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BY E-MAIL ONLY

16 November 2022

Administrative Officer,
Planning Department,
Wicklow County Council,
County Buildings,
Whitegates,
Wicklow Town, A67 FW96,

COUNTY DEVELOPMENT PLAN DRAFT MINISTERIAL DIRECTION

Dear or Madam

We refer to the above and we confirm that we act for the owner of a tract of land at The Downs, Delgany, Co. Wicklow, Mr. John Fox OF [REDACTED].

1. Background

Wicklow County Council, at its meeting of 12 September 2022, formally resolved to make the *Wicklow County Development Plan 2022-2028* and this *Plan* came into effect on the 23 October 2022.

However, the Minister of State at the Department of Housing, Local Government and Heritage has issued a Draft Ministerial Direction regarding the *Wicklow County Development Plan 2022 - 2028* to Wicklow County Council and the Planning Authority has sought submissions or observations from the public in respect of this Draft Direction from 3 November 2022 to 16 November 2022 inclusive.

This process provides Mr. Fox with an opportunity to provide feedback to the Council in relation to this Draft Direction which contains a number of points, one of which seeks the de-zoning of his land.

2. Draft Direction

The Draft Ministerial Direction regarding the *County Development Plan 2022* states, *inter alia* that:

'(2) The Planning Authority is hereby directed to take the following steps with regard to the Development Plan:

(a) Reinstate the following settlement boundaries and zoning objectives to that of the draft Plan:

(i) Amendment VI – 11(a) (Kilpedder – Willowgrove), i.e. the settlement boundary reverts to the draft Plan'.

The location of the subject site is as depicted overleaf.

