



Draft Wicklow Town – Rathnew LAP Submission - Report

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Topic

Residential Development

Submission

Written submission uploaded

Topic

Rathnew Village Centre Strategy

Submission

Written submission uploaded

File

241030Submission on Wicklow Rathnew draft Local Area Plan 2025 _2_.pdf, 1.61MB

Submission on Wicklow Rathnew draft Local Area Plan 2025

Introduction

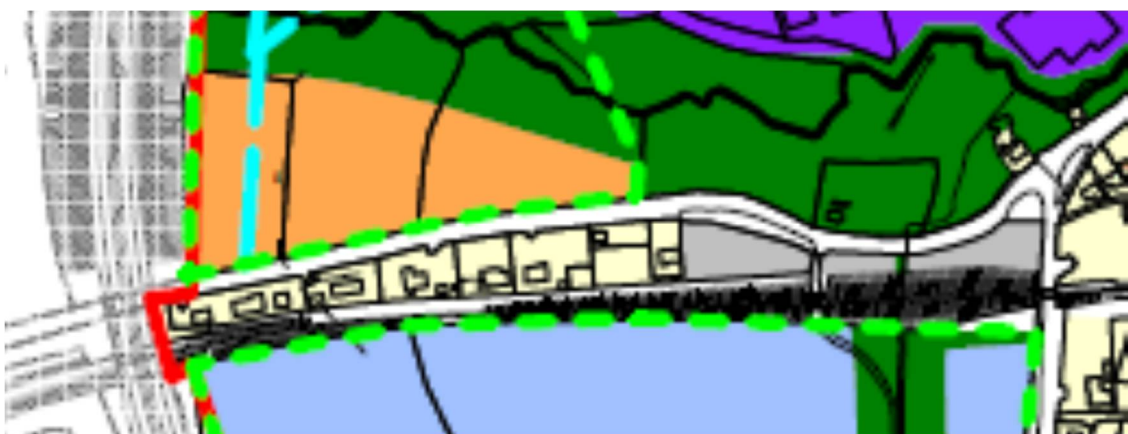
I and my two sisters own land at Ballybeg Rathnew that is currently zoned in the current Wicklow Rathnew Local Area Plan 2013, north of the Gleneally Road, as shown in yellow on an extract from the current (2013) zoning map:



We also own the field to the east of this zoned land, except for the existing house and its curtilage within this field.

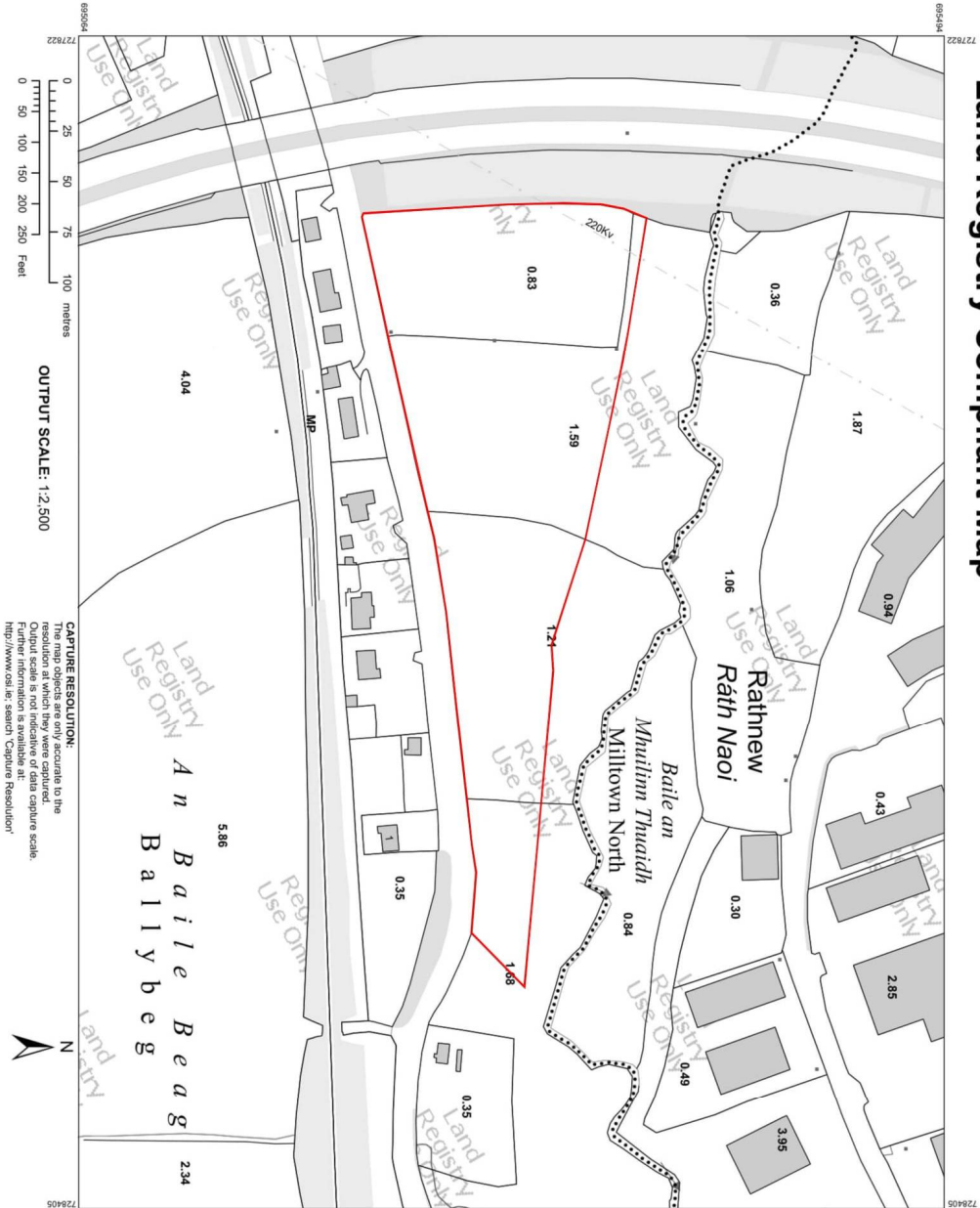
1. Restore zoned lands to those in the 2013 LAP

In the current proposed draft Local Area Plan the area of residential zoned land has been reduced by omitting the current easternmost zoned field from residential zoning as shown in brown in the below extract from the zoning map 2025:



There has been no justification for removing this field, indeed also reducing the extent of the residential zoned land here, and we would request that the residential zoning be replaced as per the map drawing below:

Land Registry Compliant Map



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OUTPUT SCALE: 1:2,500

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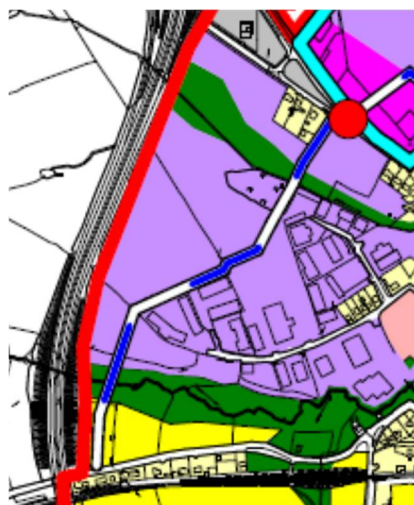
Recommendation 1: Revert zoning to the same as in 2013, as in the map drawing below:

2. Road from Tighe's Avenue to the R752

In the current Local Area Plan, there is a requirement to facilitate a road through our lands, specifically policy RP7:

RP7 *To facilitate the development of a new distributor road from the Rathnew – Glenealy Road (west of the village centre) to the R772, north of the village centre (as shown on Map 9.1) which would facilitate access to new developments from the existing road network, would prevent congestion at the Rathnew mini roundabout due to the development of employment zoned lands at Milltown / Charvey and achieve good traffic circulation in the area*

This is shown on the zoning map as below:



The wording of this was clear. It was:

- To '*facilitate*' the development of a road;
- To '*facilitate access to new developments from the existing road network*';
- To '*prevent congestion at the Rathnew mini roundabout due to the development of employment zoned lands at Milltown/Charvey and achieve a good traffic circulation in the area*'

Specifically, this road was, while providing access to developments within this land parcel, to prevent congestion **due to the development of these employment zoned lands**. This was not to be a regional road, but simply a road to provide access to employment zoned lands, with dual access on to two different Regional Roads to prevent congestion at the Rathnew mini roundabout.

