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WICKLOW COUNTY COUNCIL

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Mr. David Walsh,  
Planning and Spatial Policy Division,  
Department of the Environment, Heritage and Local Government,  
Customs House,  
Dublin 1.

02 November 2010

**Re: Wicklow County Development Plan 2010-2016**

Dear Mr. Walsh,

I refer to your letter of 01 October 2010 with regard to the recently adopted Wicklow County Development Plan 2010-2016, which related to a number of zonings that were the subject of 'Proposed Amendment No. 14' to the draft County Development Plan.

In making their decisions on these zonings, the members had regard to my recommendations not to zone these sites, as set out in the Manager's Report on the proposed amendments to the plan of July 2010, prepared under Section 12(8) of the Planning and Development Act 2000 (as amended). A copy of this report has already been furnished to your department. The members have asked that it be pointed out that two of the nine proposed zoning were in fact deleted from the plan.

Your letter of 01 October 2010 was circulated to the elected members of Wicklow County Council at their monthly meeting on Monday 04 October 2010 where it was agreed that the Planning Strategic Policy Committee would examine the letter in more detail and prepare an appropriate response, which would then be debated and endorsed by the full Council at the ordinary meeting of 01 November 2010. (I should advise that the meeting of the SPC was held on Monday 18 October 2010 and all of the elected members were invited to attend).

The following is the response of the elected members, as discussed at the SPC meeting and endorsed at the subsequent Council meeting on each of the zonings that made up 'Proposed Amendment No. 14' to the County Development Plan 2010-2016.

**Mountkennedy Demesne, Kilpedder**

"The elected members of Wicklow County Council are fully supportive of this zoning and would draw the Minister's attention to the fact that Wicklow County Council has granted permission on three separate occasions for the development of these lands, the most current permission being with An Bord Pleanála at present following appeal by the NRA and others.

In light of difficulties encountered during the course of previous applications, the members have resolved to alter the zoning of the land in this County Development Plan such that it is restricted to the development of a 'Data Centre' i.e. a facility used to house computer systems and associated components. Such facilities are dependent on secure power systems and

need back-up power in the event of failure of any one system. It is considered that this site is uniquely positioned to be suitable for such use, having on site:

- high voltage electricity supply, 220kV and 110 kV;
- fibre optics;
- gas mains.

Such data facilities generally have a low employment density on site, which would mean that traffic volumes would not be significant and yet could provide major positive spin offs to the local economy.

The Minister is reminded of Government policy with regard to the 'Smart Economy' / smart technologies and indeed is also reminded of the outcome of Martin McAleese's recent competition 'Your County, Your Call'.

It is proposed that this site would be served by a direct connection to the northern interchange of the Newtownmountkennedy by-pass (N11) where there is currently sufficient capacity to accommodate the development as proposed. It should be noted that the development of these lands would also provide the potential for a pedestrian / cycle route between Newtownmountkennedy to Greystones via Kilpedder. This is considered critical for this area given the major community, social and sports facilities available in the south Greystones area, which are currently inaccessible by young people from Newtownmountkennedy on foot / bicycle.

The site, while located at a greenfield rural location, is in close proximity to both the settlements of Newtownmountkennedy and Kilpedder and to the major centres of population of Greystones and Bray. Employment development at this location would have the potential to stem commuting from these settlements in a northwards direction and also capture northwards bound commuters from further south".

#### **Rath East / Knockloe, Tullow**

"While this site is included in Proposed Amendment No. 14, it is not located on the N11 / M11 or N81 and therefore is not subject to the same issues as the N11 sites. It is therefore queried if this site is also of concern to the Minister.

This site is a long established industrial site and it is not considered therefore that there should be any issue with its future development. The site is on a good local road with adequate sightlines and further development would not give rise to any adverse traffic impacts".

#### **Kilmurray South**

"This site is located on land 'left over' from the N11 / Glen of the Downs project. It is accepted that there may be some traffic safety issues with regard to potential traffic conflicts between an entrance into the site and the N11 southbound off ramp, but this would be a matter that would have to be resolved by the developer at planning application stage".

#### **Kilmurray North**

"This site is similarly located on land 'left over' from the N11 / Glen of the Downs project, which was used as a depot during the construction of that project. This land is considered suitable for a 'trucker stop' type facility given its proximity to the N11 and the lack of such facilities on the national road network. It is accepted that appropriate traffic management measures would be required to ensure no adverse traffic impacts".

### **Scratenagh crossroads**

"It is pointed out to the Minister that this is a pre-existing industrial site, with traffic flows almost directly onto the N11 via a side road, which will need to be accommodated by the proposed Rathnew – Arklow N11 improvement scheme even in the event of no further development on the site. Upon completion of the proposed improvement scheme, the site will be located on a side road, with a connection to a new N11 interchange to the north.

