Co. Wicklow.

The Bord Pleanála Oral Hearing was held on the 18th November 2008 and on the 16th January 2009, permission was refused for PL27.229830

The Inspector's report listed reasons and considerations for refusal:

CONCLUSION AND RECOMMENDATION

It is considered that the development it is proposed to retain materially contravenes the CDP, as it involves an industrial use in unzoned rural area and does not comply with the criteria for this type of development in such a location, as set out in Section 5.2 of Chapter 6 of the County Development Plan. With regard to the decision of the planning authority, I do not consider that there are grounds for the Board to overturn the decision of the planning authority in accordance with the provisions of Section 37

Appendix to letter 26Aug16 to WCC Planning Department from John Royds

of the Planning and Development Act, 2000. In addition, the proposed vehicular access to the site from Timmore Lane is considered to be substandard due to inadequate sight distances and to the deficient width of Timmore Lane at this location.

Finally, due to the incongruous industrial use of the site in this rural context and to the prominent visibility of the site in views from the designated N11 'Corridor Landscape Zone', it is considered that the development would have an adverse visual impact on the area and would contravene CDP policy to protect such views. Accordingly, refusal is recommended based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

1)

The proposed development is located in an unzoned rural area as per the Wicklow County Development Plan 2004-2010. It is a policy of the planning authority, as set out in the plan, to channel industrial/employment development into serviced centres and to restrict development in rural areas to developments that comply with specific criteria as set out in Section 5.2 of Chapter 6 of the Plan. This objective is considered reasonable. The proposed development does not comply with the specified criteria.

The proposed development would, therefore, contravene materially the development objective as set out in the development plan and be contrary to the proper planning and sustainable development of the area.

2)

The proposed development by virtue of its prominent location and industrial nature, which is incongruous in this rural context, would detrimentally affect the rural character and injure the visual amenities of the area, including views from the designated N11 'Corridor Landscape Zone'. The development would therefore contravene County Development Plan policy to protect such views and be contrary to the proper planning and sustainable development of the area.

3)

The proposed development would endanger public safety by reason of traffic hazard because the restricted sight distance available at the junction between the site access road and Timmore Lane, in addition to the narrow width of Timmore Lane at this point, would preclude the provision of a safe and satisfactory means of vehicular access onto the public road. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

On the 16th January 2009, An Bord Pleanála refused permission for the proposed development PL27.229830 based on the reasons and considerations below:

REASONS AND CONSIDERATIONS

1.

The development proposed to be retained is located in an unzoned rural area as per the Wicklow County Development Plan 2004-2010. It is a policy of the planning authority, as set out in the plan, to channel industrial/employment development into serviced centres and to restrict development in rural areas to developments that comply with specific criteria as set out in section 5.2 of Chapter 6 of the Plan. This objective is considered reasonable. It is considered that the proposed manufacturing activity involved does not have any local resource, process or workforce related need to be situated in this rural area and, therefore, does not comply with the specified criteria. The proposed development would, therefore, contravene materially the development objective as set out in the development plan and be contrary to the proper planning and sustainable development of the area.

2.

The development proposed to be retained by virtue of its prominent location on an exposed site adjacent to the N11 route and its industrial nature, would detrimentally affect the rural character and injure the visual amenities of the area, including views from the designated N11 'Corridor Landscape Zone'. The development proposed to be retained would, therefore, contravene development plan policy to protect such views and be contrary to the proper planning and sustainable development of the area.

15. High Court 1st July 2008

After lodging the appeal to An Bord Pleanála on 30th June 2008, Abwood was before Mr Justice Charleton (see section 12) the next day for failing to comply with a High Court Order to demolish the company's factory within the 9 month period given. In light of the appeal to An Bord Pleanála (section 14 above), the case was adjourned until January 2009.

16. Retention Permissions

The Abwood planning saga at Timmore since 1985 has essentially been one of build first and then apply for retention later if challenged.

At the moment, the only site that has planning permission is the display centre which was built without planning permission and refused on retention application. As was stated in section 3, permission was granted by default in the Circuit Court because Wicklow County Council's Notice was specious and inadequate.

C24

Leonora Earls

From: David Valentine
Sent: 23 August 2016 22:39
To: Planning - Plan Review
Subject: Proposed Amendment 72 Of County Wicklow Development Plan
Attachments: Wicklow County Council Submission Re Proposed Amendment 72 of County Development Plan.docx

Please find the attached re Amendment 72.

Yours Faithfully

Pauline Lawrence,

C/O Saint Mary's Church Baltinglass,
The Rectory,
Church Lane,
Baltinglass,
Co. Wicklow.

Secretary Baltinglass and Ballynure Select Vestry

To Whom It May Concern,

We are writing to make a submission for consideration on the proposed Amendment Number 72 of the Wicklow County Development Plan 20162022.

The Select Vestry and parishioners of Baltinglass Group of Parishes are concerned about the possible implications for the parish and wider community of Amendment Number 72 of the County Development Plan.

Baltinglass Abbey is a site of archaeological importance, the footprint of which is in State guardianship. While our lands share historical interest with the Cistercian Abbey founded by Diarmuid Mac Murrough, we currently consider the main site of historical interest to be within the current standing walls of the abbey as cared for by the OPW. This boundary has been established by custom and practice over the years as the OPW have held a duty of care for the abbey. On the other hand, the graveyard and surrounding grounds have been cared for, maintained and insured by Baltinglass Group of Parishes for generations. As such, responsibility for this ground has rested, and should continue to rest, with Baltinglass Group of Parishes.

To change the zoning from C/E OS UNZONED to Baltinglass Abbey Historic Area will have serious implications for the parish grounds in this immediate area. This area is the living, breathing centre of our parish, incorporating our church, our graveyard / burial ground, our parish rectory, our parish hall and school. Thanks to the endeavours of our parishioners, we are the proud custodians of one of the few remaining complete ecclesiastical sites in the country.

We applaud the council for their interest in the Baltinglass area, particularly as we have no specific Dáil representation from West Wicklow. We do, however, question the details of this plan given that there is no infrastructure in place to allow for the development of the proposed facilities.

The proposed rezoning in Amendment Number 72 is of concern for the entire community of Baltinglass, as a result of the minimal infrastructure available to the residents, school children, parents, parishioners and community who use Church Lane.

Church Lane is a narrow, tarmac covered cul-de-sac where two narrow cars can pass with difficulty. There are no secure car parking facilities available on the lane. A small number of cars can park on the turn table at the end of the cul-de-sac, adjacent to the narrow entrance to the riverside amenity but this finite parking area creates difficulty with access to and from the abbey, church grounds and riverside amenity when in use, causing continuous blocking of emergency access points and exits. There are no footpaths or cycle tracks in operation along Church Lane which creates health and safety issues during busy times, particularly when the riverside amenity is active during the summer months and during drop-off and collection times of the adjacent school. As such, the increased footfall during summer months also leads to an increase in sanitary issues with an absence of bins and toilet facilities.