As a family we had no objection facilitating such a road.

However, in the new proposed draft Local Area Plan, this road objective for this same road has expanded in Specific Land Objective 3 (SLO3) to be in effect a new Regional Road, being required to be designed by people seeking planning permission on these lands, and no permission can be lodged until the road has been fully designed:

SLO3 ... Any development proposal shall comply withthe following:

- A new link road is to be **provided** to connect Tighe's Avenue to the R752
- No development may occur in this area until an overall design has been determined for the road network in the area, including but not limited to (a) the final northern section of the RIRR connecting same to the R772 and (b) a route from the R772 to the R752.

The new Local Area Plan has thus made it a requirement to develop this land from 'facilitating' this road to making it a requirement to **provide** the road. In fact to even make a planning application it will now be a requirement to first design a **road network** for the area, not only for the road from the R772 to the R758, but including but **not limited to** the final section of the RIRR to the R772. This is copper fastened as a Transportation Objective WTR75- "Support the recommendations of the Transport Assessment with respect to the delivery of new regional/distributor road and road improvements including: a new link between Tighe's Avenue and the R752 for Glenealy and Rathdrum traffic".

Incidentally, there is a conflict between the Transport Assessment and the requirements of SLO3, as the Transport Assessment on page 77 states : *It is recommended that this route be developed in phases along with the development of the zoned lands it passed through.*

The justification for this appears to have come from the Transport Assessment that is attached to the draft Local Area Plan. However, that assessment contained no traffic modelling as such. In fact the broad traffic generators such as housing units and employment infrastructure based on the ultimate population in the new plan have not changed since the previous Local Area Plan in 2013, as the population figures in the new plan are not significantly different. What has changed is the congestion coming into Rathnew from the M11 and Ashford. This congestion is unsurprising given that the population housed east of the Rathnew mini roundabout in Wicklow and Rathnew has more than doubled. Once the Rathnew Inner Relief Road is completed, the residual traffic entering that roundabout will easily be accommodated, indeed as the entire N11 traffic was accommodated there up until 25 years ago. So the need for this is not just on traffic grounds.

The reason for this becomes clearer on a closer read of the Transport Assessment, in the recommendations on page 54 for Segment 3 of the R772, medium term:

(f) On the basis that flows through Rathnew Village centre are reduced through the completion of the RIRR and re-direction of Rathdrum bound traffic via a new route from Tighe's Avenue and the implementation of other various measures recommended in this assessment, it is recommended that a public realm improvement programme is developed for the area between the Charvey Lane junction as far as the Ballinabarney junction, including but not limited to carriageway narrowing, widening of footpaths to allow for enhanced human activity such as business overspill, improved facilities and safety for cyclists, undergrounding of wires and additional landscaping.

In effect, the core reason for this road is to enable the current Regional Route, in fact the former National Route, to become a town centre area free of significant through traffic.

This seems like an unreasonable burden to be based on employment zoned land, that is traditionally hard to get developed, and our site that can accommodate circa 60 houses. As the route will be 900m or so, this will cost circa 3.5 million, if it is to be developed as a regional route.

At the end of the Transport Assessment, there is a small section on "Delivery".

This splits possible sources as follows; Developers, State bodies, and Wicklow County Council. The latter is described as Wicklow County Council Development Levy Schemes, Capital Works Programme, etc. This would appear to be straining Wicklow County Council's legal authority in requiring developer's to carry out works. The whole basis of levying Development Contributions is to facilitate infrastructure that is required to facilitate wider development within a settlement. In fact if a developer subsequently carries out works listed in a Development Contribution Scheme, she is entitled to seek recompense from the scheme. If Wicklow County Council wish to develop the R772 as a de-trafficked business and community area and build a new Regional Route, then such works to facilitate this should be included in the Development Contribution Scheme, if they feel such works are essential to service employment or residential lands. **Alternatively if the road is sought to be provided by landowners, then the wording in the Local Area Plan should revert to similar to what was contained in the 2013 Local Area Plan.**

It is not clear who is to design this road from Tighes Ave to the R752 (and in fact the road in SPO7 as well). If it is to be done by landowners, it will be virtually impossible to get agreement in the life of a Local Area Plan to get together all the landowners (most of whom are not professional developers) and secure funds etc. It will be akin to sterilising the lands. If it is to be carried out by the Council, will there be any deadline? These uncertainties should be clearly resolved in the Local Area Plan by stating who is expected to design this and when.