There is current 10-year permission on this site for a business park of 15 units, valid until 2018. It should be noted that the NRA did not object to or appeal this decision, but did request that only c.20% of the proposed development be allowed to proceed in advance of the completion of Rathnew – Arklow N11 improvement scheme. It is in fact a condition of this permission that no units be occupied until this scheme is complete".

### **Kilpedder Interchange**

"The Minister is reminded that this zoning has been in place since the 1999 County Development Plan, and the Minister has not previously queried the appropriateness of the zoning. It is drawn to the Minister's attention that there is existing commercial development and extant planning permissions for commercial development on c. 12ha of this c. 27ha zone, and therefore it is not logical to remove the zoning".

### **Rathmore, Ashford**

"The Minister is similarly reminded that this zoning has been in place since the 2004 County Development Plan and the Minister has not previously queried the appropriateness of the zoning. It is considered that this site is suitable for new employment development, particularly having regard to its location adjoining an existing tourism enterprise and should be seen as an opportunity to further enhance tourism and job creation in the area. It is not considered that any adverse traffic impacts would arise from the development of this site".

### **Zonings removed**

Two of the proposed zonings adjacent to the N11, included in Proposed Amendment No. 14 were removed, namely:

- (1) To provide for an arts and crafts development at Kilmurray South, Glen of the Downs, with studio and workshops with a maximum total gross floor area of 400sqm (in one or two blocks) to be divided into units of 40 sqm, 60 sqm or 100 sqm with one dwelling only for a centre manager for the development (on a site of 2ha);
- (2) To provide for commercial use of 4ha site at Ballybeg, Rathnew.

**The members also requested that the following comments in relation to the role of the NRA and the impact of draft 'Guidelines on Spatial Planning and National Roads' (DoEHLG 2010) be conveyed to you:**

"The members also wish to express their concern about the emerging role of the NRA with regard to their involvement in the decision making process for planning applications. In these current economic circumstances it is incumbent on all agencies of the state to cooperate to deliver economic growth and new employment opportunities. It is therefore imperative that the NRA operates in conjunction with Local Authorities, rather than assuming an adversarial role.

While it is accepted that it is one of the NRA's functions to ensure the maximum benefit to the state of the resources invested in national roads, the Local Authority is mindful of this goal when making decisions on development proposals. The Local Authority will always consider

the potential impact of any proposal on the national road and will not consider granting permission where potential adverse impacts are predicted and cannot be mitigated.

This issue is particularly pertinent in the case of the Data Centre in Newtownmountkennedy, which is dealt with in more detail earlier in this response. The development of this site has been granted on three separate occasions by the County Council, after detailed assessment of the proposals by the Council's professional officers, who duly considered the provisions of the County Development Plan, Government policy and Ministerial guidelines, as well as submissions of prescribed bodies and third parties, and yet the objections and appeals by the NRA have stopped this project developing to date. It is of serious concern that one arm of the state can stand in the way of implementation of stated Government policy to encourage employment, particularly that relating to the emerging 'Smart Economy'.

With regard to the draft '*Guidelines on Spatial Planning and National Roads*' referred to in your letter, your attention is drawn to Wicklow County Council's submission to the draft guidelines made by the Council Executive in September 2010. The members have considered this submission and confirm their full support for the contents and views expressed therein, (a copy of this submission is attached for your information). It is requested that this document be read in conjunction with this letter.

As is evident from this submission, Wicklow County Council has serious concerns that the implementation of these guidelines will have a significant adverse impact on the ability of County Wicklow to grow and prosper, and certainly would not allow the county to fulfil its role as set out in the National Spatial Strategy 2002-2020 and Regional Planning Guidelines for the Greater Dublin Area 2010-2022. It makes no sense whatsoever to restrict the implementation of the NSS and RPGs to the current carrying capacity of the national routes. Rather, it is the NSS and its daughter planning strategy the RPGs, that are the imperative planning documents on which all national infrastructure must be based, be it roads or broadband, energy transmission, water services, etc., not vice versa.

The members would like to remind the Minister of Wicklow County Council's excellent record when it comes to zoning. Wicklow County Council has a long history of compliance with the NSS and RPGs and indeed with all Ministerial guidelines and directives. Wicklow County Council has a long record of protecting the national routes from inappropriate developments such as directly accessible shopping centres, and has always insisted on junction capacities being critically assessed in any applications for significant developments, whether these developments are adjacent to or at a remove from the relevant national route. If there is insufficient capacity available, or if the increased loading due to such a development (and any other development for planning permission that has been granted and not fully developed) would impact on the safety of the junction, then such development applications must develop proposals to mitigate such impacts. Wicklow does not have retail parks or other large scale development dependent on the national road network for access / egress and none of the zonings detailed in this submission would result in any of the adverse impacts, such as tailbacks and congestion, seen on the national road network elsewhere in the Dublin region".

I hope that the above fully explains the rationale of the elected members for the zoning decisions which they made in relation to these sites.

Yours sincerely,



Edward Sheehy  
County Manager