We respectfully request that the council purchase the adjacent lands at Church Lane, Baltinglass (Folio Number WW6784F) which would allow for the development of public riverside amenities, including a car park for same, which would reduce the dangerous impact of traffic at the abbey and riverside sites while allowing for visitor amenities.

Baltinglass Group of Parishes have been the responsible guardians of these lands for generations. The wording of Amendment Number 72 which states that the council seeks "*to resist development that would detract from its integrity and setting*" is an affront to the parish as it is the glebe lands which would be rezoned and therefore suggests that the Select Vestry would deviate from its ongoing, consistent, steady history of maintenance and progressive, but necessary, development.

The parish has, and always will have, possible plans for the future enhancement of these facilities. For example the expansion of our graveyard is currently under consideration. Our graveyard is adjacent to our church and the external footprint of the abbey. It is an active graveyard. We believe that this proposed new designation would endanger this essential expansion.

We find it interesting to note that Amendment Number 72 seeks to rezone glebe lands held by Baltinglass Group of Parishes. As stewards of this area for centuries, we now feel a natural wariness of this plan which seeks to rezone the glebe lands. Amendment Number 72 does not seek to rezone other areas of historical interest within the environs of Baltinglass. The rezoning objective which accompanies the amendment discusses accessibility for the site, including walking routes and car parking facilities which are laudable targets. However, the objective does not rezone any other areas in the immediate locality to assist with achieving these targets. As previously mentioned, the proposed area for rezoning is at the end of a narrow cul-de-sac with little or no space for car parking or right of ways for walking. As such, we are forced to ask if the glebe lands will be subject to a compulsory purchase order in the future while the obvious site of Folio WW6784F, across the road from the abbey, remains up for auction as an eyesore to visitors and was not subject to a rezoning proposal in this amendment.

Baltinglass Group of Parishes have been the wardens of these lands for hundreds of years and we have cared for them well. We believe that this proposal is unnecessary and will be detrimental to our parish life and Christian witness.

The above is without prejudice to any further comments which we may make. We respectfully request that Amendment Number 72 be withdrawn.

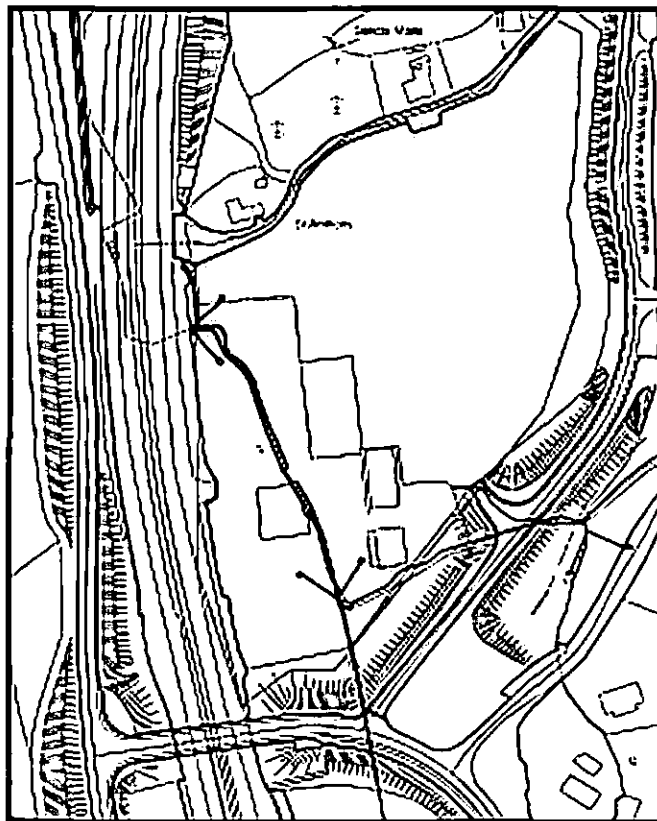
Yours faithfully,

Pauline Lawrence,

Secretary Baltinglass and Ballynure Select Vestry

SUBMISSION
AMENDMENT TO
DRAFT WICKLOW COUNTY DEVELOPMENT PLAN
2016-2022

SEXTONS GARDEN CENTRE
GLEN OF THE DOWNS
AMENDMENT 32



25th August 2016

FRANK O'GALLACHÓIR
& ASSOCIATES LTD.

Professional Town
Planning Consultants



Our Ref: J16/042

County Development Plan Review
Draft CDP Amendments
Planning Department
Wicklow County Council
County Buildings
Wicklow Town

Date: 25th August 2016

**RE: AMENDMENT 32-DRAFT WICKLOW COUNTY DEVELOPMENT PLAN
SEXTONS GARDEN CENTRE**


"TO RESTORE TOURISM, LEISURE & ARTS & CRAFTS DESIGNATION"

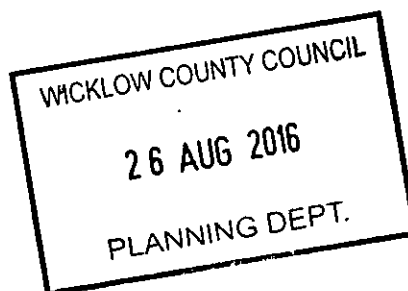
Dear Madam,

We act on behalf of Mr. Paul Sexton of St. Anne's, Bray Road, Shankill, County Dublin on behalf of the Sexton family, owners of Sexton's Garden Centre. We wish to make a submission regarding Amendment 32 of the Draft Wicklow County Development Plan 2016-2022 for the consideration of the Council. Our submission follows.

Please contact us if we can be of any further assistance on any of the matters raised. Please address all correspondence to the undersigned.

Yours sincerely,


Frank O'Gallachóir
Dip. T.C.P., M.Sc., M.I.P.I.



Enc: Draft County Development Plan Submission



SEXTONS GARDEN CENTRE, GLEN OF THE DOWNS

AMENDMENT 32

1. INTRODUCTION

1.1 Location

Sexton's garden centre is located on the east side of N11/M11 close to the Glen of the Downs Interchange. It has an existing vehicular access from the national road. It also has an access via Ballydonagh Lane. The site comprises of 3.24 ha (8 acres).

These lands were developed as a Garden Centre in the mid-late 1960's when the three principle buildings were built. The existing garden centre is a building of historic interest as it is the first purpose built garden centre in Ireland.

The full extent of the lands has been used for Garden Centre use and the display of various goods including garden sheds over the years. We understand that all existing retail uses are established as regards planning. There was a pitch and putt course on the site for many years. This leisure use has ceased at this time.

