MINISTERIAL DIRECTION REGARDING THE WICKLOW COUNTY DEVELOPMENT PLAN

STATEMENTS OF REASONS

1. The Wicklow County Development Plan 2016 – 2022 is not in compliance with legislative requirements in relation to Sections 9(6), 10(2)(a) (e), 12(1) and 28(18)(b) of the Act.

2. The Wicklow County Development Plan 2016 – 2022 is not consistent with relevant guidelines to planning authorities issued by the Minister under Section 28 of the Planning & Development Act, 2000, specifically the Wind Energy Guidelines (2006) and the Retail Planning Guidelines (2012) and insufficient grounds have been stated for such departures as required under Section 28(18)(b) of the Planning & Development Act 2000, as amended. The plan is therefore in breach of Section 31(1)(c) of the Planning & Development Acts 2000 as amended.

3. The planning authority was advised in a submission made on 26 July 2016 under section 12 of the Planning & Development Act, 2000 to:

   (i) Delete Objective CCE6 referring to a minimum set-back for wind energy development;

   (ii) Specifically exclude retail and retail warehousing uses from Site 5.04 at Kilpeddar Interchange in Objective EMP 12.

Wind Energy

4. The inclusion of a wind turbine set back stipulation in Objective CCE6 of the Wicklow County Development Plan 2016-22 introduces arbitrary and mandatory exclusion or set back distance of a minimum of 1000 metres or ten times the tip height from residential properties and other centres of human habitation. The requirement is a clear breach of Section 5.6 and 5.12 of the Wind Energy Guidelines 2006 in that it removes the capability for a case by case assessment of wind energy applications based on objective analysis of their impact on the specified property types. Further in practical terms this set back requirement introduces a setback distance considerably in excess of the non-mandatory guidance set back referred to in the statutory guidelines.

5. The mandatory and arbitrary exclusion zones introduced by Objective CCE6 are in breach of the planning policy guidance contained in the Wind Energy Guidelines 2006 as they do not maximise the wind energy potential in the county and are in direct conflict with the requirements of Section 3.4.6 of the guidelines to ‘secure the maximum potential from wind energy resources in the planning authority’s area commensurate with supporting development that is consistent with the proper planning and sustainable development’. The effect of the mandatory set back requirement is to significantly restrict the potential for wind energy development in the county which is contrary to national energy policy supporting development of renewable energy resources including wind energy infrastructure.

6. The planning authority has not demonstrated sufficient and evidently based reasoning, relating to the nature and characteristics of Wicklow, for the above significant policy departures from the guidelines on wind energy and has therefore failed to comply with the provisions of Section 28(1) and Section 28 (18)(b) and Section 31(c) of the Act.

Retail Warehousing

7. Included in Objective EMP 12 of the Plan is the zoning of c.28 hectares at Kilpeddar at Junction 11 on the N11 (Site 5.04) for employment/commercial development. There are existing uses at this location - quarry, transporting/vehicle enterprise and cement factory - that are appropriate to the non-urban location of the site. These uses require good available road infrastructure but would have limited traffic impacts related to the low density of employment activities involved. The zoning also includes substantial undeveloped greenfield lands at Kilpeddar.

8. However, the stated zoning objective for this extensive site (Site No. 5.04 in Objective EMP12, Chapter 5) includes ‘To provide for employment uses including industrial, transport, distribution, warehousing or retail warehousing developments’.


10. The Minister for Housing, Planning, Community and Local Government is, for the reasons set out in the Statement of Reasons hereto, of the Opinion that:

   (i) This Direction may be cited as the Planning and Development (Wicklow County Development Plan 2016-2022) Direction 2017.

   (ii) The County Council Wicklow County is hereby directed to take the following steps with regard to the Wicklow County Development Plan 2016-2022 (‘the Development Plan’):

      (a) Amend Objective CCE6 by inserting all of the text which is underlined and by deleting all of the text which has a line through it as follows:

         • best practice in the design and siting of wind turbines, and all ancillary works including access roads and overhead cables; and

         • consideration of any designated nature conservation areas (SACs, NHAIs, SPAIs, SAAOs etc) and any associated buffers;

         • impacts on Wicklow’s landscape designations;

         • particular cognisance and regard being taken of the impact on wind turbines on residential amenity particularly with respect to noise and shadow flicker;

         • impacts on visual and recreational amenity;

         • impacts on ‘material assets’ such as towns, infrastructure and heritage sites;

         • consideration of land cover and land uses on or adjacent to the site;

         • best practice in the design and siting of wind turbines, and all ancillary works including access roads and overhead cables; and

      (b) Amend Objective EMP 12 by inserting all of the text in the box which is underlined and by deleting all of the text which has a line through it as follows:

         To provide for employment uses including industrial, transport, distribution, warehousing or retail warehousing developments thereby good architectural design, layout and landscaping including substantial screening from N11. The provision of transport and retail facilities will not be at the expense of facilities in existing settlements. Any redevelopment of the (former) Dan Morrissey / SM Morris sites shall include significant proposals to address the unsightly appearance of these sites. In addition, any development on these lands shall connect the footpath from Greystones towards the pedestrian bridge at Kilpedder.

Please be advised that the Wicklow County Development Plan 2016-2022 has now been amended as required and the amended plan is available for viewing on the Council’s website www.wicklow.ie.