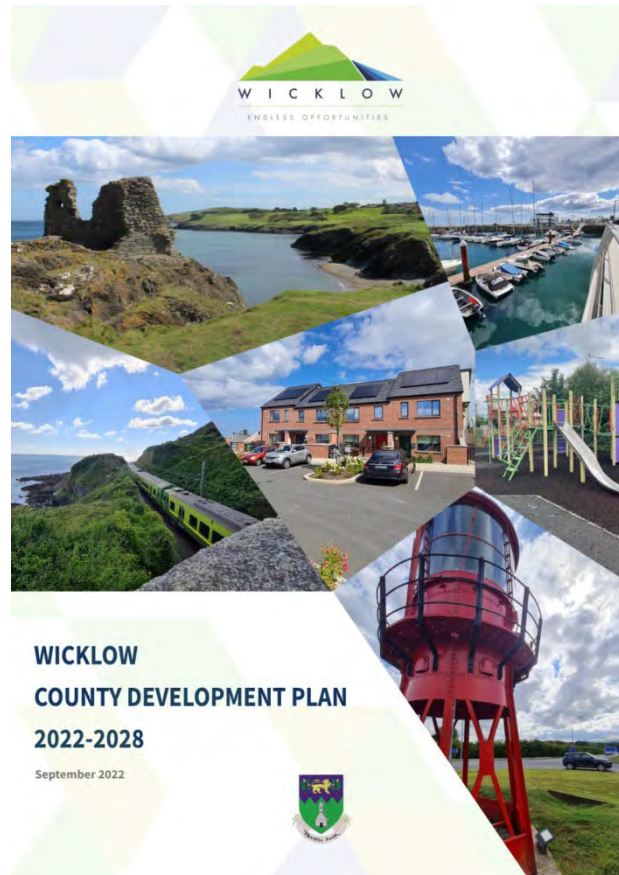




Comhairle Contae Chill Mhantáin Wicklow County Council



Proposed Variation No. 2 **to the Wicklow County Development Plan 2022 – 2028** (related to draft Wicklow Town – Rathnew 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)



January 2025

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Part 1 Introduction

1.1 Proposed Variation No. 2 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 Chapters 1, 3 and 17 to the Wicklow County Development Plan 2022-2028 to ensure consistency between the draft and final Wicklow Town – Rathnew Local Area Plan with the County Development Plan 2022 – 2028;
- 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 Wicklow Town – Rathnew Local Area Plan, which is being prepared separately but alongside the Proposed Variation, into 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 weeks¹ 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

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 Wicklow Town – Rathnew Local Area Plan 2025, during the period of 09 October 2024 to 20 November 2024 (6 weeks). 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 referenced / 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 [here](#).

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

No.	Name
1	Health and Safety Authority
2	Environmental Protection Agency
3	Eastern and Midlands Regional Assembly
4	Meath County Council
5	Department of Education
6	Department of Housing, Local Government and Heritage
7	Cairn Homes Property Ltd
8	Office of Public Works – Flood Risk Management
9	Department of Transport
10	Transport Infrastructure Ireland
11	Office of the Planning Regulator

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

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

- g) DoHLGH
- h) OPW
- i) DoT
- j) TII
- k) Cairn Homes Ltd

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 were 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 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
<p>The Office has made a submission in respect of the proposed draft Wicklow Town - Rathnew Local Area Plan 2025 (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).</p> <p>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.</p> <p>However, insofar as Wicklow County Council (the 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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
Chief Executive Response
Noted

Item 2 Overview

Wicklow Town - Rathnew has been identified as a settlement of strategic potential under the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly (EMRA). 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 consolidation of the Local Area Plan boundary and the rationalisation of substantial strategic reserve lands included in the Wicklow Town – Rathnew Local Area Plan 2013 – 2019, which were less favourably located, and/or had significant infrastructure constraints.

The Office also strongly commends the identification of strategic sites for regeneration on the Land Use Zoning Map. However, the Office notes that additional fundamental supporting documents, such as a Settlement Capacity Audit for lands zoned for new residential and employment uses and a Local Transport Plan (LTP), have not been prepared to support the decisions regarding land use zoning.

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 de-zoned in future Local Area Plans.

However, no such assessment has been included to support the land use zoning objectives proposed in the draft Local Area Plan. These documents provide the critical evidence-base upon which the draft Local Area Plan is underpinned as well as supporting rationale for such decisions.

While the Office acknowledges the inclusion of the Wicklow Town-Rathnew 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 (ABTA) 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 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 Wicklow Town – Rathnew 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 Wicklow Town – Rathnew 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.

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 the LAP related to this Proposed Variation. 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. As suggested in the submission from the NTA, a 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

Update to Transport Objectives Map (attached)

Recommended amendments to draft LAP (please see CE Report on LAP for further detail)

Include new objective in LAP

WTR - XX *In collaboration and with the support of the relevant transport agencies, to prepare a Local Transport Plan for Wicklow Town – Rathnew.*

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 Settlement Capacity Audit / 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 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 on Map No.1 Land use Zoning Objectives of Proposed Variation No. 2 to the Wicklow County Development Plan 2022- 2028 to ensure that lands that cannot be reasonably or cost effectively delivered within the plan period are not zoned for development.**

Chief Executive Response

Further to the response to Item (2) above, the CE is satisfied that:

- all lands zoned for town centre, village centre, waterfront 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. 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 zoned are within either a 30 minutes' walk of the train station or a 15 minutes' walk of a bus stop, 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.

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 and Transportation Strategy Map which are part of the proposed Variation.

Specifically, in relation to the Proposed Variation, the details of the recommendations set out in the Local Transport prepared as part of the Local Area Plan are not reflected in the Transport Strategy Map, 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 (SLOs). While the SLO Concept Plans do give indicative connectivity details at site level, there is no detail on connectivity to the wider network illustrated on the Transportation Strategy Map.

Similarly, it is recommended that public realm and active travel related projects in the town, including the pathfinder project from the train station to the town centre, are included in the Transport Strategy Map together with the wider suite of proposed active travel interventions, to form a clear picture of the emerging active travel network for the plan area. The interventions to be prioritised for progression during the plan period should be clearly highlighted.

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 to reduce our carbon footprint, NPO 64 for improved air quality, NPO 74 and National Strategic Outcome 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 amend the Transport Strategy map to include the following:

- i. **the specific active travel recommendations, identified in section 2 of the Local Transport Assessment (LTA) under the appraisal of regional routes R772, R752, R750 & R751, into section 3.1 of the LTA and into the Transport Strategy map;**
- ii. **all other the measures and proposed modal networks in the LTA;**
- iii. **all planned and proposed public realm and active travel interventions to form a clear picture of the emerging active travel network; and**
- iv. **detail on connectivity between the SLOs and the wider network.**

Chief Executive Response

Local Transport Plan

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 RSES or NTA / TII

guidance. As set out in the suggested in the submission from the NTA, a LTP can be prepared after the adoption of the LAP and the CE is agreeable to a new objective to this effect.

CE Recommendation

Recommended alterations to Proposed Variation

Update Transport Objectives Map (attached)

Recommended amendments to draft LAP (please see CE Report on LAP for further detail)

Include new objective in LAP

WTR - XX *In collaboration and with the support of the relevant transport agencies, to prepare a Local Transport Plan for Wicklow Town – Rathnew.*

Item 5 Flood Risk Management

The Office welcomes the preparation of the Strategic Flood Risk Assessment (SFRA) and accompanying Plan Making Justification Tests (Justification Test) as part of the draft Local Area Plan to inform the zoning objectives, and the inclusion of Map No. 4 Indicative Flood Zones as part of the Proposed Variation.

However, the flood mapping has not been overlaid on the land use zoning maps. It is difficult therefore to fully understand the implications of flood risk across the draft Local Area 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. In addition, the SFRA utilises data from the national scale coastal flood hazard maps from the ICPSS which are now superseded by the outputs of the National Coastal Flood Hazard Mapping (NCFHM) project.

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, the Office requests Part 3 of the Justification Test is reviewed to ensure that it is clearly demonstrated that the specific risk at the sites which have failed the Justification Test can be mitigated. For example, in respect of the Justification Tests for the lands zoned at the Waterfront, Area 2 (Recreation and Amenity Area) where tourist car parking of motorhomes and caravans, which are classified as a highly vulnerable use, are permitted in principle.

In addition, it is noted that the lands at Wicklow County Campus failed the Justification Test, but the concluding recommendation of the Justification Test outlines that significant areas within the *'the zone is sufficiently large to provide for development of the desired uses which avoiding development in the at risk area'*. In such instances, in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines), any undeveloped lands in Flood Zone A should be zoned for water compatible development, and in Flood Zone B for less vulnerable usage, unless all criteria of the Plan Making Justification Test can be satisfied.

For existing development, when avoidance or substitution is not possible and all criteria cannot be satisfied, a policy should be included to limit development to minor extensions only in accordance with section 5.28 of the Flood Guidelines and limit new development accordingly.

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 development in areas at 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 proposed variation;**
- ii. **review and amend the flood zone maps to ensure the correct datasets and probability extents have been illustrated; and**
- iii. **review the undeveloped lands zoned for Wicklow County Campus which are located within Flood Zone A and / or B and, where they do not pass the Plan Making Justification Test, rezone such lands in Flood Zone A for water compatible use, and in Flood Zone B for water compatible or substitute for a land use appropriate to the level of flood risk.**

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) The Flood Risk maps and the SFRA will be updated to include the National Coastal Flood Hazard Mapping (NCFHM)
- (iii) It is considered that objective suggested is already covered in the Wicklow CDP:

CPO 14.06 *To implement the 'Guidelines on the Planning System and Flood Risk Management' (DoEHLG/OPW, 2009).*

CPO 14.08 *The zoning of land that has been identified as being at a high or moderate probability of flooding (flood zones A or B) shall be in accordance with the requirements of the Flood Risk Management Guidelines and in particular the 'Justification Test for Development Plans' (as set out in Section 4.23 and Box 4.1 of the Guidelines).*

CPO 14.09 *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 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 Guidelines.*
- *Flood Risk Assessments shall be in accordance with the requirements set out in the 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, 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.*

- (iv) With respect to the zoning at Wicklow County Campus, additional objectives are recommended to ensure consistency with flood risk management guidelines and principles.

Chief Executive Recommendations**Recommended alterations to Proposed Variation****Replace Flood Risk maps appended to the proposed variation with the following new 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 (please see CE Report on LAP for further detail)

1. Update the SFRA
2. Add the following text with respect to the Wicklow County Campus zoning in Chapter 9:

Some parts of the Wicklow County Campus zone are identified as being at risk of flooding. The zoning objective does not proscribe exactly where in the zone development should occur and the zone is sufficiently large to provide for the development of desired uses while avoiding development in any area at risk of flooding. Any proposals for new development are required to be accompanied by an appropriately detailed FRA, undertaken in accordance with 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities' (2009), as well as the relevant policies and objectives in the County Development Plan and Wicklow Town-Rathnew Local Area Plan. In particular, the sequential approach shall be applied in the site planning, to ensure no encroachment onto, or loss of the flood plain, or that only water compatible development such as Open Space will be permitted for the lands which are identified as being at risk of flooding within the site.