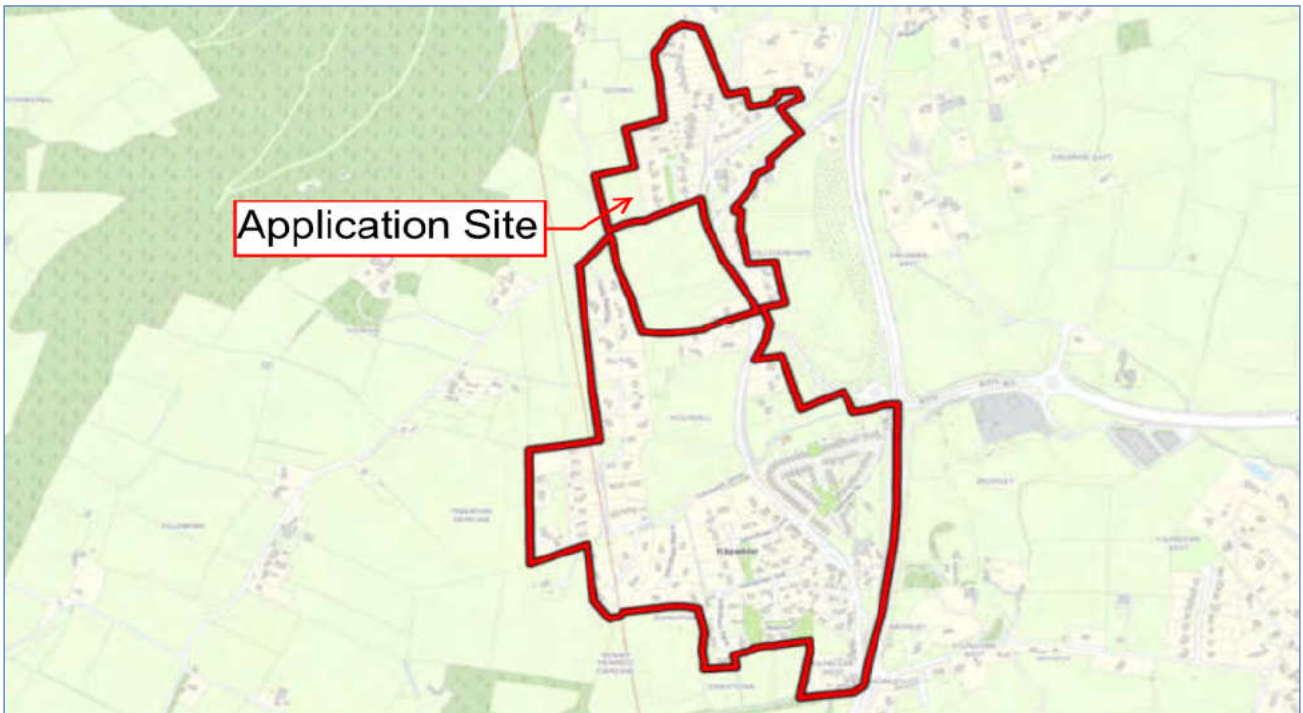


Map 1: The location of the subject land at The Downs Delgany (Kilpedder) Co. Wicklow.

3. Planning Policy

Kilpedder / Willowgrove is a Level 7 village in the Greystones Municipal District in the adopted *Wicklow County Development Plan 2022-2028*. The accompanying narrative explains *inter alia* that:

‘These are rural villages that have a moderate level of existing infrastructural services, both physical and social, and that are of such a size as to accommodate a moderate amount of new housing. These settlements generally have a population of less than 500, with many considerably smaller’.



Map 2: The location of the land within the Kilpedder / Willowgrove Level 7 settlement.

Multi-unit developments within Level 7 settlements are governed by the following occupancy control:

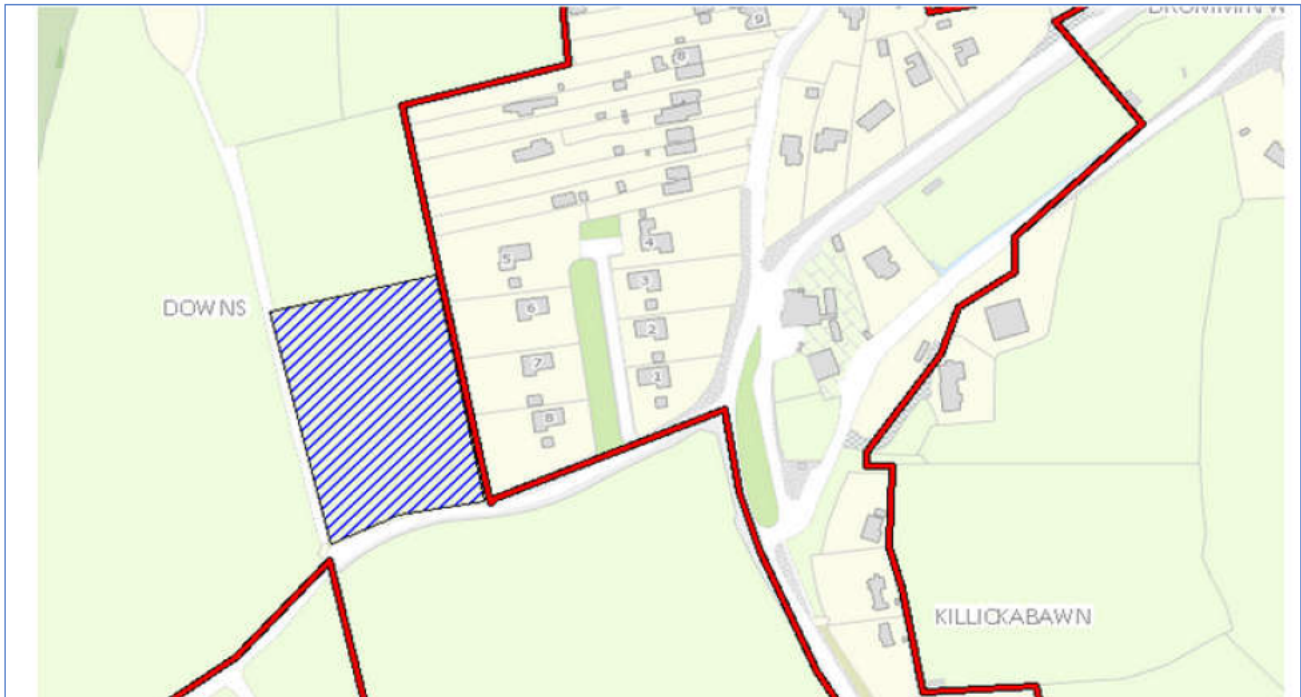
50% no restriction

50% Applicant / purchaser of any new home must be either:

♣ a resident for at least 3 years duration in County Wicklow or

♣ in permanent employment for at least 3 years duration in County Wicklow,

or within 30km of the Type 1 Village in question prior to making of application / purchase of new house'.



