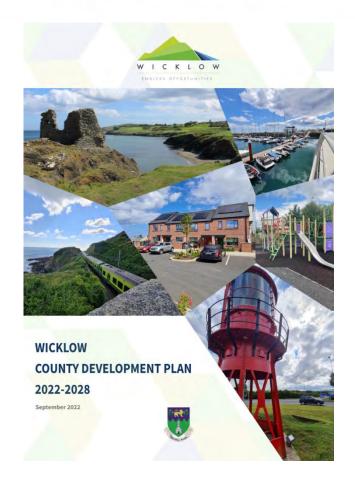


Comhairle Contae Chill Mhantáin Wicklow County Council



Proposed Variation No. 3 to the Wicklow County Development Plan 2022 – 2028

(related to draft Blessington Local Area Plan 2025)

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



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Part 1 Introduction

1.1 Proposed Variation No. 3 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 to vary the County Development Plan 2022.

Reason for the Proposed Variation:

- Amendments to Volume 2 of the Wicklow County Development Plan 2022-2028 to integrate the land use zoning map and key development objectives from the Blessington Area Plan, which is being prepared separately but alongside the Proposed Variation, into the County Development Plan 2022 2028.
- Amendments to Volume 1 of the County Development Plan in particular to Chapters 1, 3 and 17, to ensure consistency between the draft and final Blessington Local Area Plan with the County Development Plan 2022 2028;

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

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¹Section 13 (10) of the Planning and Development Act 2000 (as amended) states, 'A person shall not question the validity of a variation in a development plan by reason only that the procedures as set out in this section were not completed within the time required.'

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, alongside the draft Blessington Local Area Plan 2025, during the period of 30 October 2024 to 11 December 2024. The aim of the consultation process was to enable the public and interested parties to give their observations on the proposed variation and the draft Local Area Plan. The plan and variation process are 2 separate processes with this CE report focusing on the variation process and a separate CE report has been prepared for the draft Local Area Plan.

A total of **11** No. submissions were made with respect to the proposed variation. A number of the submissions that were made on the draft Local Area Plan stated that they were making a submission on 'the draft plan and associated variation'. Where the content of the submission concerned only the content of the local area plan, such submissions are being considered solely under the CE report for the draft Local Area Plan **and will not be considered in this report.**

The written submissions on the Proposed Variation are held on file and are available for inspection on Wicklow County Council's website <u>here</u>.

1.4 List of those who made Submissions to Proposed Variation No. 2 Wicklow County Development Plan 2022 -2028

No.	Name
01	Environmental Protection Agency
02	Eastern and Midlands Regional Assembly
03	Blaize Whelan
04	<u>Transport Infrastructure Ireland</u>
05	Health and Safety Authority
06	Department of Education
07	Office of Public Works
08	Office of the Planning Regulator
09	<u>Cairn Homes Properties Ltd</u>
10	<u>Uisce Eireann</u>
11	<u>Lidl Ireland GmbH</u>

For purpose of this report, this is the order in which these submissions will appear - Prescribed Bodies are addressed initially, followed by public submissions (in the order received). Given the status of the OPR and EMRA, these submissions are addressed first:

- a) OPR
- b) EMRA
- c) EPA
- d) TII
- e) HSA
- f) DoE

- g) OPW
- h) UE
- i) Blaize Whelan
- j) Cairn Homes
- k) Lidl Ireland

1.5 Consideration of Submissions

Each submission made has been summarised and assessed in Part 2 of this report.

Where alterations to the Proposed Variation are recommended on foot of any submission, said changes are detailed under each submission.

Where amendments to the draft LAP are recommended on foot of any submission, these will be referenced but further detail should be sourced from the **CE report on submissions to the draft LAP.**

Any updates required to the SEA or AA screening determinations for the Proposed Variation ware set out in Part 3 of this report.

With respect to any recommended alterations, new text is shown in red, deleted text in blue strikethrough.

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

1.6 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 only 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

Office of the Planning Regulator

Item 1 Preamble

The Office of the Planning Regulator (the Office) has made a submission in respect of the proposed draft Blessington Local Area Plan 2025 (the draft Local Area Plan) and intends to rely on same in respect of addressing the legislative and policy matters set out in section 31AO(2) of the Planning and Development Act 2000, as amended (the Act).

The Office notes that the Wicklow County Development Plan 2022-2028 (the County Development Plan) states that after its adoption separate Local Area Plans will be reviewed, and the proposed Variation acknowledges that these plans are subsidiary to the County Development Plan.

However, insofar as Wicklow County Council (Planning Authority) consider it necessary to make a variation to the County Development Plan, for the stated reasons of ensuring the zoning and key development objectives of these local area plans clearly form part of the County Development Plan, and the zoning maps are adopted as part of the County Development Plan, the Office makes this submission in respect of the proposed Variation to address the legislative and policy matters set out in section 31AM(2) of the Act.

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. As such, the Planning Authority is required to implement or address recommendation(s) made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to ensure alignment with policy and legislative provisions. The Planning Authority is requested by the Office to action an observation.

A submission also can include advice on matters that the Office considers would contribute positively to the proper planning and sustainable development of the area. The Planning Authority is requested by the Office to give full consideration to the advice contained in a submission.

Chief Executive Response

Noted

Item 2 Overview

Blessington is identified as a Self-Sustaining Growth Town in the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Regional Assembly (EMRA) area, and as such, the zoning objectives set out in the proposed Variation play an important role in ensuring the sustainable development and expansion of the settlement over the forthcoming years.

The Office welcomes the focussed tourism policy objectives including the support of the future expansion of the Blessington greenway and associated infrastructure and the identification of opportunity sites for town centre regeneration including the objectives for public realm improvements, which provide a clear policy basis for tourism development and the activation of town centre regeneration sites.

The draft Local Areal Plan includes the relevant statutory reports including Appropriate Assessment Screening, Strategic Environmental Assessment Report and Strategic Flood Risk Assessment (SFRA) as well as a Social Infrastructure Audit, which are welcomed by the Office.

However, the Office notes that additional fundamental supporting documents such as a Settlement Capacity Audit (SCA) for lands zoned for New Residential and Employment uses and a Local Transport Plan (LTP) have not been prepared.

The County Development Plan states:

Detailed 'Infrastructural Assessments' in accordance with NPO 72 and the methodology for a Tiered Approach to Zoning set out under Appendix 3 of the NPF shall be carried out for all lands proposed to be zoned and dezoned in future Local Area Plans.

No such assessment has been included to support the land use zoning objectives proposed in the proposed Variation. These documents provide the critical evidence-base upon which the land use zoning is underpinned as well as supporting rationale for such decisions.

While the Office acknowledges the inclusion of the Blessington Transportation Strategy Map, this was based on the Local Transport Assessment (LTA) (attached as appendix 1 to the draft Local Area Plan). As set out in our submission to the draft Local Area Plan, it is of concern that an Area Based Transport Assessment as per National Transport Authority Guidance, has not been carried out to support the preparation of an LTP for the plan area, as required under CPO 12.3 of the County Development Plan and under RPO 8.6 of the RSES. A key function of LTPs, as set out under the RSES (RPO 8.1), is to ensure the integration of land use and transport planning at local level.

With the exception of the specific concerns set out below, the proposed Variation otherwise sets out a clear zoning strategy and framework for the future development of the lands concerned. The issues raised below largely focus on supporting the delivery of the vision of the draft Local Area Plan and building on the ambition of the County Development Plan to develop well serviced, well connected and sustainable neighbourhoods, and promote sustainable modes of transport.

Chief Executive Response

Settlement Capacity Audit / Infrastructure Assessment

There is no statutory obligation for a 'settlement capacity audit' to be carried out for local area plans. It is however accepted that such an exercise can be of assistance in the determination of appropriate location and quantum of zoning and prioritisation of lands, given the NPF requirements with respect to a 'tiered approach to zoning' which relates to the availability of services.

This exercise has however been carried out, and in some detail, over the last 2 years for Blessington and all towns in the County as part of the RZLT process. This process allowed the Planning Authority to identify lands that are serviced,

serviceable, and not serviced. For the Blessington LAP, the information sourced with regard to services across the settlement for the RZLT assessment allowed a draft plan to be crafted wherein only lands that are serviced or serviceable have been proposed for zoning in the draft LAP.

In order to supplement this assessment, it is recommended that an additional section be added to the 'Infrastructure Delivery Schedule and Implementation' Appendix to detail any additional infrastructure that is require for all significant development areas in order to render them fully 'serviced' and ready for development.

With respect using an SCA to determine potential housing yield data, as clearly expressed in the draft LAP, potential yield has been purposefully not stated in order to allow for flexibility in the application of density, which would only be possible to determine when detailed site specific assessments are completed.

Area Based Transport Assessment / Local Transport Plan

No ABTA or Local Transport Plan has been prepared as part of this LAP. This is regrettable but technical resources have not been available for this, and it was decided that the lack of such a study should not hold up progress on preparing new LAP. Instead, available internal resources were deployed to carry out a Local Transportation Assessment that did accompany the draft LAP. The CE is satisfied that this assessment did allow for transportation considerations to be fully integrated into the plan development process.

At this stage of plan making, where a period of only 6 weeks is provided for the CE to prepare a report and make recommendations to the members for amendments if necessary, inadequate time would be available to allow for development and production of a Local Transport Plan, of the form and detail as envisaged by the NTA / TII guidance. An LTP can be prepared after the adoption of the LAP and the CE is agreeable to a new objective to this effect.

Chief Executive's Recommendations

Recommended alterations to Proposed Variation

Insert new section into Appendix 6

Recommended Amendments to draft LAP

Include new objective in Section B.7:

BLESS - XX In collaboration and with the support of the relevant transport agencies, to prepare a Local Transport Plan for Blessington.

Item 3 Residential Zoning

Chapter 4 of the Development Plans, Guidelines for Planning Authorities (2022) (the Development Plans Guidelines) outlines the approach for zoning that should be followed by planning authorities.

The Office welcomes the zoning objectives for New Residential Priority 1 lands which are well located and will facilitate the compact and sustainable growth of the town in a sequential manner.

However, no SCA / Infrastructure Assessment has been prepared to demonstrate that the lands zoned as New Residential Priority 1 and/or 2 have been evaluated to ensure the infrastructure capacity exists or will be delivered over the plan period and to demonstrate either Tier 1 or Tier 2 status for these undeveloped lands contrary to NPO 72a-c of the National Planning Framework (NPF) and RPO 4.2 of the RSES.

Recommendation 1 – Co-ordination of Housing Delivery and Infrastructure

Having regard to the provision of new homes at locations that can support compact and sustainable development and the co-ordination of housing delivery and infrastructure, and in particular to:

- NPO 72a-c of the NPF and appendix 3, A Methodology for a Tiered Approach to Zoning;
- RPO 4.2 of the RSES to align the settlement strategy to infrastructure investment; and
- the policy and objective for zoned land to be informed by a Settlement Capacity Audit (SCA) under section
 6.2.1 of the Development Plans, Guidelines for Planning Authorities (2022),

the Planning Authority is required to:

- (i) prepare an SCA and engage with the relevant statutory bodies to identify that the lands zoned for New Residential are serviceable within the plan period; and
- (ii) review the zoning objectives to ensure that lands that cannot be reasonably or cost effectively delivered within the plan period are not zoned for development.

Chief Executive Response

The CE is satisfied that:

- all lands zoned for town centre and infill development in existing developed areas are serviced
- all lands zoned for Priority 1 New Residential are serviced
- All lands zoned for Priority 2 New Residential are either serviced or serviceable.

In this regard, there are no deficiencies in the capacity of water supply or wastewater treatment infrastructure for any of the lands zoned for new development in the plan area during the plan period. With respect to transportation services, all zoned lands are serviced or can be serviced by roads, footpaths, cycleways and public lighting. In addition, all lands proposed to be zoned are within a 15 minutes' walk of a bus service, as detailed in the Local Transport Assessment appendix.

Therefore it is not considered necessary for an SCA to be prepared at this stage of plan making.

CE Recommendation

Item 4 Transport and Accessibility

As set out in the submission to the draft Local Area Plan, the Office has concerns regarding the integration of land use and transportation planning in respect of the Land Use Zoning Map No. 1 and Transport Strategy Map No.5, which are part of the proposed Variation.

Specifically, in relation to the proposed Variation, the details of recommendations set out in the revised LTA / LTP as referenced in the submission to the draft Local Area Plan should be reflected on the Transport Strategy Map No. 5, and it is recommended that the interventions are mapped and prioritised as appropriate for implementation.

The Office is also concerned that the LTA does not include an adequate focus on the connectivity needs of the emerging development areas listed as Specific Local Objectives (SLO). While the SLO Concept Plans do give indicative connectivity details at site level, there is no detail on connectivity to the wider network and any deficiencies that may exist. The LTA should include an assessment in this regard with recommendations for improvements highlighted and illustrated on the Transport Strategy Map No. 5.

The Office notes that the Transport Strategy Map No. 5 and SLO3 and SLO4 indicate that these lands would be accessed from the N81 / Blessington Main Street within the 80km/hour speed limit zone. It is important therefore to highlight that access associated with the development of these lands is required to comply with Spatial Planning and National Roads Guidelines for Planning Authorities (2012) and all relevant Transport Infrastructure Ireland Publications.

Recommendation 2 - Integrated Land Use and Transport Planning

Having regard to the provision of a sustainable Transport Strategy and the transition to a low carbon and climate resilient society including the reduction of greenhouse gas emissions, and in particular to:

- The Climate Action and Low Carbon Development Act 2015, as amended, mandatory target to reduce greenhouse gas emissions by 51%, and the Climate Action Plan 2024, and associated actions including the National Sustainable Mobility Policy (2022) targets to reduce vehicle kilometres travelled per year and the National Investment Framework for Transport in Ireland (2021);
- NPO 27 of the NPF for safe and convenient alternatives to the car, NPO 54 of the NPF to reduce our carbon footprint, NPO 64 of the NPF for improved air quality, NPO 74 of the NPF and NSO 4 for sustainable mobility; and
- RPO 8.1 and RPO 8.4 of the RSES for the integration of land use and transport planning,

the Planning Authority is required to:

- (i) illustrate all measures on the Transport Strategy Map No. 5 to identify proposed interventions recommended as part of the revised Local Transport Assessment / Local Transport Plan, including detail on connectivity between the Specific Local Objectives (SLO) and the wider network; and
- (ii) ensure that all future access proposals to serve zoned lands at SLO3 and SLO4 comply with the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) and are in compliance with all relevant Transport Infrastructure Ireland Publications.

Chief Executive Response

Policy support / mapping of transport measures

The CE is satisfied that the LAP objectives and the transport strategy maps identify the transport improvements detailed in the LTA text. It is considered that the transport objectives map adequately show all active travel measures – both those already in train and desired future projects, where known. At this stage of plan making, given the time limits involved, it would not be possible to carry out fresh survey, evaluation and determination of significant or nascent additional transportation measures that might be necessary in the settlement. The CE is committed to such assessment being undertaken as part of the development of a LTP for the plan area.

With respect to significant development areas (SLO areas) these will be added to the 2 transport objectives maps to show connectivity.

SLO3/SLO4 and Spatial Planning and National Roads Guidelines for Planning Authorities

It is intended that on the completion of the BIRR, that the speed limit from the new roundabout at the northern end of the BIRR on the N81 and the existing southern roundabout at Blessington Industrial Estate, will be reduced as traffic not bound for Blessington is diverted onto the BIRR. This will allow for significant town centre / public realm / public transport improvements to be carried out in Blessington.

With respect to SLO3, these lands which are currently in quarry use, already access directly onto the N81. It is the objective of this plan that these lands, following rehabilitation, may be suitable for additional forms of development including general employment / enterprise and a public amenity park. It is intended that general vehicular traffic associated with such uses would access the public road network via the BIRR but that HGVs should continue to access the road network onto the N81, as they do currently.

As indicated in the draft Plan, it is intended that SLO4 will be serviced by a new link road from the new N81 roundabout (to be developed as part of the BIRR) to the Kilbride Road. Only cyclist / pedestrian traffic is indicated as desired from SLO3 onto the current N81.

Any concerns that arise with respect to interactions of these SLOs with the N81 can be addressed in appropriate detail in the future LTP and indeed in any future planning applications that may be made for these lands. In addition, additional text may be added to the plan to address the Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

CE Recommendation

Recommended alterations to Proposed Variation

Amend Transport Objectives Maps as follows:

Add additional information on active travel projects Add SLO areas Add OP sites

Recommended Amendments to draft LAP

Include new objective in LAP

BLESS - XX In collaboration and with the support of the relevant transport agencies, to prepare a Local Transport Plan for Blessington.

Amend objectives as follows:

BLESS - 50To protect the strategic function of the N81-(and any upgrade/bypassed route thereof) as it relates to the plan area. in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities (DoECLG, 2012) and in compliance with TII Publications.

Section B.8 Zoning

Specific Local Objectives (SLO)

The purpose of an SLO is to guide developers as to the aspirations of the plan regarding the development of certain lands where more than one land use is proposed, where there is a new infrastructure necessitated on the subject lands or where the lands are zoned for 'mixed use' to give more detail on the development objective of these lands. A masterplan for the entire SLO area may be required to be submitted as part of the first application within the SLO. All masterplans /

development applications shall have regard to the requirements of the Spatial Planning and National Roads Guidelines for Planning Authorities (DoECLG, 2012) and in compliance with TII Publications.

Amend Transport Objectives Maps as follows:

Add additional information on active travel projects Add SLO areas Add OP sites

Item 5 Flood Risk Management

The Office welcomes the preparation of the SFRA and accompanying Plan Making Justification Tests (Justification Tests) as part of the draft Local Area Plan to inform zoning objectives, and the inclusion of map no. 4 Flood Risk, as part of the proposed Variation. However, the flood zones have not been overlaid on the land use zoning maps. It is difficult therefore to fully understand the implications of flood risk across the plan area, and the Planning Authority is advised to overlay the future scenario mapping on the land use zoning maps in order to provide clarity on areas at risk from climate change.

As referenced in the submission to the draft Local Area Plan, the approach to the SFRA and in particular the quality of the Justification Tests is of a very high standard. However, in line with the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) the Office requests that the Planning Authority gives further consideration to three specific sites, as set out below.

Firstly, in consideration of future flood risks the Office notes that an area zoned for highly vulnerable New Residential – Priority 1 use at Oak Drive, Blessington Demesne East, is shown as at risk in both the mid-range and high-end future flood risk scenarios. The Office considers that an SLO is necessary to provide detail on how risk to this area will be mitigated such as by avoiding development in areas potentially prone to flooding in the future, providing space for future flood defences, specifying minimum floor levels and setting specific development management objectives. This SLO should be clearly shown on Land Use Zoning Map No. 1.

Secondly, in respect of the portion of the site zoned as Tourism Land Use Zoning Map No. 1 and identified as site i(b) in the Justification Tests, the Office notes that the zoning objective provides for vulnerable and highly vulnerable uses such as tourism accommodation. Given that the site fails the Justification Tests, the Office considers that an SLO is necessary to limit appropriate uses to those compatible with the specific flood risk and Tourism zoning objective. This SLO should be clearly shown on Land Use Zoning Map No. 1.

Finally, in applying the sequential approach to flood risk, undeveloped lands are zoned for Community and Education use within Flood Zone B at Oak Drive. This zoning objective allows for highly vulnerable development such as schools and nursing homes. As it is not clear if the sequential approach to flood risk has been applied i.e. the consideration of avoidance and substitution in the first instance, nor whether Justification Tests has been prepared and passed. As such, the Office considers that the Planning Authority should provide an analysis of these lands within the SFRA and amend the Land Use Zoning Map No. 1 if necessary following this assessment.

Recommendation 3 – Flood Risk Management

Having regard to flood risk management, and in particular:

- NPO 57 of the NPF and RPO 7.12 of the RSES to avoid inappropriate land use zonings and development in areas of risk of flooding in accordance with the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines); and
- the Flood Guidelines,

the Planning Authority is required to:

- (i) overlay the flood zones maps and future scenario maps with the land use zoning maps in the draft Blessington Local Area Plan 2025 (the draft Local Area Plan); and
- (ii) amend the draft Local Area Plan and / or Strategic Flood Risk Assessment to:
 - (a) include Specific Local Objectives (SLO) to provide detail on how risk to the area zoned for highly vulnerable New Residential Priority 1 use at Oak Drive, Blessington Demesne East will be mitigated. This SLO should be clearly shown on Land Use Zoning Map No. 1;
 - (b) include an SLO for lands zoned Tourism at the lakeshore to limit existing development to minor development only as outlined in section 5.28 of the Flood Guidelines and new development to water compatible uses in Flood Zone A and less vulnerable uses in Flood Zone B. This SLO should be clearly shown on Land Use Zoning Map No. 1; and
 - (c) apply the sequential approach to lands zoned for Community and Education use at Oak Drive, and if appropriate include a Plan Making Justification Tests (Justification Tests) for lands which overlap with Flood Zone B. Where they do not pass the Justification Tests rezone such lands for water compatible use or substitute for a land use appropriate to the level of flood risk and amend Land Use Zoning Map No. 1 accordingly.

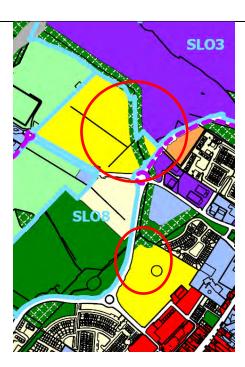
The Planning Authority should consult with the Office of Public Works regarding this recommendation.

Chief Executive Response

- (i) The SFRA prepared overlays the flood risk maps and the zoning maps throughout the assessment. However if this is not sufficiently clear, additional maps can be provided.
- (ii) In accordance with advice from the OPW, future flood risk scenario mapping should not be used as a determinant of zoning in the SFRA only the 'present day' Flood Zones are used in this assessment. However, where flood risk is identified in future scenario mapping, the OPW advises that consideration should be given in the preparation of plans to avoiding development in such areas, providing space for future defences, specifying minimum floor levels and setting specific development management objectives.
 - (a) Oak Drive RN1

There are two sites zoned RN1 at Oak Drive.

With respect to the more northerly site, no lands that are identified as at risk in a future scenario are zoned for residential development – they are zoned 'open space'. With respect to the more southerly site, a small area is identified as being at 'present day' risk and these lands are zoned open space'. However, there are lands proposed to be zoned for residential development located in the 'worst case' future flood risk scenario.



The draft LAP objectives already provide that where land is zoned for development, but future scenario flood mapping indicates a risk of flooding, a site specific flood risk assessment will be required. This objective can however be strengthened to address the concerns rasied.

(b) Lakeshore - Tourism

The area zoned 'T-Tourism' at the lakeshore that is in an area identified at risk of flooding comprises only a narrow path and a jetty. These lands are already developed for these uses, which are water compatible, and could not be developed for vulnerable development like tourism accommodation given their size and configuration. Therefore no change is considered warranted.

(c) Oak Drive - CE

The zoning of CE lands at this location, on the south side of Oak Drive has been amended significantly from the previous plan; in the previous plan these lands were fully zoned 'E – Employment' whereas the new draft plan shows the lands zoned for the mixture of open space and CE – Community & Education. The OS zones cover the area at 'present day' flood risk. No part of the CE zone is within the 'present day' flood risk but is in the 'worst case' future scenario risk area. The draft LAP objectives already provide that where land is zoned for development, but future scenario flood mapping indicates a risk of flooding, a site specific flood risk assessment will be required. This objective can however be strengthened to address the concerns rasied.



Chief Executive Recommendations

Recommended alterations to Proposed Variation

Replace map No. 4 appended to the Proposed Variation with the following 3 maps:

Map 1 Flood Risk Zones (Present day)

Map 2 Flood Risk Zones (Future Climate Change Scenario)

Map 3 Overlay of Flood Maps with Zoning Map

Recommended Amendments to draft LAP

Amend the following objective:

Section B.7 Infrastructure

Bless 51

Applications for new developments or significant alterations/extension to existing developments in an area at risk of flooding shall comply with the following:

- Follow the 'sequential approach' as set out in the Flood Risk Management' Guidelines
- An appropriately detailed flood risk / drainage impact assessment will be required with all planning applications, to ensure that the development itself is not at risk of flooding and the development does not increase the flood risk in the relevant catchment (both up and down stream of the application site), taking into account all sources of flooding;
- Restrict the types of development permitted in Flood Zone A and Flood Zone B to that which are 'appropriate' to each flood zone, as set out in Tables 3.1 and 3.2 of the Flood Risk Management Guidelines unless the 'plan making justification test' has been applied and passed;
- Where an development application site located in Flood Zone Λ or B a site has been subject to and satisfied the 'Plan Making Justification Test' development will only be permitted where a proposal complies with the 'Justification Test for Development Management', as set out in Box 5.1 of the Flood Risk Guidelines.
- Flood Risk Assessments shall be in accordance with the requirements set out in the Flood Risk Guidelines and the SFRA.

Where flood zone mapping does not indicate a risk of flooding but the Planning Authority is of the opinion that flood risk may arise or new information has come to light that may alter the flood designation of the land, including the latest future scenario flood mapping, an appropriate flood risk assessment will be required to be submitted by an applicant for planning permission and the sequential approach shall be applied as the 'Plan Making Justification Test' will not be satisfied.

Applications for new developments or significant alterations/extension to existing developments in an area identified as at risk of flooding (Flood Zones A and B) as set out in the SFRA and flood maps appended to this plan **OR** in Flood Zone C but within an area

- that is deemed by the Local Authority at any time to be at possible risk of flooding having regard to new information with respect to flood risk in the area that has come to light; or
- that is identified as at possible future risk of flooding having regard to climate change scenarios either on Map X attached to this plan or on any future maps prepared by the OPW during the lifetime of the plan;

shall comply with the 'Justification Test for Development Management', as set out in Box 5.1 of 'the Planning System and Flood Risk Management' Guidelines 2009 (as may be amended, supplemented or replaced during the

lifetime of this plan) and shall be accompanied by a site specific Flood Risk Assessment. Site specific Flood Risk Assessments shall be in accordance with the requirements set out in the Flood Risk Management Guidelines and the plan SFRA.

Item 6 Zoning for Economy and Employment

The County Wicklow Economic Development Hierarchy identifies that the Blessington's economic function is to attract inward investment through foreign direct and local investment and people and product intensive industries. To support and grow the economic activity in the settlement, 44.2 ha of undeveloped land has been zoned for employment uses in the draft Local Area Plan, of which the majority is identified as SLO 3 lands to the north of the settlement.

In terms of consistency with national planning policy it is important that Employment zonings do not conflict with the National Strategic Outcomes in the NPF for compact growth, sustainable mobility and transition to a low carbon and climate resilient society by facilitating development in areas served by public transport.

In this regard, the Office is concerned that there is no robust rationale underpinning the location and extent of each zoned site in the draft Local Area Plan for employment purposes. As set out at section 6.2.5 of the Development Plans Guidelines, an evidence- based approach to zoning for employment development is a critical part of the County Development Plan preparation process.

It is also unclear that all of the lands zoned for Employment are serviceable within the plan period and/or that their development is integrated with the timely delivery of sustainable transport infrastructure connections to support the modal shift to active modes contrary to RPO 8.1 of the RSES and CPO 9.6 of the County Development Plan.

Finally, the draft Local Area Plan does not outline how it has applied the guiding principles to identify locations for strategic employment development as required by RPO 6.1 of the RSES and the guiding principles for the integration of land use and transportation as required by RPO 8.1 of the RSES.

Recommendation 4 – Economic Development and Employment

Having regard to the provision of an evidence-based employment strategy, and the location of employment in areas that can support more sustainable transport options, and in particular to:

- NPO 10b to identify suitable areas for strategic employment development of the National Planning Framework (NPF);
- NPO 72a-c of the NPF and appendix 3, A Methodology for a Tiered Approach to Zoning;
- RPO 4.2 of the RSES to require employment development to be planned in collaboration with infrastructure providers to ensure adequate capacity for services is available;
- RPO 6.1 of the RSES to apply the guiding principles to identify locations for strategic employment;
- RPO 8.1 of the RSES for the integration of transport and land use planning consistent with the guiding principles of the RSES transport strategy; and
- the policy and objective of the Development Plans, Guidelines for Planning Authorities (2022) under section 6.2.1 for zoning to be informed by a Settlement Capacity Audit (SCA), and section 6.2.5 for the provision of an evidence and rationale underpinning the zoning of land for employment purposes,

the Planning Authority is required to:

- (i) provide robust justification and appropriate phasing for the extent and location of Employment zoned land and demonstrate that the criteria of the aforementioned national and regional policies have been satisfied specifically in respect of the following undeveloped Employment lands:
 - (a) SLO3 (current/former quarry lands); and
 - (b) N81 South (adjacent to the waste water treatment plant); and
- (ii) demonstrate by way of an Infrastructure Assessment / SCA that lands zoned for employment are realistically serviceable within the plan period.

Where an evidence-based rationale consistent with the above cannot be provided for these, or any other Employment zonings, the subject zoning objective should be removed from Land Use Zoning Map No.1.

Chief Executive Response

The CE is satisfied that the draft LAP provides for an appropriate amount of employment zoned land. Attention is drawn to the fact that no increase in employment zoning is proposed compared to the previous plan and no new areas previously not zoned for such use are proposed in the draft plan. The amount of zoned employment land has in fact been reduced overall by changes in zoning at some locations to more appropriate uses, including identifying additional lands active open space and for the protection of watercourses and biodiversity.

In light of the concerns raised by the OPR, the CE has undertaken a review of all proposed employment lands with respect to services / serviceability. For all zones lands are either partially developed or serviced / serviceable within the lifetime of the plan and therefore would be illogical to 'de-zone'. A wide range of site options are essential in order to attract new employers to the area, and achieving the sustainability and employment growth goals for Blessington as envisaged by the RSES and County Development Plan would not benefit from the dezoning of already zoned and serviced / serviceable employment land. In particular:

Undeveloped	Assessment of suitability
Employment Lands	
SLO3	These lands are in use for quarrying activities and are currently zoned for new employment use. It is envisaged that these lands would become suitable for alternative employment use when they have been rehabilitated to a condition that supports new development, which is likely to be a more medium to long term programme. The extent of the employment zoning within the quarrying site has been reduced compared to the previous plan however with the more easterly portion changed to more appropriate OS use. In addition, lands along a watercourse on the southern boundary of this zone have also been changed to OS use. Water supply and wastewater infrastructure are available in the area, as is access to public roads and existing public transport services. Employment use comprises the most appropriate use for these lands in the future given the current use, current condition, surrounding land uses and proximity to the N81. Given that the lands are already in active commercial use and are serviced, de-zoning is not considered reasonable.
Mart	These lands are already developed and are in use as a Mart. The lands are currently zoned for new employment use. The extent of the zoning has been significantly reduced however with the northern and eastern portions changed to more appropriate OS uses. Water supply and wastewater infrastructure are available in the area, as is access to public roads and existing public transport services.
Oak Drive	The majority of these lands are already developed and are located centrally in the settlement. Opportunities would be available for additional infill employment development. Water supply and wastewater infrastructure are available in the area, as is access to public roads and existing public transport services.
Blessington Industrial Estate	The majority of these lands are already developed and are located centrally in the settlement. Opportunities would be available for additional infill employment development. Water supply and wastewater infrastructure are available in the area, as is access to public roads and existing public transport services.
N81 (north of WWTP)	The lands are currently zoned for new employment use. The extent of the zoning has been slightly expanded from the previous plan in that a previous objective to reserve a portion of the lands for a 'park-and-ride' has been removed. These lands are surrounded by existing development on all sides, are across the road from the main employment area in the town (Blessington Industrial Estate) and are within the 60kph speed limit area. Water supply and wastewater infrastructure are available in the area, as is access to public roads and existing public transport services. Having regard to the fact that other than SLO3, most employment land in the settlement is already or partially developed, it is considered essential to provide for some greenfield lands for future new employment development. These lands are considered optimal for this use given the surrounding land uses, servicing status and proximity to the N81 / town centre. De-zoning is therefore not considered justified.

CE Recommendation

Item 7 Town Centre Regeneration

The Office welcomes the inclusion of section B.1 on Town Centre Regeneration in the draft Local Area Plan for Blessington. As set out in the submission to the draft Local Area Plan the opportunity sites identified have the potential to act as a regenerative catalyst to increasing the residential, economic and leisure potential of the town centre, while also addressing vacancy, derelict buildings and enhancing the vibrancy of the town centre.

Specifically, in relation to the proposed Variation the Office considers that there is an opportunity to improve permeability and ensure that the Opportunity Sites are connected to planned active travel infrastructure and the wider network, with measures illustrated on the Transport Strategy Map No.5.

Recommendation 5 - Town Centre Regeneration

Having regard to the vitality, viability and regeneration of Blessington, and in particular to:

- NPO 6 of the NPF for the regeneration of towns and villages;
- RSO 2 of the RSES to promote regeneration by making better use of under- utilised land and buildings within the existing built up urban footprint;
- RPO 4.26 of the RSES to achieve compact growth; and
- RPO 8.1 of the RSES to ensure the integration of land use and transport planning,

the Planning Authority is required to include permeability measures on the Transport Strategy Map No.5 to ensure that Opportunity Sites are connected to planned active travel infrastructure.

Chief Executive Response

All of the OP sites are located within the town centre and are therefore already serviced by footpaths and are within 5 minutes' walk of public transport services. However there is no issue with them being identified on the transport strategy maps.

CE Recommendations

Recommended alterations to Proposed Variation

Transport Strategy Maps

Add OP sites to Maps 5 and 6.

Eastern & Midlands Regional Assembly

Item 1 Regional Spatial and Economic Strategy (RSES)

The Council will be aware of the finalisation of the Regional Spatial and Economic Strategy for the Eastern and Midland Region which was made on 28th June 2019. In line with the provisions of the Planning and Development Act 2000, as amended, the planning authority shall ensure, when making a variation to the development plan, that it is consistent with the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region, thus ensuring full alignment between local, regional and national planning policy.

Chief Executive Response

Noted

CE Recommendations

No change to Proposed Variation

Item 2 Legislative Context

The role and function of the Regional Assembly, including the scope of the RSES, is provided for in the Planning and Development Act 2000, as amended. It should be noted that the Planning and Development Act 2023 was enacted into legislation recently. The new Act will commence on a phased basis. The provisions in the Planning and Development Act, 2000, as amended, will remain in place until the relevant provisions in the new Act are commenced. Under Section 27C of the Planning and Development Act 2000, as amended, the Eastern and Midland Regional Assembly, is obliged to prepare submissions/ observations to be submitted to the relevant planning authority and copied to the Office of the Planning Regulator.

A submission shall contain a report which shall state whether, in the opinion of the Regional Assembly, the draft variation of the development plan, and its core strategy, is consistent with the Regional Spatial and Economic Strategy. If, in the opinion of the Regional Assembly the proposed draft variation of the development plan and its core strategy is not consistent with the RSES, the submission / observations and report shall include recommendations as to what amendments, in the opinion of the Regional Assembly, are required to ensure that it is consistent.

This report contains the opinion of the Eastern and Midland Regional Assembly in relation to the above matter along with recommendations as required under Section 27C of the Planning and Development Act 2000, as amended.

Chief Executive Response

Noted

CE Recommendations

No change to Proposed Variation

Item 3

Wicklow County Council has published proposed Variation No. 3 seeking to vary the Wicklow County Development Plan (CDP) 2022-2028 to ensure alignment and consistency between the County Development Plan and certain Local Area Plans in the County.

The Variation lists an order of priority for local area plans that will be prepared in the County up to 2025 as follows:

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

Furthermore, the following clarification in the narrative forms part of the Variation:

'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.'

The proposed Variation also updates the narrative in the written statement in relation to the adopted CDP, and deletion of references to 'after adoption' of the CDP.

The proposed Variation includes the following additional text in Chapter 3 of the Wicklow CDP 2022- 2028;

'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).

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.'

The proposed Variation includes a new Volume 2, Part 5 under the heading Local Area Plans for Bray Municipal District, Wicklow Town – Rathnew, Greystones-Delgany and Kilcoole, Arklow and Blessington which includes land use zoning and key development objectives maps for the listed LAP settlements. This includes 4 no. maps published as part of the draft Blessington LAP 2025 which will be incorporated into this section of the Wicklow CDP 2022-2028 to ensure consistency between the two plans. The 4 no. maps relate to the following;

- Land Use Zoning Map
- Key Green Infrastructure Map
- Flood Risk Map
- Transport Strategy Map

Chief Executive Response

Noted

CE Recommendations

Item 4 Submission

The Regional Assembly acknowledges proposed Variation No. 3 of the Wicklow County Development Plan 2022-2028 which seeks to vary the County Development Plan having regard to the publication of the draft Blessington Local Area Plan 2025 in order to ensure consistency between the draft and final Blessington LAP with the County Development Plan.

The proposed Variation amends text associated with Chapter 1 (Section 1.2), Chapter 3 (Section 3.5), Chapter 17 and Volume 2 with a new Part 5 added to same detailing Local Area Plan Maps for Key Towns and Self Sustaining (Growth) Towns. This includes relevant text to Local Area Plans, including four maps published as part of the draft Blessington LAP 2025.

It is considered that the proposed Variation is consistent with the RSES by bringing the content of the Wicklow CDP 2022-2028 into alignment with the maps and details published as part of the draft Blessington LAP 2025, and in this regard, the Regional Assembly supports in principle the proposed amendments to the Wicklow CDP 2022-2028. The Planning Authority should however note that should there be further amendments proposed to the draft Blessington LAP 2025 (including maps published as part of this proposed Variation) that materially impact on this proposed Variation, then this will have subsequent consequences to the final wording of this Variation which should be noted.

In addition, the RSES sets out 16 Regional Strategic Outcomes (RSOs) which are aligned with national policy, specifically the National Planning Framework. These are cross referenced and aligned with the three Key Principles of the RSES; Healthy Placemaking, Climate Action and Economic Opportunity. The most relevant RSO which supports the proposed Variation is RSO 2, 'Compact Growth and Urban Regeneration', which is to 'promote the regeneration of our cities, towns and villages by making better use of under-used land and buildings within the existing built -up urban footprint and to drive the delivery of quality housing and employment choices for the Region's citizens'. This aligns with National Strategic Outcome 1 of the National Planning Framework. Blessington has been identified as a Core Region Self-Sustaining Growth Town in the Settlement Hierarchy of the Wicklow CDP 2022-2028 and it is important that the future growth of this settlement incorporates the principles of sustainable residential development and compact growth.

It is considered that the proposed Variation amendments do not impact on the core strategy chapter of the Development Plan. Accordingly, the Regional Assembly does not have any objection to the proposed Variation No. 3 of the Wicklow CDP 2022-2028 as placed on public display and consider it consistent with the RSES for the Eastern and Midland Region 2019-2031.

Chief Executive Response

Noted

CE Recommendations

Item 5 Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA)

The proposed Variation underwent a screening for Strategic Environmental Assessment (SEA) and concluded that the proposal does not require a Strategic Environmental Assessment as it would not be likely to result in significant environmental effects, taking account of the relevant criteria set out in Schedule 2A of the Planning and Development Regulations 2001 (as amended).

Furthermore, a screening for Appropriate Assessment (AA) was also carried out and concluded that the proposed variation will not have any likelihood for significant effects on any European sites, either alone or in combination with other plans or projects. The AA screening therefore concluded that it is not considered necessary to undertake any further stages of the Appropriate Assessment process. The proposed variation does not therefore require an Appropriate Assessment or the preparation of a Natura Impact Report (NIR).

Chief Executive Response

Noted

CE Recommendations

No change to Proposed Variation

Item 6 Conclusion

It is considered that proposed Variation No. 3 to the Wicklow County Development Plan 2022-2028, is consistent with the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region 2019-2031, having regard to the observations outlined above.

Chief Executive Response

Noted

CE Recommendations

Environmental Protection Agency

Preamble

The EPA is one of the statutory environmental authorities under the SEA Regulations. In our role as an SEA environmental authority, we focus on promoting the full and transparent integration of the findings of the Environmental Assessment into plans and programmes and advocating that the key environmental challenges for Ireland are addressed as relevant and appropriate to the plan or programme. Our functions as an SEA environmental authority do not include approving or enforcing SEAs or plans or programmes.

As a priority, we focus our efforts on reviewing and commenting on key sector plans. For land use plans at county and local level, we provide a 'self-service approach' via our guidance document '<u>SEA of Local Authority Land Use Plans – EPA Recommendations and Resources'</u>. This document is updated regularly and sets out our key recommendations for integrating environmental considerations into Local Authority land use plans. In finalising your SEA screening determination, we suggest that you take this guidance document into account and incorporate the relevant recommendations as relevant and appropriate to the plan or programme.

SEA Determination

If a proposed SEA determination hasn't been made regarding the plan or programme, you should determine whether implementing the plan or programme would be likely to have significant effects on the environment. The SEA Regulations, Schedule 2A (S.I. No. 436 of 2004, as amended) or Schedule 1 (S.I. No. 435 of 2004, as amended), as appropriate, set out the 'Criteria for determining whether a Plan is likely to have significant effects on the environment' to use to determine whether the plan or programme would be likely to have significant effects on the environment.

We recommend that you take the available guidance into account in making your SEA Screening Determination and incorporate the relevant recommendations as relevant and appropriate to the plan or programme.

EPA SEA Screening Guidance

Our <u>Good Practice Guidance for Strategic Environmental Assessment (SEA) Screening</u> (EPA, 2021) provides specific standalone guidance to assist plan or programme makers and SEA practitioners. It focuses primarily on plans/programmes in the non-land use sector in Ireland and includes an elaboration of the steps needed for screening, the legislative landscape underpinning SEA screening, and step-by-step process and templates to assist in preparing the required documentation.

Strategic Environmental Assessment: Guidelines for Planning Authorities

The <u>Strategic Environmental Assessment: Guidelines for Regional Assemblies and Planning Authorities</u> (DHLGH, 2022) provides advice on carrying out SEA in the land-use planning sector for those plans listed in S.I. No.436 of 2004, as amended. These plans comprise regional, county and local plans, including Regional Spatial and Economic Strategies, County or City Development Plans, variations of Development Plans, Local Area Plans and Planning Schemes for Strategic Development Zones. The Guidelines replace previous guidance for Regional Authorities and Planning Authorities published in 2004.

Sustainable Development

In proposing and in implementing the plan or programme, you should ensure that the plan or programme is consistent with the need for proper planning and sustainable development. Adequate and appropriate critical service infrastructure should be in place, or required to be put in place, to service any development proposed and authorised during the lifetime of the plan or programme. In considering the plan or programme, you should take into account the need to align with national commitments on climate change mitigation and adaptation, as well as incorporating any relevant recommendations in sectoral, regional and local climate adaptation plans.

You should also ensure that the plan or programme aligns with any key relevant higher-level plans and programmes and is consistent with the relevant objectives and policy commitments of the National Planning Framework and the relevant Regional Spatial and Economic Strategy.

The Plan should also align with the OPW's '<u>The Planning System and Flood Risk Management Guidelines for Planning Authorities'</u> (OPW, 2009), as relevant and appropriate, in the zoning and development of lands.

Ireland's State of the Environment Report 2024

In October 2024, the EPA published the latest iteration of our 4-yearly State of the Environment Report. This report should be considered and integrated as appropriate, in implementing the plan or programme over its lifetime. It is available at: https://www.epa.ie/our-services/monitoring--assessment/assessment/state-of-environment-report-/.

Available Guidance & Resources

Our website contains various SEA resources and guidance, including:

- SEA process guidance and checklists
- SEA Spatial Information Sources Inventory
- Topic specific SEA guidance (including Good practice note on Cumulative Effects Assessment (EPA, 2020), Guidance on SEA Statements and Monitoring (EPA, 2020), Integrating climatic factors into SEA (EPA, 2019), Developing and Assessing Alternatives in SEA (EPA, 2015), and Integrated Biodiversity Impact Assessment (EPA, 2012))

You can access these guidance notes and other resources at: <a href="https://www.epa.ie/our-services/monitoring-assessment/see

EPA SEA WebGIS Tool

Our SEA WebGIS Tool has been updated recently and is now publicly available at https://gis.epa.ie/EPAMaps/SEA. It allows public authorities to produce an indicative report on key aspects of the environment in a specific geographic area It is intended to assist public authorities in SEA screening and scoping exercises.

Catchments.ie

Our <u>https://www.catchments.ie/maps/</u> website provides a single point of access to water quality and catchment data from the National WFD monitoring programme.

Future amendments to the plan or programme

Where changes to the plan or programme are made prior to finalisation, or where modifications to the plan or programme are proposed following its adoption, these should be screened for potential for likely significant effects in accordance with the criteria set out in Schedule 2A (S.I. No. 436 of 2004, as amended) or Schedule 1 (S.I. No. 435 of 2004, as amended) of the SEA Regulations, as appropriate.

Appropriate Assessment

You should ensure that the plan or programme complies with the requirements of the Habitats Directive where relevant. Where an Appropriate Assessment is required, the key findings and recommendations should be incorporated into the SEA and the plan or programme.

EPA AA GeoTool

Our AA GeoTool application has been developed in partnership with the National Parks and Wildlife Service. It allows users to a select a location, specify a search area and gather available information for each European Site within the area. It is available at: https://gis.epa.ie/EPAMaps/AAGeoTool.

Environmental Authorities

Under the SEA Regulations, prior to making your SEA determination you should consult with:

- Environmental Protection Agency;
- Minister for Housing, Local Government and Heritage,
- Minister for Environment, Climate and Communications; and,

Minister for Agriculture, Food and the Marine.

For land use plans covered under S.I. No. 436 of 2004, as amended, you should also consult with:

• any adjoining planning authority whose area is contiguous to the area of a planning authority which prepared a draft plan, proposed variation or local area plan.

SEA Determination

As soon as practicable after making your determination as to whether SEA is required or not, you should make a copy of your decision, including, if appropriate, the reasons for not requiring an environmental assessment, available for public inspection in your offices and on your website. You should also send a copy of your determination to the relevant environmental authorities consulted.

Opinion of the Chief Executive

The contents of this submission are addressed in Part 3 SEA and AA of this report.

Transport Infrastructure Ireland

The title of this submission refers to the proposed variation, however the content of this submission solely related to the draft Local Area Plan. TII has made a separate submission to the draft LAP with the same contents; therefore this submission is dealt with in the Chief Executive Report on the draft Local Area Plan.

Opinion of the Chief Executive

On foot of this submission, no alterations to the Proposed Variation are deemed necessitated.

Chief Executive's Recommendation

Health & Safety Authority

The Health & Safety Authority (the Authority) is an Authority prescribed under Article 13 of the Planning & Development Regulations 2001-2015 and as such is required to be consulted in relation to Development Plans under sections 11-13 & 24 of the Act.

The approach of the Health and Safety Authority (the Authority) to Land-use Planning is set out in the document 'Guidance on technical land-use planning advice'. The document should be consulted to fully understand the advice given in this letter.

The Authority would expect the planning guidelines to contain:

- 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:
- A. Zoetis Belgium S.A. Ireland Branch
- B. Sigma Aldrich Ireland Ltd

Opinion of the Chief Executive

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:

- 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.

On foot of this submission, no alterations to the variation are deemed necessitated.

Chief Executive's Recommendation

Department of Education

The department has considered the above document and notes that land use zoning maps will be included Volume 3 of the CDP and that two additional settlements Blessington and Greystones-Delgany-Kilcoole will have new Local Area Plans.

The department also notes that the variation states that "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". In the context of the proposed variation, the department understands the rationale behind this statement; however it should be noted that in its consideration of future school place needs, the department, in conjunction with its assessment of future draft LAPs' population data, will equally examine and assess school place needs arising from any National Planning Framework amended population growth figures for Wicklow settlements even if those figures cannot be reflected in future draft LAPs.

The department looks forwarding to engaging with the Council regarding the new Local Area Plans for Blessington and Greystones-Delgany-Kilcoole in relation to potential school place requirements.

Finally, the department acknowledges the crucial importance of the ongoing work of the Council in ensuring sufficient and appropriate land is zoned for educational needs.

Opinion of the Chief Executive

While not explicit, the Department appears to have concern that in the event of increased population targets for LAP towns on foot of the NPF review, that the LAPs prepared on foot of current growth targets may not adequately take account on additional school needs. In this regard, all efforts are made to 'future proof' LAPs in the event of increased population / housing growth targets with respect to education and community services provisions, particular in respect of zoning more land than would be needed for current growth targets for potential future schools. This is certainly the ac sein Blessington.

The Department has made a more detailed submission with respect to the Blessington LAP and more details regarding the amount of land zoned for possible future school provisions is detailed in to the response therein.

Chief Executive's Recommendation

Office of Public Works (OPW)

The OPW, as lead agency for flood risk management in Ireland, notes the preparation of the proposed variation no. 3 to the Wicklow County Development Plan 2022-2028.

This submission is made specifically concerning flood risk management. Further submissions on the Issues Paper may be made by the OPW concerning the estate portfolio, heritage and other areas of responsibility.

OPW Commentary on the Blessington Local Area Plan will be made in a separate submission on the Draft Local Area Plan.

Opinion of the Chief Executive

The title of this submission refers to the proposed variation, however no comment is made on the Proposed Variation other than to reference that a separate submission to the draft LAP has been made.

Therefore this submission is dealt with in the Chief Executive Report on the draft Local Area Plan.

Chief Executive's Recommendation

Uisce Eireann (UI)

Item 1 Preamble

UÉ is responsible for the provision of public water supply, wastewater collection and treatment services. It is an objective of UÉ to provide both drinking water and wastewater capacity to support national, regional and local economic and spatial planning policy (subject to the constraints of the UÉ Capital Investment Plan).

UÉ acknowledges the planning policy and direction provided in the National Planning Framework and the East & Midlands Regional Spatial and Economic Strategy (RSES) and we are committed to supporting the policies therein, subject to budgetary and environmental constraints. In this regard, we would draw your attention to RPO10.1 in the RSES which provides general policy direction in relation to the sustainable management of water resources.

Chief Executive Response

Noted

Chief Executive Recommendation

No change to Proposed Variation

Item 2 Water Supply and Network

Blessington is supplied from Ballymore Eustace which has capacity. However, it does form part of the overall Greater Dublin Area (GDA) water resource zone that experiences constraints from time to time. UÉ publishes Water Supply Capacity Registers annually for each county. The register is currently being updated and will be revised before the Draft LAP is completed. UÉ will issue the Council a copy of the Water Supply Capacity Register as soon as it is completed.

Note the capacity register is only an indication of available capacity at a point in time and will change over the lifetime of the Plan. The long-term solution for the GDA is the Water Supply Project (WSP). The WSP has been identified in the National Planning Framework as a 'National Strategic Outcome' and is also listed as one of the key 'Strategic Investment Priorities' of the National Development Plan

Chief Executive Response

Noted

Chief Executive Recommendation

No change to Proposed Variation

Item 3 Wastewater Collection and Treatment

As noted above, the wastewater capacity registers are also being revised and will be available in the coming weeks. UÉ will issue the Council a copy of the Wastewater Capacity Register as soon as it is completed.

There is currently sufficient capacity available to service the growth envisaged in the County Development Plan Core Strategy.

As above, the register is only an indication of available capacity at a point in time.

There are no significant issues with the Blessington sewer network. Uisce Eireann are continually progressing sewer rehabilitation activities, capital maintenance activities at pump stations, storm water overflow assessments county wide. We will continue to monitor the performance of the networks to ensure that the most urgent works are prioritised as required.

Chief Executive Response

Noted

Chief Executive Recommendation

Item 4 Drinking Water Source Protection & Human Health

Protection of public drinking water sources is of the highest priority to Uisce Éireann. It is a requirement of the Drinking Water Directive and the Water Framework Directive that waters used for the abstraction of drinking water are protected so as to avoid deterioration in quality. It is Uisce Éireann's current policy to maintain safe and secure drinking water supplies and that no development will negatively impact drinking water sources.

Uisce Éireann is currently preparing Drinking Water Safety Plans (DWSPs) for each of our Drinking Water Supplies in line with the requirements of the Drinking Water Directive and National Source Protection Guidelines. As part of this Catchment Action Plans will be prepared which include a risk assessment of the source and source protection and mitigation measures. These Catchment Action Plans will be developed in collaboration with Source Protection Agencies (e.g. EPA, GSI and Local Authorities). The deadline for completed of this work is July 2027 under the Drinking Water Regulations.

In addition to LAP Objective BLESS42 under Biodiversity and Natural Heritage "Where relevant, applications for development must demonstrate that the proposal for development would not, individually or cumulatively, affect a water body's ability to meet its objectives under the Water Framework Directive."

an additional specific objective to further support water quality (Poulaphouca reservoir in particular) and public health would be welcomed.

Proposed New Objective under Part B Specific Objectives - in line with Wicklow County Development Plan Policy Objectives 13.1 and 1.32 in relation to Water Quality and 13.09 in relation to Water Supply.

"Protect both ground and surface water sources, to avoid water quality deterioration and reduce the level of treatment required in the production of drinking water, in accordance with Drinking Water and Water Framework Directives. New developments which could pose an unacceptable risk to drinking water sources will not be permitted."

Chief Executive Response

The CE is happy to recommend additional text and objectives to the LAP to address the issue raised. No alterations to the Proposed Variation are however necessitated.

Chief Executive Recommendation

No alterations recommended to Proposed Variation

Recommended Amendments to draft LAP

Add the following text and objectives to **Section B.7:**

The Poulaphouca Reservoir is a critical source of raw water supply to the populations of Dublin, Kildare and parts of Wicklow. Significant measures are required to be taken to protect the water quality in the reservoir, including the management of surface water runoff in adjacent towns and villages.

Uisce Éireann recommends the use of the hierarchy of discharge outlined in the guidance document "Implementation of Urban Nature-based Solutions: Guidance Document for Planners, Developers and Developer Agents" to complement the approach to surface water management set out in the Wicklow County Development Plan.

In particular, Uisce Éireann encourages a specific focus on the water quality of surface water runoff collected in Blessington town and discharged either directly to the reservoir or to watercourses which drain to the reservoir. This is applicable to both new developments and to any planned improvements to existing urban spaces.

BLESS-XX: To protect both ground and surface water sources, to avoid water quality deterioration and reduce the level of treatment required in the production of drinking water, in accordance with Drinking Water and Water Framework Directives. New developments which could pose an unacceptable risk to drinking water sources will not be permitted.

BLESS-XX: To support and facilitate the improvement of the quality of surface water runoff that directly (or indirectly) will reach Poulaphouca Reservoir. This shall be applied to both new/expanded developments and to any planned improvements to existing urban spaces. In this regard, developments shall be designed in accordance with the guidance document "Implementation of Urban Nature-based Solutions: Guidance Document for Planners, Developers and Developer Agents" LAWPRO 2024.

Item 5 Nature Based Solutions for Surface Water Runoff & Water Quality

The Poulaphouca Reservoir is a critical source of raw water supply to the populations of Dublin, Kildare and parts of Wicklow. Significant measures should be taken to protect the water quality in the reservoir, including the management of surface water runoff in adjacent towns and villages.

Uisce Éireann recommends the use of the hierarchy of discharge outlined in the recently published guidance document "Implementation of Urban Nature-based Solutions: Guidance Document for Planners, Developers and Developer Agents" to complement the approach to surface water management set out in the Wicklow County Development Plan. In particular, Uisce Éireann encourages a specific focus on the water quality of surface water runoff collected in Blessington town and discharged either directly to the reservoir or to watercourses which drain to the reservoir. This is applicable to both new developments and to any planned improvements to existing urban spaces.

It is recommended that proposals such as the public realm enhancements to Market Square and Blessington Main Street are designed to manage the quality of surface water runoff collected in the town before discharge to the reservoir or watercourses which drain to the reservoir.

Proposed New Objective under Part B Specific Objectives - in line with Wicklow CDP Policy Objectives CPO 13.20 to 13.22 in relation to Sustainable Urban Drainage Systems (SUDS) and the management of surface water runoff:

To support and facilitate the improvement of the quality of surface water runoff that directly (or indirectly) will reach Poulaphouca Reservoir. This shall be applied to both new developments and to any planned improvements to existing urban spaces. It is recommended that the hierarchy of discharge, outlined in the recently published guidance document "Implementation of Urban Nature-based Solutions: Guidance Document for Planners, Developers and Developer Agents" is used."

Chief Executive Response

The CE is happy to recommend additional text and objectives to the LAP to address the issue raised.

No alterations to the Proposed Variation are however necessitated.

Chief Executive Recommendation

No alterations recommended to Proposed Variation

Recommended Amendments to draft LAP

Add the following text and objectives to **Section B.7:**

The Poulaphouca Reservoir is a critical source of raw water supply to the populations of Dublin, Kildare and parts of

Wicklow. Significant measures are required to be taken to protect the water quality in the reservoir, including the management of surface water runoff in adjacent towns and villages.

Uisce Éireann recommends the use of the hierarchy of discharge outlined in the guidance document "Implementation of Urban Nature-based Solutions: Guidance Document for Planners, Developers and Developer Agents" to complement the approach to surface water management set out in the Wicklow County Development Plan.

In particular, Uisce Éireann encourages a specific focus on the water quality of surface water runoff collected in Blessington town and discharged either directly to the reservoir or to watercourses which drain to the reservoir. This is applicable to both new developments and to any planned improvements to existing urban spaces.

- BLESS-XX: To protect both ground and surface water sources, to avoid water quality deterioration and reduce the level of treatment required in the production of drinking water, in accordance with Drinking Water and Water Framework Directives. New developments which could pose an unacceptable risk to drinking water sources will not be permitted.
- BLESS-XX: To support and facilitate the improvement of the quality of surface water runoff that directly (or indirectly) will reach Poulaphouca Reservoir. This shall be applied to both new/expanded developments and to any planned improvements to existing urban spaces. In this regard, developments shall be designed in accordance with the guidance document "Implementation of Urban Nature-based Solutions: Guidance Document for Planners, Developers and Developer Agents" LAWPRO 2024.

Item 6 Blessington Town Centre First

Planned public realm and road projects have the potential to impact on Uisce Éireann assets and projects e.g., tree planting, building over of assets, new connections, requirement to programme upgrade works in advance of road projects. Early engagement in relation to planned road and public realm projects is requested to ensure public water services are protected, enable Uisce Éireann to plan works accordingly and ultimately minimise disruption to the public.

Chief Executive Response

Noted. This would be a matter for the project teams for any regeneration projects.

Chief Executive Recommendation

Item 7 Planning Applications & Connections to the Uisce Eireann Network

The Planning Authority should continue to refer planning applications for developments through the current planning referral route, for assessment in relation to the protection of drinking water sources. New Planning Applications are to submit an EIAR Scoping Request to Uisce Éireann (for qualifying developments) ahead of lodging a planning application to avoid delays.

All new residential and commercial/industrial developments wishing to connect to an Uisce Éireann network are to be assessed through Uisce Éireann's Connections and Developer Service process which will determine the exact requirements in relation to network and treatment capacity. Connections to Uisce Éireann networks are subject to our Connections Charging Policy. Further information on this process is available at:

https://www.water.ie/connections/developer-services/

Uisce Éireann will only process Connection Applications for 'authorised developments'. An authorised development is any development that has been granted planning permission. Queries for the Development Management Planning Team and EIAR Scoping Requests should be sent to planning@water.ie

Chief Executive Response

Noted

Chief Executive Recommendation

No change to Proposed Variation

Blaize Whelan

While the submitter has 'ticked' via the consultation portal that this submission relates to Proposed Variation 3, it in fact contains no content in relation to the Proposed variation (all plan topics were 'ticked on this submission). The content of the submission relates to a local access issue at Lakeside Dows and therefore this submission is dealt with in the CE's Report on the draft LAP.

Opinion of the Chief Executive

N/A

Chief Executive's Recommendation

N/A

Cairn Homes Properties Ltd

This submission sets out a number of requests for changes to Proposed Variation No. 3. In support of the requested changes (detailed to follow), the submission includes a discourse on current legislative provisions, on the status of current LAPs, on national policy, housing targets and RZLT.

Submission No. 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 objectives maps for Blessington is included in Volume 2 reflecting the incorporation of the zoning and other objectives arising from the incorporation into the CDP of the Draft Blessington Local Area Plan 2025-2031. Proposed Variation No. 2 included the Wicklow Town – Rathnew LAP objectives maps. The remaining LAPs for 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 Proposed Variation No. 2 facilitates the incorporation of zoning objectives of the Wicklow Town – Rathnew and other LAPs zonings into the CDP as they happen. Proposed Variation No.3 (with exactly the same wording) repeats this and then specifically incorporates the Blessington LAP zoning objectives into the CDP even though it appears as though this is accommodated under the broad provisions Proposed Variation No. 2. There is potential for modifications to Proposed Variation No.3 to conflict with any Variation No. 2. There would appear to be no specific need for Proposed Variation No.3, as it merely repeats the provisions of Proposed Variation No. 2. It may be considered that only the objectives maps in Part 5.5. are required in the interests of clarity of what is being varied to the CDP.

Notwithstanding this general point on repeating the wording of Proposed Variation No. 2, we contend that it would avoid contradictions and inconsistencies if the text of Proposed Variation No.3 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. We contend that this is purely an issue of clarifying the text of the CDP, as it has originally been prepared on the basis that the LAPs and associated zonings were in place when the CDP was originally adopted.

Requested Amendment No. 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 No. 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 Pleanála, the phrase "...Local Area Plans are in place...." is not wholly accurate.

In the absence of any reference to previously existing LAPs, it may be interpreted that 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 No. 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."

Submission No. 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 Blessington LAP is problematic and does not effectively reflect this desired flexibility. This is addressed in the associated Cairn submission on the Draft Blessington 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 No. 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."

Submission No. 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 Blessington are included, with relevant maps for Wicklow – Rathnew included by way of Proposed Variation No. 2. Pre-existing LAPs are not included, notwithstanding that 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." 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.

Requested Amendment No. 4

5.0 Introduction to Local Area Plans

"The pre-existing Local Area Plan will remain in place until that LAP is superseded by a new plan."

Opinion of the Chief Executive

The Wicklow Town-Rathnew Local Area Plan 2013-2019, Greystones-Delgany-Kilcoole Local Area Plan 2013-2019, the Blessington Local Area Plan 2013-2019, the Arklow Town & Environs Local Area Plan 2013-2019 and the Bray Municipal District Local Area Plan 2018-2024 were all prepared prior to the adoption of the Wicklow County Development Plan (CDP) 2022 – 2028 and these 5 LAPs are now not consistent with the Core Strategy of the current County Development Plan, in that the amount of land zoned for housing exceeds Core Strategy housing targets. As set out in the Core Strategy, the LAPs prepared following adoption of the County Development Plan will require to address zoning provisions in order that they accord with the new CS targets.

Therefore it is not logical, nor consistent with the provision of the legislation and guidelines, nor in line with proper planning and sustainable development, to incorporate the existing LAPs into the current County Development Plan as it would result in internal inconsistency within the County Development Plan. New LAPs are being prepared for each of these towns / areas and the new plans will be incorporated into the County Development Plan by way of variation in the short term which will ensure consistency.

Furthermore, it is clear from the Proposed Variation and draft LAP text that residential zoning provisions in the new set of LAPs will provide for additional provision i.e. a quantum of residential zoning over and above what we be needed to meet current County Development Plan targets, in order to future proof the LAPs in the event that the Core Strategy is amended and targets are increased.

In the preparation of LAPs, cognisance has and will be taken of the 2022 Development Plan Guidelines, in particular the following provisions:

"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.

Should it be the case that there is a surplus of well-located zoned and fully serviced land to meet population and housing supply targets already zoned for development in any local authority area when reviewing a development plan, it is recommended best practice that a phased approach be taken to prioritise the preferred sequence of development of such sites. However, phasing should be applied where there is a sound planning rationale for doing so, based on factors such as site location, the availability or proximity of, or capacity to provide, off-site services, facilities or infrastructure. This should also be viewed in the context of the urgent need to increase housing supply."

Finally, it is considered that it would not be technically feasible via alterations to Proposed Variation 3, having regard to SEA and AA requirements, at this stage to 'expand' Proposed Variation 3 to encompass adoption into the County Development Plan of all pre-existing LAPs. The possibility to 'screen out' the need for full SEA and AA of Proposed Variation 2 only arises as the draft Blessington LAP has been subject to full SEA and Stage 2 AA.

On foot of this submission, no alterations to the variation are deemed necessitated.

Chief Executive's Recommendation

No change to Proposed Variation

Lidl Ireland GmbH

This is a detailed submission that essentially is seeking three amendments to the LAP / Proposed Variation particularly as it applies to lands located in north Blessington, on the east side of the N81 opposite the junction with Oak Drive, as follows:

- 1. That the Town Centre zoning be extended slightly to the north and east, to include the full landholding (more closely following the town centre pattern on the opposite side of the road) this relates to both the Blessington LAP & Variation No.3;
- 2. That the 'Opportunity Site' designation for the subject lands be amended to a) reflect an extended Town Centre zone; and, b) be split in two to facilitate staged development of the overall Haylands landbank, rather than inadvertently tying a large landbank to a singular phase of regeneration; and
- 3. That town centre and retailing policies (in particular but not limited to Objective BLESS4) be more closely aligned with high level retail policies, including those of the Retail Planning Guidelines, directing activity to the town centre as a whole.

Opinion of the Chief Executive

While the submitter has indicated that this submission relates to Proposed Variation 3, it in fact contains limited content in relation to the Proposed Variation. The content of the submission relates to LAP topics of Town Centre zoning, Opportunity Sites and retail objectives and therefore this submission is dealt with in the CE's Report on the draft LAP.

In the event that the assessment of the submission in the CE's Report on the LAP results in any proposed amendments to the LAP maps, any such changes will translate to changes to the maps associated with the Proposed Variation.

Chief Executive's Recommendation

No change to Proposed Variation

Part 3 Strategic Environmental Assessment and Appropriate Assessment

EPA

Proposed Variation Submission Text/Issues Raised

Item 1

The EPA is one of the statutory environmental authorities under the SEA Regulations. In our role as an SEA environmental authority, we focus on promoting the full and transparent integration of the findings of the Environmental Assessment into plans and programmes and advocating that the key environmental challenges for Ireland are addressed as relevant and appropriate to the plan or programme. Our functions as an SEA environmental authority do not include approving or enforcing SEAs or plans or programmes.

As a priority, we focus our efforts on reviewing and commenting on key sector plans. For land use plans at county and local level, we provide a 'self-service approach' via our guidance document 'SEA of Local Authority Land Use Plans – EPA Recommendations and Resources'. This document is updated regularly and sets out our key recommendations for integrating environmental considerations into Local Authority land use plans. In finalising your SEA screening determination, we suggest that you take this guidance document into account and incorporate the relevant recommendations as relevant and appropriate to the plan or programme.

Item 2

SEA Determination

If a proposed SEA determination hasn't been made regarding the plan or programme, you should determine whether implementing the plan or programme would be likely to have significant effects on the environment. The SEA Regulations, Schedule 2A (S.I. No. 436 of 2004, as amended) or Schedule 1 (S.I. No. 435 of 2004, as amended), as appropriate, set out the 'Criteria for determining whether a Plan is likely to have significant effects on the environment' to use to determine whether the plan or programme would be likely to have significant effects on the environment.

Guidance on the SEA process, including an SEA pack and checklist, is available on our website at: https://www.epa.ie/our-services/monitoring-assessment/strategic-environmental-assessment/sea-resources-and- quidance-/.

We recommend that you take the available guidance into account in making your SEA Screening Determination and incorporate the relevant recommendations as relevant and appropriate to the plan or programme.

EPA SEA Screening Guidance

Our Good Practice Guidance for Strategic Environmental Assessment (SEA) Screening (EPA, 2021) provides specific stand-alone guidance to assist plan or programme makers and SEA practitioners. It focuses primarily on plans/programmes in the non-land use sector in Ireland and includes an elaboration of the steps needed for screening, the legislative landscape underpinning SEA screening, and step-by-step process and templates to assist in preparing the required documentation.

Strategic Environmental Assessment: Guidelines for Planning Authorities

The Strategic Environmental Assessment: Guidelines for Regional Assemblies and Planning Authorities (DHLGH, 2022) provides advice on carrying out SEA in the land-use planning sector for those plans listed in S.I. No.436 of 2004, as amended. These plans comprise regional, county and local plans, including Regional Spatial and Economic Strategies, County or City Development Plans, variations of Development Plans, Local Area Plans and Planning Schemes for Strategic Development Zones. The Guidelines replace previous guidance for Regional Authorities and Planning Authorities published in 2004.

Ireland's State of the Environment Report 2024

In October 2024, the EPA published the latest iteration of our 4-yearly State of the Environment Report. This report should be considered and integrated as appropriate, in implementing the plan or programme over its lifetime. It is available at: https://www.epa.ie/our-services/monitoring-assessment/state-of- environment-report-/.

Available Guidance & Resources

Our website contains various SEA resources and guidance, including:

- SEA process guidance and checklists
- SEA Spatial Information Sources Inventory
- Topic specific SEA guidance (including Good practice note on Cumulative Effects Assessment (EPA, 2020), Guidance on SEA Statements and Monitoring (EPA, 2020), Integrating climatic factors into SEA (EPA, 2019), Developing and Assessing Alternatives in SEA (EPA, 2015), and Integrated Biodiversity Impact Assessment (EPA, 2012))

You can access these guidance notes and other resources at: https://www.epa.ie/our- services/monitoring--assessment/assessment/strategic-environmental-assessment/sea-topic-and-sector-specific-guidance-/

EPA SEA WebGIS Tool

Our SEA WebGIS Tool has been updated recently and is now publicly available at https://gis.epa.ie/EPAMaps/SEA. It allows public authorities to produce an indicative report on key aspects of the environment in a specific geographic area It is intended to assist public authorities in SEA screening and scoping exercises.

Catchments.ie

Our https://www.catchments.ie/maps/ website provides a single point of access to water quality and catchment data from the National WFD monitoring programme.

Item 3

Sustainable Development

In proposing and in implementing the plan or programme, you should ensure that the plan or programme is consistent with the need for proper planning and

sustainable development. Adequate and appropriate critical service infrastructure should be in place, or required to be put in place, to service any development proposed and authorised during the lifetime of the plan or programme. In considering the plan or programme, you should take into account the need to align with national commitments on climate change mitigation and adaptation, as well as incorporating any relevant recommendations in sectoral, regional and local climate adaptation plans.

You should also ensure that the plan or programme aligns with any key relevant higher- level plans and programmes and is consistent with the relevant objectives and policy commitments of the National Planning Framework and the relevant Regional Spatial and Economic Strategy.

The Plan should also align with the OPW's 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' (OPW, 2009), as relevant and appropriate, in the zoning and development of lands.

Item 4

Future amendments to the plan or programme

Where changes to the plan or programme are made prior to finalisation, or where modifications to the plan or programme are proposed following its adoption, these should be screened for potential for likely significant effects in accordance with the criteria set out in Schedule 2A (S.I. No. 436 of 2004, as amended) or Schedule 1 (S.I. No. 435 of 2004, as amended) of the SEA Regulations, as appropriate.

Item 5

Appropriate Assessment

You should ensure that the plan or programme complies with the requirements of the Habitats Directive where relevant. Where an Appropriate Assessment is required, the key findings and recommendations should be incorporated into the SEA and the plan or programme.

EPA AA GeoTool

Our AA GeoTool application has been developed in partnership with the National Parks and Wildlife Service. It allows users to a select a location, specify a search area and gather available information for each European Site within the area. It is available at: https://gis.epa.ie/EPAMaps/AAGeoTool.

Item 6

Environmental Authorities

Under the SEA Regulations, prior to making your SEA determination you should consult with:

- Environmental Protection Agency;
- Minister for Housing, Local Government and Heritage,
- Minister for Environment, Climate and Communications; and,
- Minister for Agriculture, Food and the Marine.

For land use plans covered under S.I. No. 436 of 2004, as amended, you should also consult with:

• any adjoining planning authority whose area is contiguous to the area of a planning authority which prepared a draft plan, proposed variation or local

area plan.

Item 7

SEA Determination

As soon as practicable after making your determination as to whether SEA is required or not, you should make a copy of your decision, including, if appropriate, the reasons for not requiring an environmental assessment, available for public inspection in your offices and on your website. You should also send a copy of your determination to the relevant environmental authorities consulted.

Response

Item 1

The 'SEA of Local Authority Land Use Plans – EPA Recommendations and Resources' document has been considered in the SEA of the Proposed Variation and will be kept on file for reference throughout the SEA process.

Item 2

Wicklow County Council has made a determination that implementation of the Proposed Variation would not be likely to have significant effects on the environment. The EPA's Guidance on the SEA Process, including the EPA SEA Screening Guidance, the Ministerial SEA Guidelines, the criteria set out under Annex II of the SEA Directive [Schedule 1 of the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004, as amended] and the other guidance and resources referred to are being taken into account by the Proposed Variation/Screening for SEA process. The SEA Screening process is ongoing and will be concluded at adoption of the Variation.

Item 3

Wicklow County Council will ensure that the Plan as varied and its implementation is consistent with the need for proper planning and sustainable development. Adequate and appropriate critical service infrastructure will be in place, or required to be put in place, to service any development proposed and authorised during the lifetime of the Plan as varied.

In considering the Proposed Variation, Wicklow County Council has taken into account the need to align with national, sectoral, regional and local commitments on climate change mitigation and adaptation.

Wicklow County Council has ensured that the Proposed Variation aligns with and is consistent with higher-level plans and programmes, including the National Planning Framework and the Regional Spatial and Economic Strategy.

Item 4

Any modifications to the Proposed Variation will be screened for effects in accordance with SEA Regulations and using a methodology consistent with the method of assessment applied in the Screening for the Proposed Variation.

Item 5

The findings of the Screening for AA process have been taken into account by the SEA and Proposed Variation preparation process. Available GIS data has been taken into account by the Screening for AA process.

Item 6

The relevant environmental authorities have been consulted through the SEA Screening process.

Item 7

Wicklow County Council has made a determination that implementation of the Proposed Variation would not be likely to have significant effects on the environment. The most up to date SEA Screening documents have been made available for public inspection in the Council's offices and on the Council's website. The SEA Screening process is ongoing and will be concluded at adoption of the Variation. When the Variation is made a copy of all final documentation will be sent to the environmental authorities consulted.

Recommended Updates

None

Eastern and Midland Regional Assembly

Proposed Variation Submission Text/Issues Raised

5.0 Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA)

The proposed Variation underwent a screening for Strategic Environmental Assessment (SEA) and concluded that the proposal does not require a Strategic Environmental Assessment as it would not be likely to result in significant environmental effects, taking account of the relevant criteria set out in Schedule 2A of the Planning and Development Regulations 2001 (as amended).

Furthermore, a screening for Appropriate Assessment (AA) was also carried out and concluded that the proposed variation will not have any likelihood for significant effects on any European sites, either alone or in combination with other plans or projects. The AA screening therefore concluded that it is not considered necessary to undertake any further stages of the Appropriate Assessment process. The proposed variation does not therefore require an Appropriate Assessment or the preparation of a Natura Impact Report (NIR).

Response

Noted

Recommended Updates

None

Part 4 Maps

- Blessington: Land Use Zoning Map CE Recommended Zoning Amendments
- Blessington: Flood Maps
- Blessington: Proposed Amended Transport Strategy Maps

