OPR Ref: DP-025-24



11th December 2024

Administrative Officer, Planning Department, Wicklow County Council, County Buildings, Station Road, Wicklow Town, A67 FW96.5

Re: Proposed Variation No. 3 to the Wicklow County Development Plan 2022-2028

A chara,

Thank you for your authority's work in preparing the Proposed Variation No. 3 to the Wicklow County Development Plan 2022-2028 (the proposed Variation).

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

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

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

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

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

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

Overview

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

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

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

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

The County Development Plan states:

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

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

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

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

It is within this context that the submission below sets out five (5) recommendations under the following themes:

Key theme	Recommendation	Observation
Residential Zoning	Recommendation 1	-
Transport and Accessibility	Recommendation 2	-
Flood Risk Management	Recommendation 3	-
Zoning for Economy and Employment	Recommendation 4	-
Town Centre Regeneration	Recommendation 5	-

1. Residential Zoning

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

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

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

Recommendation 1 – Co-ordination of Housing Delivery and Infrastructure

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

- NPO 72a-c of the NPF and appendix 3, A Methodology for a Tiered Approach to Zoning;
- RPO 4.2 of the RSES to align the settlement strategy to infrastructure investment; and

 the policy and objective for zoned land to be informed by a Settlement Capacity Audit (SCA) under section 6.2.1 of the Development Plans, Guidelines for Planning Authorities (2022),

the Planning Authority is required to:

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

2. Transport and Accessibility

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

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

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

The Office notes that the Transport Strategy Map No. 5 and SLO 3 and SLO 4 indicate that these lands would be accessed from the N81 / Blessington Main Street within the 80km/hour speed limit zone. It is important therefore to highlight that access associated with the development of these lands is required to comply with Spatial Planning and National Roads Guidelines for Planning Authorities (2012) and all relevant Transport Infrastructure Ireland Publications.

Recommendation 2 – Integrated Land Use and Transport Planning

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

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

the Planning Authority is required to:

- (i) illustrate all measures on the Transport Strategy Map No. 5 to identify proposed interventions recommended as part of the revised Local Transport Assessment / Local Transport Plan, including detail on connectivity between the Specific Local Objectives (SLO) and the wider network; and
- (ii) ensure that all future access proposals to serve zoned lands at SLO 3 and SLO 4 comply with the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) and are in compliance with all relevant Transport Infrastructure Ireland Publications.

3. Flood Risk Management

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

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

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

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

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

Recommendation 3 – Flood Risk Management

Having regard to flood risk management, and in particular:

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

the Planning Authority is required to:

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

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

4. Zoning for Economy and Employment

The County Wicklow Economic Development Hierarchy¹ identifies that the Blessington's economic function is to attract inward investment through foreign direct and local investment and people and product intensive industries. To support and grow the economic activity in the settlement, 44.2 ha of undeveloped land has been zoned for employment uses in the draft Local Area Plan, of which the majority is identified as SLO 3 lands to the north of the settlement.

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

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

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

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

¹ Table 9.2 Wicklow County Development Plan 2022-2028

Recommendation 4 – Economic Development and Employment

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

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

the Planning Authority is required to:

- (i) provide robust justification and appropriate phasing for the extent and location of Employment zoned land and demonstrate that the criteria of the aforementioned national and regional policies have been satisfied specifically in respect of the following undeveloped Employment lands:
 - (a) SLO 3 (current/former quarry lands); and
 - (b) N81 South (adjacent to the waste water treatment plant); and
- demonstrate by way of an Infrastructure Assessment / SCA that lands zoned for employment are realistically serviceable within the plan period.

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

5. Town Centre Regeneration

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

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

Recommendation 5 – Town Centre Regeneration

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

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

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

Summary

The Office requests that your authority addresses the recommendations outlined above. As you are aware, the report of the Chief Executive of your authority prepared for the elected members under section 13 of the Act must summarise these recommendations and the manner in which they will be addressed.

At the end of the process, your authority is required to notify this Office within five working days of the decision of the Planning Authority in relation to the proposed Variation. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the plan in such a manner as to be inconsistent with the recommendations made by this Office, then the Chief Executive shall inform the Office and give reasons for this decision.

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through plans@opr.ie.

Is mise le meas,

Onna

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations