



31<sup>st</sup> March 2025

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

**Re: Material Alterations to Variation No. 2 to the Wicklow County Development Plan  
2022-2028**

A chara,

Thank you for your authority's work in preparing the proposed Material Alterations (the material alterations) to Variation No. 2 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 Material Alterations to the 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).

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 (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.

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, planning authorities are 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**

The Office's submission to the proposed Variation included six recommendations.

The Office is generally satisfied with the response to its recommendations and in particular welcomes the addendum to the Strategic Flood Risk Assessment (SFRA). The overlaying of the flood zone maps with the land use zoning maps is also welcomed.

With regards to Recommendation 2 and the mapping of the transport projects on the Transport Strategy map, the Office welcomes the Planning Authority's commitment to carrying out a Local Transport Plan (LTP) for Wicklow Town – Rathnew. Once completed, the Planning Authority should integrate the LTP into the zoning map via section 13 of the Act, and update the County Development Plan as required. It is critical that this evidence-based assessment informs the plan and provides a clear rationale for decision making.

The Office does, however, note that the Planning Authority did not introduce any material amendment in response to Recommendation 4 with respect to integrating sustainable transport modes and employment locations. The employment zoned lands at Newrath (10.3ha) and Ballynabarny (east of R772) (6.4ha) are located on the periphery of the town,

on regional roads, with no footpaths, streetlights, or public transport and therefore inconsistent with national and regional planning policy. This matter should be highlighted in the Planning Authority’s notice letter upon adoption as per section 31AM(6) of the Act and will be fully considered by the Office at that stage.

In relation to the material alterations, there are several new zoning changes proposed across the plan area. The Office accepts, and indeed welcomes many of these amendments as reasonable, if not positive. For example, MA 22, MA 29 and MA 30 are all serviced lands, adjoining existing services and public transport.

Contrary to this approach, the Office has identified some rezonings which are inconsistent with regional policy framework, section 28 Guidelines and environmental assessments. These zoning amendments are in peripheral locations, away from town centre, schools and essential services and are inconsistent with the compact and sustainable growth of the town. Furthermore, the draft Local Area Plan already has a sufficient quantum of zoned land that is better located to accommodate the housing growth required in the Core Strategy. The Strategic Environmental Assessment (SEA), Appropriate Assessment (AA) and SFRA also identify problems with some of the zoning amendments.

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

<b>Key theme</b>	<b>Recommendation</b>	<b>Observation</b>
<a href="#"><u>Zoning Changes: Residential (MA 20B, MA 27, MA 39 and MA 40)</u></a>	<a href="#"><u>MA Recommendation 1</u></a>	-
<a href="#"><u>Flood Risk Management (MA 38 and MA 41)</u></a>	<a href="#"><u>MA Recommendation 2</u></a>	-
<a href="#"><u>Environmental Protection (MA 10, MA 20B, MA 38, MA 40 and MA 41)</u></a>	<a href="#"><u>MA Recommendation 3</u></a>	-

<a href="#">Economic Development and Employment: Ballynabarny (MA 31)</a>	<a href="#">MA Recommendation 4</a>	-
<a href="#">Integrated Land Use and Transport Planning</a>	<a href="#">MA Recommendation 5</a>	-

### 1. Zoning Changes: Residential (MA 20B, MA 27, MA 39, and MA 40)

MA 27, MA 39 and MA 40 are located to the south of Wicklow Town and on the periphery of the existing built pattern and MA 20B is located to the west of Rathnew Village, immediately adjoining the N11 and on the outskirts of the existing village.

Developing these lands would extend the settlement further out and away from the town centre, schools, and essential services. In so doing, it would promote a pattern of development inconsistent with NPO 3c of the National Planning Framework (NPF) and RPO 3.2 of the Regional Spatial and Economic Strategy (RSES) which supports compact growth and the consolidation of existing urban settlements.