In the specific case of our land, there is actually no need to have this entire road designed before development of our site. The first 100m of our land cannot be developed for housing given the set back from the M11 boundary required by the County Development Plan. There is thus a surplus of land in which to get a road line designed, and thus allowing our site to proceed would not prejudice or inhibit the design of this route.

Recommendation 2; Amend SLO3 as follows in bold:

- *A new link road is to be provided to connect Tighe's Avenue to the R752 **to be developed in phases along with the development of the zoned lands it passed through.***
- *No development may occur in this area until an overall design has been determined for the road network in the area, including but not limited to (a) the final northern section of the RIRR connecting same to the R772 and (b) a route from the R772 to the R752, **unless it can be demonstrated in an application that sufficient land will be left undeveloped to enable a satisfactory route to be designed.***

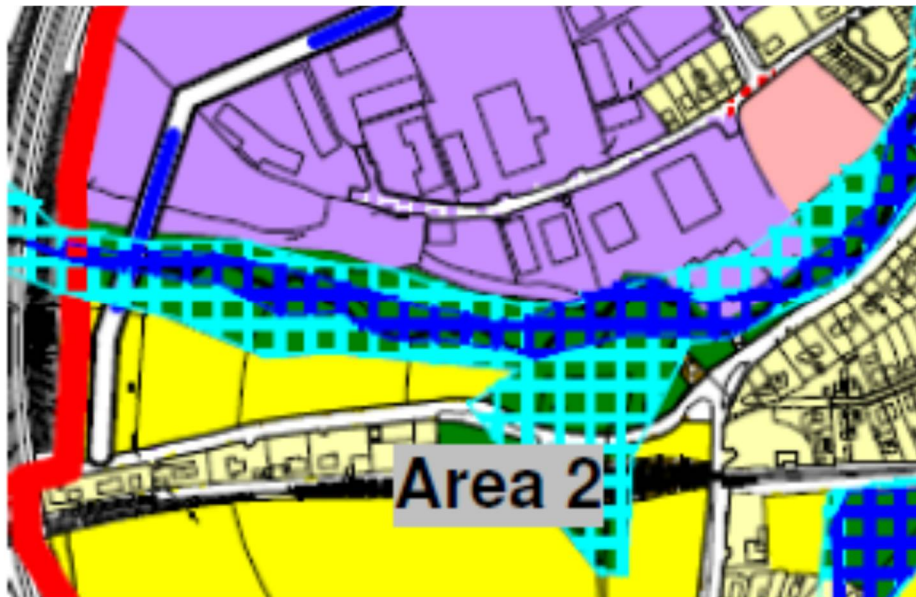
3. Our Lands Zoned OS2- Natural Areas

The easternmost field in our holding is zoned OS2- Natural Area. This was zoned in the 2013 Local Area Plan as POS- Passive Open Space.

I understand that the reason for what was then in 2013 a new zoning category, was to define lands that had been identified as in flood zones A or B (lands with flood probabilities of 1 in a hundred or 1000 years), and which were not generally suitable for development. This was illustrated by the fact

that Receivers for lands at Tinakilly made a submission to the 2013 plan process at the same stage that this plan is at, including a site specific flood assessment by consultant engineers. This showed that these particular lands that had been included in lands that would flood in the Council's Flood Risk Assessment (a less rigorous process that covered the entire plan area) would not flood, and they sought to have these lands zoned residential, the same as adjoining lands in their ownership. This amendment was accepted by the officials and Councillors, and the land zoned residential.