1.2 Planning History

Planning Ref No: 08/1137 was a planning application for an interpretative and tourist information centre arts and crafts building and alterations and extensions to existing garden centre, and closing off of the existing access from the N11. This was refused planning permission because of the scale of the development proposed.

Planning permissions have recently granted for various modifications to the garden centre.

1.3 2004 and 2010 County Development Plan

The Planning Authority zoned this entire site in the 2004 County Development Plan for "*Arts and Crafts and Tourism incorporating an Interpretive Centre for the Glen of the Downs.*" See Map 24 of Wicklow County Development Plan 2004.



Similarly the Sexton lands were designated in the 2010 County Development Plan Chapter 9, Part 9.3.6 Tourism & Recreation Themes & Products by Objective TTP4 as follows. See Map 9.08 attached.

TTP4 To support the development of craft/artisan centres at established tourist facilities. In particular, the Council will support the development of an arts, crafts and interpretive centre at Sextons Garden Centre, Glen Of The Downs.

1.4 Draft Development Plan 2016-2022

○ The original Draft County Development Plan contained the following objective T30: ***To support the development of craft/artisan centres at established tourist facilities. In particular the Council will support the development of an Arts, Crafts and interpretive centre at Sexton's Garden Centre, Glen of the Downs.***

1.4 Amended Draft Development Plan 2016-2022 – Sexton Family Submission

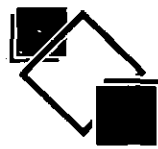
A submission was made by the Sexton family suggesting that the zoning applied to the lands at the Glen of the Downs be changed to: ***“Sexton's Garden Centre Lands should be supported as an area to continue to be developed as a key retail and tourism attraction in a sustainable manner”.***

1.5 Amended Draft Development Plan 2016-2022 – Amendment T32

○ Following consideration of the matter, the Council made amendment T30 which removed all zoning and designations from Sextons Garden Centre. The amendment reads as follows.

AMENDMENT 32 – Chapter 7 ‘Tourism & Recreation’ Section 7.4 – Tourism & Recreation Objectives.

T30 To support the development of craft/artisan centres at established tourist facilities. In particular, the Council will support the development of an Arts, Crafts and Interpretive Centre at Sexton's Garden Centre, Glen Of The Downs (Map 07.11). Omit Map 07.11



2 SUBMISSION OBJECTIVE

2.1 Submission Request

We request the Council to reinstate the following objective. *T30 To support the development of craft/artisan centres at established tourist facilities. In particular, the Council will support the development of Tourism, Arts, Crafts and Leisure uses and Interpretive facilities at Sexton's Garden Centre, Glen of the Downs.*

In order to avoid any confusion, our client did not request the Council to remove the 2004 and 2010 CDP designation from these lands.

2.2 Rationale

This submission seeks to reinstate a sustainable County Development Plan objective for these lands in order to ensure the sustainable continuation of the established uses on the site to provide for leisure use also. The rationale for the submission is as follows.

1. The site is a very substantial site of circa 8 acres, with a range of established retail uses which has been in existence of the mid-1960s. It should have a planning designation because of its size, its employment and its established planning status.
2. Such a large site with existing employment and retail activities need some planning certainty. The removal of zoning removes this planning certainty and undermines the economic sustainability of these lands into the future.
3. It is a significant local employer. A zoning designation is required to safeguard the future of these jobs.
4. This site is a large retail showcase for very many local products. There is potential to significantly expand this service to local producers if its future is secured.
5. Shopping, especially at weekends has become a leisure activity. This activity needs ancillary arts and crafts and leisure facilities. The proposed designation supports such leisure and recreational shopping.
6. The owners are favourably disposed to closing the existing vehicular access of the national road, as part of a planning permission securing a sustainable expansion of facilities and services on the site.
7. The planning authority has zoned these lands for tourist, arts and crafts development in the last two County Development Plan. Nothing has changed. Therefore there is no basis for a decision to reject the continuation of this zoning designation.
8. Contrary to the Chief Executive's Report, safe pedestrian access is possible to the Glen of the Downs Nature Reserve. This is available along Ballydonagh Lane to the south-east of the site, via the rear access to the lands.



3 CONCLUSION

We request the Planning Authority to take this submission into account and to designate Sextons Garden Centre as proposed. We will gladly meet your representatives to discuss this submission, if so required.

Regards

Frank Ó'Gallachóir
Dip. T.C.P., M.Sc., M.I.P.I.

Attached Map No. 9.08 Wicklow CDP 2010-2016

C2.7

Leonora Earls

From: mary-anne@mpbaarchitects.com
Sent: 25 August 2016 12:21
To: Planning - Plan Review
Subject: Development Plan submission, Amendment 67
Attachments: 16-40-Development Plan submission.pdf

Dear Sir/Madam

Please find attached a submission on behalf of our clients, Patrick and Eugene Stephens. Kindly confirm receipt of same.

Regards
Mary-Anne

Mary-Anne Parsons BAS BArch RIAI SACAP
087 286 8011
MPBA Architects - 5 Stable Lane, Bray, Co. Wicklow - www.mpbaarchitects.com

To view our email disclaimer please click on <http://mpbaarchitects.com/disclaimer.html>

Please consider the environment before printing this e-mail

MPBA Architects

5 Stable Lane, Bray, Co. Wicklow
0872868011
info@MPBAArchitects.com

16-40-01

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

planreview@wicklowcoco.ie

25th August 2016

Dear Sir/Madam

RE: Submission re Proposed Amendment 67 to Wicklow County Draft Development Plan

Lands at Ballinalea, Ashford, Co. Wicklow

On behalf of my clients, Patrick and Eugene Stephens, we have been engaged to clarify the boundaries and area of the zoned areas for the Action Area 1, for Ashford. We welcome the proposed amendment to allow for the division of the Active Open Space as per the proposed amendment 67.

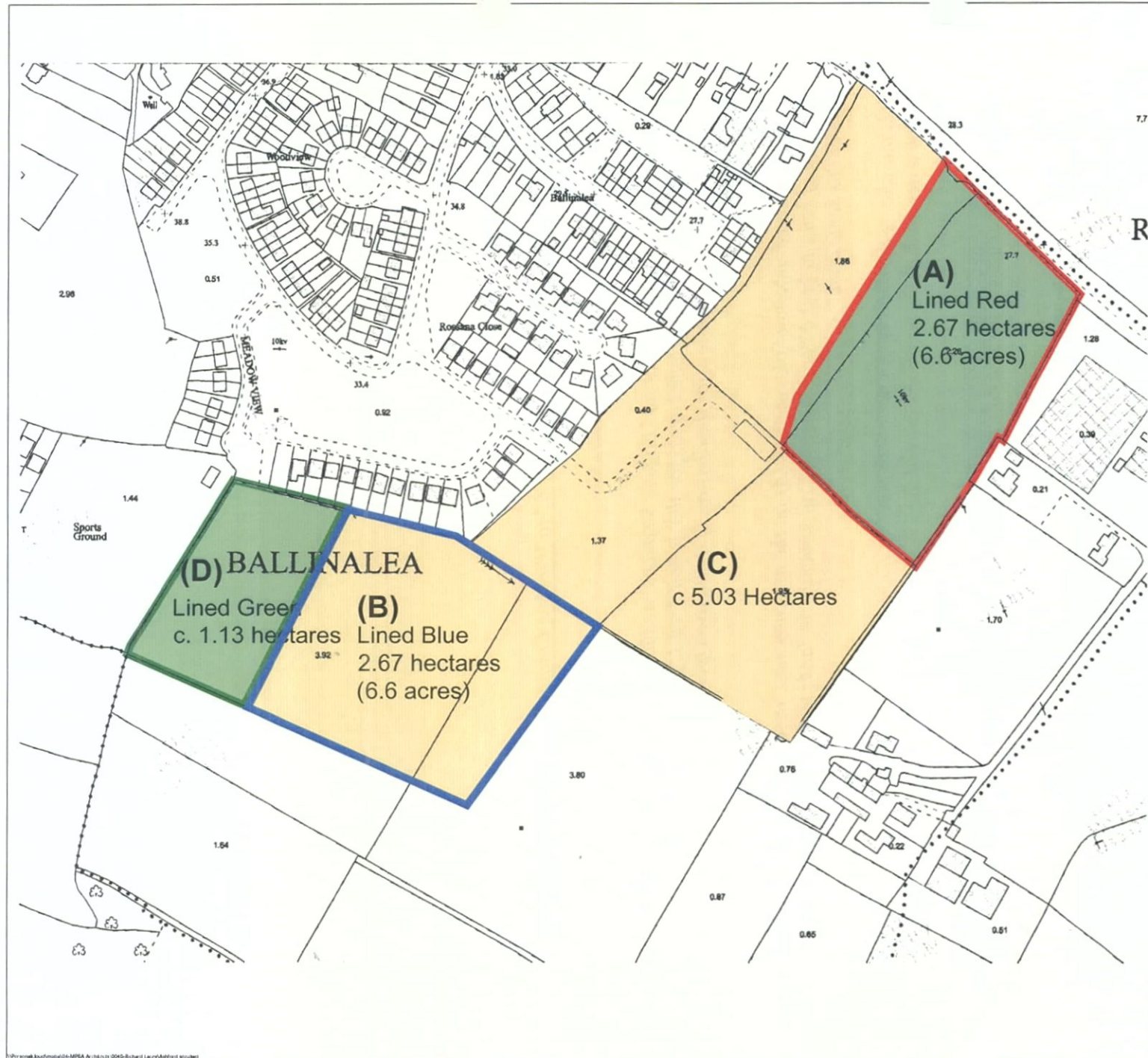
As the registered owners of plot marked (A) on the attached map, we confirm the boundary of the area of same to be 2.67ha (6.6acres). Consequently the lands marked (B) is to be revised to reflect this same area.

It is our clients desire to retain the old features of the entrance to the Active Open Space lands, which dates back to the very early part of the 19th century. Otherwise they are in full agreement and support the proposed amendment to the Development Plan.

Should you require any further information, please do not hesitate contacting the undersigned.

Kind regards

Mary-Anne Parsons
BAS BArch MRIAI SACAP



Notes:

- No dimensions to be scaled from this drawing
- All dimensions to be checked on site
- This drawing is to be read in conjunction with relevant consultants' drawings
- Any discrepancies to be reported to the Architect prior to the commencement of works
- IF IN DOUBT ASK

Rev	Date	Description
A	22-08-16	Drawn for Contract signing

Development Plan Submission

Project:	Ballinalea, Ashford, Co. Wicklow	Project No:	16-40
Client:	Patrick & Eugene Stephens		
Drawing Title:	Land use zoning	Dwg No:	101
Scale:	A1-1:250 A3-1:2500	Rev:	A
Drawn By:	MAP	Date:	Aug 2016
Checked By:	MAP	Date:	Aug 2016
Project Architect:	Mary-Anne Parsons		

mpa Architects
Architects and Project Managers

5 Stable Lane,
Bray, Co. Wicklow
+ 353 87 2968011
www.mpaarchitects.com
www.mpaarchitects.com

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C28

Leonora Earls

From: Ray O'Malley [raymond@kom.ie]
Sent: 18 August 2016 14:43
To: Planning - Plan Review
Subject: Submission re Proposed Amendment 63
Attachments: Stokes Inchanappa PA63 Sub.pdf

Dear Sir or Madam,

Please find attached a short submission on behalf of Brian Stokes, Inchanappa House, Ashford, Co. Wicklow in support of proposed amendment no. 63.

Please acknowledge receipt of this submission.

Regards,

Raymond O'Malley, Director

○ Kieran O'Malley & Co. Ltd.
Town Planning Consultants
St. Heliers
Stillorgan Park
Blackrock
Co. Dublin
A94 A2K8

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Fax. + 353 1 2832092
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○

Kieran O'Malley & Co. Ltd.

Kieran O'Malley and Co. Ltd.,
Town Planning Consultants,
Saint Heliers,
Saint Heliers Copse,
Stillorgan Park,
Blackrock, Co. Dublin.

DIRECTORS: JOHN O'MALLEY BA BAI MRUP Dip.EIAMgr. Dip.Env.Eng. MIEI. MIPI. MRTPI
RAYMOND O'MALLEY BA BAI MURP Dip.EIAMgr. MIEI
CONSULTANT: KIARAN O'MALLEY BE CEng Dip.EIAMgr. FIEI AMIHT MICE MRTPI MIPI

Tel: +353 1 2832077 / 2835156
Fax: +353 1 2832092
E-mail: info@kom.ie
Website: www.kom.ie

18th August 2016

Administrative Officer
Planning Department
Wicklow County Council
Station Road
Wicklow

By e-mail only

RE: Proposed Amendments Wicklow County Development Plan 2016-2022

Dear Sir or Madam,

This is a submission in respect of the Proposed Amendments to the Wicklow County Development Plan 2016-2022 on behalf of *Brian Stokes, Inchanappa House, Ashford, Co. Wicklow.*

Our client supports proposed amendment 63 in respect of Inchanappa House and the Council is invited to approve this proposed amendment.

Furthermore, we note that the incorrect spelling of Inchanappa has been retained in the proposed amendment documentation. While it is acknowledged that correcting a spelling error wouldn't be considered a material amendment and thus doesn't need to be put on display, we thought it appropriate to remind the Council to use the correct spelling of INCHANAPPA and not Inchinappa as used.

Please acknowledge receipt of this submission and direct all future correspondence to this office.

Yours,


Raymond O'Malley

Kieran O'Malley & Co. Ltd.

ROM:rom

Registered in
The Republic of Ireland
No. 120355
VAT No. IE4813574T

c29

Leonora Earls


From: Rory Kunz [rory.kunz@rpsgroup.com]
Sent: 25 August 2016 10:45
To: Planning - Plan Review
Subject: re: Submission to Material Amendments to Wicklow County Development Plan
Attachments: MH16010SMA_F01_25-8-2016.pdf

Dear Sir/Madam,

RPS Planning & Environment, West Pier Business Campus, Dun Laoghaire, Co. Dublin has been instructed by our client, Targeted Investment Opportunities ICAV, Strategic Fund 25 – 28 North Wall Quay, Dublin 1 to prepare this submission in relation the material amendments to the Draft Wicklow County Development Plan, which is attached for your attention.

I would appreciate confirmation of receipt of the submission and please contact me if there are any matters arising.

Best regards,

 Rory Kunz

Rory Kunz BA (MOD) MScERM, MAT&CP, Dip EIA Mgmt., MIPI
Associate Director of Planning - RPS
West Pier Business Campus,
Dun Laoghaire, County Dublin.
Ireland
Tel: +353 (0) 1 488 2900
Direct: +353 (0) 1 709 8042
Email: rory.kunz@rpsgroup.com
www: www.rpsgroup.com/ireland

RPS Group Ltd is a wholly owned subsidiary of RPS Group Plc. RPS Group Ltd is the parent company in the Republic of Ireland for all Irish subsidiary companies, namely: RPS Consulting Engineers Ltd and RPS Engineering Services Ltd. The Registered Office of each company is: West Pier Business Campus, Dun Laoghaire, Co. Dublin, Ireland, and each company is registered at the Irish Companies Registration Office in Dublin. Details of the companies registered numbers are as follows:
RPS Group Limited - Registration Number: 91911
RPS Consulting Engineers Limited - Registration Number: 161581
RPS Engineering Services Limited - Registration Number: 99795





West Pier Business Campus, Dun Laoghaire, Co. Dublin, A96 N6T7, Ireland
T +353 (0)1 488 2900 E ireland@rpsgroup.com W rpsgroup.com/ireland

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

25th August 2016

Our Ref: MH16010
File Ref: MH16010SMAF01

Re: Submission to the Material Amendments to the Draft Wicklow County Development Plan made by RPS Planning and Environment on behalf of Targeted Investment Opportunities ICAV.

Dear Sir/Madam,

RPS Planning & Environment, West Pier Business Campus, Dun Laoghaire, Co. Dublin has been instructed by our client, Targeted Investment Opportunities ICAV, Strategic Fund 25 – 28 North Wall Quay, Dublin 1 to prepare this submission in relation the Material Amendments to the Draft County Wicklow Development Plan 2016-2022 (herein referred to as Draft CDP).

This formal written submission is made to Wicklow Council in response to the request for submissions or observations in respect of the proposed Material Alterations to the Draft Wicklow County Development Plan 2016-2022, during the public consultation period from **Tuesday 25th July 2016 to the 26th of August 2016.**

Targeted Investment Opportunities ICAV's investment manager is Oaktree Capital Management which is a leading global investment management firm. Oaktree have been active in the Irish market over the last number of years with strategic acquisitions of a range of development and investments assets such as Greystones Marina.

Our client welcomes the opportunity to make a submission on the Material Alterations to the Draft CDP. We strongly urge that the suggestions and recommendations made herein are considered and taken into account by Wicklow County Council in the finalisation of the Wicklow County Development Plan 2016 -2022.

PURPOSE OF SUBMISSION

Our clients recently acquired and are the owner of lands at Bray Retail Park, Bray County Wicklow. The acquisition of the lands has prompted the review by our client of the potential uses appropriate to the subject site and also having regard to the current review of the Wicklow County Development Plan and

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The Registered office of each of the above companies is West Pier Business Campus, Dun Laoghaire, Co. Dublin, A96 N6T7





the signalled preparation of a new Bray Municipal District Plan for the north east portion of County Wicklow in Autumn 2016.

COMMENTARY ON MATERIAL AMENDMENTS

AMENDMENT NO. 3

The proposed amendment includes the following text:-

'The zoning provisions of this plan and future LAPs are based on the population figures set out in Table 2.4 (which includes a 15% 'compensatory headroom' inflator), rather than the housing stock growth figures set out in Table 2.7.'

Our client supports the use of Table 2.4 as the basis of the population figures for the future development of the County. It is important the new Wicklow County Development Plan continues with the emphasis on developing on serviced land within the metropolitan area of Wicklow - particularly Bray, which is at the top of the hierarchy for the County as a Metropolitan Consolidation Town.

It is submitted that the best way for the new County Plan for Wicklow to cater for future growth is to build upon the existing settlement hierarchy and core strategy which is focused on the delivery of new housing and population within existing settlements, predominantly in the metropolitan area in towns such as Bray and Greystones/Delgany. Thus the strategy for the new County Plan should be to direct new population growth to such areas. By directing new population growth into towns with existing infrastructure in place maximises the return on the investment in services. The location of new development within the footprint of existing settlements in a sequential manner to existing services and infrastructure from a town centre outwards is preferable than providing new infrastructure on more remote sites.

The key message of this submission is that appropriately located sites such as our client's lands located to the south of the southern Cross Road (R768), at Bray which is a Metropolitan Consolidation Town (under the Regional Planning Guidelines) will play an important role in securing the objectives as set out in the Core Strategy of the Wicklow County Development Plan 2016-2022 (County Plan) - particularly in respect of the provision of housing.

It is also acknowledged that the commentary contained in the Chief Executive's report confirms that the zoning objectives relating to the lands (such as our client's) located within the Rathdown No. 2 Plan will form part of the review of the Bray Municipal District Plan. Our client is supportive of this approach and firmly believes that the lands located to the rear of Bray retail park will assist in the achievement of the population figures as set out in Table 2.4 which the material amendment states will form the basis of *'the Plan and future LAPs.'*

Both National and Regional Planning Guidance seek the location of new residential development in designated towns within the hierarchy of settlements contained in the National Spatial Strategy and the Regional Planning Guidelines (RPGs). Bray as a Metropolitan Consolidation Town should according to the RPGs continue to be developed 'at a relatively large scale as part of the consolidation of the metropolitan area.' It is submitted our clients' lands, located to the south of Bray Retail Park, meet the



criteria for the location of development within the development footprint of the Metropolitan Consolidation Town of Bray.

CONCLUSIONS

The population of Bray actually fell between 2006 and 2011 and it is clear that Bray has not contributed thus far to the objectives of the Regional Planning Guidelines in respect of its status as a Metropolitan Consolidation Town and that the population growth has not occurred in line with its designation and the long term target of up to 100,000 persons as set out in the Regional Planning Guidelines.