Furthermore, the peripheral location leapfrogs more centrally located, serviced sites, conflicting with the sequential zoning approach outlined in section 6.2.3 of the Development Plans, Guidelines for Planning Authorities (2022), which priorities the development of centrally located and well-serviced lands first. In this regard, it is noted that both MA 27 and MA 39 are located further out than existing sites zoned RN2 (i.e. Phase 2 Residential).

The Office notes that no Infrastructure Capacity Assessment has been carried out for these lands and, at the very least, there appears to be no footpath or streetlights along Ballyguilemore (MA 40), Ballynerrin Road (MA 39), Hawkstown Lower (MA 27) and no footpath along the side of R752 (MA 20B). This would lead to greater reliance on private cars, undermining the Government’s commitment to reducing greenhouse gas emissions under section 10(2)(n) of the Act and under the Climate Action and Low Carbon Development Act 2015, as amended.

Additionally, Uisce Éireann, have confirmed that significant sewer / network extensions are required for MA 20B, MA 27 and MA 40 to service these lands, which is contrary to RPO 4.2 of the RSES.

In respect of MA 20B and MA 40, the Office also raises concerns below relating to likely significant effects on European sites.

Collectively, these proposed rezonings increase the amount of zoned residential land (RN1 and RN2) for the town by 7.8 ha. Given that there are sufficient zoned residential lands already proposed in the draft Local Area Plan, there is no clear planning rationale for zoning additional land for Residential.

### MA Recommendation 1 – Residential Zoning Changes

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

- section 10(2)(n) of the Planning and Development Act 2000, as amended, concerning the promotion of sustainable settlement and transport strategies and associated mandatory targets for greenhouse gas emissions reduction targets under the Climate Action and Low Carbon Development Act 2015, as amended;
- NPO 3c of the NPF and RPO 3.2 of the RSES regarding compact growth;
- 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 under section 6.2.1 of the Development Plans, Guidelines for Planning Authorities (2022), and the policy and objective under section 6.2.3 to implement a sequential approach to zoning,

the Planning Authority is recommended to make Variation No. 2 to the Wicklow County Development Plan 2022-2028 without the following parts of material alteration 2, so that these zonings objectives revert to the draft Variation:

- (i) MA 20B, Glenealy Road;
- (ii) MA 27, Hawkestown Lower;
- (iii) MA 39, Ballyguile Beg; and
- (iv) MA 40, Ballyguilemore.

## 2. Flood Risk Management (MA 38 and MA 41)

MA 38 proposes to rezone c. 0.06ha from OS2 to RN1 at Charvey Court, Rathnew and MA 41 proposes to rezone c. 1ha at the Murrough from OS2-Natural Areas to E–Employment, this site immediately adjoins The Murrough Wetlands SPA and SAC.

Both sites overlap with Flood Zone A and B and have not satisfied multiple criteria of the Justification Test. The proposed rezonings are contrary to the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) and are not recommended by the SFRA.

### MA Recommendation 2 - Flood Risk Management

Having regard to flood risk management, and in particular to:

- 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); and
- the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).

The Planning Authority is recommended to make Variation No. 2 to the Wicklow County Development Plan 2022-2028 without the following parts of material alteration 2, so that these zonings objectives revert to the draft Variation:

- (i) MA 38, Charvey Court; and
- (ii) MA 41, The Murrough.

## 3. Environmental Protection (MA 10, MA 20B, MA 38, MA 40 and MA 41)

While the Planning Authority is advised to satisfy itself that it has met the requirements of the legislation transposing the SEA and AA Directives in making the draft Local Area Plan, the Office is concerned that the draft Local Area Plan is inconsistent with RPO 3.4 of the RSES, to ensure that all plans are subject to SEA and AA as appropriate.

In this regard, the SEA Environmental Report states that MA 20B, MA 38, MA 40 and MA 41 would not provide the most evidence-based framework for development and has the potential to undermine sustainable development and proper planning, with potential for associated unnecessary adverse environmental effects on various environmental components.