Map 3: The site is beside existing built development at Kilpedder / Willowgrove and does not comprise a remote tract of land which is at a distance from existing housing.

4. Development Plan Submission

The subject site, which covers an area of c.1.3 hectares (3.2 acres) and it was always understood that housing on this land would be occupied by the landowner's three children (and the applicant would accept a condition which requires the completion of a legal agreement under section 47 of the Planning and Development Act, 2000 (as amended) limiting the *'the use of the dwelling...to those persons who fulfil the criteria set out in Objective CPO 6.41'*, as required under the *County Development Plan*).

In this regard, the Planning Authority is aware of the applicant's intention to accommodate his son and two daughters through the provision of an affordable local site and we note, in this context, how the narrative in s.3 (*'Assessment of Submissions'*)¹ under the heading *'Amendment V1-11'*² states³

'Request to amend the Kilpedder boundary to include the lands as shown indicatively (c 1.6ha) on the map below for residential use (3 houses only). In support of same it is put forward that:

¹ In the *'2nd Chief Executive's Report on the submissions to the Draft Plan'*

² This subsection is entitled *'Level 7 Settlement Maps Kilpedder – Willowgrove'*.

³ At pp. 349-350

- lands are adjacent to developed areas, would provide infill development;

- dwellings would be for family members who would qualify for rural housing but would prefer to build adjoining the village.

...If this is their desired site for the family homes, they may be considered under the rural housing criteria'.



Photographs 1 & 2: The site comprises a tract of farmland which is used for tillage purposes.



5. Draft Ministerial Direction

The Draft Ministerial Direction contains several somewhat generalised points and, partly through a process of logical elimination, three items therein possibly relate to this site, reproduced as follows:

'The Development Plan as made includes material amendments to the draft Plan, that individually and cumulatively are not consistent with the Core Strategy, national and regional planning policy, and the proper planning and sustainable development of the area, including ...

Settlement boundary extensions and land zoned for residential development (including for a nursing home/ residential care facility) located in peripheral locations removed from the existing settlement, and in the absence of infrastructure required for such development, inconsistent with the requirements for compact growth in NPO 3c and RPO 3.2, the tiered approach to zoning in NPO 72, the proportionate growth of rural towns in NPO 18(a), and the sequential approach to development having regard to the policy and objective of the Development Plans Guidelines for Planning Authorities (2022) regarding the sequential approach (section 6.2.3)

Settlement boundary extensions and land zoned for development in locations that would facilitate a pattern of car dependent development inconsistent with objectives to promote sustainable settlement and transportation strategies'.



Map 4: The subject site is located at the base of Downs Hill, beside a mature enclave of houses at Downshill Woods, to the immediate west of Willowgrove Kilpedder.

6. Submission

(i) Introduction

There is a need for extra residential land generally and in Co. Wicklow, particularly, given its location within the Greater Dublin Area. The principles of sustainability indicate that opportunities for new development should focus on intensifying land-use within or beside existing built-up areas, with the *National Planning Framework* envisaging that much of the new accommodation to be provided over the 2020-2040 time horizon should be constructed in established settlements, such as Willowgrove Kilpedder. Given this policy content and given the desperate requirement in society for all types of housing, we can identify no reason whatsoever to warrant de-zoning this land and earmarking the tract for agricultural purposes alone. We invite Wicklow County Council to continue to support this designation, given its juxtaposition with existing residential development at Willowgrove, Kilpedder.

The issues which have been tabled in the Draft Ministerial Direction are rather nebulous in nature and it is difficult to identify, with precision, the exact reasons on which this document seeks the de-zoning of this tract of land. For example, no part of this text suggests that there are any physical, functional, aesthetic, visual, ecological or other environmental factors which might inhibit development, to the degree that this property is not flood-prone, does not accommodate protected species, is not located in a visually vulnerable area and is otherwise insensitive as to the effects of house-building therein.