Item 6 Zoning for Economy and Employment

The County Wicklow Economic Development Hierarchy identifies that the settlement's economic function is to attract major investment through foreign direct and local investment and people and product intensive industries. To support and grow the economic activity in the settlement, 37ha of undeveloped land has been zoned for Employment uses in the draft Local Area Plan to strengthen and promote economic development in the settlement and build on its existing assets such as Wicklow Port and Harbour, the Wicklow County Campus and its strategic location on the M/N11 corridor and south-eastern rail corridor.

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 poorly 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. This is particularly relevant to the lands at Newrath and Charvey Lane/Milltown North, which are located outside the CSO settlement boundary and in peripheral locations that are inconsistent with the achievement of compact growth, will contribute to the continuance of a dispersed settlement pattern and also encourage car-based development that will not 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 proposed variation fails to 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 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, and**
- **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, 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 for the extent and location of Employment zoned land and to demonstrate that the criteria of the aforementioned national and regional policies have been satisfied, and specifically in respect of the following Employment zonings:**
 - (a) **Newrath, North of Wicklow County Campus**
 - (b) **Charvey Lane/Milltown North; and**

- ii. **demonstrate by way of an Infrastructure Assessment / Settlement Capacity Audit that lands zoned for Employment are realistically serviceable within the plan period, including a reasonable estimate of the full cost of delivery of the required infrastructure in accordance with NPO 72a-c and Appendix 3 of the NPF.**

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 Map No.1 Land use Zoning Objectives of the Proposed Variation No. 2 to the Wicklow County Development Plan 2022-2028

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 additional lands are proposed to be zoned for employment use compared to the previous plan, and the amount of land has been moderated by changes in zoning at some locations to more appropriate uses, including identifying additional lands 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 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 Wicklow Town – Rathnew 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 Employment Lands	Assessment of suitability
Charvey Lane / Milltown North	These lands are currently zoned for new employment use. The extent of the zoning has been reduced however with the more northern portion changed to more appropriate OS and R uses. Employment use comprises the most appropriate use for these lands in the future given the surrounding land uses and proximity to Rathnew and the N11. Water supply and wastewater infrastructure are available in the area, as is access to public roads and existing public transport services.
Newrath	These lands are currently zoned for new employment use. The extent of the zoning has been reduced from previous plan with the more northern portion changed to more appropriate OS uses along the Vartry corridor. Employment use comprises an appropriate use for these lands in the future given the surrounding land uses (Clermont Campus) and the proximity to Rathnew and the N11. Water supply is currently available to the lands. Wastewater infrastructure is currently under construction on the Newcastle Road. Access is available to public roads and existing public transport services.
Merrymeeing (north of Railway line)	These lands are currently zoned for employment and tourism uses. The lands are located within the BUA of the settlement. Employment use comprises the most appropriate use for these lands in the future given the surrounding land uses and the constraints of the site, with roads on two sides and a rail line on the third. Water supply and wastewater infrastructure are available in the area, as is access to public roads and existing public transport services.
Ballynabarney (east of R772)	These lands are currently zoned for employment use. The extent of the zoning has been reduced however with the more northern portion changed to more appropriate AOS use and the southern boundary regularised having regard to the existence of a watercourse in this area. Water supply and wastewater infrastructure are available in the area, as is access to public roads. This location is not however currently serviced by public transport services and is peripheral to existing bus and train routes. Nonetheless, employment zoning is maintained for these lands given that (a) part of the lands have planning permission for employment development and (b) part of the lands are owned by

	Wicklow County Council and Wicklow Enterprise Park Ltd (a company with charitable status established for the support of enterprise in the area) for the purpose of developing employment use.
Broomhall Business and Enterprise Park	These lands form the logical extension of the existing Broomhall Business and Enterprise Park and are currently zoned for new employment use. The lands are located within the BUA of the settlement. The extent of the zoning has been reduced however with the more northern portion changed to more appropriate PU use (to allow for possible new train station) and CE use (to reflect permission granted for a childcare facility). Water supply and wastewater infrastructure are available in the area, as is access to public roads and existing public transport services.
Port Access Road (south of the road and north of the railway line)	These lands are currently zoned for employment use and are partially developed. The lands are located within the BUA of the settlement. The extent of the zoning has been reduced however with the more eastern portion changed to more appropriate PU use to facility public transport improvements at Wicklow train station. Employment use comprises the most appropriate use for these lands given their location of the Port Access Road and existing adjacent employment use. Water supply and wastewater infrastructure are available in the area, as is access to public roads and existing public transport services.
Ballynerrin (Hawkstown Road / Marlton Road)	These lands are currently zoned for employment use. The lands are located within the BUA of the settlement. The extent of the zoning has been reduced however with the eastern boundary changed to more appropriate OS use to reflect local biodiversity assets. Water supply and wastewater infrastructure are available in the area, as is access to public roads and existing public transport services.

With respect to Charvey Lane/Milltown North, these lands form the logical extension of the existing Charvey Lane business park, which is fully serviced. With respect to the identification of these lands as 'outside' the CSO boundary of the settlement, this is due to the redrafting of settlement boundaries that occurred as part of the 2022 Census, which has resulted in areas of developed lands being deemed 'outside' of settlements and areas of undeveloped agricultural lands being deemed 'inside' settlements. The whole of Charvey Lane business park for example is now deemed to be 'outside' the settlement boundary whereas in previous censuses, it was within the town. This change alone is not considered a sound basis for spatial planning assessments or decisions.

With respect to lands at Newrath, north of Wicklow County Campus, while these lands are not currently fully serviced, they will become serviceable as development at Clermont Campus and across the road on lands zoned for 'New Residential' further progress (both projects are already in train). Water supply is currently available to the lands; wastewater infrastructure is currently under construction on the Newcastle Road, as are footpaths, to a point less than 75m from the lands. Access is available to public roads and existing public transport services (located c. 500m from R772).

CE Recommendation

No change to Proposed Variation

Item 7 Village Centre Regeneration

While the Office generally welcomes the approach of the Planning Authority, there is a concern that the inclusion of undeveloped lands beyond the existing village centre as Village Centre / Local Shops and Services has the potential to undermine the vitality and vibrancy of the established Rathnew village centre.

The lands to the east of Clermont Grove, which extend to circa 2.4ha have no clear function identified in the Rathnew Village Regeneration Strategy other than to enhance connections with the Wicklow County Campus. It is identified as an opportunity site in the Village Centre Strategy Map but there is no supporting detail on the vision for these lands and how or if there is any opportunity to improve access to and from the County Campus directly into the village as part of their development. It is also noted that these lands are located outside of the CSO settlement boundary.

In addition, 1.4 ha of lands are zoned which are undeveloped along Charvey Lane and have access constraints due to deficiencies of the Charvey Lane – R752 junction.

The Office considers that the inclusion of these lands as Village Centre / Local Shops and Services requires an improved focus and they should only be included where it can be clearly demonstrated that they can support the overall regeneration strategy for the village centre with clearer co-ordination of development and infrastructure delivery provided.

Further, it is considered necessary that it is demonstrated by way of the Settlement Capacity Audit and / or Infrastructure Audit as required by Recommendation 1 and 4 that the lands can be serviced over the plan period. Finally, there is an opportunity to improve permeability and ensure that the Wicklow County Campus can positively interact with Rathnew village centre, which should be more strongly supported and indicated on the Transport Strategy Map

Recommendation 5 – Village Centre Regeneration

Having regard to the regeneration of Rathnew village centre, 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:

- i. clarify the regeneration aims and principles which demonstrates how the following sites will promote regeneration and revitalisation of Rathnew village centre:**
 - (a) undeveloped lands located to the east of Clermont Grove**
 - (b) undeveloped lands to the south of Charvey Lane;**
- ii. demonstrate by way of a settlement capacity audit and / or an Infrastructure Assessment that the sites at (i) (a) and (b) above are serviced and/or serviceable within the plan period; and**
- iii. include permeability measures on the Transport Strategy Map to ensure that the Wicklow County Campus can positively interact with Rathnew village centre.**

Where the criteria requested at (i) - (iii) of this recommendation cannot be demonstrated, the lands identified at (i) above the land use zoning objectives for the lands identified to the east of Clermont Grove and south of Charvey Lane should be omitted.

Chief Executive Response

With respect to the specific recommendations made:

- (i) While not completely clear, it appears that the OPR is seeking for the plan to include a stronger statement of support, via a new objective, for the regeneration 'strategy' for Rathnew. The strategy is clearly set out in the draft plan as follows but this is described as a 'strategy' rather than an 'objective'; there would be no issue with replicating the stated 'strategy' as an 'objective'.

The **strategy for Rathnew Village** centre is:

- To reinforce the unique identity of the village centre as the focal area of Rathnew, through regeneration of opportunity sites, enhancing the urban realm and creating healthy places, all with pedestrian and cyclist movement to the fore.
- To retain and reinforce the role of Rathnew with its own level of retail and other services appropriate to a village of its size and not allow it be absorbed as a 'suburb' of Wicklow town;
- To resist the development of any new retail or commercial facilities outside of the village centre activities zone and within 1km of the retail core, and
- To improve accessibility to the centre of the village, with enhanced linkages to Wicklow County Campus and the surrounding existing residential areas.

(ii) Lands to the east of Clermont Grove and on Charvey Lane

The lands to the east of Clermont Grove were proposed to be zoned 'village centre' in the draft LAP, which would allow for future mixed use development. It was considered that this could be an appropriate zone type for these lands, which could provide a mixed use 'bridge' between Clermont Campus (employment, education) and the historic village centre, and could allow the lands to be developed for a wide range of uses, including employment, commercial, community and residential uses that might be needed for both future residents of Rathnew and users of the campus. However, it is accepted that some normally acceptable 'village centre' type uses on these lands, such as retail or retail services could potentially draw trade away from the established village centre and this may not be optimal.

It is therefore recommended that this zoning be changed from VC to 'Wicklow County Campus' (which is its current zoning) which would preclude retail / retail services etc uses on the lands and instead promote its use for sustainable economic and educational / community use.

With respect to Charvey Lane, these lands comprise the obvious expansion zone in Rathnew village, for dense mixed use village centre type uses, given their location adjoining the existing historic village centre on two roads (R772 and R752). It is recommended that this site be identified as an 'opportunity site' and specific development objectives indicated in the plan. In addition, to make it clear that these lands form part of the 'village centre' it is recommended that the VC zone be expanded in this area.

- (i) The need for a settlement capacity audit for the plan area has already been addressed in this response. With respect to the two areas of lands identified
- The lands east of Clement Grove are serviceable with water and wastewater infrastructure, and will be serviced by roads infrastructure on the construction of the RIRR.
 - The lands at Charvey Lane are fully serviced
- (ii) It is not considered appropriate to include an arbitrary target for the reduction of vacancy; notwithstanding the application of penalty measures such as the VSL or RZLT, and the inducements offered by way of various supports and grants, properties / sites may remain vacant due to the property owner's choice and the Local Authority has limited powers to interfere with such private property rights, other than through CPO. Via a new development pattern monitoring system currently being developed (further details to follow), the Local

Authority will going forward be in a stronger position to monitor vacancy and regeneration activity.

- (iii) The Rathnew Village Centre Strategy map and the Transport Objectives map shall be updated to provide more details of the measures to improve connections between Clermont campus and Rathnew village centre.

Having regard to the above assessment and the locations of both parcels of land, with existing development beyond in both cases, there is deemed to be no reasonable grounds for the removal of the zoning of these lands.

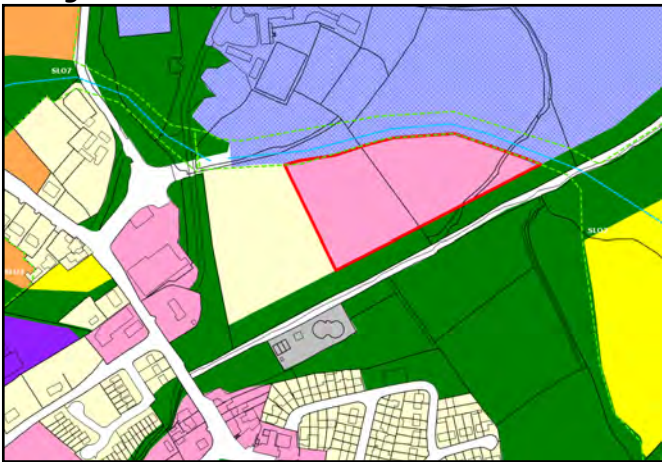
CE Recommendations

Recommended alterations to Proposed Variation

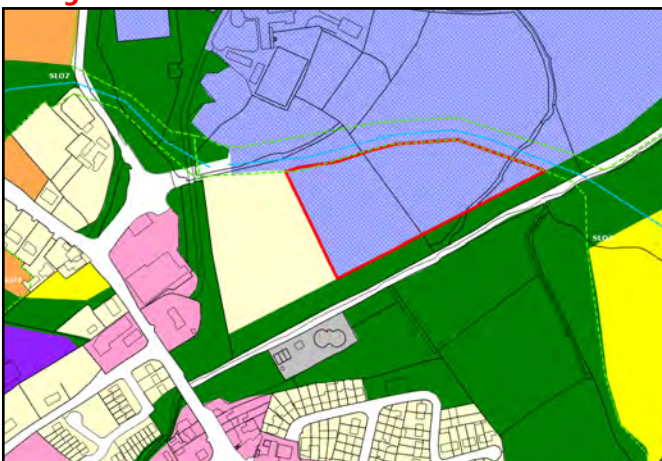
1. Amend Land-Use zoning map appended to the Proposed Variation as follows:

- (a) **Change zoning** of lands to east of Clermont Grove from 'VC' to 'WCC' and remove said lands as an 'opportunity site' for Rathnew village.

Change from:

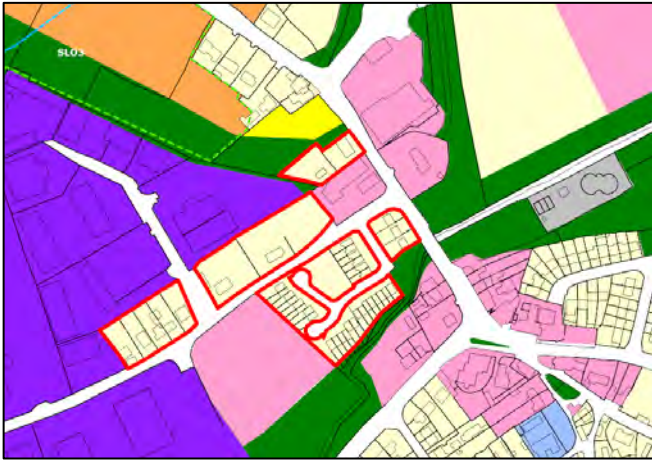


Change to:

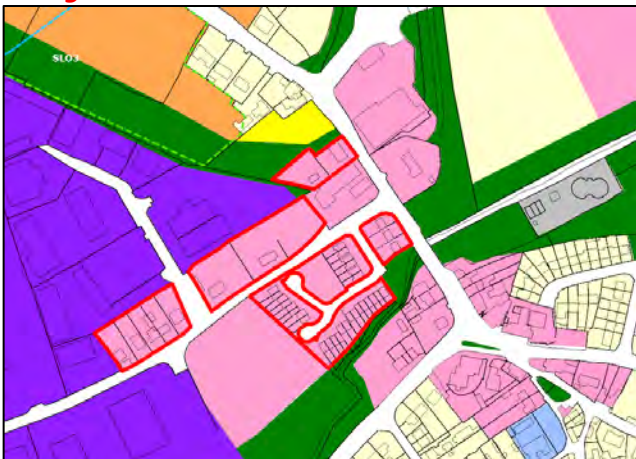


(b) Change zoning of lands in Rathnew centre from RE to VC

Change from:



Change to:



(c) Update Transport Objectives Map (attached)

Recommended amendments to draft LAP (please see CE Report on LAP for further detail)

1. Add new objectives as follows:

- WTR-X:** *To support and reinforce the unique identity and the key service role of Rathnew village centre as the priority location within the northern sector of the settlement of Wicklow Town – Rathnew for investment and new development through:*
- *enhancing the urban realm in the village centre and creating new urban spaces, in order to provide for a welcoming, safe and vibrant place for the community to meet and interact;*
 - *investment in pedestrian and cyclist accessibility and safety, in order to ensure excellent linkages between the village and Wicklow County Campus, the surrounding existing residential areas and Wicklow Town;*
 - *Protecting function of Rathnew as a service centre with its own level of retail, retail services, employment and community services appropriate to a village of its size and catchment, and not allowing it be absorbed as a 'suburb' of Wicklow town. In particular to resist the development of any new retail or commercial facilities outside of the village centre zone or within 1km of Rathnew core*

- retail area;*
- *the re-development / regeneration of vacant or underutilised sites in the core of the village in particular Opportunity Site 5*

2. **Change zoning** of lands to east of Clermont Grove from 'VC' to 'WCC' and remove said lands as an 'opportunity site' for Rathnew village.
3. **Change zoning** of lands in Rathnew centre from RE to VC
4. Add one new **Opportunity Sites** as follows:

WTR OP5 – Charvey Lane

OP5 – Charvey Lane

These 'village centre' and 'open space' zoned lands measure c. XXha and have road frontage onto Charvey Lane and the R772. These lands are located in the heart of Rathnew Village and the development of same would provide an opportunity to make best use of serviced land, densify the centre of the village and to provide for additional community and commercial uses, and also to provide for a new amenity and biodiversity enhancement area along the natural corridor of the Rathnew River.

Objectives OP5

- *To provide for a high density mixed use development on lands zoned VC which may include commercial, retail, retail services, residential, community and cultural uses;*
- *Buildings shall be designed to the highest quality that provides for a strong street frontage along Charvey Lane, and maximum supervision of the OS lands along the Rathnew River.*
- *Vehicular access shall be via Charvey Lane, with high quality pedestrian and cyclist access across the site linking Charvey Lane to the R772*
- *Lands zoned OS to the south of the river and for a distance of not less than 10m to the north of the river shall be retained in as natural condition with maximum tree / vegetation retention as possible subject to any essential clearance to provide for new pedestrian / cyclist routes. Any river crossings shall be via a clean span bridges that maintain its natural character. Any remaining OS shall be laid out for amenity use.*

5. Amend the Rathnew Village Centre Strategy map
6. Amend Transport Objectives map

Item 8 Environmental Assessments

The Office notes that a Natura Impact Report was not prepared in respect of the Proposed Variation. The Screening for AA Report references elements of the Proposed Variation that were identified as having the potential to affect European Sites, including provisions relating to residential that introduce sources for effects through construction phase such as habitat destruction, light pollution, hydrological interactions and disturbance effects; and loading pressures from the operational phase of developments – these sources could result in habitat loss, disturbance effects, interactions with water quality and/habitat fragmentation, settlement/neighbourhood centre, retail, employment, community and education, open space.

It is stated that these elements are considered by the Stage 2 Appropriate Assessment (AA) being undertaken for the Local Area Plan, and there are no additional sources for any likely significant effect on any European site that would be introduced by the Proposed Variation that have not already been considered by the Stage 2 AA undertaken for the County Development Plan and/or the emerging Stage 2 AA being undertaken for the Local Area Plan.

On this basis, the screening for AA concluding advice states that that Proposed Variation is not foreseen to have any likelihood for any significant effect on any European site, alone or in combination with other plans or projects – and therefore any potential for a significant effect to any European site as a result of implementing the variation can be ruled out.

While, in principle, this approach is considered reasonable provided the draft Local Area Plan is adopted and the Appropriate Assessment is concluded by the Planning Authority, the Planning Authority should ensure that its full statutory obligations are satisfied in the situation that only the proposed Variation is adopted.

However, as set out in the Office's submission on the draft Local Area Plan, the Office notes that the lands identified as SLO 4 at Bollarney North have been zoned to provide a range of land uses, including: Residential, Car Parking, Community/Education and Recreation, with the potential for effects on Murrough Special Protection Area (SPA) and the Murrough Special Area of Conservation (SAC) which are located in close proximity.

While development within and close to European sites is not precluded, any likely significant effects of the proposed objective would need to be fully assessed and addressed by means of site-specific mitigation measures. The draft Natura Impact Report (NIR), however, includes only high-level mitigation measures.

The Planning Authority should therefore review the mitigation measures set out in the NIR to ensure that the stated conclusion that 'upon the inclusion of suitable mitigation measures, the Draft Plan will not result in any adverse effects to the ecological integrity of any European site' is a complete, precise or definitive finding and conclusion, and that no reasonable scientific doubt remains as to the adverse effects of zoning SLO 4 on the European sites.

Recommendation 6 – The Murrough SPA and SAC

Having regard to the protection of natural heritage and to the appropriate assessment of plans, and in particular to:

- **the proximity to the Murrough Special Protection Area (SPA) and the Murrough Special Area of Conservation (SAC);**
- **NPO 60 of the NPF to conserve and enhance the rich qualities of natural heritage;**
- **NPO 75 of the NPF that plans are subject to the relevant environmental assessment requirements, including AA; and**
- **RSO 7.16 of the RSRS to support the implementation of the Birds and Habitats Directives and ensure alignment with development plans,**

the planning authority is required to:

- i. **review the mitigation measures outlined in the Natura Impact Report for the Draft Wicklow Town - Rathnew Local Area Plan 2025; and**
- ii. **where it cannot be concluded that there would be no adverse effect on the integrity of any European**

site omit the proposed zoning objectives for the lands identified as SLO 4 from Map No.1 Land use Zoning Objectives of the Proposed Variation No. 2 to the Wicklow County Development Plan 2022-2028.

Chief Executive Response

Please see a detailed response in **Part 3** of this report.

No alterations to the Proposed Variation are necessitated on foot of this point.

However, it is recommended that the following amendment be made to the draft LAP (please see CE Report on LAP for further detail)

Recommended amendments to draft LAP

Amend text of SLO4 as follows:

This SLO is located in the townland of Bollarney North. The SLO comprises New Residential (RN – Priority 2), Open Space (OS1), Public Utility (PU) and Community/ Education (CE). Any development proposal shall comply with the County Development Plan, this Local Area Plan and the following:

- ~~*To provide a new car park with access onto the Port Access Road for a minimum of 50 cars, with cycle parking facilities on lands zoned PU.*~~
- *A minimum of 1.2ha on lands zoned CE shall be provided for community uses. Generally, this shall comprise a community / sports/ recreation type development of the highest architectural quality and layout. No more than 30% of the residential lands may be developed in advance of the CE zoned lands being developed and devoted to the use of the general public and not reserved for a single club or activity, in a format and with such facilities to be determined following consultation with the Directorate of the Council responsible for sports and recreation and agreement with the Planning Authority.*
- *The design and height of any development shall pay particular regard to the height of immediately adjoining (mostly 1 - 2-storey) residences and the visual impact of the proposed development on the Murrough Wetlands / coastline.*
- *To provide a linear green route for walking and cycling, with a minimum width of 8 metres, on the lands zoned OS1 with pedestrian / cycling access onto the Port Access Road. This route should connect to the residential development in Tinakilly Park, providing a pedestrian/cycling connection to the train station from Tinakilly (indicative route shown with purple arrow.)*
- *To provide a recreational open space park on the lands zoned OS1, to the east (lands closet to the Murrough Bridge) of a minimum of 2 hectares contiguous to the linear green route.*
- *The overall site layout design shall locate the main public open space element/s of the residential development adjoining the OS1 green route/park (on the lands closed to the Murrough).*
- *All proposed projects within zoning area SLO4 – Bollarney North shall: have full regard to the Habitats Directive (with particular regard for the Murrough SPA and the Murrough Wetlands SAC), including being subject to AA that identifies and addresses any likely significant effects. In doing so, proposed projects and associated AAs in this area shall, as relevant: be informed by appropriately targeted ecological surveys of the Qualifying Interests of the SAC and SPA; and give due consideration to any requirement for project level mitigation, including additional visitor management plans.*

No.	Name	Issues Raised
3	Eastern and Midland Regional Assembly Ref 125157	<p>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.</p> <p>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 Wicklow Town and Rathnew LAP 2025, and in this regard, the Regional Assembly supports in principle the proposed amendments to the Wicklow CDP 2022-2028.</p> <p>It is considered that the Proposed Variation amendments do not impact on the core strategy chapter of the Development Plan.</p> <p>The Regional Assembly does not have any objection to the Proposed Variation No. 2 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.</p> <p>The submission acknowledges that the Proposed Variation underwent a screening for Strategic Environmental Assessment (SEA) and concluded that the proposal does not require a Strategic Environmental Assessment and that 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.</p>
Opinion of the Chief Executive		
<p>The Chief Executive notes this submission. On foot of this submission, no alterations to the variation are deemed necessitated.</p>		
Chief Executive's Recommendation		
<p>No change to Proposed Variation No. 2</p>		

No.	Name	Issues Raised
1	Health and Safety Authority Ref 155156	<p>The Health and Safety Authority requests the Council to consider its document 'Guidance on technical land-use planning advice'.</p> <p>In addition, the HSA indicates it would expect 'the planning guidelines' to contain:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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

No change to Proposed Variation No. 2

No.	Name	Issues Raised
2	<p>Environmental Protection Agency (EPA) Ref 160737</p>	<p>We acknowledge your notice, dated 8th October 2024, in relation to the Proposed Variation No. 2 Wicklow County Development Plan 2022-2028 and associated Strategic Environmental Assessment (SEA) screening.</p> <p>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.</p> <p>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.</p> <p>SEA Determination</p> <p>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.</p> <p>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.</p> <p>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/assessment/strategic-environmental-assessment/sea-resources-and-guidance-/.</p> <p>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.</p> <p>EPA SEA Screening Guidance</p> <p>Our <u>Good Practice Guidance for Strategic Environmental Assessment (SEA) Screening</u> (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.</p> <p>Strategic Environmental Assessment: Guidelines for Planning Authorities</p> <p>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</p>

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 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' (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:

<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.

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 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

A detailed assessment of this submission is provided in Part 3 of this Report.

Chief Executive's Recommendation

No change to Proposed Variation No. 2

No.	Name	Issues Raised
4	Meath County Council Ref 123313	Acknowledges receipt of the Proposed Variation and has no comments.
Opinion of the Chief Executive		
The Chief Executive notes this submission. On foot of this submission, no alterations to the variation are deemed necessitated.		
Chief Executive's Recommendation		
No change to Proposed Variation No. 2		

No.	Name	Issues Raised
5	Department of Education Ref 121126	The Department has considered the Proposed Variation and notes that the land use map will be included in the CDP. The Department further notes that there will be new Local Area Plans for Blessington and Greystones – Delgany & Kilcoole and the Department looks forward to engaging with the Council on these plans.
Opinion of the Chief Executive		
The Chief Executive notes this submission. On foot of this submission, no alterations to the variation are deemed necessitated.		
Chief Executive's Recommendation		
No change to Proposed Variation No. 2		

No.	Name	Issues Raised
6	Department of Housing, Local Government and Heritage Ref 091251	The title of this submission refers to the proposed variation, however the content of this submission solely related to the draft Local Area Plan. The Department 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 variation are deemed necessitated.		
Chief Executive's Recommendation		
No change to Proposed Variation No. 2		

No.	Name	Issues Raised
8	The Office of Public Works Flood Risk Management (OPW) Ref 152014	The OPW, as lead agency for flood risk management in Ireland, notes the preparation of the Proposed Variation No. 2

Opinion of the Chief Executive

The Chief Executive notes this submission.

On foot of this submission, no alterations to the proposed variation are deemed necessitated; however on foot of the OPW submission to the LAP, updates to the flood maps, which form part of the proposed variation, are recommended.

Chief Executive's Recommendation

Recommended alterations to Proposed Variation

Replace Flood Risk maps appended to the proposed variation with the following new 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 (please see CE Report on LAP for further detail)

Update the SFRA

No.	Name	Issues Raised
9	Department of Transport (DoT) Ref 153112	The Department of Transport has put forward a number of key policies and requirements relevant to accessible, integrated and sustainable public transport which the DoT considers should be reflected in the Proposed Variation.

Opinion of the Chief Executive

It is not clear from the submission that the DoT has considered the detail of the Proposed Variation but rather is providing general advice regarding the content of development plans.

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

Chief Executive's Recommendation

No change to Proposed Variation No. 2

No.	Name	Issues Raised
10	Transport Infrastructure Ireland (TII) Ref 152923	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 variation are deemed necessitated.		
Chief Executive's Recommendation		
No change to Proposed Variation No. 2		

No.	Name	Issues Raised
7	Cairn Homes Property Ltd. Ref 130550	<p>This submission is seeking an amendment to the wording of the variation to incorporate all pre-existing LAP zoning plans into the CDP. The submission suggests text changes to the variation in order to facilitate this.</p> <p>The submissions refers to Section 95 (1) of the Planning and Development Act 2000 (as amended), relating to housing strategies and development plans, where it states, in summary, '<i>... ensure that sufficient and suitable land is zoned for residential use... to meet the requirements of the housing strategy and to ensure that a scarcity of such land does not occur at any time during the period of the development plan</i>'.</p> <p>It is submitted that</p> <ul style="list-style-type: none"> - 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 Local Area Plan 2013-2019 and the Bray District Local Area Plan 2018-2024 are expired; - Adequate land use zoning must therefore be incorporated into the county development plan. This is to ensure that a scarcity of land does not arise during the course of the CDP to meet housing demand and that objectives in relation to social and affordable housing can be met. It is put forward that the only immediate mechanism to address this is through incorporation of all pre-existing LAP zoning plans into the CDP. <p>The submission also refers to the following –</p> <ul style="list-style-type: none"> - the review of the National Planning Framework with a proposed new increased housing targets; - the Housing Supply Target Methodology for Development Planning - Guidelines (Dec 2020) where they allow for an additional 25% to facilitate convergence with the NPF strategy where justified; - The Development Plans – Guidelines for Planning Authorities (June 2022); which state that: "<i>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</i>".

		<p>It is put forward that significant tracts of land within the Wicklow LAP area and across Wicklow County have been identified as being subject to the Residential Zoned Land Tax (RZLT) and all of this land must be appropriately zoned, this further emphasises the need to ensure that zoning plans across the County remain valid.</p>
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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, or consistent with the provision of the legislation and guidelines, or 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 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 2, having regard to SEA and AA requirements, at this stage to ‘expand’ Proposed Variation 2 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 Wicklow Town – Rathnew 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 No. 2

Part 3 Strategic Environmental Assessment and Appropriate Assessment

11 Office of Planning Regulator

Proposed Variation Submission Text/Issues Raised

The Office notes that a Natura Impact Report was not prepared in respect of the proposed Variation. The Screening for AA Report references elements of the proposed Variation that were identified as having the potential to affect European Sites, including provisions relating to residential that introduce sources for effects through construction phase such as habitat destruction, light pollution, hydrological interactions and disturbance effects; and loading pressures from the operational phase of developments – these sources could result in habitat loss, disturbance effects, interactions with water quality and/habitat fragmentation, settlement/neighbourhood centre, retail, employment, community and education, open space.

It is stated that these elements are considered by the Stage 2 Appropriate Assessment (AA) being undertaken for the Local Area Plan, and there are no additional sources for any likely significant effect on any European site that would be introduced by the proposed Variation that have not already been considered by the Stage 2 AA undertaken for the County Development Plan and/or the emerging Stage 2 AA being undertaken for the Local Area Plan.

On this basis, the screening for AA concluding advice states that that proposed Variation is not foreseen to have any likelihood for any significant effect on any European site, alone or in combination with other plans or projects – and therefore any potential for a significant effect to any European site as a result of implementing the variation can be ruled out.

While, in principle, this approach is considered reasonable provided the draft Local Area Plan is adopted and the Appropriate Assessment is concluded by the Planning Authority, the Planning Authority should ensure that its full statutory obligations are satisfied in the situation that only the proposed Variation is adopted.

However, as set out in the Office's submission on the draft Local Area Plan, the Office notes that the lands identified as SLO 4 at Bollarney North have been zoned to provide a range of land uses, including: Residential, Car Parking, Community/Education and Recreation, with the potential for effects on Murrough Special Protection Area (SPA) and the Murrough Special Area of Conservation (SAC) which are located in close proximity.

While development within and close to European sites is not precluded, any likely significant effects of the proposed objective would need to be fully assessed and addressed by means of site-specific mitigation measures. The draft Natura Impact Report (NIR), however, includes only high-level mitigation measures.

The Planning Authority should therefore review the mitigation measures set out in the NIR to ensure that the stated conclusion that 'upon the inclusion of suitable mitigation measures, the Draft Plan will not result in any adverse effects to the ecological integrity of any European site' is a complete, precise or definitive finding and conclusion, and that no reasonable scientific doubt remains as to the adverse effects of zoning SLO 4 on the European sites.

Recommendation 6 – The Murrough SPA and SAC

Having regard to the protection of natural heritage and to the appropriate assessment of plans, and in particular to:

- the proximity to the Murrough Special Protection Area (SPA) and the Murrough Special Area of Conservation (SAC);
- NPO 60 of the NPF to conserve and enhance the rich qualities of natural heritage;
- NPO 75 of the NPF that plans are subject to the relevant environmental assessment requirements, including AA; and
- RSO 7.16 of the RSRS to support the implementation of the Birds and Habitats Directives and ensure alignment with development plans, the planning authority is required to:

(i) review the mitigation measures outlined in the Natura Impact Report for the Draft Wicklow Town - Rathnew Local Area Plan 2025; and

(ii) where it cannot be concluded that there would be no adverse effect on the integrity of any European site omit the proposed zoning objectives for the lands identified as SLO 4 from Map No.1 Land use Zoning Objectives of the Proposed Variation No. 2 to the Wicklow County Development Plan 2022-2028.

Response

The Screening for AA process being undertaken alongside the preparation and making of the Proposed **Variation**. The findings to date are on the basis on the **Local Area Plan** being adopted. If the Draft **Local Area Plan** is not adopted in advance of the Proposed **Variation** being made, then these findings would need to be reviewed in advance of the making of the **Variation**.

AA is being undertaken alongside the preparation and adoption of the **Local Area Plan**, in compliance with the European Habitats Directive. The AA Natura Impact Report that accompanied the Draft **Local Area Plan** on public display provides the findings of the AA thus far. The AA process is ongoing and will be concluded at adoption of the **Local Area Plan**.

The AA Natura Impact Report has been prepared in compliance with the European Habitats Directive and is appropriate to this strategic, **Local Area Plan**-level of decision making.

The AA Natura Impact Report for the **Local Area Plan** concludes as follows:

“This Natura Impact Report demonstrates that, upon the inclusion of suitable mitigation measures, the Draft Plan will not result in any adverse effects to the ecological integrity of any European site.

The risks to the safeguarding and integrity of the Qualifying Interests, Special Conservation Interests and Conservation Objectives of the European sites identified have been addressed by the inclusion of mitigation measures into the Draft Plan that will prioritise the avoidance of effects in the first place and mitigate against the identified potential significant effects where these cannot be avoided. In addition, all lower-level plans and projects arising through the implementation of the Draft Plan will themselves be subject to AA/screening for AA when further details of design and location are known.

In-combination effects from interactions with other plans and projects are considered and the mitigation measures incorporated into the Draft Plan are seen

to be robust to ensure that there will be no significant effects as a result of the implementation of the Draft Plan either alone or in-combination with other plans/projects.

Having incorporated mitigation measures into the Draft Plan, it has been demonstrated that the Draft Plan is not foreseen to give rise to any significant adverse effects to any designated European site, alone or in combination with other plans or projects. This demonstration has been made in view of the Conservation Objectives of the habitats and/or species, for which these sites have been designated.

This Natura Impact Report will, alongside any other inputs from the Plan-preparation/AA process, inform the competent authority when it undertakes the final Appropriate Assessment determination at adoption of the Plan."

As recommended, the mitigation measures from the Local Area Plan have been reviewed and it is confirmed that the conclusion of the AA for the Local Area Plan stands and that no additional mitigation or amendments to the Natura Impact Report are necessary. Nonetheless, in order to address the concerns raised, it is proposed to add an additional measure to the Local Area Plan that will be referenced in the Screening for AA for the Proposed Variation. Additional detail will also be added to the AA Natura Impact Report for the Local Area Plan at Table 4.1 "Characterisation of Site Sensitivities against Potential Adverse Effects and Mitigation".

Recommended Updates

To add the following measure to the **Local Area Plan** and to include it in the final version of the Screening for AA for the **Variation** that will be considered at making of the Variation:

"All proposed projects within zoning area SLO4 – Bollarney North shall: have full regard to the Habitats Directive (with particular regard for the Murrough SPA and the Murrough Wetlands SAC), including being subject to AA that identifies and addresses any likely significant effects.

In doing so, proposed projects and associated AAs in this area shall, as relevant: be informed by appropriately targeted ecological surveys of the Qualifying Interests of the SAC and SPA; and give due consideration to any requirement for project level mitigation, including additional visitor management plans."

To update the following text to "Analysis of Site Sensitivities against Potential Adverse Effects and Mitigation Measures" for the Murrough SPA on Table 4.1 of the AA NIR for the **Local Area Plan** "Characterisation of Site Sensitivities against Potential Adverse Effects and Mitigation" as follows (existing text in black, new text in green):

"The known threats to this site are walking, horse-riding and non-motorised vehicles, fertilisation and railway lines.

These pressures relate to amenity and leisure activities, built environment and pollution.

The Draft Plan does present sources for potential adverse effects to this SPA from amenity and leisure activities, built environment and pollution.

Zoning and indicative locations for future infrastructure (subject to strict environmental mitigation, including the protection of European sites, that has already been integrated into the Draft Plan) is identified by the Plan in proximity to this site.

Potential impacts may arise from issues including: recreational disturbance (including from dogs) and lighting, noise, which may be more significant due to disturbance elsewhere; and construction activities – which are potential sources of sediment input and may impact water quality. Furthermore, surface water run-off may increase the likelihood of pollutant mobilisation during storm events, including run-off from car-parks, and the buffering provided by vegetated land may be reduced by replacing it with hard infrastructure.

Therefore, the following mitigation measures have been integrated into the Draft Plan to ensure no adverse effects occur to this European site as a result of the implementation of the Draft Plan:

- The local amenity use of sites and tourism is encouraged throughout the Draft Plan but with due consideration for sustainability, local biodiversity and European sites through policy objectives such as WTR92 and WTR93.*
- The development of the Draft Plan area's built environment with appropriate regard to ecological sensitivities is provided for in the Draft Plan via policy objectives such as WTR52*
- The provision and maintenance of good water quality standards throughout the Draft Plan area relative to pollutants is provided for via policies such as WTR42 and WTR73.*

For further details in relation to mitigation measures/Policy Objectives incorporated into the Draft Plan please refer to Section 5 below."

To update the following text to "Analysis of Site Sensitivities against Potential Adverse Effects and Mitigation Measures" for the Murrough Wetlands SAC on Table 4.1 of the AA NIR for the **Local Area Plan** "Characterisation of Site Sensitivities against Potential Adverse Effects and Mitigation" as follows (existing text in black, new text in green):

"The known threats to this site are sea defence or coast protection works, tidal barrages, modification of water flow (tidal & marine currents), grazing, fertilisation, silviculture, forestry, railway lines, erosion, sand and gravel extraction, paths, tracks, cycling tracks, walking, horse-riding and non-motorised vehicles and disposal of industrial waste.

These pressures relate to built environment, amenity and leisure activities, forestry, coastal protection works, erosion, extractive industry, agriculture, pollution, hydrological changes and direct land use management.

There are no provisions in the Draft Plan that introduce sources for potential effect from forestry and the extractive industry to this European site as a result of implementation of the Draft Plan, therefore there are no sources for effects in these regards. The Draft Plan does present sources for potential adverse effects to this SAC from built environment, amenity and leisure activities, coastal protection works, erosion, agriculture, pollution, hydrological changes and direct land use management.

Zoning and indicative locations for future infrastructure (subject to strict environmental mitigation, including the protection of European sites, that has already been integrated into the Draft Plan) is identified by the Plan in proximity to this site.

Potential impacts on the site's sensitive habitats may arise from issues including recreational disturbance (including from trampling arising from increased visitor pressure) and construction and operation interactions with water quality. These potential impacts may be more significant due to development that has occurred elsewhere in proximity to the site.

Therefore, the following mitigation measures have been integrated into the Draft Plan to ensure no adverse effects occur to this European site as a result of the implementation of the Draft Plan:

- No direct land take or habitat loss will occur due to the implementation of the Draft Plan either within any European sites or any connectivity corridors necessary to support the ecological integrity of the site, due to Policy Objectives such as WTR52, WTR92 and WTR93.*
- The local amenity use of sites and tourism is encouraged throughout the Draft Plan but with due consideration for sustainability, local biodiversity and European sites through policy objectives such as WTR92 and WTR93.*
- The development of the Draft Plan area's built environment with appropriate regard to ecological sensitivities is provided for in the Draft Plan via policy objectives such as WTR52.*
- The Draft Plan promotes the development of agricultural activities, however alignment with the policies and objectives of the County Development plan via objective WTR86 encourages sustainable agricultural practices that enhance biodiversity and provide for the appropriate management of agricultural run-off into freshwater systems.*
- The provision for coastal protection works that have regard to the environmental and ecological sensitives of the Wicklow Bay area are provided for via policies such as WTR94.*
- The provision and maintenance of good water quality standards throughout the Draft Plan area relative to pollutants is provided for via policies such as WTR42 and WTR73.*

For further details in relation to mitigation measures/Policy Objectives incorporated into the Draft Plan please refer to Section 5 below."

6 Department of Housing, Local Government and Heritage
Proposed Variation Submission Text/Issues Raised
<p>This submission raises concerns regarding potential impacts, if unmitigated, related to the Murrough SPA and Murrough Wetlands SAC.</p> <p>The submission concludes:</p> <p>In the absence of an objective assessment of the impact of the zoning of SLO4 at this location, the Department considers that it cannot be concluded that there is no risk of adverse effects on the integrity of the European sites for the reasons outlined above. Whilst development within and close to European sites is not precluded, in order for the proposed zoning to be deemed acceptable, any likely significant effects of the proposed objective would need to be fully assessed and address by means of site-specific mitigation measures. High-level mitigation measures proposed in the draft Natura Impact Report are not deemed appropriate to deal with the impacts of zoning SLO4 for development.</p> <p>The conclusions in the Natura Impact Report (NIR) that it demonstrates that, 'upon inclusion of suitable mitigation measures, the Draft Plan will not result in any adverse effects to the ecological integrity of any European site' is therefore not supported by evidence that adverse effects will be avoided. This conclusion is not a complete, precise or definitive finding and conclusion, and reasonable scientific doubt remains as to the adverse effects of the zoning of SLO4 for development on the European sites in question</p>
Response
Please refer to response under Submission 11 above.
Recommended Updates
Please refer to recommended update under Submission 11 above.

2 EPA**Proposed Variation Submission Text/Issues Raised****Item 1**

We acknowledge your notice, dated 8th October 2024, in relation to the Proposed Variation No. 2 Wicklow County Development Plan 2022-2028 and associated Strategic Environmental Assessment (SEA) screening.

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/assessment/strategic-environmental-assessment/sea-resources-and-guidance-/>.

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/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 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.

If you have any queries or need further information in relation to this submission, please contact me directly.

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

3 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

- Wicklow Town – Rathnew LAP : Land Use Zoning map - CE Recommended Zoning Amendments

- Wicklow Town – Rathnew LAP: Flood Maps
 - Flood Map 4A: Flood risk (present day)
 - Flood Map 4B: Flood Risk (present day) and Draft Land Use Zoning
 - Flood Map 4C: Flood Risk (present day) and Proposed Amended Land Use Zoning
 - Flood Map 4D: Flood Risk Future Scenario
 - Flood Map 4E: Flood Risk Future Scenario and Proposed Amended Land Use Zoning

- Wicklow Town – Rathnew LAP: Proposed Amended Transport Strategy Map

Wicklow Town-Rathnew Local Area Plan 2025

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

Chief Executive's Recommended Amendments to Land Use Zoning Objectives

- Specific Local Objectives
- Road Objectives
- CE Recommendations Land Use Zoning Amendments
- Wicklow Town-Rathnew LAP 2025 Boundary
- RN(1)
- RN(2)
- RE
- TC
- VC
- NC
- LSS
- PU
- CE
- T
- WZ
- AO5
- OS1
- OS2
- WCC
- E
- pNHA - proposed Natural Heritage Area
- SPA - Special Protection Area
- SAC - Special Area of Conservation

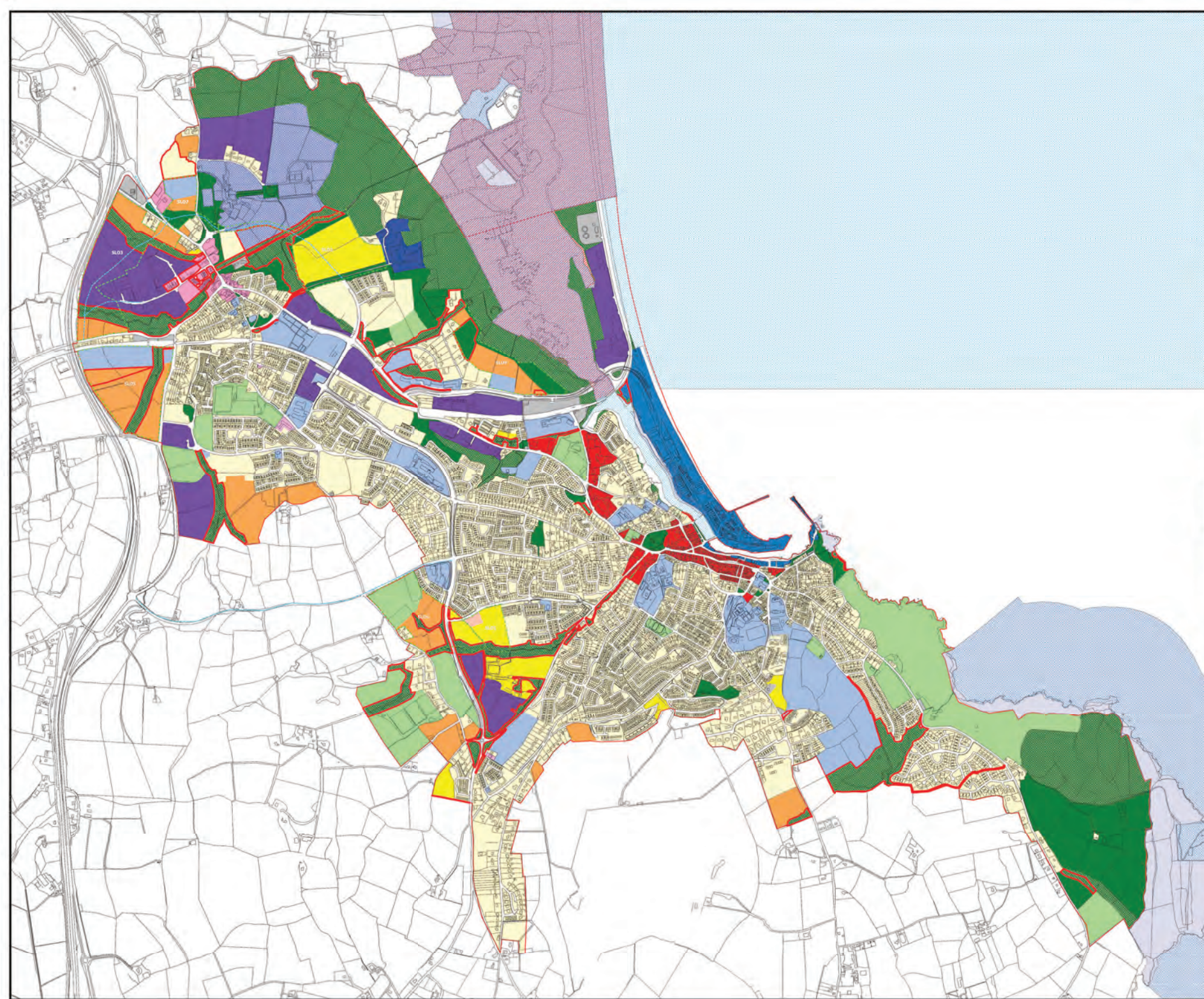
Disclaimer:
These Indicative Flood Zones were based on information available at the time of drafting this plan. Any new data and analysis carried out after this date has not been integrated into this map but should be used in conjunction with this map for development proposals. All information may be substantially altered in light of future data and analysis.

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Wicklow County Development Plan 2022-2028



**Wicklow County Council
Planning Department**



Map 4A:
Flood Risk - Present Day



For flood zone data sources, refer to the Wicklow Town-Rathnew Strategic Flood Risk Assessment and any accompanying addenda

Flood Zone A: High probability

Where the probability of flooding from rivers and the sea is highest (greater than 1% or 1 in 100 year for river flooding or 0.5% or 1 in 200 year for coastal flooding)

Flood Zone B: Moderate probability

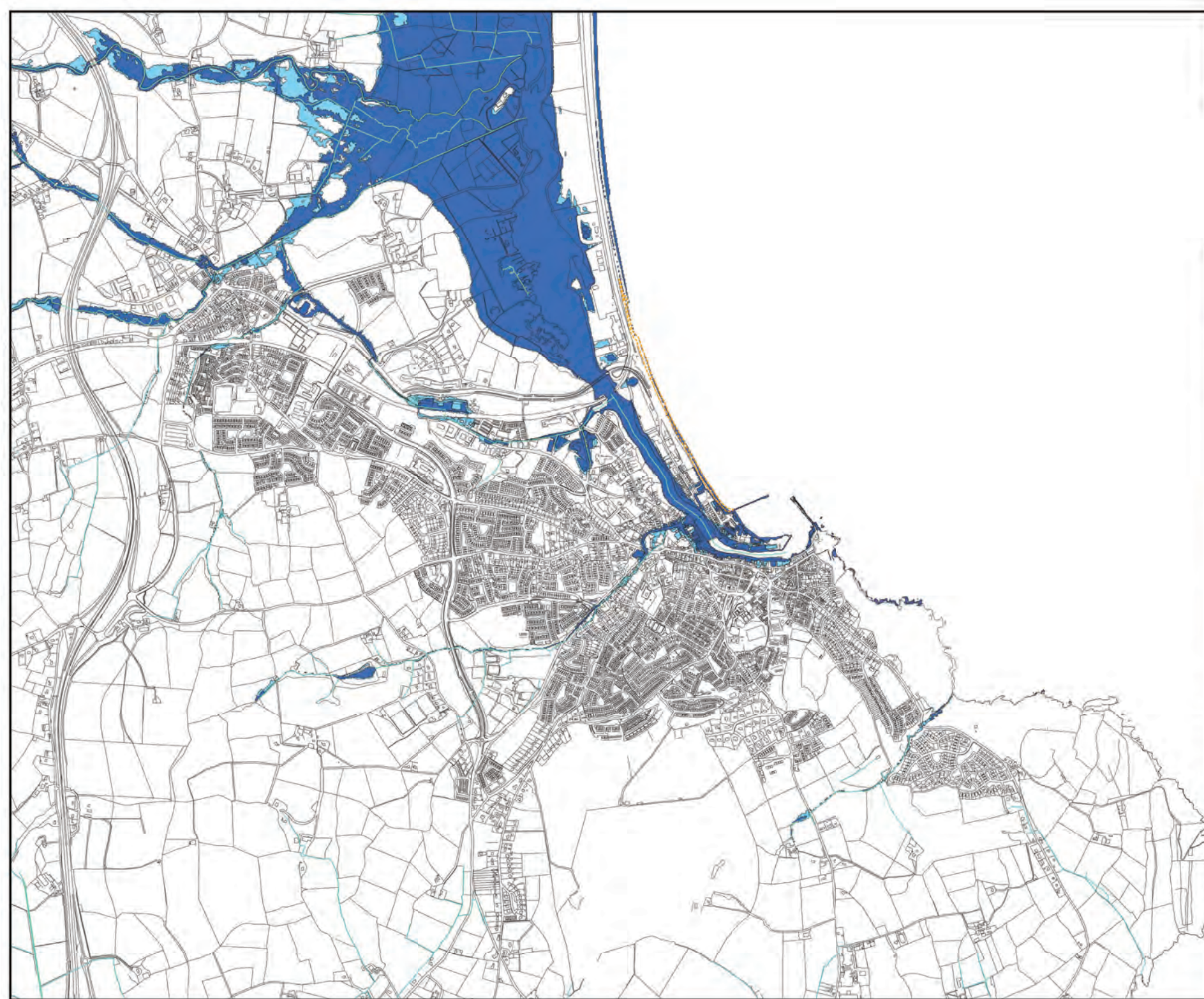
Where the probability of flooding from rivers and the sea is moderate (between 0.1% or 1 in 1000 year and 1% or 1 in 100 year for river flooding and between 0.1% or 1 in 1000 year and 0.5% or 1 in 200 year for coastal flooding)

Flood Risk Management Infrastructure

Watercourses

Disclaimer
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Map 4B:
Flood Risk - Present Day &
Draft Land Use Zoning
Objectives

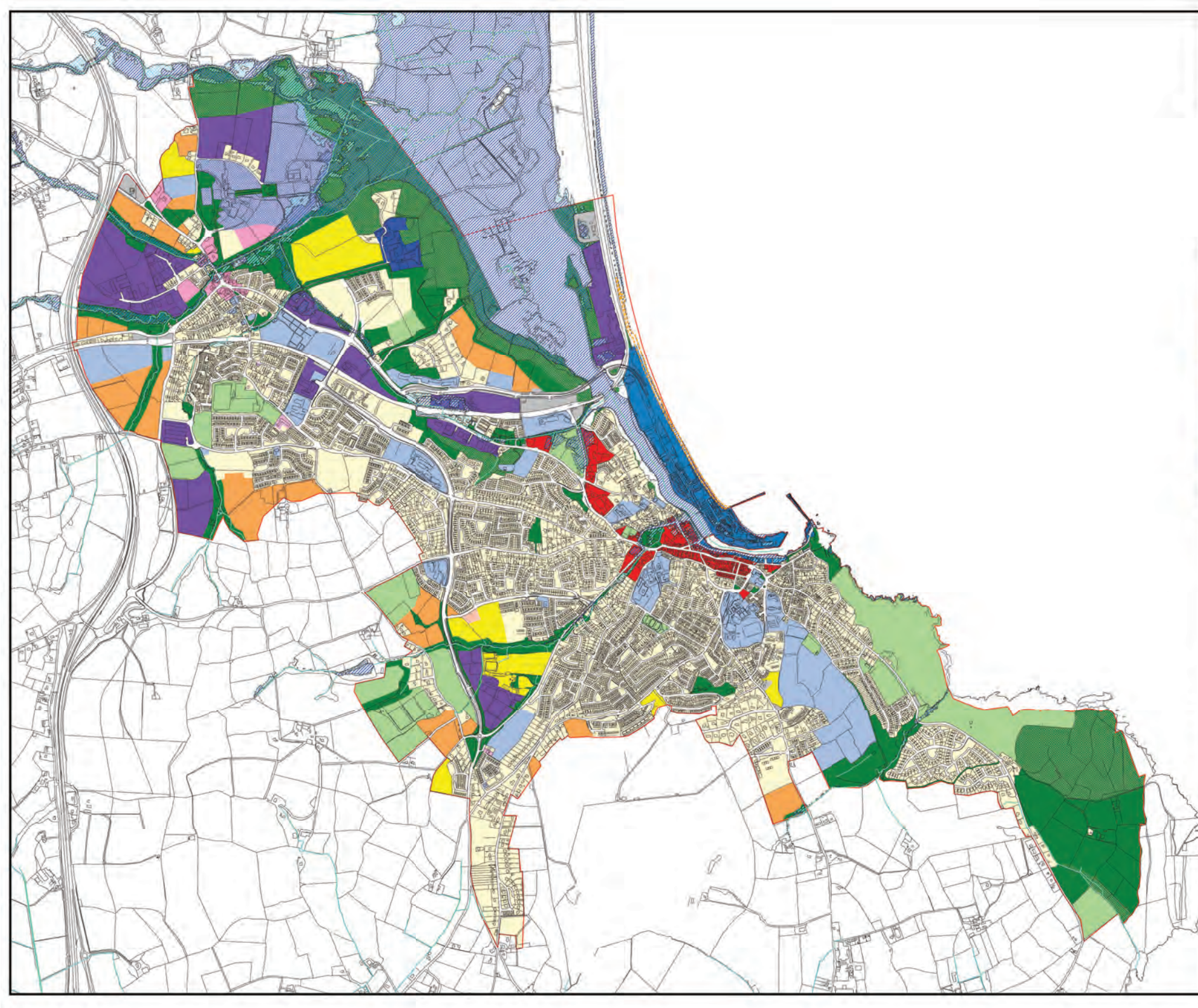


- Legend**
- Wicklow Town-Rathnew LAP 2025 Boundary
 - RN(1)
 - RN(2)
 - RE
 - TC
 - VC
 - NC
 - LSS
 - PU
 - CE
 - T
 - WZ
 - AOS
 - OS1
 - OS2
 - WCC
 - E
 - Flood Zone A: High probability
 - Flood Zone B: Moderate probability
 - Flood Risk Management Infrastructure
 - Watercourses

Disclaimer

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Map 4C:
Flood Risk - Present Day &
Recommended
Amendments to Land Use
Zoning Objectives

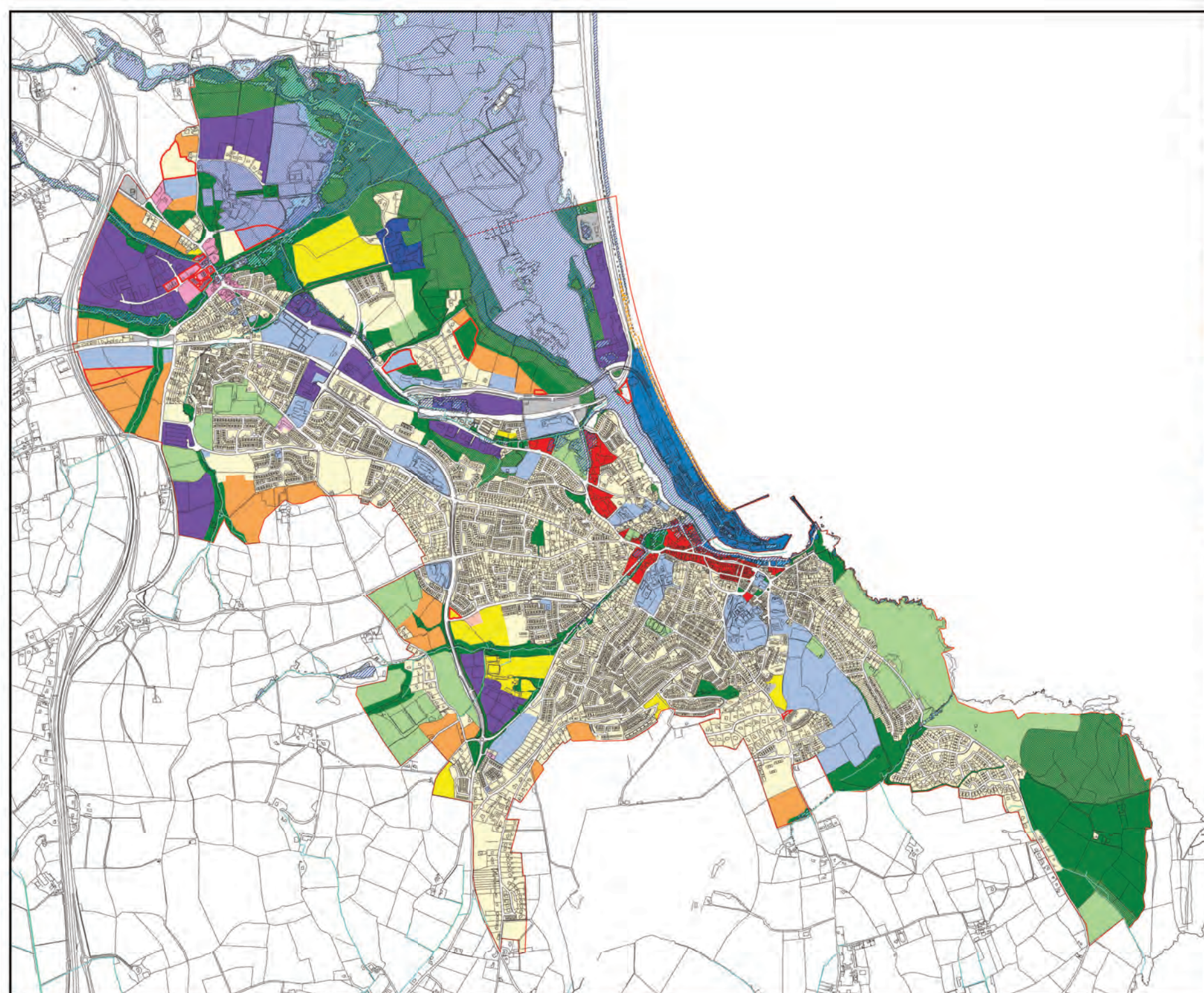


- CE Land Use Zoning Recommendations
- Wicklow Town-Rathnew LAP 2025 Boundary
- RN(1)
- RN(2)
- RE
- TC
- VC
- NC
- LSS
- PU
- CE
- T
- WZ
- AOS
- OS1
- OS2
- WCC
- E
- Flood Zone A: High probability
- Flood Zone B: Moderate probability
- Flood Risk Management Infrastructure
- Watercourses

Disclaimer:

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Map 4D:
Flood Risk -
Potential Future Scenario



- Flood Risk Management Infrastructure
- Watercourses
- Area of Potential Future Flood Risk

Area corresponding to a moderate risk of flooding (flood zone B) or greater under the CFRAM 'High End' future scenario and NCFHM 'High++' future scenario. For more information, refer to the Wicklow Town-Rathnew Strategic Flood Risk Assessment and any accompanying addenda.