With respect to MA 41, the Stage 2 AA states:

*With respect to Proposed Material Amendment No. 41, the approach to land use zoning followed for the Draft Plan remains relevant and the OS zoning objective at these lands would help to ensure the protection of European sites.*

*However, if this approach to zoning for the subject lands is abandoned, and proposed MA 41 incorporated into the draft Local Area Plan, amendment No. 41 would need to be modified in order to allow:*

*The Final AA Natura Impact Report to demonstrate that, following the inclusion of suitable mitigation measures, the Plan to be adopted will not result in any adverse effects to the ecological integrity of any European site; and For the Plan, incorporating the Amendment, to be adopted in compliance with the Habitats Directive.*

No mitigation measures have, however, been specified and it is not clear that MA 41 will not adversely affect the integrity of any European site.

The Planning Authority is therefore recommended to make the plan without MA 41 and revert to the zoning proposed in the draft Local Area Plan.

With respect to MA 20B, the SEA Environmental Report notes that the Chief Executive previously advised that this additional residential zoning would conflict with the protection of the riverine environment and the protection of mature vegetation. In terms of both MA 38 and MA 40, the planning histories for the site indicate that there is a hydrological link to European sites in each case (Planning References 138496 and 23914). Furthermore, these lands are located within Flood Zone A/B (see MA Recommendation 2 – Flood Risk Management).

Given the presence of water bodies on these sites and their proximity and ecological links to European sites, the scientific basis for the conclusion that likely significant effects on

European sites, and the need for a Stage 2 AA, can be ruled out is not clear. The Office is therefore concerned that no Stage 2 AA was carried out for MA 20B, MA 38 and MA 40.

MA 10 is an additional material amendment which proposes changes to residential lands: proposes to create a new opportunity site (OP5) for Charvey Lane in Rathnew Village and has identified pedestrian / cycle connections across the river to the south of the site, linking Charvey Lane to the R772. Given its proximity to this river environment and its hydrological link to European sites, the scientific basis upon which likely significant effects on European sites have been ruled out is not clear. The Office is therefore similarly concerned that no Stage 2 AA was carried out for MA 10.

Consequently, in the absence of a Stage 2 AA, the Planning Authority is recommended to make the Variation without MA 10, MA 20B, MA 38 and 40 and revert to the zoning proposed in the draft Variation for these sites.

### **MA Recommendation 3 – Environmental Protection**

Having regard to the protection of the environment, including relating to European sites under the Birds and Habitats Directives, and in particular to:

- NPO 75 of the NPF and RPO 3.4 of the RSES to ensure all plans are subject to SEA and AA as appropriate;
- NPO 59 of the NPF to enhance the conservation status and management of protected areas and species;
- NPO 41 of the NPF to manage Ireland's coastal resource to sustain its character and environmental quality; and
- RPO 7.16 of the RSES to support the implementation of the Birds and Habitats Directives and ensure alignment with development plans.

The Planning Authority is recommended to make Variation No. 2 to the Wicklow County Development Plan 2022-2028 without the following parts of material alteration 2, so that these zonings objectives revert to the draft Variation:

- (i) MA 10, Charvey Lane;
- (ii) MA 20B, Glenealy Road;



- (iii) MA 38, Charvey Court;
- (iv) MA 40, Ballyguilemore; and
- (v) MA 41 The Murrough.

#### **4. Economic Development and Employment: Ballynabarny (MA 31)**

MA 31 proposes three changes to the Ballynabarny lands, to the west of Wicklow Town:

- Identify new SLO 14 area – Specific Local Objectives at Ballynabarny
- Amend zoning of land measuring c. 3.3ha from AOS to E Employment
- Amend zoning of land measuring c. 0.4ha from AOS to CE Community / Education

It also included a new requirement for the employment provision to be accompanied by the concurrent development of an indoor community / sports facility on the CE lands.

These lands are on the periphery of the town and are not serviced by public transport or active travel provisions. It is outside both the 2016 and 2022 CSO Census boundaries. There are no footpaths or streetlights on the R772. The proposed economic zoning at this location is inconsistent with the achievement of compact growth, will contribute to the continuance of a dispersed settlement pattern and encourage car-based development that will not support the modal shift to active modes contrary to RPO 8.1 of the RSES.