Moreover, the claim that this zoning objective could adversely affect the provisions of the core strategy, or national and regional policy, overlooks the size of the subject site which, at c.1.3 hectares is somewhat limited. We consider that it would be difficult to show that a development on a tract of this site would jeopardise the proper planning and sustainable development of the area, in this context.

(ii) Settlement Boundary

Although we present our detailed land-use arguments below, we respectfully invite the County Council to accept that the site which is identified on Map 1 above (page 2) forms part of the natural extension of the existing boundary at Willowgrove Kilpedder and that any development thereon would function and be perceived as part of this village, rather than comprising a feature in the countryside.

It is our view that the development of the sites to which this submission relates would assist in the expansion of this village and that such development would be undertaken within the settlement proper. To the degree that the principles of sustainability promote the best use of land beside existing towns and villages, any such residential and / or commercial growth would be situated in a suitable location. In this regard, the zoning of this land for new residential purposes accords with the *National Planning Framework* which explains, at page 74 (as part of a narrative on National Policy Objective 19) that:

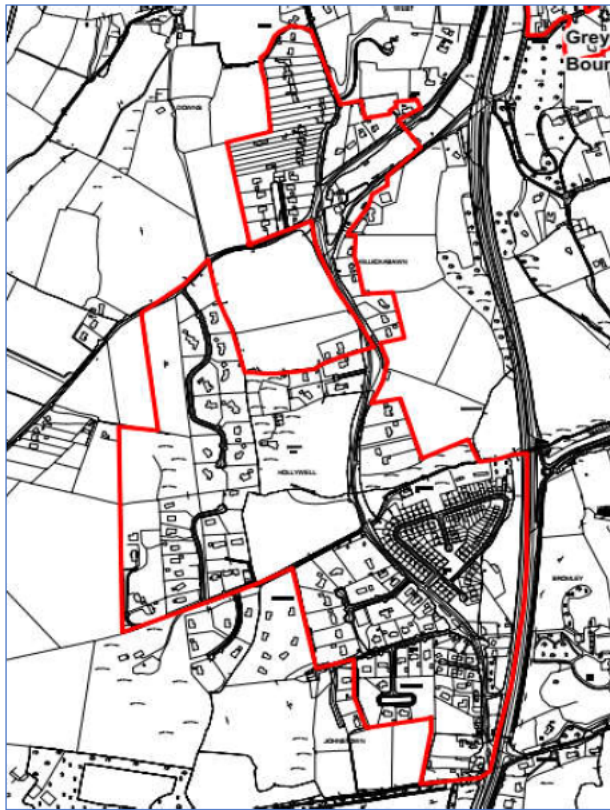
‘The Irish countryside is, and will continue to be, a living and lived-in landscape focusing on the requirements of rural economies and rural communities, based on agriculture, forestry, tourism and rural enterprise, while at the same time avoiding ribbon and over-spill development from urban areas and protecting environmental qualities. It is recognised that there is a continuing need for housing provision for people to live and work in Ireland’s countryside. Careful planning is required to manage demand in our most accessible countryside around cities and towns, focusing on the elements required to support the sustainable growth of rural economies and rural communities....

This arises because in some locations, almost all recent single housing in the countryside has been developed privately, with social housing provided largely in settlements. In many parts of rural Ireland, where a significant majority of housing output is in the countryside, this has contributed to spatial and social imbalance and the decline in population of smaller settlements. As a result, many key services have closed, in part due to population decline, leaving more marginalised and vulnerable citizens without access to those services’.