Disclaimer

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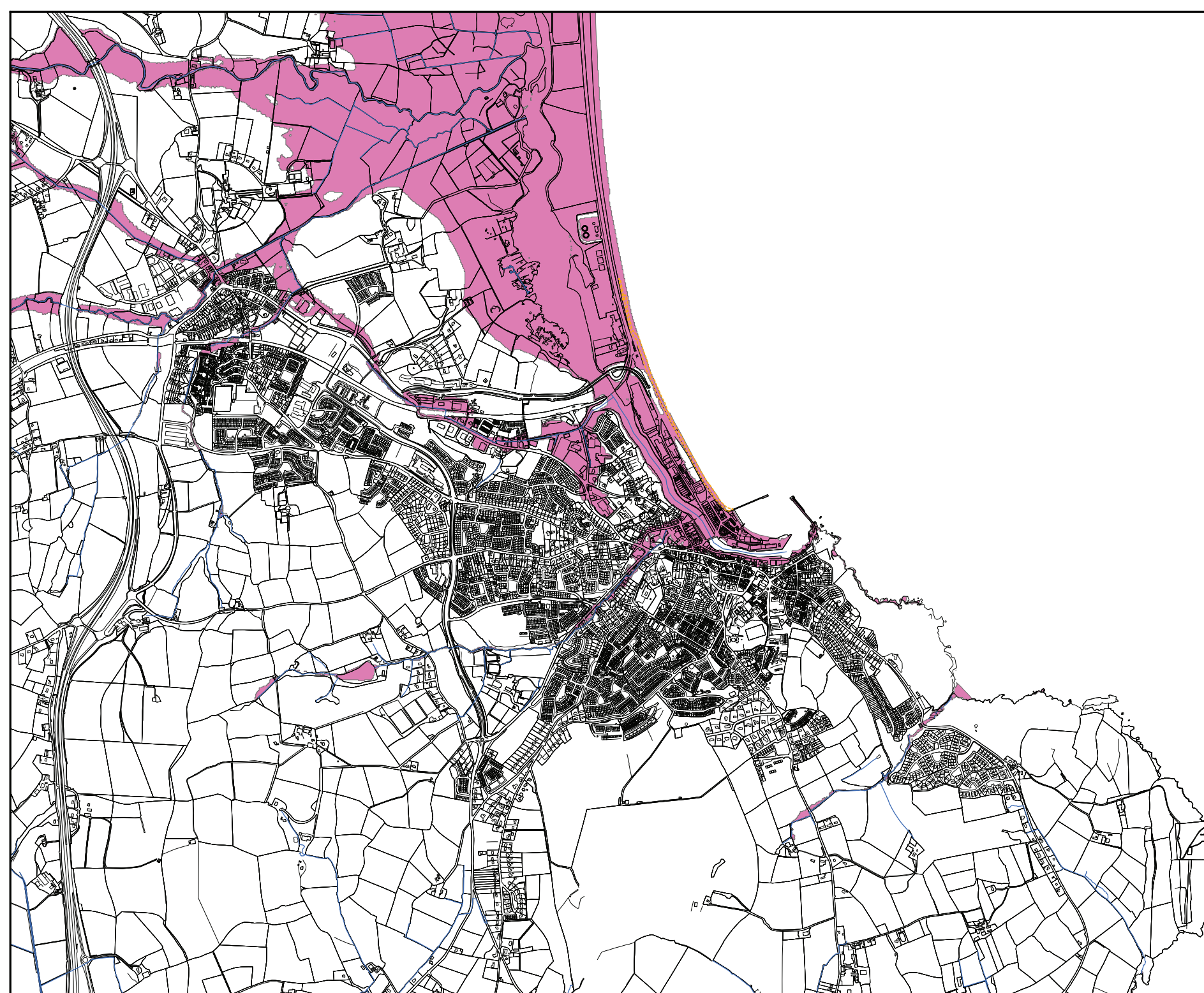
Wicklow County Development
Plan 2022-2028



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Planning Department

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Map 4E:
Flood Risk - Potential Future
Scenario & Recommended
Amendments to Land Use
Zoning Objectives

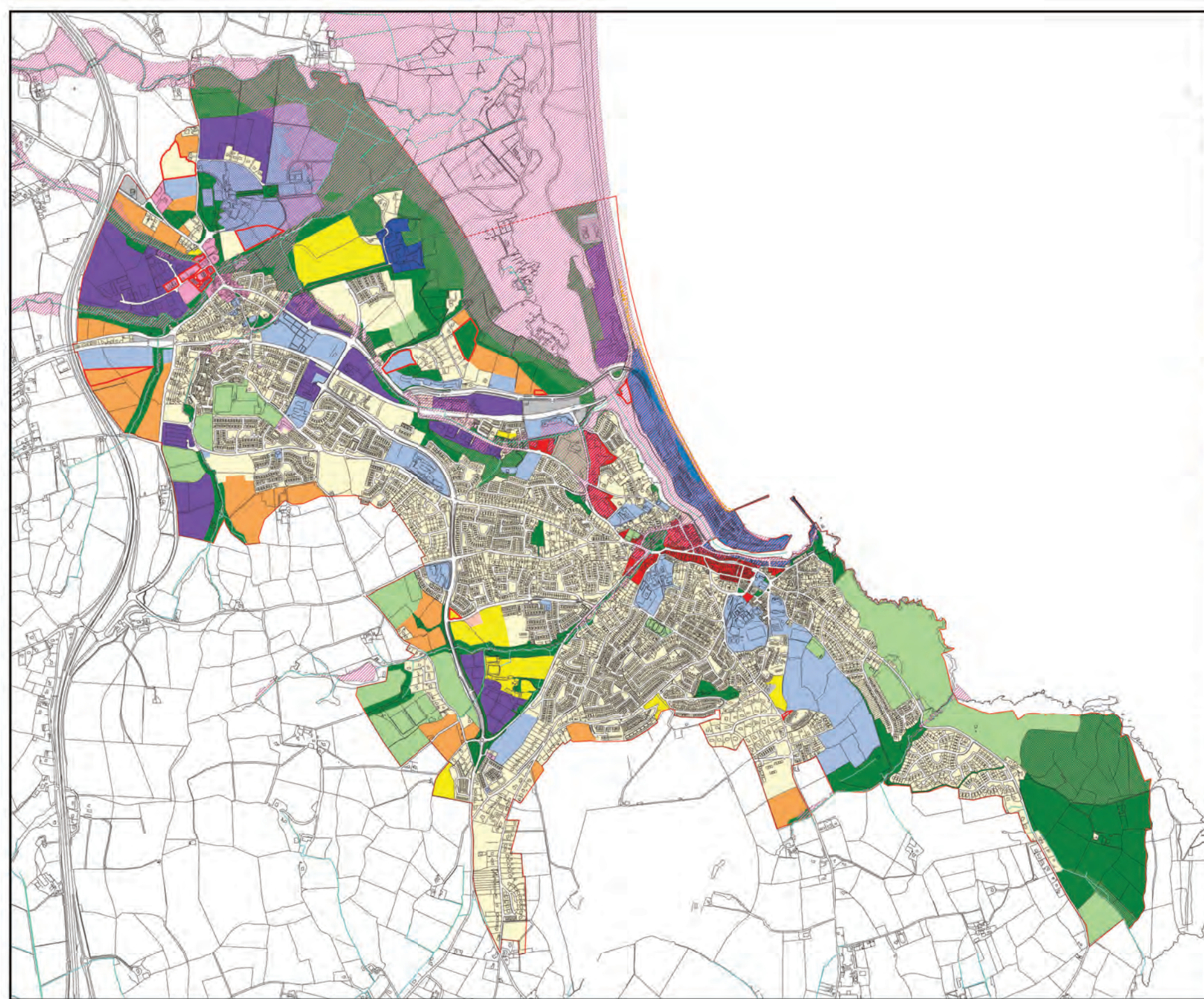


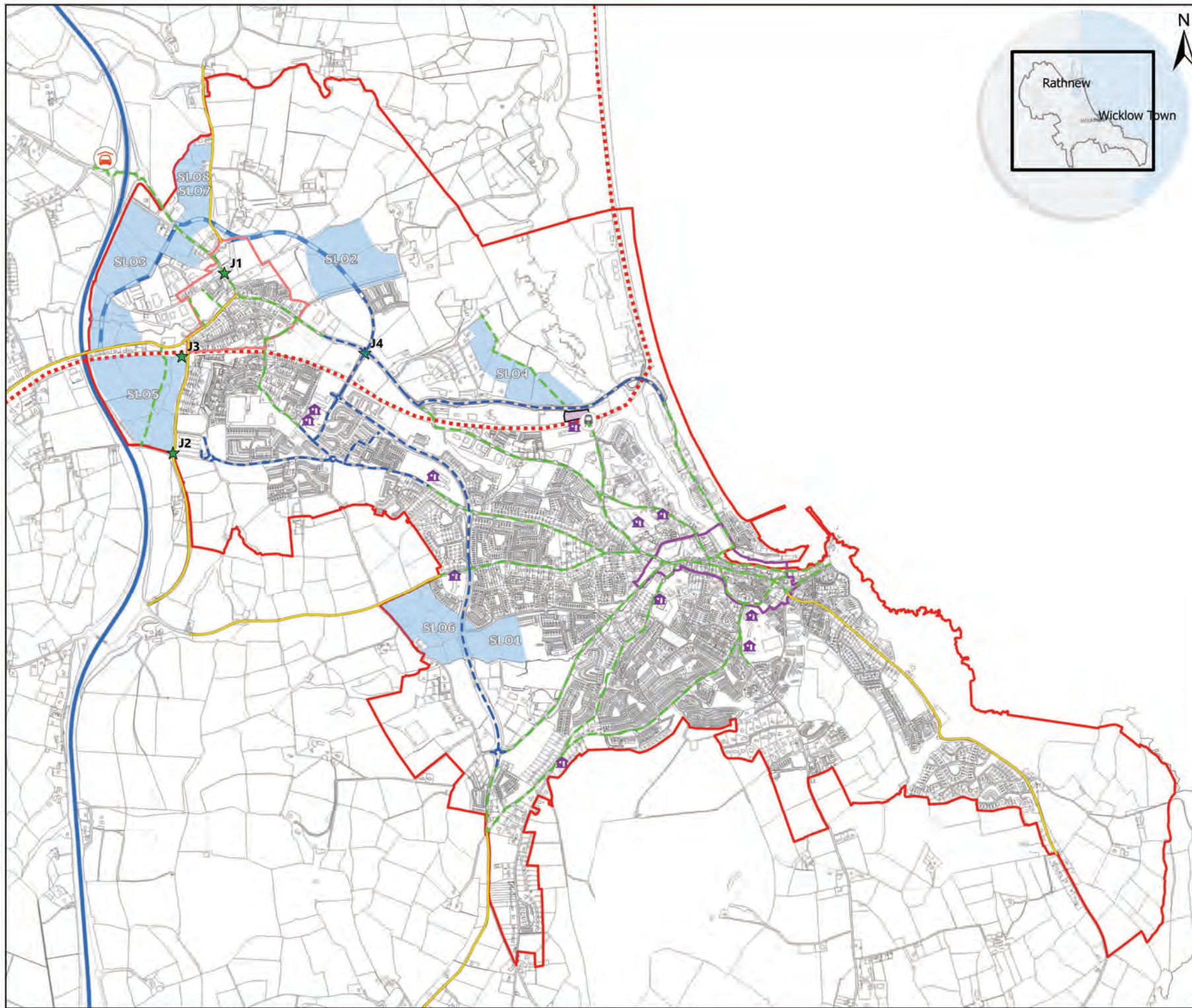
- CE Land Use Zoning Recommendations
- Wicklow Town-Rathnew LAP 2025 Boundary
- RN(1)
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- LSS
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- OS2
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- Flood Risk Management Infrastructure
- Watercourses
- Area of Potential Future Flood Risk

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**Wicklow Town - Rathnew
Local Area Plan 2025**

**Map No. 5
Transport Strategy**



- Legend**
-  M11 Junction 16 - Park & Ride Facility
 -  Train Station
 -  Schools
 -  Irish Rail Route
 -  N11/M11
 -  New Road Objective
 -  Future pedestrian & cycling bridge over the Railway Line parking and set-down facility
 -  Specific Local Objectives
 -  Wicklow Town - Rathnew LAP Boundary
 -  Town Centre
 -  Village Centre
 -  Junction Improvement
 -  Regional Road Improvement
 -  Improved Pedestrian Cyclist Permeability
 -  Existing Standard Pedestrian Cyclist Infrastructure

**WICKLOW COUNTY
DEVELOPMENT PLAN
2022-2028**



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