



Proposed Variation No. 1 to the Wicklow County Development Plan 2022 – 2028

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



**October 2023
Wicklow County Council**

Part 1 Introduction

1.1 Proposed Variation No. 1 to the Wicklow County Development Plan 2022

In accordance with Section 13(2) of the Planning and Development Act 2000 (as amended), Wicklow County Council is proposing a variation of the County Development Plan 2022.

The Proposed Variation entails the re-zoning of c.0.81ha of land at Ballygannon, Rathdrum, from 'RN – New Residential' to 'OS2 – Passive Open Space' and the amendment of the written text of the Rathdrum Town Plan (which form part of the Wicklow County Development Plan) to reflect the changes consequent from the proposed rezoning.

The reason for this proposed variation is as follows:

- (a) Having regard to Section 653 (1) (a) and (b) of the Taxes Consolidation Act 1997 (as amended) (Residential Zoned Land Tax), following receipt of a submission to the draft map, seeking a rezoning.
- (b) Having considered the guidance set out in Circular Letter NRUP 07/2022, the Chief Executive is satisfied that:
 - The removal of the 'residential' zoning of these lands would not undermine the proper planning and sustainable development of the area, including the core strategy and housing supply targets for Rathdrum, having particular regard to the quantum of residential land zoned in Rathdrum in the Wicklow County Development Plan 2022-2028.
 - While these lands are located close to the core of Rathdrum, the removal of the 'residential' zoning of these lands would not conflict with the goals of compact growth and the 'sequential approach to zoning' set out in the Development Plan Guidelines. The purpose of the 'sequential approach' is to avoid development and zoning 'leapfrogging' to less centrally located areas; this would not arise in this case as (a) no alternative, more peripheral lands are proposed or are necessary for rezoning on foot of this potential de-zoning, (b) the lands beyond this site are already under development and (c) the recently adopted Rathdrum Town Plan provides for carefully calibrated residential zoning provisions that accord with the sequential approach.
 - The removal of the 'residential' zoning of these lands would not conflict with town centre regeneration aims. In order to achieve these aims, it is not essential that every piece of undeveloped land in a town be zoned for intensive / development use – towns require a range of uses and services, including open lands, in order to be sustainable.
 - An alternative 'biodiversity' related zoning would benefit the environment and the residents of Rathdrum and would contribute towards the achievement of the County's biodiversity and climate action goals.

1.2 Planning and Development Act 2000 (as amended)

Section 13(4)(a) of the Planning and Development Act 2000 (as amended) states that, not later than 8 weeks after giving notice of a proposed variation to the development plan under subsection (2)(b), the Chief Executive of a planning authority shall prepare a report on any submissions or observations received under that subsection and shall submit the report to the members of the authority for their consideration.

This Chief Executive's Report has been prepared for consideration by the members of Wicklow County Council to fulfil this requirement under Section 13(4)(a).

The required content of this Chief Executive's Report is set out under Section 13(4) of the Planning and Development Act 2000 (as amended). A report under Section 13(4)(a) shall:

- (i) List the persons or bodies who made submissions or observations under this section,
- (ii) Provide a summary of -
 - (I) the recommendations, submissions and observations made by the Minister, where the notice under paragraph (a) of subsection (2) was sent before the establishment of the Office of the Planning Regulator,
 - (II) the recommendations, submissions and observations made by the Office of the Planning Regulator, and
 - (III) the submissions and observations made by any other persons, in relation to the proposed variation
- (iii) Give the response of the Chief Executive to the issues raised, 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.

As Wicklow County Council is within the Greater Dublin Area, a report under paragraph (a) shall summarise the issues raised and the recommendations made by the NTA in its written submission and outline the recommendations of the Chief Executive in relation to the manner in which those issues and recommendations should be addressed in the proposed variation.

Furthermore, a report under paragraph (a) shall summarise the issues raised and recommendations made by the relevant regional assembly in its written submission and outline the recommendations of the Chief Executive in relation to the manner in which those issues and recommendations should be addressed in the development plan.