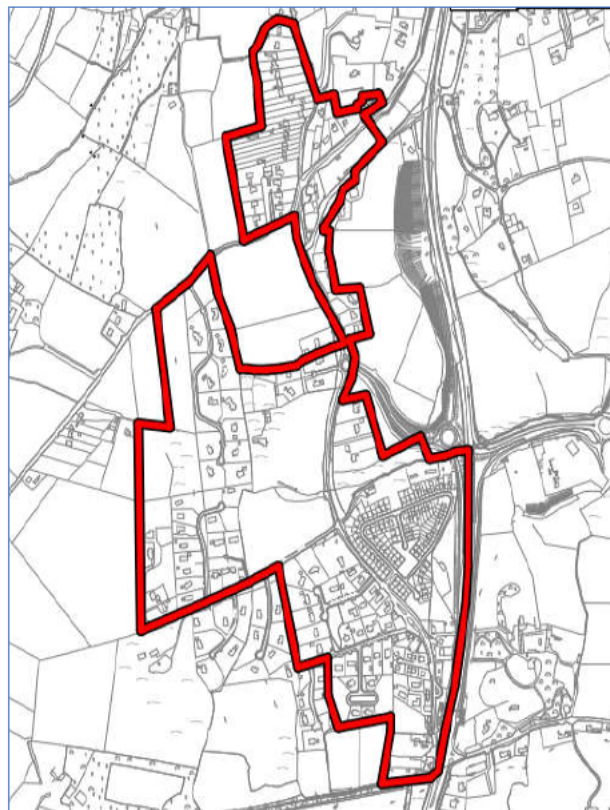
In the context of this provision, National Policy Objective 19 states that decisions on one-off dwellings should take account of the viability of smaller towns and other rural settlements and it is immediately apparent that this provision seeks to direct new housing, which might otherwise be built in remote parts of the open countryside, into established village settlements, such as Willowgrove / Kilpedder. Although we have scoured the Draft Ministerial Direction, we can find no reference to this latter clause in its text and we ask the County Council to maintain its approach in the light of this pivotal policy.

Although national, regional and local planning policy has promoted the growth of rural villages and hamlets since the turn of the present century, the settlement boundary which demarcates Willowgrove / Kilpedder has remained unchanged over a period of at least twelve years, as illustrated in Map 5(a) and (b) overleaf and we consider that there is clearly some scope for additional settlement growth⁴.

⁴ A larger tract, of 4.5 hectares, which had originally been intended for residential development was omitted from the *County Development Plan 2022* (with this draft designation having been removed at Amendment V1-11 (c) stage.



Map 5(a) & (b): The Willowgrove / Kilpedder development envelope in the Greystones - Delgany and Kilcoole Development Plan 2013 (above) and the County Development Plan 2016.



(iii) The Issue of Proportionality

We are of the view that the continuation of the zoning of this site as residential development land is proportionate to the size of the existing settlement which it abuts and would be responsive to society's need for different types of housing as a matter of generality and especially where low-density dwellings, of a type which would counter-balance the current emphasis on apartment schemes, might be provided. It is established that the planning system should ensure that policies exist to provide a range of accommodation types and we consider that this property, whose acceptability for housing has been acknowledged by the Planning Authority, could be developed as a low-density development.



Photographs 3 & 4: The new houses would abut an existing residential development at Downhill Woods Delgany, which is located to the east of the site.



Given such objectives, we consider that the demand for new residential land in existing centres within the county is likely to increase enormously, especially given the tightening of the rural housing test and the controls to be applied in rural areas which already accommodate an undue number of homes. This tract can plainly provide *bona fide* opportunities for new one-off dwellings in this built-up area.

It is our opinion that, by reason of its proximity to existing housing within this settlement, the designation of this land for housing purposes would wholly accord with s. 4.19 (i) and (iii) of well-established government planning policy, in *Development Plans - Guidelines for Planning Authorities*:

‘4.19 In order to maximise the utility of existing and future infrastructure provision and promote the achievement of sustainability, a logical sequential approach should be taken to the zoning of land for development:

(i) Zoning should extend outwards from the centre of an urban area, with undeveloped lands closest to the core and public transport routes being given preference (i.e. ‘leapfrogging’ to more remote areas should be avoided);

