



Draft Wicklow Town – Rathnew LAP Submission - Report

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Proposed Variation No. 2 to the CDP

Submission

The attached submission sets out the relevant national and regional policy context that Cairn Homes believe should inform the proposed Variation No.2 of County Development Plan (CDP) and ultimately the future growth of County.

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Wicklow County Development Plan 2022-2028 – Proposed Variation No.2

Submission on behalf of Cairn Homes Properties Ltd

20 November 2024



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1. INTRODUCTION

1.1 Background

MacCabe Durney Barnes has prepared this submission on behalf of **Cairn Homes Properties Ltd (“Cairn Homes”) of 45 Mespil Road, Dublin 4, D04 W2F1** in response to the Proposed Variation No. 2 of the Wicklow County Development Plan 2022-2028.

Cairn Homes is an Irish homebuilder founded in 2014 with a clear strategy to deliver high-quality new homes with an emphasis on design, innovation, and customer service. Following a successful initial public offering (IPO) in June 2015 to raise funds to finance the development of new homes in Ireland, Cairn is actively engaged in the delivery of some 15,000 homes over the coming years and have to date completed 7,474 homes. In 2023, Cairn delivered 1,741 new homes and increase from 1,526 new homes in 2022. To date Cairn have delivered 1,060 new homes in Wicklow . In addition, Cairn has been involved in assisting in the delivery of 2 new schools in Wicklow, community and sports facilities and enterprise units. Cairn is committed to working with Wicklow County Council in the delivery of much-needed new homes together with the associated infrastructure necessary to deliver new communities with improved and high-quality amenities.

Cairn Homes welcomes the Proposed Variation No.2 of the Wicklow County Development Plan 2022-2028, which can provide an important framework and clarification for the development of the County up to 2028 and beyond. They have a keen interest in the sustainable development of County.

This submission sets out the relevant national and regional policy context that Cairn Homes believe should inform the proposed Variation No.2 of County Development Plan (CDP) and ultimately the future growth of County.

1.2 Purpose of Variation No.2

Wicklow County Council is preparing new Local Area Plans for the settlements / areas of:

- Bray Municipal District (including Enniskerry and Kilmacanogue)
- Wicklow Town – Rathnew
- Greystones - Delgany and Kilcoole
- Arklow and
- Blessington

To ensure consistency of the draft and final Wicklow Town – Rathnew LAP with the County Development Plan, it is proposed to vary the County Development Plan (CDP) alongside the LAP.

1.3 Draft Wicklow Town- Rathnew Local Area Plan 2025-2031

Cairn Homes have prepared an associated submission in respect of Draft Wicklow Town-Rathnew LAP 2025-2031. This submission should be read in conjunction with that submission.

2. STATUS OF CURRENT COUNTY DEVELOPMENT PLAN

2.1 Legislative Provisions

Any variation of the CDP must accord with the provisions of section 13 of the Planning and Development Act 2000, including reporting on submissions made and to make any recommendations arising.

Importantly, Section 95 (1) of the Act relating to housing strategies and development plans is of particular relevance to this variation. It states

*“(1) (a) In conjunction with the inclusion of the housing strategy in its development plan, a planning authority shall, having regard to the overall strategy for the proper planning and sustainable development of the area of the development plan referred to in section 10, **ensure that sufficient and suitable land is zoned for residential use, or for a mixture of residential and other uses, to meet the requirements of the housing strategy and to ensure that a scarcity of such land does not occur at any time during the period of the development plan.***

*(b) A planning authority shall include objectives in the development plan in order to secure the implementation of the housing strategy, in particular, any of the matters referred to in section 94(3), including objectives requiring **that a specified percentage of land zoned solely for residential use, or for a mixture of residential and other uses, be made available for the provision of housing referred to in F507[section 94(3)(e) and] section 94(4)(a).***

(c) Specific objectives as referred to in paragraph (b) may be indicated in respect of each area zoned for residential use, or for a mixture of residential and other uses, and, where required by local circumstances relating to the amount of housing required as estimated in the housing strategy under section 94(4)(a), different specific objectives may be indicated in respect of different areas, subject to the specified percentage referred to in section 94(4)(c) not being exceeded.” [Our bold for emphasis]

Adequate land use zoning must therefore be incorporated into the development plan, and not be reliant on zonings in local area plans. This is to ensure that a scarcity of land does not arise during the course of the CDP to meet housing demand and that objectives in relation to social and affordable housing is met. Notwithstanding Wicklow County Council’s best intentions that pre-existing zonings continue to have relevance (e.g. Blessington and Rathnew decisions¹), regrettably this has not been supported by An Bord Pleanála and consequently the only immediate mechanism to address this is through incorporation of all pre-existing LAP zoning plans into the CDP.