Our client's landholding to the rear of the Bray Retail Park comprise approximately 4 hectares and are well placed to provide a landbank with access to services to secure the delivery of housing for Bray – identified in the core strategy of the Draft County Development Plan.

From a strategic perspective, our client is seeking that the lands are considered for residential development in the future countywide calculations applicable to Bray as set out in Amendment no. 3.

We strongly urge that the suggestions and recommendations made herein are considered and taken into account by Wicklow County Council in the finalisation of the Wicklow County Development Plan 2016 -2022. We would also like to confirm that our client would welcome the opportunity to give any further information or detail in respect of this submission to the Planning Authority.

Yours sincerely,

A handwritten signature in black ink that reads 'Rory Kunz'.

Rory Kunz BA (MOD) MScERM, MAT&CP, Dip EIA Mgmt., MIPI
Associate Director of Planning – RPS
For and on behalf of RPS

Leonora Earls

From: Bradshaw, Simon [simon.bradshaw@gva.ie]
Sent: 26 August 2016 16:25
To: Planning - Plan Review
Subject: Submission on the Material Amendments to the Draft Wicklow County Development Plan 2016-2022 on behalf of Tesco Ireland Ltd.
Attachments: 160826_Submission on behalf of Tesco Ireland Ltd. on the Proposed Amendments to the Draft Wicklow County Development Plan 2016-2022.docx.pdf

To whom it may concern,

Please see attached a submission on behalf of Tesco Ireland Ltd. with regard to the Proposed Amendments to the Draft Wicklow County Development Plan 2016-2022. Please note that the submission relates to policies RT 16 & RT 25.

Should any further contact be required in relation to this submission please contact;



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 Bilfinger GVA,
 2nd Floor Segrave House,
 19-20 Earlsfort Terrace,
 Dublin 2.
 Email: simon.bradshaw@gva.ie
 Phone: 01 661 8500
 Mobile: 086 045 6079

Should you have any queries please don't hesitate to contact the above.

Regards,

Simon.

Simon Bradshaw, Planner, **Bilfinger GVA**
 Email: simon.bradshaw@gva.ie Web: www.gva.ie Mobile: +353 (0)86 045 6079
 National Number: +353 (0) 1 661 8500 - Fax: +353 (0) 1 661 8568

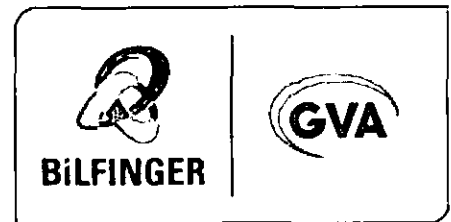
	<p>Segrave House 19-20 Earlsfort Terrace Dublin 2</p>
<p>Save a tree... please don't print this e-mail unless you really need to</p>	 Follow Bilfinger GVA on Twitter

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GVA Planning



Submission

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

Submission on the Material Alterations to the Draft Wicklow County Development Plan 2016-2022

On Behalf of Tesco Ireland Limited.

August 2016

gva.ie

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Prepared By: Simon Bradshaw
Draft Date: August 2016

For and on behalf of GVA Planning and Regeneration Limited

1. Introduction

Bilfinger GVA has prepared this submission on behalf of our Client, Tesco Ireland Ltd., Gresham House, Marine Road, Dún Laoghaire, Co. Dublin in response to the publication of the Proposed Amendments to the Draft Wicklow County Development Plan, 2016-2022 (hereinafter Proposed Amendments). Tesco Ireland, being a recognised part of the retail environment in Wicklow, welcomes the opportunity to comment on the Proposed Amendments.

As recognised by the Planning Authority in the Draft Development Plan, retailing is a key contributor to the vitality and viability of settlements in Wicklow. Our Client recognises that county development plans provide a general planning policy framework which seeks to facilitate economic development and promote the growth of employment opportunities in all sectors including retailing.

As noted previously, Tesco Ireland is committed to the enhancement of its offer at its existing locations in Wicklow. This has been demonstrated by the planned redevelopment of the stores at Bray, Wicklow and Greystones all of which have extant permission¹.

Our Client made a submission during the public consultation phase of the Draft Wicklow County Development Plan 2016-2022, however, our Client still has concerns relating to some of the proposals outlined as part of the Proposed Amendments document and these will be addressed as part of this submission.

Summary of Issues addressed in this submission are as follows:

- 1) The cap on comparison goods in supermarkets is contrary to the Retail Planning Guidelines, 2012, and should be removed as a retail objective in the Wicklow County Development Plan, 2016-2022
- 2) Policy RT 16 should be amended so as to remove the reference to "formula businesses".

¹ Reg. Ref. Nos. 08/1057 (Extension of duration Ref No. 15/109), 12/6147, 11630020, 12630008, 10623409

2. Submission Issues

2.1 20% cap on Comparison floorspace

As noted in our submission at the Draft Public Consultation stage, it is submitted that the proposed cap on comparison goods in foodstores, as outlined in objective RT 25, should not be retained in the adopted County Development Plan. It is considered that the application of this objective is contrary to the Retail Planning Guidelines, 2012 (hereinafter RPGs) which have been updated since the inclusion of this objective in the Wicklow County Development Plan 2010-2016. We previously highlighted that there was no policies outlined in the RPGs that would require the inclusion of this policy in a county development plan.

Having reviewed the proposed amendments, we would highlight that the alteration of Policy RT 25 to clarify that the 20% cap on comparison floorspace only applies to "stores that are located outside of Core Retail Areas" is not sufficient to allow for the development of appropriate retail stores in County Wicklow. In this regard we would note that in most cases retail convenience stores cannot locate in core retail areas as the fine grain nature of the historical town cores, such as those found in County Wicklow, do not lend themselves to the requirements of a modern foodstore operator. In this regard, retail stores are generally found at edge of centre locations outside of the core retail areas as these are usually the only sites that meet the requirements of foodstore operators. On this basis smaller supermarkets such as those operated by discount chains and franchisees will have an unfair advantage as, due to their smaller scale, they are more likely to be located in core retail areas and will be able to sell a greater proportion of comparison goods than stores located outside of the town core. Such an approach could be considered to be anti-competitive and as such would be contrary to the RPGs.

Finally, as noted in our previous submission, concerns relating to the impact on the primacy of town centres could be addressed as part of the development management process through the submission of a retail impact statement with such applications. This approach would be preferable to a general cap on the level of comparison floorspace which is a blunt planning instrument and could prove to be a disincentive to investment in the County. Such an approach is supported by the RPG's and addressing this matter on a case by case basis would be more appropriate than the policy currently proposed.