Below is an extract from the Flood Risk Assessment, Appendix A of the 2013 Local Area Plan, which shows Flood Risk areas A and B on our lands, which are identical to the POS zoning on our land:



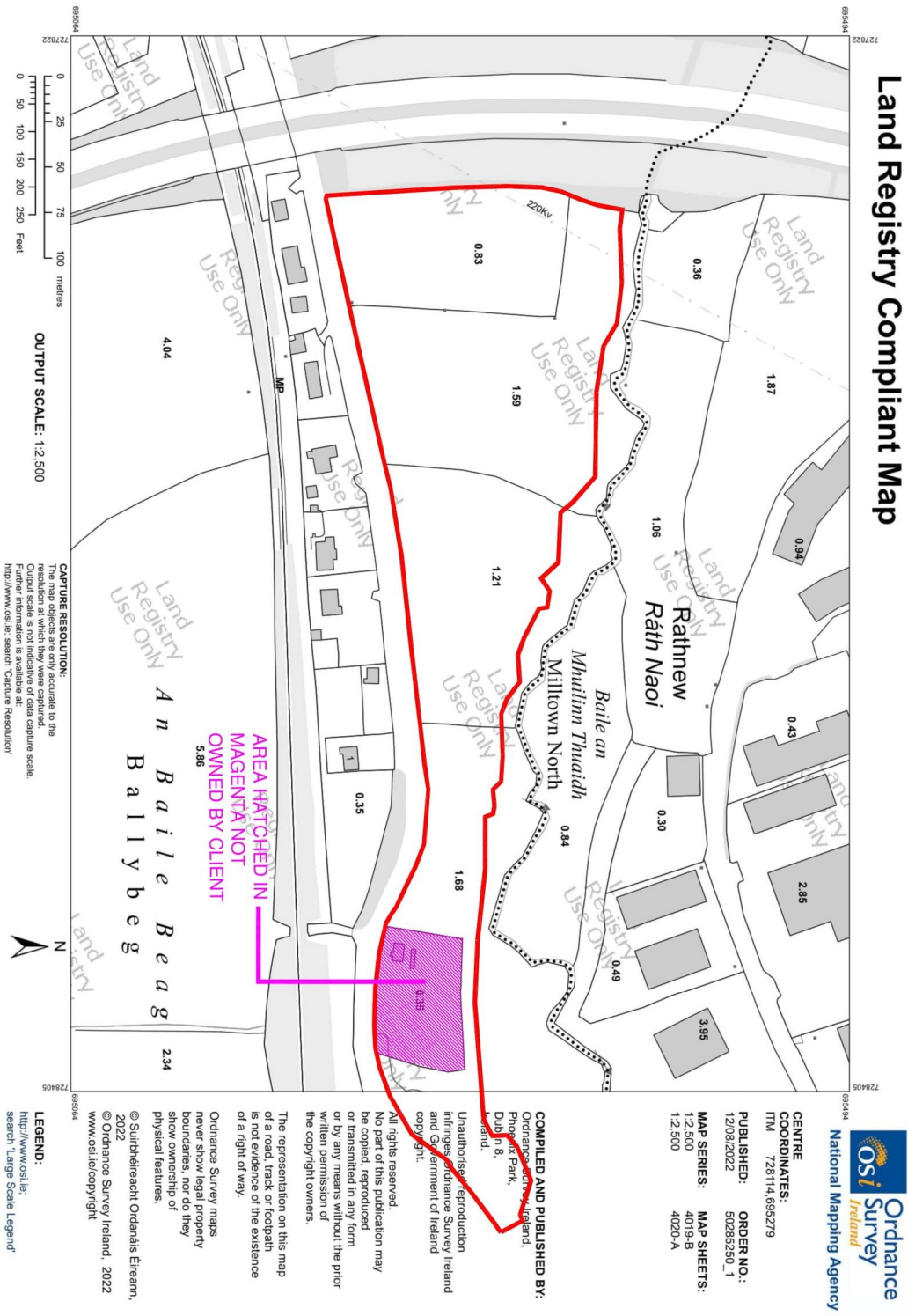
By comparison, the new and presumably refined on the basis of new or better information, Map No. 4, Indicative Flood Zones, published with this draft Plan shows a significantly reduced zone A and B on our land:

