

PROPOSED VARIATION NO. 1 TO THE WICKLOW COUNTY DEVELOPMENT PLAN 2016-2022

**Report to the members of Wicklow County Council under Section 13(4) of the
Planning and Development Act 2000
(as amended)**

November 2017

Forward Planning Section
Wicklow County Council
County Buildings
Wicklow



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PART 1

1.0 Introduction

This Chief Executive's Report is submitted under Section 13(4) of the Planning & Development Act 2000 (as amended); it is part of the formal statutory process of the making of a variation to the County Development Plan.

Section 13 (4) of the Planning Act requires that this report contains the following:

- (i) A list of the persons or bodies that made submissions;
- (ii) A summary of the following:
 - a. Issues raised by the Minister
 - b. Issues raised by other bodies or persons
 - c. In the case of a planning authority within the GDA, issues raised and recommendations of the NTA
 - d. Issues raised and recommendations made by the regional authority
- (iii) The response of the Chief Executive to the issues raised and the recommendation of the Chief Executive in relation to the manner in which the issues should be addressed, taking account of the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.

This report is now formally submitted to the Council for consideration. This report will be on the agenda of the County Council meeting on the **4th December 2017** (unless otherwise notified).

1.1 Draft Consultation Process

The proposed variation was placed on display during the period of 02 August 2017 to 15 September 2017. The aim of the consultation process was to enable the public and interested parties to give their observations on the proposed variation. A total of 4 submissions were made.

The written submissions are held on file and are available for Council and public inspection.

1.2 Considering the Submissions

Each submission made has been summarised and the response and recommendations of the Chief Executive are given in Part 3 of this report.

This report is submitted to the Council Members for consideration.

1.3 Next Steps – Variation Timetable

The members of the planning authority are required to consider the proposed variation and this Chief Executive's Report.

If the planning authority, after considering a submission, observation or recommendation from the Minister or Greater Dublin Area Regional Authority, decides not to comply with a recommendation made by either, it shall so inform the Minister or regional authority as soon as practicable by written notice and shall include the reasons for the decision.

The consideration of the variation and the Chief Executive's Report shall be completed not later than 6 weeks after the submission of the Chief Executive's Report to the members of the planning authority.

Having considered the proposed variation and Chief Executive's Report, the members of the planning authority may, by resolution, either:

- (i) make the variation with or without further modification*,
- (ii) refuse to make the variation,

Where a proposed modification, if made, would constitute a 'material alteration' of the variation, the following shall be carried out:

- the planning authority shall determine if a strategic environmental assessment or an appropriate assessment or both, is required to be carried out as respects a proposed modification. Within 2 weeks of such a determination, the Chief Executive shall specify the period that is considered necessary to facilitate the carrying out of a SEA/AA.
- The planning authority shall publish notice of a proposed material alteration and any determination that requires the carrying out of an SEA/AA. The proposed material alteration and any determination shall be on public display for a period of not less than 4 weeks and submissions invited. All submissions shall be taken into account before the variation of the development plan is made.
- The SEA/AA shall be carried out within the period specified by the Chief Executive.
- A further modification* can be made to the variation

*A further modification to the variation may be made where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site, and shall not be made where it refers to an increase in the area of land zoned for any purpose, or an addition to or a deletion from the record of protected structures.

Formally, making a variation is done by resolution of the Council.

In making a variation to a development plan, the members are restricted to considering the proper planning and sustainable development of the area, the statutory obligations of a local authority and any relevant policies or objectives of the Government or any Minister of the Government

PART 2 Considering the submissions

For all submissions, the Chief Executive will provide an opinion on the issues raised and a recommendation in relation to the issue. Where the Chief Executive is recommending amendments to the proposed variation, these changes will be set out under each issue, with new text shown in red and deleted text in ~~blue strikethrough~~.

