

Paul Walsh



**Wicklow Town – Rathnew LAP;  
Administrative Officer.  
Planning Section,  
Wicklow County Council,  
Station Road,  
Wicklow Town**

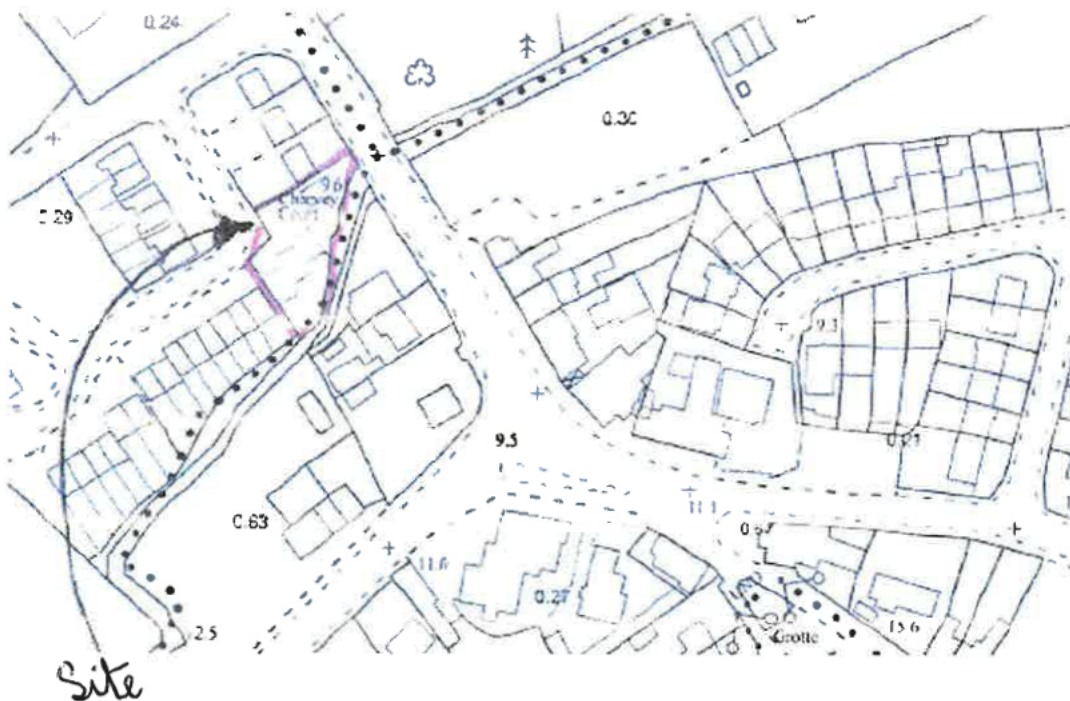


**Monday 18 November 2024**

**Submission on Wicklow Rathnew draft Local Area Plan 2025**

**Dear Sir or Madam,**

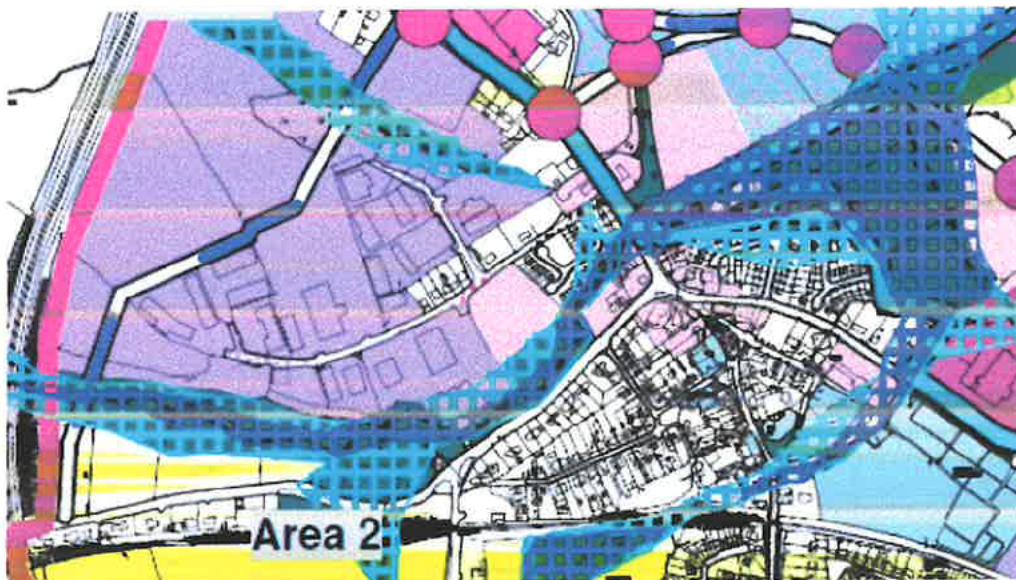
I am the owner of the site shown on the map below in Charvey Court, Rathnew. I used this for one of the planning applications I made on this site.