2.2 Development Plan and Current Status of Zonings in LAPs

The pre-existing *Wicklow Town-Rathnew Local Area Plan 2013-2019* expired without extension of its duration. In addition, *Greystones-Delgany-Kilcoole Local Area Plan 2013-2019*, the *Blessington Local Area Plan 2013-2019*, the *Arklow Town Local Area Plan 2013-2019* have also expired. Even the *Bray District Local Area Plan 2018-2024* came to end of its life in June 2024. The County therefore has no zoning framework for all of the Level 1,2 and 3 main settlements in the County. The only zoning in the CDP is for the lower level 4,5 and 6 towns in the County. Under the even outdated core strategy and housing strategy tables (Tables 3.5 and 7.2

¹ ABP Ref nos. ABP-319137-24, ABP-319657-24

of Appendix 3) contained in the CDP, the main towns were to cater for 6,984 of the 8,467 housing unit target for the County, which is 82% of the total requirement. The zoning in the CDP only therefore accommodates a mere 18% of requirements.

2.3 National Policy

A full review of policy is provided in the associated submission on the Draft Wicklow Town-Rathnew LAP 2025-2031. In this section we draw attention to a number of specific points which are of relevance to Variation No.2.

National Planning Framework (NPF) - Draft July 2024

The NPF is currently under review. The 2018 NPF planned for population growth of 1.1 million people, and a total population of 5.85 million by 2040. Census 2022 recorded a population of 5.15 million (CSO) in Ireland. The ESRI has updated its national and regional population projections to account for Census 2022 and to take account of up to date economic, fertility, mortality and migration data. The updated projection is that the population of Ireland will increase to approximately 5.7 million by 2030 and to 6.1 million by 2040. Under NPO 3 Eastern and Midland Region approximately 470,000 additional people between 2022 and 2040 (c. 690,000 additional people over 2016-2040) i.e. a population of almost 3 million, will be accommodated. These new projections will now have to filter down in revised RSES targets and increased core strategy figures of constituent CDPs.

On foot of the draft NPF, the Government has announced a new target of 303,000 units between 2025 and 2030 (50,500 per annum), scaling up to 60,000 units in 2030. The Minister has stated that *"The targets we set will only ever be the floor, not the ceiling, and as has been proven over the two full years of the Housing for All plan, where we can surpass our targets, we will."*²

The new housing targets are based upon the ESRI revised projects³, which indicate an annual housing demand for Wicklow of between 1,374 and 1,465 between 2023 and 2040. This contrasts with the grossly inaccurate ESRI projects from 2020 of between 773 and 881 units between 2021 and 2040. It is these figures upon which the Housing Targets were prepared pursuant to the section 28 guidelines detailed below. It is evident therefore that the housing targets for Wicklow will significantly increase in the near future.

The Development Plan Guidelines below indicate that lands should not be de-zoned. Furthermore, the Minister has indicated that an important facet of reaching the new targets, is *".....ensuring that there is sufficient zoned and serviced land available at suitable locations to facilitate the development of housing and sustainable communities. In the period pending finalisation and approval of the updated National Planning Framework, it would be appropriate for each planning authority to undertake a preliminary assessment of the quantum of zoned and serviced land within their administrative area that is available for residential purposes and to estimate the overall housing capacity of such lands,"*⁴ De-zoning land runs contrary to this objective.

² Press release 6th November 2024.

³ ESRI, 2024, *Population Projections, the Flow of New Households and Structural Housing Demand*, Research Series No.190. July 2024

⁴ Press release 31st August 2024.

Housing Supply Target Methodology for Development Planning - Guidelines (Dec 2020)

These guidelines set out how core strategies of development plans should calculate the provision for housing over the period of the Plan. The methodology is somewhat prescriptive and complex. In addition, the Guidelines set out the housing targets for different counties. They allow for an additional 25% to facilitate convergence with the NPF strategy where justified. Such justification relates to compliance with NPF objectives and the provisions of the relevant RSEs.

Development Plans – Guidelines for Planning Authorities (June 2022)

While the subject plan is a local area plan, the Development Plan Guidelines sets out important guidance for the zoning, identification of land use strategies and phasing and sequencing of development. This is of relevance, as the local area plan is setting out the zoning framework and overall form of Wicklow Town. A clear methodology is established for the preparation of the housing demand and zoning requirements across all settlements within the planning authority area. While these guidelines relate to development plans, there are certain provisions that are of relevance to the subject LAP, as the Wicklow County Development Plan 2022-2028 has deferred zoning decisions to individual LAP preparation.

Section 4.4.1 states that:

“It is a policy and objective of these Guidelines that zoned housing land in an existing development plan, that is serviced and can be developed for housing within the life of the new development plan under preparation, should not be subject to de-zoning”

2.4 Residential Zoned Land Tax (RZLT)

Significant tracts of land within the Wicklow LAP area and across Wicklow County have been identified as being subject to the RZLT. However, all of this land must be appropriately zoned. This further emphasises the need to ensure that zoning plans across the County remain valid. The Council would otherwise be in a position where it is facilitating the collection of a tax on a false premise.

3. WICKLOW COUNTY DEVELOPMENT PLAN 2022-2028 – PROPOSED VARIATION NO.2

3.1 Introduction

The Proposed Variation No.2 involves amendments to the existing text in the CPD. Observations are made in relation to the proposed Variation and text.

The **Wicklow County Council** proposed changes to text are shown with new text in **red** and text for deletion in **blue-strikethrough**.

The Cairn Homes Properties Ltd proposed changes to text are shown with new text in **green** and text for deletion in **orange-strikethrough**.

3.2 Chapter 1

Submission #1

The Proposed Variation of Section 1.2 includes an additional point b) in reference to Volume 2, which indicates that this volume includes that land use zoning and key objectives for five Local Area Plan settlements of Bray Municipal District, Wicklow Town - Rathnew, Greystones – Delgany & Kilcoole, Arklow and Blessington which have separate Local Area Plans. We would highlight that this is factually not the case, as only the zoning map for Wicklow Town-Rathnew is included in Volume 2 reflecting the incorporation of the zoning arising from the incorporation into the CDP of the Draft Wicklow Town-Rathnew Local Area Plan 2024-2030. The remaining LAPs for Blessington, Greystones-Delgany-Kilcoole, Arklow and Environs, and the Bray Municipal District have yet to be reviewed and incorporated into the CDP.

We note that while the wording of Variation No.2 facilitates the incorporation of zoning objectives into the CDP for other LAP areas as they happen, Variation No.3 (with exactly the same wording) specifically incorporates the Blessington LAP zoning objectives into the CDP even though it appears as though this is not accommodated under Variation No.2. The only subsequent changes should relate to LAP objectives maps referred to in Chapter 17 and Volume 2 of the CDP.

We contend that it would avoid contradictions and inconsistencies if the text referred to “*pre-existing and reviewed*” land use zoning to emphasise that the Volume 2 contained new zonings as they arise from the LAP adoption process.

Requested Amendment #1

Vary Section 1.2 as follows:

“1.2 Structure of the Plan

The plan consists of a written statement and plans that indicate the development objectives for County Wicklow.

Volume 1 of the plan contains the primary written statement.

Volume 2 contains

- (a) a set of 'town plans' for the following settlements: Ashford, Aughrim, Avoca, Baltinglass, Carnew, Donard, Dunlavin, Laragh-Glendalough, Newcastle, Newtownmountkennedy, Rathdrum, Roundwood, Shillelagh and Tinahely.
- (b) the **pre-existing and reviewed** land use zoning and key development objectives maps for the Local Area Plan settlements / areas of Bray Municipal District, Wicklow Town - Rathnew, Greystones – Delgany & Kilcoole, Arklow and Blessington which have separate Local Area Plans. (The written statement is published in a separate Local Area Plan)."

Submission #2

Section 1.2 of the CDP states that "Separate Local Area Plans are in place, which will be reviewed during the lifetime of this plan, for the following towns..." It is clear that the intention of the current Plan is to incorporate previously existing LAPs into the County Development Plan. There are pre-existing LAPs which provided a zoning framework for the County. However, as all five local area plans have now technically expired, and have been held to have expired by An Bord Pleanála⁵, the phrase "...Local Area Plans are in place..." is not wholly accurate.

In the absence of any reference to previously existing LAPs, Wicklow is left without any zoning for the principal settlements in the County. This is contrary to section 95(1)(a) of the Planning and Development Act 2000, which requires that a plan should ensure sufficient quantum of suitably zoned land. The incorporation of previously existing zoning in the County Development Plan provides a baseline for the review of zonings, which would be undertaken in accordance with the provisions of the principles for zoning as outlined in the core strategy. Reference is made to "pre-existing" LAPs in the proposed Variation relating to section 2.5, and so repeating this terminology, which can be considered accurate, would be appropriate in relation to section 1.2 of the CDP.

Requested Amendment #2

"Volume 3 contains the appendices to the plan that inform and clarify the broader strategic context of the written statement.

*Separate **pre-existing Local Area Plans zoning objectives are in-place form part of the CDP**, which will be reviewed ~~after the adoption~~ during the lifetime of this plan, for the following towns / areas: Bray Municipal District, Wicklow Town - Rathnew, Arklow, Greystones – Delgany - Kilcoole and Blessington. These Local Area Plans are reviewed and made under Sections 18, 19 and 20 of the Planning and Development Act, and ~~as such do not form part of the County Development Plan and are subsidiary plans to this County Development Plan.~~ However, The CDP does provide the key parameters for these Local Area Plans such as the future population and housing targets and sets out the broad strategy for the future economic and social development of these towns. To ensure that the zoning and key development objectives of these LAPs clearly form part of this County Development Plan, the land use zoning and key development objectives maps are adopted by way of variation into the County Development Plan during the making of each LAP."*

⁵ ABP Ref nos. ABP-319137-24, ABP-319657-24

3.3 Chapter 3

Submission #3

The proposed variation indicates that any changes to the core strategy housing targets that may arise from updated NPF and RSES targets will be facilitated in LAP zonings in a flexible manner. In addition, it is acknowledged that flexibility in LAP/CDP zonings is required to ensure that targets can be achieved “...in the event that unforeseen impediments to the development of certain lands arise....” The intent underpinning these provisions is welcome and reflects the challenges that will arise from translating the higher level new NPF housing targets into core strategy figures and subsequent zoning. However, the translation of this intended policy in the Wicklow Rathdrum LAP is problematic and does not effectively reflect this desired flexibility. This is addressed in the associated Cairn submission on the Draft Wicklow-Rathdrum LAP.

The Variation refers omits reference to lands zoned in “current” LAPs when considering the capacity/quantum of existing zoning. This omission is reasonable given the expired nature of these LAPs. However, reference to “pre-existing” LAPs is appropriate given to reflect terminology elsewhere. The text of the variation also refers to “LAPs in effect at the time of the adoption to the County Development Plan in 2022.” The only LAP in effect at that time was the Bray Municipal District LAP. This text as currently drafted is inaccurate.

Zoning for LAPs will be undertaken in accordance with the principles of section 3.5 of the CDP, namely 1. Compact Growth, 2. Delivery of Population and Housing Targets, 3. Higher Densities, 4. Sequential Approach. CDP housing targets will be revised following the NPF increased targets, and as such revisions to zonings in LAPs will accord with the core strategy housing targets as they apply at a particular point in time.

Requested Amendment #3

“3.5 Zoning

This development plan provides the population and housing targets for all 21 settlements in the County up to 2031. However, it only provides plans for 13 settlements, the remainder of the settlements having their own stand-alone ‘Local Area Plans’, which will be reviewed after the adoption during the lifetime of this County Development Plan. As part of the LAP adoption process, the land use zoning and key development objectives maps for the LAP settlements / areas are integrated into Volume 2 of this County Development Plan by way of variation.