No	Name	Issues raised
1	Minister for Housing, Planning and Local Government	<p>The Department notes the content of the Draft Variation to the Wicklow County Development Plan 2016-2022 and the proposed specified changes to the settlement and core strategy provisions.</p> <p>As is referred to in the text of the Variation, the outcome of the forthcoming National Planning Framework and Regional Spatial and Economic Strategy processes may require further examination and subsequent adjustment of the Wicklow County Development Plan by the Council. According to the Department, the interim position adopted by the Council in the Variation is therefore considered reasonable and appropriate</p>
2	Eastern and Midland Regional Assembly (EMRA)	<p>EMRA is part of the regional tier of governance in Ireland. It is primarily focused on the formulation, adoption and implementation of Regional Spatial and Economic Strategies (which will replace the existing Regional Planning Guidelines), oversight and coordination of Local Economic and Community Plans (LECPs), management of EU Operational Programs, EU project participation, implementation of national economic policy, and additional functions through working with the new National Oversight and Audit Commission.</p> <p>With regard to the Regional Spatial and Economic Strategies (RSES) which are to replace the Regional Planning Guidelines (RPGs) 2010 – 2022, the Local Government Reform Act 2014 (which amends the Planning and Development Act 2000) Sec.23. (1) states <i>"The objective of regional spatial and economic strategies shall be to support the implementation of the National Spatial Strategy and the economic policies and objectives of the Government by providing a long-term strategic planning and economic framework for the development of the region for which the strategies are prepared which shall be consistent with the National Spatial Strategy and the economic policies or objectives of the Government."</i> The Eastern and Midland Regional Assembly expect to commence the formulation of the RSES in 2017.</p> <p>Furthermore it should be noted that the current status of the RPGs 2010 – 2022 is enshrined in the Local Government Reform Act 2014 Sec.63. (4) <i>"Notwithstanding any other provision of this Act, the regional planning guidelines prepared by a dissolved regional authority and published in respect of the period 2010 to 2022, shall continue to have effect as if made under this Part until a regional spatial and economic strategy is prepared and adopted by the regional assembly concerned."</i></p> <p>Legislative context</p> <p>Under Section 27C of the Planning & Development Act, 2000 the EMRA, as the successor regional assembly of the dissolved Dublin and Mid East Regional Authorities, is obliged to prepare submission s/ observations to be submitted to the relevant planning authority and copied to the Minister for Housing, Planning, Community and Local Government.</p> <p>A submission shall contain a report which shall state whether, in the opinion of the Regional Assembly, the draft variation of the Development Plan, and in particular its core strategy is consistent with the Regional Planning Guidelines in force for the area</p>

No	Name	Issues raised
		<p>of the Development Plan. If, in the opinion of the Regional Assembly the proposed variation of the Development Plan, and its core strategy are not consistent with the RPGs, the submission / observations and report shall include recommendations as to what amendments, in the opinion of the Regional Assembly, are required to ensure that they are consistent.</p> <p>This report contains the opinion of the EMRA in relation to the above matters along with recommendations as required under Section 27C of the Planning and Development Act 2000 as amended.</p> <p>Submission Variation no. 1 of the Wicklow County Development Plan is proposed to update and align the plan having regard to new and draft Local Area Plans (LAPs) within the county that have been adopted or prepared since the adoption of the County Development Plan (CDP) 2016 including;</p> <ul style="list-style-type: none"> ▪ The adoption of a new Rathdrum LAP ▪ The preparation of a new draft Arklow and environs LAP ▪ The preparation of a new draft Bray Municipal District LAP, which will replace the existing Bray Town Development Plan and the Bray Environs LAP and will encompass the settlements of Enniskerry, Kilmacanogue and subsume the plans prepared for these settlements in the 2016-2022 Development Plan. <p>It is recognized that this variation is updating and aligning the CDP with changes in planning policy and LAPs since the adoption of the CDP in 2016. Whilst Local Area Plans contain more detail on spatial planning and development policy for larger settlements and can contain proposals and methods for implementation of CDP policy at the settlement level. They also must align with and be consistent with the core strategy and objectives of the overarching CDP, which in turn shall be consistent with the Regional Planning Guidelines in force for the area.</p> <p>It is expected that the draft Ireland 2040 / National Planning Framework will be published, and the commencement of the Regional Spatial and Economic Strategies will occur, this year. These strategic policy documents will set out, amongst other policies, the population growth and settlement hierarchy for the country, which may require a review of policy at county and settlement level. In this regard the pragmatic approach on the proposed draft variation of the local authority to the "uncertain context" in preparing a LAP for the Bray MD with a shorter term population target is noted.</p>
3	Environmental Protection Agency	<p>SEA Determination EPA notes your position with regards to the need for Strategic Environmental Assessment (SEA) of the Proposed Variation No. 1 to the Wicklow County Development Plan 2016-22 (the Variation).</p> <p>Future Amendments/Variations to the Plan Wicklow County Council should determine whether any future proposed Variation would be likely to have significant effects on the environment. This assessment should take account of the SEA Regulations Schedule 2A Criteria (S.I. No. 436 of 2004).</p> <p>Infrastructure Planning In proposing the Variation, and any related amendments, variations etc. of the Plan,</p>