I purchased this land in 2011, and it had planning permission as part of the original overall Charvey Court development. As there was no market for houses at the time I could not immediately build on it, waiting instead for the market to revive.

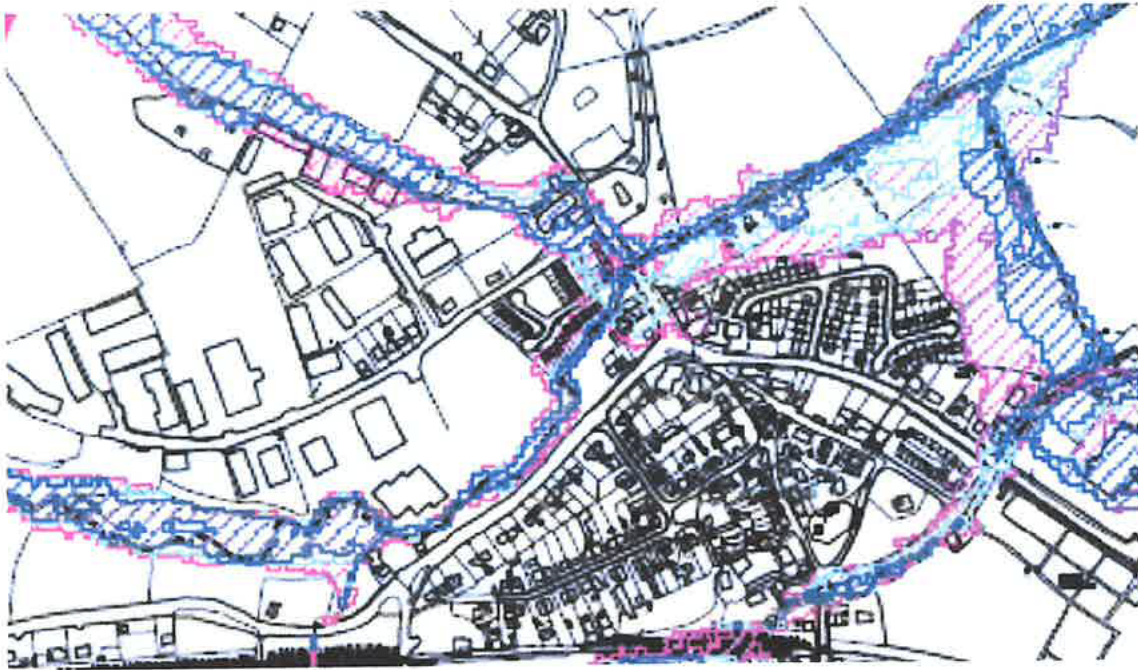
In the interim, the Wicklow Rathnew combined Development Plan was adopted, and incorporated for the first time a Flood Risk Assessment (FRA). Any lands that were shown to be vulnerable in the FRA were given a new zoning designation of "Passive Open Space (POS)". This FRA, which I understand was necessarily a high level document covering the entire Plan area, was not based on accurate ground levels and tended to describe some lands as prone to flooding that when modelled with accurate ground surveys showed otherwise. This was illustrated when at the submission stage after the draft Plan was published, the Receivers of the large site in Tinakilly submitted an accurate flood risk study showing that particular parcel of ground was not within the vulnerable flood risk zones A or B, the land was zoned from the initially designated POS in the draft Plan, to "Residential".

The site in my ownership was located in this FRA, and was accordingly zoned as POS, as shown below in an extract from the 2013 Plan:



The dark blue areas are flood zone A, the light blue is flood zone B, and as the FRA superimposed these areas on the zoning map, it is clear that OS2 are one and the same these flood zones, except where there was development existing at that time, eg the rest of Charvey Court.

Map No 4, Indicative Flood Zones, in the current draft Plan has obviously been based on new modelling, as the flood extents are less than in the 2013 FRA, as shown on the Strategic Flood Risk Assessment for the current draft Plan.