1.3 Draft Consultation Process

The proposed variation was placed on display during the period of 06 September 2023 to 03 October 2023. 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 **9** No. submissions were made. The written submissions are held on file and are available for inspection on Wicklow County Council's website [here](#).

1.4 Consideration of Submissions

Each submission made has been summarised and assessed in Part 2 of this report and the recommendations of the Chief Executive are given in Part 3 of this report.

This report is submitted to the Council Members for their consideration.

1.5 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, Office of the Planning Regulator or Regional Authority, decides not to comply with a recommendation made by such, it shall so inform the Minister, OPR or Regional Authority as relevant 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 further 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.

Where a planning authority makes a variation in a development plan, it shall publish a notice of the making of the variation in at least one newspaper circulating in its area. A variation made to a development plan shall have effect from the day that the variation is made.

Part 2 Consideration of submissions

No.	Name	Issues Raised
1	Dublin Airport Authority	Dublin Airport Authority has no comment to make in respect of the variation to the Wicklow County Development Plan 2022 - 2028, other than to recommend consultation with the IAA and AirNav Ireland.
Opinion of the Chief Executive		
<p>The Chief Executive notes the submission from the Dublin Airport Authority. Notification of Proposed Variation No. 1 to the Wicklow County Development Plan 2022-2028 was made to both the IAA and AirNav Ireland.</p> <p>On foot of this submission, no modifications to the variation are recommended.</p>		
Chief Executive's Recommendation		
No change to Proposed Variation No. 1		

No.	Name	Issues Raised
2	Environmental Protection Agency	<p>The EPA acknowledges notice of Proposed Variation No.1 to the Wicklow County Development Plan 2022-2028.</p> <p>The EPA submission recommends a range of guidance documents and resources in relation to the carrying out of Strategic Environmental Assessment screening and the making of a determination in relation to such.</p>
Opinion of the Chief Executive		
<p>The Chief Executive notes the submission from the Environmental Protection Agency.</p> <p>SEA Screening of the Proposed Variation No. 1 to the Wicklow County Development Plan 2022-2028 has been carried out in consultation with the Environmental Authorities, including the Environmental Protection Agency.</p> <p>It was determined that Proposed Variation No. 1 will not give rise to likely significant effects on the environment in a Screening Determination for Strategic Environmental Assessment dated 18 August 2023.</p> <p>The prepared Strategic Environmental Assessment Screening Report (including Screening Determination) accompanied Proposed Variation No. 1 during the display period and is available at the link in Section 1.2 above.</p> <p>On foot of this submission, no modifications to the variation are recommended.</p>		
Chief Executive's Recommendation		
No change to Proposed Variation No. 1		

No.	Name	Issues Raised
3	Meath County Council	The submission indicates that Meath County Council has no comments to make in relation to Proposed Variation No.1
Opinion of the Chief Executive		
The Chief Executive notes the submission from Meath County Council. On foot of this submission, no modifications to the variation are recommended.		
Chief Executive's Recommendation		
No change to Proposed Variation No. 1		

No.	Name	Issues Raised
4	Uisce Éireann	Uisce Éireann acknowledges notice of Proposed Variation No.1 to the Wicklow County Development Plan 2022-2028 and states that it has no objection or comments to make in respect to same.
Opinion of the Chief Executive		
The Chief Executive notes the submission from Uisce Éireann. On foot of this submission, no modifications to the variation are recommended.		
Chief Executive's Recommendation		
No change to Proposed Variation No. 1		