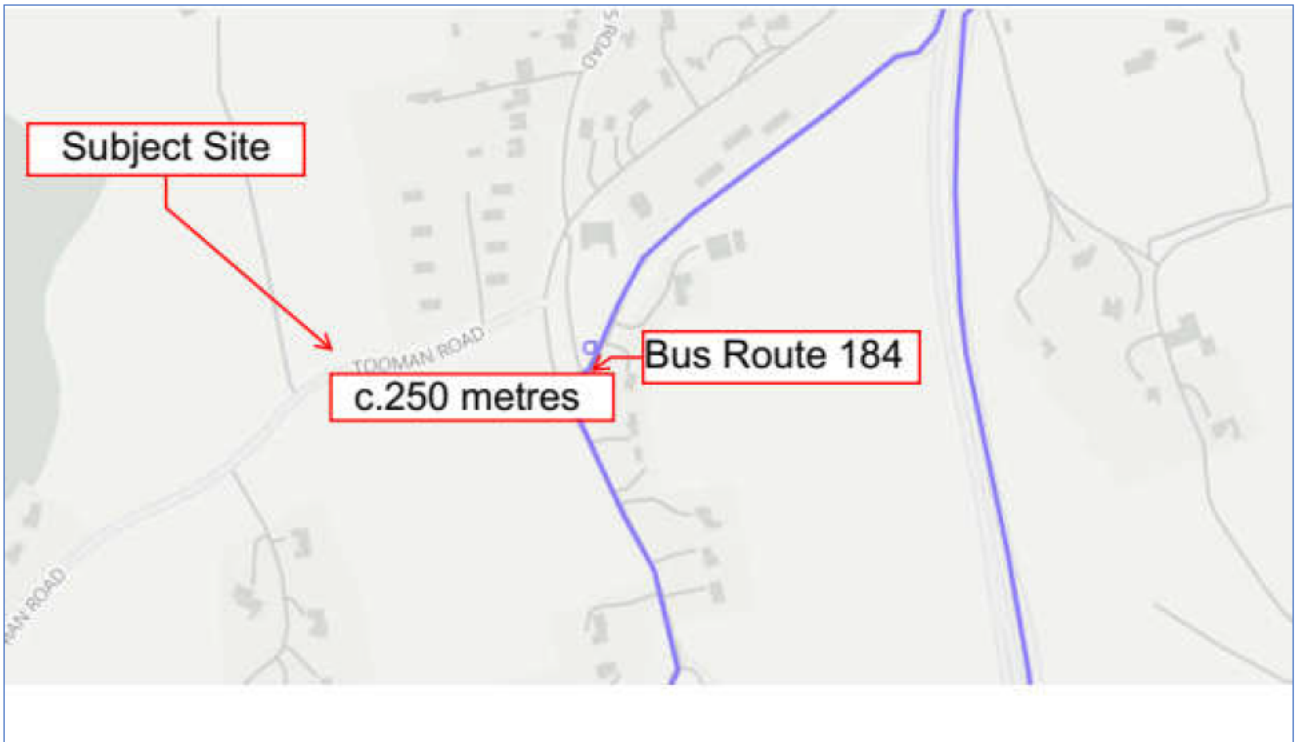
(iii) Areas to be zoned should be contiguous to existing zoned development lands’.

