



# Draft Wicklow Rathnew Draft LAP Amendment Stage Submission - Report

Who are you:	Private Individual
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## Topic

LAP - Proposed Material Amendments No 1 Submission

## Submission

Please see below submission

## Topic

LAP - Proposed Material Amendments No 26 Submission

## Submission

To Whom It May Concern,

Re: Objection to SLO-9 – Glebe Townland / Fernhill House Lands

Wicklow Town & Rathnew Local Area Plan | Wicklow County Development Plan 2022–2028 / 2025-2031

I am writing to formally object to the development framework outlined under SLO-9, which pertains to c.3.15ha of lands in the townland of Glebe, incorporating 'New Residential' (RN1 and RN2), 'Community/Education' (CE), 'Natural Areas' (OS2), and the site of Fernhill House.

While I welcome efforts to deliver plan-led development, I am concerned that the current proposals are contrary to key provisions of Irish planning law, including those set out under the Planning and Development Act 2000 (as amended), national policy guidelines, and the core principles of the Wicklow County Development Plan.

#### 1. Inconsistency with Zoning Objectives and the Proper Planning and Sustainable Development of the Area

The proposed integration of residential use within lands previously designated for Community/Education (CE) undermines the long-standing objective of zoning for public infrastructure and community benefit. Under Section 10(2)(a) of the Planning and Development Act 2000, local authorities are required to ensure that zoning objectives provide for the proper planning and sustainable development of the area — which includes the provision of necessary social infrastructure such as schools and community facilities.

The removal or reduction of CE-zoned land directly contradicts this statutory obligation, particularly in a rapidly growing area where local schools are at full capacity and turning away children. The LAP itself (Appendix 2, Table 2.10) identifies these lands as suitable for future school delivery, and the rezoning threatens to eliminate one of the few remaining viable sites for educational provision in Wicklow-Rathnew.

#### 2. Legal Mechanism to Guarantee Phased Community Delivery

While the LAP states that “no dwelling units... may be occupied until the CE lands and building are brought into active community / education use,” this condition, as currently worded, is unenforceable in practice. Irish planning case law has shown that vague, conditional phasing is prone to legal challenge and can often be bypassed through modifications or developer-led applications for sequential occupancy.

Without a Section 47 agreement, a robust planning condition under a future permission, or a public land ownership structure, there is no legal guarantee that Fernhill House or the CE lands will be delivered for community benefit in a timely, meaningful, or lasting manner. As per the Development Management Guidelines (2007) issued by the Department of Housing, conditions must be “precise, enforceable and reasonable,” which the current text fails to achieve.

#### 3. Loss of a Heritage and Community Asset

Fernhill House, while in poor condition, is a heritage asset with community significance. Its deterioration is not a justification for its subordination to residential gain. The National Planning Framework (NPF) and Development Plan Guidelines both stress the importance of preserving culturally significant structures and ensuring that development “protects and enhances the built and natural heritage.” No conservation report, structural survey, or public consultation has been referenced to assess the feasibility of adaptive reuse under public or community stewardship.

#### 4. Undermining Biodiversity Protection in OS2 Zoned Lands

The site includes lands zoned ‘OS2 – Natural Areas,’ subject to a Tree Preservation Order (TPO). While the LAP notes these lands will be retained in a natural condition, the potential for recreational development is referenced ambiguously. Any such development must comply with Article 10 of the Habitats Directive (92/43/EEC), which Ireland is obliged to implement. The Glebe/Fernhill lands are known habitats for protected species including the Red Kite and Great Spotted Woodpecker. Without an Ecological Impact Assessment (EcIA) or Appropriate Assessment (AA) screening, any development here could be contrary to the EU Birds and Habitats Directives, and by extension, Irish planning law.

#### 5. Concerns Over Future Pedestrian/Cycling Linkages

While support for active travel is welcome, the proposal to create connectivity between Friarshill and the R750 through residential estates — specifically Glebemount — raises concerns under Section 15 of the Development Plan Guidelines, which mandates the protection of residential amenity and safety. Glebemount is a cul-de-sac development not designed for through-traffic and currently experiences high levels of congestion and on-street parking. Routing connectivity through such an estate would negatively impact existing residents and should be explicitly excluded from this SLO.

#### Conclusion and Recommendations

Based on the above, I respectfully request that:

- The proposed SLO-9 framework be withdrawn or significantly revised in a manner consistent with the

Planning and Development Act 2000, the NPF, and Development Plan Guidelines.

- The full 3.15ha site retain its Community/Education zoning, in line with its existing designation and inclusion on the LAP's list of sites suitable for future school development.
- A community-led feasibility study be commissioned to examine the regeneration of Fernhill House and the wider site for long-term public benefit.
- Connectivity through Glebemount Estate be removed as a possible route from all maps and policy text.

This site offers a rare opportunity to meet the genuine community infrastructure needs of a growing town. Permitting residential development on these lands in the absence of secured community infrastructure would undermine the principles of sustainable, plan-led development and have enduring implications for the area's ability to meet public service needs.

Yours sincerely,  
Grainne Mulligan

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