No.	Name	Issues Raised
5	Eastern and Midland Regional Assembly	<p>The submission made by the Eastern and Midland Regional Authority contains the opinion of EMRA as to whether the proposed variation is consistent with the Regional Spatial & Economic Strategy, along with recommendations as required under Section 27C of the Planning and Development Act 2000 (as amended).</p> <p>The submission states that Proposed Variation No. 1 is not considered to have a material impact on the core strategy of the Wicklow County Development Plan 2022-2028 from a housing delivery perspective, nor will the variation impact on any of the Regional Strategic Outcomes or Regional Policy Objectives contained in the RSES.</p> <p>On this basis, the Regional Assembly does not have any objection to the proposed Variation No. 1 and has no further observations to make on the matter.</p>
Opinion of the Chief Executive		
The Chief Executive notes the submission from the Eastern and Midland Regional Assembly. On foot of this submission, no modifications to the variation are recommended.		
Chief Executive's Recommendation		
No change to Proposed Variation No. 1		

No.	Name	Issues Raised
6	Health and Safety Authority	<p>The Health and Safety Authority directs the Council to consider its document '<i>Guidance on technical land-use planning advice</i>'.</p> <p>In addition, the HSA indicates it would expect '<i>the planning guidelines</i>' to contain:</p> <ol style="list-style-type: none"> 1. An indication of planning policy in relation to major accident hazard sites notified under the regulations, which reflects the intentions of Article 13 of Directive 2012/18/EU. 2. The consultation distances and generic advice, where applicable, supplied by the Authority to Wicklow County Council in relation to such sites. These distances to be indicated on the various maps included in the plan, as well as any more specific distances and advice supplied by the Authority . 3. A policy on the siting of new major hazard establishments, taking account of Article 13 and the published policy of the Authority in relation to new developments, including developments in the vicinity of such establishments. 4. Mention of the following notified establishments: <i>Zoetis Belgium S.A. Ireland branch T/A Zoetis Rathdrum</i>
Opinion of the Chief Executive		
<p>It is not clear from the submission that the HSA has considered the detail of the Proposed Variation but rather is providing general advice regarding the content of development plans. However with respect to various issues raised:</p> <ul style="list-style-type: none"> - The Wicklow County Development Plan 2022 (in Chapter 15, and specifically in Section 15.1.2 and Objective CPO 15.8), addresses the Seveso Directive 96/82/EC (as amended by Directive 2003/105/EC and Directive 2012/18/EU) concerning with the prevention of major accidents, as well as the planning policy in relation to major accident sites, the consultation distances etc; - The Wicklow County Development Plan 2022 (in Chapter 9, and specifically in Objective CPO 9.16), which again relates to Seveso Sites, specifically mentions the two Seveso sites in Wicklow, namely Sigma Aldrich Fine Chemicals, Arklow and Zoetis Belgium SA, Laragh Road, Rathdrum. <p>On foot of this submission, no modifications to the variation are deemed necessitated.</p>		
Chief Executive's Recommendation		
No change to Proposed Variation No. 1		

No.	Name	Issues Raised
7	Transport Infrastructure Ireland	Transport Infrastructure Ireland (TII) wishes to advise that TII has no specific observations to make.
Opinion of the Chief Executive		
<p>The Chief Executive notes the submission from TII.</p> <p>On foot of this submission, no modifications to the variation are recommended.</p>		
Chief Executive's Recommendation		
No change to Proposed Variation No. 1		

No.	Name	Issues Raised
8	Department of Housing, Local Government & Heritage	The Department is not in a position to make specific comment on this particular referral at this time. No inference should be drawn from this that the Department is satisfied or otherwise with the proposed activity. The Department may submit observations/recommendations at a later stage in the process.
Opinion of the Chief Executive		
<p>The Chief Executive notes the submission from the DHLGH.</p> <p>On foot of this submission, no modifications to the variation are recommended.</p>		
Chief Executive's Recommendation		
No change to Proposed Variation No. 1		