However the lands that were zoned POS in the 2013 Plan, purely on the basis of the former FRA, are still zoned Open Space in the new Plan, though this zoning is now called OS2 Natural Areas. There has been no data or evidence in the draft Plan, nor any of the supporting documents published with the draft Plan to justify why these are designated “Natural Areas”.

In the case of my site, this is in the middle of a housing estate, with a current use as a builder’s yard for over 15 years, and there is no justification in this being designated a “natural area”.

I have received advice from a Hydrological Engineer on the basis of a quick assessment that the likelihood is that with a detailed study based on an accurate ground surveys that it could be shown that the site would not be within vulnerable flood zones. However, such an exercise would be costly, and it would be too risky to pursue without certainty that the zoning allowed for the completion of housing on this site. I had sought some indication about this in a preplanning query (attached), but the reply gave no indication whatsoever, only a list of Development Plan Objectives.

**I thus request that a sentence be added to “Typical Uses” that would allow for housing on this site to if it can be shown it is not vulnerable to flooding.** I consider this reasonable, as the only reason that this small site was zoned POS, and now its successor OS2, is that the original Flood Risk Assessment showed it as flooding. Lots of land in the initial FRA have now been shown in the latest strategic FRA as not vulnerable (even though still zoned as OS2). It would also enable the current established use of these lands as a builder’s yard to be changed to more suitable use as residential in keeping with the rest of Charvey Court.

**Recommendation: Amend Typical Uses on page 62 as follows:**

**From**

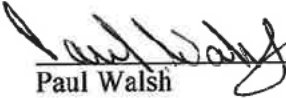
*Uses appropriate for natural areas (OS2) zoned land are uses that protect and enhance the function of these areas as flood plains, buffer zones along watercourses and rivers, green breaks between built up areas, green corridors and areas of natural biodiversity. The development of these lands for recreational 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 the area these zoned lands are the 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 zoning on adjoining lands.*

**I look forward to your response in due course, thank you.**

Kind regards,

  
Paul Walsh

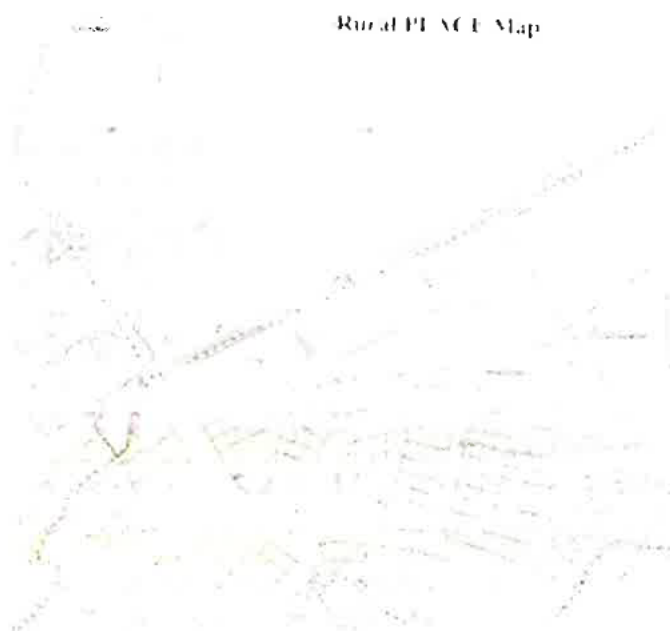


Planning Section

Wicklow County Council

**Re: Request for Pre-Planning Advice: Charvey Court, Rathnew**

I am the owner of a site for 4 houses in the middle of Charvey Court Rathnew. Below is the site location map from one of my previous planning applications on this site.



There is a long planning history on the site.

The overall permission for the Charvey Court development was granted to George Dunne, under PRR No. 99/1751, and the development proposed on the subject site was for a crèche, with an apartment over at site 4. Presumably there was no demand for a crèche, and permission was granted to George Dunne for 1 detached and 3 terraced houses under PRR No. 07/913. This did not proceed due to the economic collapse shortly after this, and I purchased this site from George Dunne in 2012/2013. Below is a site layout of one of my refused applications that is a layout similar to the 2007 permission, and that I would like to propose again.



In the interim, the 2013 Wicklow Rathnew Local Area Plan was adopted which zoned most of this site Passive Open Space. I understand this was because this stream had been subject to a Preliminary Flood Risk Assessment by the Office of Public Works, and any lands shown in the 1 in a thousand-year flood or worse were zoned Passive Open Space in the 2013 Local Area Plan for this area.

I attempted to renew the permission under PRR Nos. 13/8887, 13/8497, 15/1258, 16/235, and the last one under 17/148. The applications were all refused except for the last one, where further information was sought for a Flood Risk Assessment. This was not replied to as I was not in a position at that time to fund such an expensive assessment, and the file was deemed withdrawn. The latter two applications were for a single house located on that part of the site that was zoned residential, but the Planning Authority requested it be placed at the centre of the site, within the Passive Open Space zone, and thus refused on zoning and flood risk reasons.

I have now consulted with engineers with wide experience carrying out Flood Risk Assessments, and their opinion based on a desk top study and walk over of the site and streams, is that it should be possible to show that this site will be in the better than 1 in a thousand-year flood risk class, thus addressing the flood risk refusal reasons of previous applications.

**What I am requesting feedback on, is whether the passive open space zoning will be necessarily a reason to refuse this application.** I have four reasons for asking this:

1. I do not wish to go to the great expense of commissioning physical surveys, and the professional fees to carry out a site-specific Flood Risk Assessment.
2. From reading the process documents in the lead up to the adoption of the Wicklow Rathnew Local Area Plan, some tracts of land that were designated Passive Open Space in the Draft Plan, were subsequently re-designated as Residential on the basis of Flood Risk Assessments

carried out by consultant engineers. The effect of showing that the Preliminary Flood Risk boundaries for worse than 1:1000 year floods based on a site specific assessment would not apply to this site presumably would have put this site into the Residential-Infill Zone if submitted during the Local Area Plan process, and should be treated similarly for a planning application;

3. The site is a classical infill site, that is currently a disamenity in this settled residential development, and would presumably normally be considered, even if zoned otherwise. Especially as I understand that the Passive Open Space in this Local Area Plan was not part of the computed area required for open space reasons, but as a designation for lands that could not be otherwise developed, mainly based on preliminary flood assessments.
4. In the last application on this site, there was a draft refusal with a single reason by the planner, that is that it was in a flood risk area. The reason for contravening the zoning was not included. This was changed to a further information request to carry out a site specific Flood Risk Assessment, which presumably if I was in a position to commission one successfully, would have resulted in the likelihood of planning permission being granted.

I wish to make clear that I am not looking for an assertion that the zoning will not be a consideration; simply that it would not necessarily fail on the zoning issue alone.

I look forward to your response in due course.

Kind regards,

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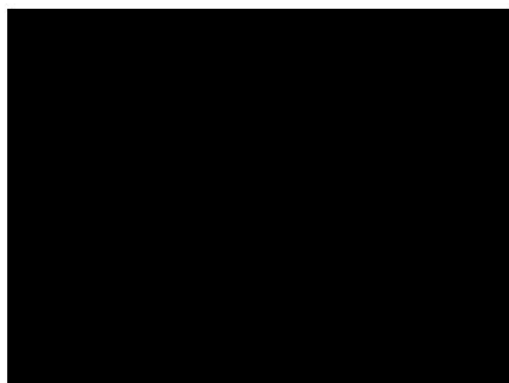
Paul Walsh

**WICKLOW COUNTY COUNCIL**  
**APPLICATION FOR PRE-PLANNING QUERY**

The applicant is advised to familiarise themselves with the policies, objectives and development standards of the Wicklow County Development Plan and any other relevant development plans prior to submitting a pre-planning query.

**Name of Applicant:** Paul Walsh

**Address:**



**Telephone Number:**

**Email address:**

**Location of proposed Development:**

Charvey Court, Rathnew

**Nature and extent of**

**Proposed development:** 1 detached and 3 Terraced houses similar to those existing there in the adjoining plots

**Applicant's legal interest in the site:**

Owner

**If not the owner of site, Name and address of Owner:**

**If applicant is not owner of the site, a letter of consent to a pre-planning query must be submitted by the owner of site with this application.**

I declare that all the information provided on this form, to be true and accurate.

**Signed:** \_\_\_\_\_ **Date:** 11<sup>th</sup> of August 2023

**Documents to be submitted with this application:**

**Site location map,(Ordnance Survey if possible)**



**Site layout map,  
Sketch drawings of proposal (if appropriate).  
Detailed outline of the proposal.**

**Please note that while it is not necessary to have the above prepared by an architect/agent, it is advisable to submit as much detail as possible.**