(iv) Sustainable Transport

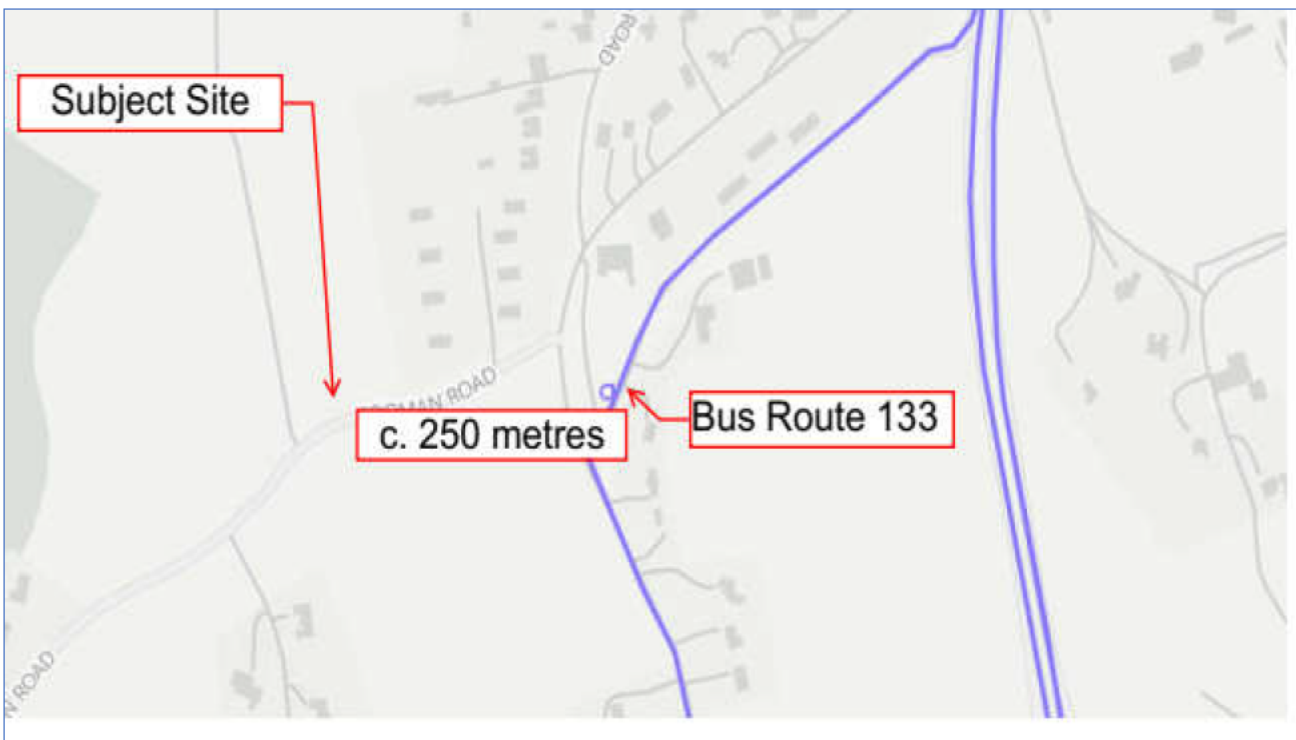
Although the Draft Ministerial Direction suggests that the proposed settlement boundary extension for Willowgrove / Kilpedder and the demarcation of this land for residential purposes ‘would facilitate a pattern of car dependent development inconsistent with objectives to promote sustainable settlement and transportation strategies’, this is not actually the case and indeed, we observe how this area is rather well-served by public transport facilities. On this particular basis, we respectfully invite the Council to refute the observations which are set out in this text.



Map 6: The site is served by bus route 133 which links Kilpedder with Wicklow Town



Maps 7 & 8: The site is served by bus route 184 which links Kilpedder with Bray, Greystones and Newtownmountkennedy and by bus route 133, which connects Kilpedder with the Capital City.



Future residents living on the land to which this submission relates need not own or use a private car, as this area is adequately served with public transport. On this basis, we would disagree with any zoning of this site from residential development to agricultural use on the basis that the extension of the Willowgrove / Kilpedder designated settlement would facilitate a pattern of car dependent housing which would be inconsistent with adopted strategies for the promotion of sustainable development.

7. Concluding Comments

There is a need for additional residential land in Co. Wicklow, particularly given its role within the Greater Dublin Area. The principles of sustainability indicate that opportunities for development should focus on intensifying land-use within or beside existing built-up areas, with the *National Planning Framework* envisaging that much of the new accommodation to be provided over the 2020-2040 time horizon should be located in or beside established villages such as Willowgrove / Kilpedder.

The *Development Plan 2022* pursues an adequate approach to the need for new housing land in this area and a proportionate response, in terms of the quantum of zoned land allocated therein for village expansion purposes Willowgrove / Kilpedder. It is our view that this slightly enlarged settlement will make an optimal contribution towards the need for residential development as a result of this strategy and we invite the Council to pursue this land-use objective, notwithstanding the Draft Ministerial Direction, in the interests of the proper planning and sustainable development of this area.

Yours faithfully



Farry Town Planning Ltd.