Further to the above we would request that Objective RT 25 is removed from the Draft CDP and if considered necessary, that it be replaced with an objective requiring the submission of a retail impact statement addressing the primacy of the town centre zoned lands and the potential impacts therein. The inclusion of this policy could have a negative impact on potential investment and encourage retailers to locate outside of the County.

2.2 Amendments to Policy RT 16

With regard to Policy RT 16 we would note that the following amendments have been made:

"To promote an appropriate mix and balance of different types and styles of retail within centres and to control the number of bookmakers, off-licences (including off-licences in convenience stores), takeaways, 'cash for gold' and 'Pound' shops, 'formula businesses' (i.e. franchise / chain type outlets that have standardised services, décor, methods of operations and other feature that make them virtually identical to similarly branded businesses elsewhere) and other uses that can adversely affect the character of a centre.

The mix and balance of different type of retail (including retail services) is important to attract people to centres, and to ensure centres remain the main meeting point for the community. Too many of certain types of outlet can destroy the balance of a centre."

Note: changes made at material alterations stage is indicated by underlined red text.

The proposed material alteration to this policy is of concern to a number of existing and prospective retailers. Having reviewed this policy it is submitted that the policy could be interpreted a number of ways. One way in which the policy could be interpreted is that planning permission will not be granted for any commercial use where the Planning Authority is of the view that there is already too many "formula businesses" located in a certain area.

It is submitted that it is not the role of planning to differentiate between individual operators and to do so is entirely inappropriate. The principle of planning is to consider the potential land use impacts based on the proposed use. Whether this use is operated by an international retailer or by a local sole trader is irrelevant and this matter has been previously addressed by An Bord Pleanála. As part of a Section 5 Referral regarding a unit at Butlerstown Retail Park, Waterford, the Inspector's Report noted the following;

"...the material consideration is not the name of the retailer but rather the nature of the goods to be retailed which is the relevant consideration..."²

This section of the Inspector's Report supports the view that the principal of planning is to consider the land use, including the associated impacts and not the name or company structure of the operator who is applying for planning permission. On this basis, it is submitted that the proposed amendments to Policy RT 16 are considered contrary to current planning legislation as well as being anti-competitive and contrary to the RPGs.

Furthermore, in relation to the implementation of this policy and in the absence of specific guidance as to what is an over-concentration of a use, the Planning Officer would be required to make a

² An Bord Pleanála, Inspector's report, Reference No. 24.RL2563

subjective decision as to whether there is an over concentration of "formula businesses". In our experience the application of similar policies (such as those for off-licences) has led to inconsistencies in decisions from one application to the next.

With regard to the Development Plan Guidelines which were issued by the Minister's office in June 2007, we would note that the guidelines should be adhered to when considering the need for policies relating to the management of any land use. As outlined in the guidelines, data collection and the review/analysis of same is an essential element in the production of a soundly based development plan. The guidelines also outline that it is necessary to provide policies which can be monitored and evaluated. This is necessary so that the Planning Authority can assess the effectiveness or otherwise of policies and objectives in terms of achieving their stated aims. The Development Plan Guidelines outline that policies and objectives must be clearly drafted and their precise function made explicit. Such an approach facilitates performance appraisal and evaluation and for this reason vague or ambiguous statements should not be included in plans³.

Based on the above there are a number of requirements that a Planning Authority must consider when devising a development plan objective. Having reviewed the proposed policy we would raise questions with respect to whether it is supported by any research that has found a causal link between the performances or perception of a retail area and the number of "formula businesses" located therein? How is it intended that the proposed policy will be monitored and evaluated? We would respectfully submit that it is not the role of the development plan to address this matter as any policy similar to that proposed in this case is likely to be deemed to be anti-competitive. With regard to the requirements of the Development Plan Guidelines which require that "the contents of the plan are clearly founded on the survey data and analysis," we would question the evidence for this policy and its implementation and evaluated.

Another way in which this policy could be interpreted is that it will restrict the signage and branding that can be used by retailers, should they be successful in achieving a grant of planning permission for the use of a site or building. Businesses that operate at multiple locations use a distinctive brand that customers are familiar with. Such brands guarantee a certain standard of service/product and are the primary reason as to why customers frequent these stores. Branding such as this is fundamental to the vitality and viability of any such business and is intrinsically linked to commercial activities. Branding or similar corporate imagery is often the primary means of informing customers of the services on offer at a certain location. In this regard branding is intrinsic to a company's identity and differentiates it from other competitors.

Branding can take the form of certain colours or signage and is common practice in such a competitive market. Commercial operations require that their corporate identity is clearly identifiable with customers. For this reason, it is necessary to use the operator's branding/corporate identity to

³ Section 6.3, pg. 85, Development Plan, Guidelines for Planning Authorities

ensure that the proposed development is distinguished from competitors. Restricting commercial stores from using their branding in its entirety or the requirement for these stores to dramatically change their brand, is anti-competitive and is contrary to the RPGs.

For example, altering the materials and colours of signs can have a significant impact on their effect and visibility. With regard to previous applications on this matter we would highlight a case related to a signage application at 18-19 College Green, Dublin 2. In this case Dublin City Council restricted the branding that could be used on a shopfront and An Bord Pleanála overturned this decision. As part of the appeal process it was noted by the Planning Inspector that;

*"In terms of signage, there must be a balance between facilitating established business who have strong corporate identity and protecting the visual amenities of the city centre and designated conservation areas."*⁴

Based on the above section taken from the appeal on An Bord Pleanála Reference Number PL29S.242811, we would note that the removal of branding of stores has been considered to be contrary to the general principles of planning and as such it is our view that the extract of the Inspector's Report, outlined above, highlights the issue that will be faced in implementing the proposed policy.

Signage is fundamental to the vitality and viability of any business and is intrinsically linked to retail activities. Tesco Ireland has specific branding for the different formats that are provided by the retailer. These include the following Tesco's Express, Metro, Supermarket and Extra brands.

It is important to retailers such as Tesco Ireland that they are able to use their brand and that customers are made aware of the type of store they are about to enter (Express, Metro, etc.). In this regard we would recommend that the design of units, including their signage and branding, should be considered objectively and that it is important that such matters are considered in the context of the area in which they are proposed. Such an approach was adopted by the Board in considering the above mentioned appeal, which led the Board to amending the decision issued by Dublin City Council.

Whilst the proposed policy may not be designed to impact on operators such as Tesco Ireland, Supervalu, etc. the policy has been framed in a fashion that could lead to it being interpreted by third parties as a reason to refuse planning permission for a commercial unit where the proposed operator has multiple stores in other locations. Based on the above we would request that the reference to "*formula business*" is removed for the following reasons;

- It is not the role of planning to consider the name of a business or their commercial operations when determining a planning application;

⁴ Inspector's Report, An Bord Pleanála Reg. Ref. No. PL29S.242811

- Prioritising sole traders over multiple operators could be considered to be anti-competitive in the context of the RPGs;
- The implementation of the proposed policy will not be effective as it will require a subjective decision by individual planner and cannot be applied in a consistent manner; and
- The restriction of branding or signage associated with a commercial operator is not appropriate and this has been previously highlighted in an Inspector's Report on an An Bord Pleanála Appeal.