No.	Name	Issues Raised
9	Office of the Planning Regulator	<p>Having reviewed the proposed Variation against the relevant criteria set out below, the Office is of the view that the proposed zoning amendment does not raise any concerns in relation to consistency with the legislative and policy requirements.</p> <p>1. Compliance with statutory guidelines</p> <p>The <i>Residential Zoned Land Tax – Guidelines for Planning Authorities (2022)</i> (RZLT Guidelines) are the statutory section 28 guidelines in relation to the RZLT. Section 6 of the RZLT Guidelines sets out guidance on rezonings sought on foot of the RZLT process under the provisions of section 653(l) (a) and (b) of the <i>Taxes Consolidation Act 1997</i>, as introduced in the <i>Finance Act 2021</i>.</p> <p>The Office notes that the local authority identified all lands within its functional area that are to be in scope as required by the provisions of the RZLT.</p> <p>The Office notes that the Strategic Environmental Assessment (SEA) Screening Report states that the proposed Variation would not be likely to result in significant environmental effects. The Office considers that the proposed Variation does not raise any issues in respect of compliance with section 28 guidelines.</p> <p>2. Core strategy</p> <p>The <i>Development Plans, Guidelines for Planning Authorities (2022)</i> (the Development Plans Guidelines) advise that the impact of any proposed rezoning on the overall strategy for the proper planning and sustainable development of the area including the core strategy and the housing targets for the county/city must be considered.</p> <p>The core strategy set out in the Wicklow County Development Plan 2022 – 2028 (the Development Plan) includes a housing supply target of 8,467 homes over the plan period. The Office understands that 10.85 ha land is zoned New Residential (RN) zoned land in the adopted Development Plan.</p> <p>Having regard to the sufficient supply of zoned land in the Development Plan, the Office is satisfied that the proposed change of the subject site from New Residential (RN) to Open Space (OS2) could not adversely affect the capacity to meet the housing and population targets for the settlement set out in the core strategy.</p> <p>3. Compact growth</p> <p>The Office notes <i>Circular Letter NRUP 07/2022</i> refers to compact growth as a key planning principle and as a key planning criteria as part of the assessment of whether the zoning objective should be amended.</p> <p>The overall delivery of new housing within the built up area of the settlement exceeds approximately 40%, as such the de-zoning of the relevant RZLT site will not have a material impact on Rathdrum achieving compact growth consistent with NPO 3c of the <i>National Planning Framework</i>.</p> <p>The proposed de-zoning would therefore not undermine the capability of the Rathdrum Town Plan 2022 – 2028, to deliver compact growth consistent with the national planning policy objectives.</p> <p>4. Sequential approach</p> <p>Section 6.2.3 of the Development Plans Guidelines, sets out specific guidance regarding the sequential approach, and it is a policy and objective of the guidelines that development plans adopt a sequential approach when zoning</p>

		<p>lands for development.</p> <p>The Office acknowledges that the RZLT site offers both proximity to the Main Street and potential for infill development and as such provides for compact growth and utilisation of existing infrastructure.</p> <p>Notwithstanding, no alternative, more peripheral lands are proposed or are necessary for rezoning on foot of this potential amendment, and residential zoned lands located beyond this site are already under development for housing.</p> <p>The Office concludes that the de-zoning of the subject RZLT site would not undermine the overall approach to sequential development.</p> <p>Summary</p> <p>Arising from the foregoing evaluation and assessment of the proposed Variation, the Office concludes that no recommendations or observations are warranted since the proposed Variation will not undermine the Development Plan in delivering on its core strategy in a compact and a sequential manner.</p>
<p>Opinion of the Chief Executive</p>		
<p>The Chief Executive notes the submission from the OPR.</p> <p>On foot of this submission, no modifications to the variation are recommended.</p>		
<p>Chief Executive's Recommendation</p>		
<p>No change to Proposed Variation No. 1</p>		

Part 3 Chief Executive's Recommendations

1. No modifications to Proposed Variation No.1 are recommended at this time on foot of the submissions set out above.
2. The Chief Executive recommends that Proposed Variation No. 1 be made by the members as published.

Other Useful document links

[Wicklow County Development Plan 2022 – 2028](#)

[Rathdrum Town Plan 2022 – 2028 \(Volume 2 of the CDP 2022 - 2028\)](#)

[Submission Number WW-RZLT-14](#)

[Residential Zoned Land Tax Guidelines, June 2022](#)

[Circular Letter NRUP 07/2022, December 2022](#)