No	Name	Issues raised
		<p>and in implementing the Variation, adequate and appropriate infrastructure should be in place, or required to be put in place, to service any development proposed and authorised during the lifetime of the Plan.</p> <p>Environmental Authorities Under the SEA Regulations (<i>S.I. No. 436 of 2004</i>), as amended by <i>S.I. No. 201 of 2011</i>, notice should also be given to the following:</p> <ul style="list-style-type: none"> ▪ The Minister for the Environment, Community and Local Government (now the Minister for Housing, Planning and Local Government) ▪ Minister for Agriculture, Food and the Marine, and the Minister for Communications Energy and Natural Resources (now the Minister for Communications, Climate Action and Environment), where it appears to the planning authority that the plan or programme, or modification of the plan or programme, might have significant effects on fisheries or the marine environment ▪ where it appears to the competent authority that the plan or programme, or amendment to a plan or programme, might have significant effects in relation to the architectural or archaeological heritage or to nature conservation, the Minister for Arts, Heritage and the Gaeltacht (now the Minister for Culture, Heritage and the Gaeltacht), and ▪ any adjoining planning authority whose area is contiguous to the area of a planning authority which prepared a draft plan, proposed variation or local area plan. <p>A copy of your decision regarding the determination, including, as appropriate, the reasons for not requiring an environmental assessment, should be made available for public inspection at your offices, local authority website and should also be notified to any Environmental Authorities already consulted.</p>
4	Transport Infrastructure Ireland	<p>TII welcomes referral of proposed variation No. 1.</p> <p>While TII has no specific observations to make in relation to the proposed variation, it is recommended that the proposed variation takes cognisance of the relevant material amendment that may arise during the concurrent consultation relating to the Bray MD LAP.</p> <p>TII considers alignment of development plan and local area planning frameworks is essential to ensure a consistent policy approach.</p>
Opinion of Chief Executive		
<p>The Chief executive notes and concurs with all of the points made. On foot of same, he has no modifications to the variation to recommend.</p> <p>However, it may be necessary to modify the proposed variation in light of amendments that have been made to the Arklow & Environs LAP and the Bray MD LAP in the course of their adoption. The nature of any such modification will only become evident when any such proposed amendments to the LAPs are made.</p> <p>The CE will present any such necessary modifications for approval of the Council at the time of the making of any material amendments to the LAPs.</p>		
Chief Executive's Recommendation		
No change at this time		

PART 3 Recommended modifications to the proposed variation

No modifications are recommended on foot of the submissions set out above.

However, as the proposed variation is necessitated by and linked to the changes being considered to the Arklow and Environs LAP and the Bray Municipal District LAP, any material amendments that may be made to the LAP may require modifications to this proposed variation. The nature and extent of any such modification cannot be determined until the elected members determine what amendments, if any, they intend to make to the LAP.

During the course of the adoption and / or amendment of the draft LAPs, the Council Executive will set out for the members where modifications to the proposed variation are necessitated and in the case of each modification, advise on whether any such modification is material and will require to be placed on public display.

The Council Executive will also be required to determine if any such modification would require Strategic Environmental Assessment / Appropriate Assessment.