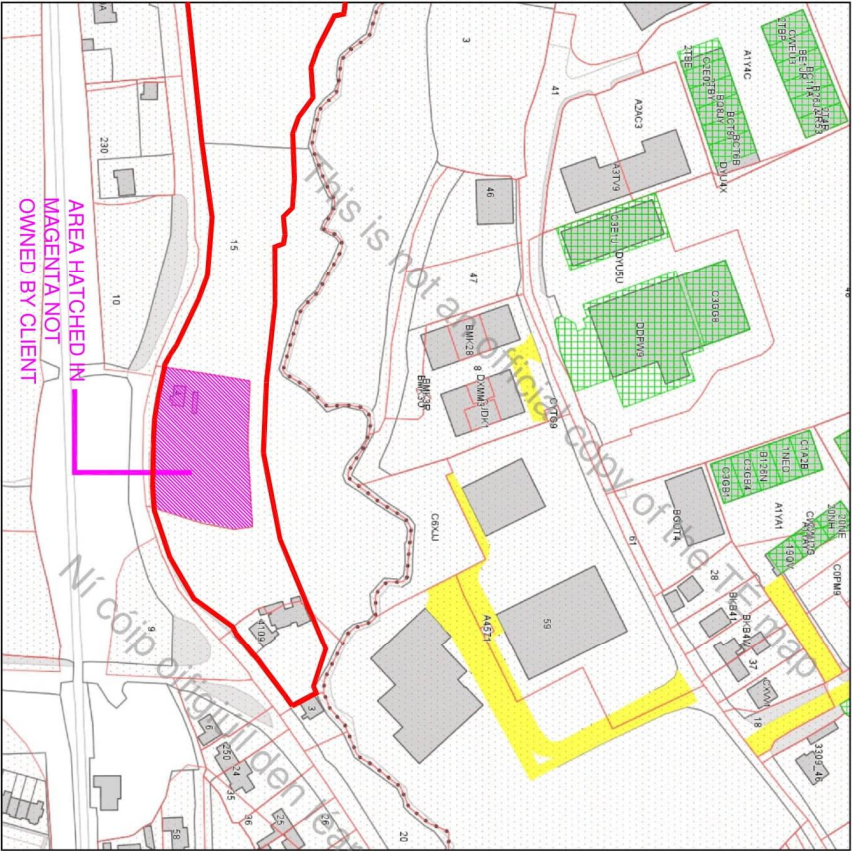


We would seek to have the residential zoning on our land extended up to the *area of potential future flood risk* marked pink in the extract above. This would also have the benefit of having the residentially zoned lands closer to and more integrated with the existing developed areas of Rathnew, and not arbitrarily cut off by this unnecessary and arbitrary open space zoning that would become in time an unsupervised disamenity.

We would also request that the plan be clarified to express where it can be shown that lands that were included in POS in the 2013 plan and now OS2 on the basis of being in an Area of Potential Flood Risk, can revert to adjoining zoning on the same land should a site specific flood study show such land is not at risk of flooding.

Recommendation 3a; Amend zoning map as below:





Creation Date: Wednesday, November 13, 2024 12:34:45 PM



Taithe Eireann

Clárachán Linnbhail, Sárbrúnaíocht, Rialáidheán, Valúidheán, Sárseirbhíoch

Official Taithe Eireann Registration Map

This map should be read in conjunction with the folio.

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(Collective of parcels) edged

Fraeshold

Leaseshold

Subleaseshold

S' Registrar

(see Section 8(2)(ii) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

Burdens (may not all be represented on map)

Right of Way / Wayleave

Turbary

Pipeline

Well

Pump

Septic Tank

Soak Pit

A full list of burdens and their symbology can be found at: www.landireland.ie

Taithe Eireann Registration operates a non-conclusive boundary system. The TE Registration map identifies properties and boundaries meaning neither the description of land in a folio nor its identification by reference to a TE Registration map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964) As inserted by Section 62 of the Registration of Deeds and Title Act 2006.



Recommendation 3b; Amend Typical Uses on page 62 as follows:

From

Uses appropriate for natural areas (OS2) zoned land are uses that protect and enhance the function of these areas as flood plains, buffer zones along watercourses and rivers, green breaks between built up areas, green corridors and areas of natural biodiversity. The development of these lands for recreational uses may only be considered where such use is shown to not undermine the purpose of this zoning.

To

*Uses appropriate for natural areas (OS2) zoned land are uses that protect and enhance the function of these areas as flood plains, buffer zones along watercourses and rivers, green breaks between built up areas, green corridors and areas of natural biodiversity. The development of these lands for recreational uses may only be considered where such use is shown to not undermine the purpose of this zoning. **As the bulk of these zoned lands area result of being in flood risk areas in the 2013 Local Area Plan Flood Risk Assessment, if it can be shown by a site specific flood analysis that any portion of these lands are not at risk of future flooding, they can be developed according to the adjoining zoning on the same lands.***