We request that Wicklow County Council consider the above as part of their deliberations on the adoption of the Wicklow County Development Plan 2016-2022.

3. Conclusion

We trust that the above comments and recommendations will be taken into account as part of the preparation of the Wicklow County Development Plan 2016-2022. We welcome the opportunity to comment on the proposed amendments to the Draft Wicklow County Development Plan 2016-2022 and this submission respectfully requests the following:

- That the existing 20% cap on comparison goods within large foodstores be omitted from the adopted County Development Plan as it is contrary to national retail policies.
- That the reference to "formula businesses" be removed as part of the adoption of the Wicklow County Development Plan 2016-2022.

We are available for discussion on any of the matters referred to above. We would also appreciate if you could confirm receipt of this submission by return.

Yours sincerely,



Simon Bradshaw

Planner

For and on behalf of **GVA Planning and Regeneration Ltd.**

C31

Leonora Earls

From: Timore Lane [timoreresidents@gmail.com]
Sent: 26 August 2016 17:01
To: Planning - Plan Review
Subject: C182
Attachments: Timore Residents.pdf

See attached file supporting C182

Residents of Timore, Newcastle

19th August 2016

Ref : C182 Warmridge Ltd

We as residents of Timore, Newcastle, Co Wicklow wish to record our support of the proposed rezoning of lands at Timore Lane, Newcastle, Co Wicklow for Warmridge Ltd, Ref C182

This proposal is to zone 1.7 acres as shown on the attached map for light industrial and employment uses and we as residents living in close proximity, fully support this proposal and the vital contribution to the local community that this will allow.

STUART HAW, 4 TIMORE LANE, NEWCASTLE
Arthur Mankin 2 Timore Newcastle
David Saffer 4 Timore Lane Newcastle
Marian Kennedy 7 Timore Newcastle
BRANDON KENNEDY TIMORE NEWCASTLE
Claire Byrne 1 Timore Lane Newcastle
Conor Madigan, Timore Lane, Newcastle, Co. Wicklow
Joe Marry The Cottage, Timore Lane, Newcastle,
STEE Kine Timore Lane Newcastle

Wicklow County Tourism



Unit 23,
Wicklow Enterprise Park,
The Murrrough,
Wicklow, Ireland.
Tel: +353 (0) 404 20070
Fax: +353 (0) 404 20072
E-mail: info@wicklowct.ie
Website: www.visitwicklow.ie



Planning Department,
Wicklow County Council,
Station Road,
Wicklow

23rd August 2016

RE: Submission to Draft Development Plan 2016 - 2022

Dear Administrative Officer,

Following the latest draft of the County Development Plan 2016-2022 has been released and would like to react to the following amendment:

AMENDMENT 15 – Section 5.5 – EMP12: *“The development of these lands shall be strictly limited to facilities for the production of film, TV, animation etc and any associated spin offs such as visitor facilities; in particular residential development or other non film related commercial activities are not to be permitted”*

The economic potential related to the film industry is enormous: many studios around the world offer tours and visitors experience as an ongoing revenue stream to the local economy. Wicklow County Tourism gets regular requests to visit the Ashford Studio on the back of the major current production “The Vikings”. Such request is currently turned down due to the lack of facilities.

One fantastic example is the Harry Potter Visitor Centre at Pinewood Studios in London. Although Pinewood is probably one of the most active studio in Europe, the Harry Potter Centre is generating more revenue than the production of films.

It does not make any sense for County Wicklow to turn its back to such potential. We strongly believe that in order to maximise tourism potential from the film industry, plans for a Visitor Centre should be incorporated in the further development of the studios.

We also believe that Wicklow could benefit from more tourism related accommodation. With the expansion of the film studios, Wicklow will need to increase its accommodation supply (ie: hotels or self-catering units).

Best regards,

Noel Keyes,
Chairman



C32

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

Wicklow County Council
16 AUG 2016
PLANNING DEPT.

Yvonne O'Toole
"The Dell"
County Brook
Enniskerry
Co. Wicklow.
11/08/2016

WICKLOW COUNTY COUNCIL
16 AUG 2016
Corporate Affairs

Submissions / observations specifically in relation to :
Wicklow County Development Plan 2016 - 2022
Re : Volume 2 - Town and Settlement Plans

- 6.2 Overall Vision and Development Strategy
 - To ensure a high quality living environment for existing and future residents

Issue : Why was this not done when 2008 Ballyman upgrade works were carried out. These works were to realign the road, provide footpaths, lay new sewers and water mains, up-grade drainage and public lighting.

Due to the rising of the road outside my property by around 4ft, my property was left without access to my garage, and severely restricted access to my driveway.. Also path outside my house has a severe slope, contravening safety rules. This is especially dangerous in icy/snowy conditions. Works should never have been signed off on. These issues, brought up by the mandatory Safety Audit were not addressed. Also the sewage system backs up, and there is a smell from the pumping station that should not coming from it. A unit should be installed to remove smells. The pumping station (post roadworks) is having to deal with sewage coming from too many properties, including the Dunloaghaire golf club.

- Create increased connectivity between a revitalised settlement core and the existing and proposed residential areas in the town.
- To improve linkages between Enniskerry town centre and the Ballyman, Cookstown and Parknasillige areas and in particular, to designate lands for new housing in these areas, subject to improvements to access routes by both vehicles, pedestrians and cyclists

Issue : There was no need to raise the road west of the stream during Ballyman upgrade works, as the road is in a residential area with bends and has a 50km speed limit, and did not need a banked bend .

This also has had the unwelcome effect of facilitating speeding in this area, and compromised my property. Also due to the speeding and the slope outside my entrance I have to back out onto a road with speeding traffic, with the possibility that traffic speeding down the hill will crash into me. If this happened the council would be held responsible for leaving the area outside my entrance, garage in an unsafe condition.

Wicklow County Council needs to put the road back into the position it was in pre-roadworks, or alternatively provide me with a safe entrance into my property and safe access to my shed.

- To ensure that lands at risk of flooding are not designated for new development.

Issue: it is just as important to ensure that areas not subject to flooding such as the area west of the Ballyman rd bridge (including my property), are not left subject to flooding after roadworks/sewers/drains are installed, where no flooding existed pre roadworks. It is not good enough for the council to say that areas subject to flooding are not designated for new developments, when the Wicklow County Council contributes to this flooding.