Local Area Plans (LAPs)

New Local Area Plans will be made for the following settlements in the period 2022-2024⁵ in the following order of priority:

1. Wicklow Town – Rathnew
2. Blessington
3. Greystones - Delgany – Kilcoole
4. Arklow and Environs
5. Bray Municipal District (including Enniskerry and Kilmacanogue)

~~While each LAP will cover a period of 6 years, zoning will be provided on the basis of the land needed to meet the 2031 population target, with clear objectives to ensure 2026 targets can be reached.~~

The Core Strategy Tables to follow shows the housing unit requirements for the LAP towns, up to the year 2031 and the housing unit capacity of lands zoned in ~~current~~ pre-existing LAPs ~~in effect at the time of the adoption of the County Development Plan in 2022.~~

~~This table shows that the majority of current LAPs have a surplus of zoned land having regard to the revised 2031 targets set out in the NPF Roadmap and the RSES for the EMRA.~~

Upon adoption of this County Development Plan in 2022, the amount of zoned land in pre-existing LAPs exceeded the amount of land needed to meet the Core Strategy 2031 housing targets for each of the towns set out in this County Development Plan (as detailed in Table A of the Core Strategy), based on prevailing population and household formation data which existed at the time of the Plan preparation and which is currently being updated

In the preparation of the updated LAPs during the lifetime of this County Development Plan, development and growth objectives, including the amount of zoned housing land and phasing / prioritising objectives, shall take into account the zoning principles set out hereunder as well as the guidance set out in 'Development Plans – Guidance for Planning Authorities' (DoHLGH 2022) and any further Government or Ministerial policies / guidance in place at the time of the adoption of the LAP.

In particular, residential development objectives including land zoning provisions will be made on the basis of providing enough housing land to meet the prevailing Core Strategy population and housing targets set out in the County Development Plan at the time of adoption of the LAP, with flexibility in the zoning provisions to ensure that (a) the targets can be achieved in the event that unforeseen impediments to the development of certain lands arise and (b) the LAPs do not have to be formally amended to reflect any changes in the Core Strategy or population / housing targets that may arise during the lifetime of the County Development Plan due to changes to the National Planning Framework, Regional Spatial and Economic Strategy or planning legislation.

Prior to the adoption of new LAPs reflecting the targets set out in this plan, in the assessment of applications for new housing development (or mixed use development of which housing forms a significant component) the Council will strictly adhere to the compact growth, sequential development and phasing principles set out in this plan."

3.4 Volume 2

Submission #4

The Variation seeks to integrate the zoning objectives of reviewed LAPs into Volume 2. It references as an addition a new Part 5 of the Volume 2, which indicates maps for Bray Municipal District, Wicklow Town-Rathnew, Greystones-Delgany and Kilcoole, Arklow and Blessington. The text outlines the background to the LAP inclusion in the CDP and the zoning and land use objectives text. However, only maps (land use zoning, green infrastructure, flood and transport) for Wicklow Town-Rathnew are included. Pre-existing LAPs are not included, notwithstanding that there are separate parts in the Table of Contents allocated to each of the five LAPs. Furthermore, the text states that "The existing Local Area Plan will remain in place until that LAP is superseded by a new plan."

Requested Amendment #4

It should be made clear that it is intended that the objectives maps of pre-existing LAPs form part of the CDP, until such a time as the new LAPs are adopted and the associated zoning maps are added to Volume 2.

The original SEA was undertaken on the basis that these zonings were in place, so there are no implications for the strategic environmental assessment in this regard.

4. CONCLUSION

Failure to ensure the validity of zoning plans across the County is not only contrary to the Council's statutory obligations, but ultimately directly impacts upon the delivery of new homes as is evidenced by recent decisions of An Bord Pleanála by not permitting development on the basis of no-zoning. This potentially impedes the delivery of c15,000 homes or 82% of total housing target under the Wicklow County Development Plan 2022-2028.

We respectfully request that the amendments outlined in this submission be incorporated into Variation No.2.



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