#### **MA 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 of the NPF to identify suitable areas for strategic employment development;
- NPO 64 of the NPF to improve air quality through integrated land use and spatial planning that supports public transport and active travel modes;

- 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;
- 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); and
- the policy and objective of the Development Plans, Guidelines for Planning Authorities (2022) under section 6.2.5 for the provision of evidence and rationale underpinning the zoning of land for employment purposes.

The Planning Authority is recommended to make Variation No. 2 to the Wicklow County Development Plan 2022-2028 without the following part of material alteration 2, so that this zoning objective reverts to the draft Variation:

- MA 31, Ballynabarny.

## 5. Integrated Land Use and Transport Planning

The Office welcomes the Planning Authority's commitment to prepare an LTP for Wicklow Town – Rathnew, as proposed under MA 11 to the draft Local Area Plan. The LTP will be prepared following adoption of the Local Area Plan, and the proposed Variation. To ensure integration of land use and transport planning, as per RPO 8.1 and 8.6 of the RSES, the key provisions of the LTP should be integrated into the draft Local Area Plan area; via

section 13 of the Act and any adjustments made to the County Development Plan accordingly.

Having regard to the above, the Office recommends that a specific local objective is inserted into MA 22 (SLO4 – Bollarney North) to deliver a quantum, type and density of residential development on these lands that supports the delivery of the new pedestrian and cycle bridge and DART extension to Wicklow Town.

With respect to MA 28 and the proposal to change the zoning of lands measuring 3.6ha from CE to RN1 at Marlton – Ballynerrin Lower, the Office recommends a specific local objective is included on these lands to seek pedestrian and cycle connections westwards, towards the Ballynerrin Road. This will improve permeability between the site and the existing public transport network, school, creche and local services, as per NPO 27 of the NPF.

#### **MA Recommendation 5 – Integration of land use and sustainable transport**

Having regard to the need to the integration of land use and sustainable transportation, and in particular to:

- NPO 64 of the NPF to improve air quality through integrated land use and spatial planning that supports public transport and active travel modes;
- NPO 27 of the NPF to prioritise walking and cycling accessibility in the design of our communities;
- RPO 8.1 and RPO 8.4 of the RSES for the integration of land use and transport planning;
- RPO 8.3 of the RSES that future development is planned and designed in a manner which maximises the efficiency and protects the strategic capacity of the metropolitan area transport network;
- RPO 8.6 of the RSES to prepare Local Transport Plans for selected settlements in the Region; and
- 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),

the Planning Authority is recommended to make Variation No. 2 to the Wicklow County Development Plan 2022-2028 with the following amendments:

- (i) incorporate the key provisions of the forthcoming Local Transport Plan for Wicklow Town – Rathnew into the County Development Plan, via Section 13 of the Planning and Development Act 2000, as amended;
- (ii) include site-specific objectives for the following zoning changes proposed under material alteration 2:
  - (a) MA 22: to deliver a quantum, type and density of residential development that supports the delivery of the new pedestrian and cycle bridge and the DART extension to Wicklow Town; and
  - (b) MA 28: to provide pedestrian and cycle linkages through and between the new RN1 lands and the surrounding existing developments to improve permeability and provide shorter and more direct access to existing schools, public transport, local services and amenities in and around the Ballynerrin Road.

## Summary

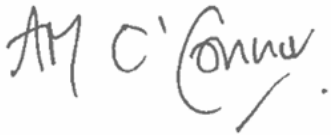
The Office requests that your authority addresses the recommendations outlined above. As you are aware, the report of the chief executive of your authority prepared for the elected members under section 13 of the Act must summarise these recommendations and the manner in which they will be addressed.

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](mailto:plans@opr.ie).

Is mise le meas,

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A handwritten signature in black ink that reads "AM O'Connor". The signature is written in a cursive style with a diagonal slash at the end.

**Anne Marie O'Connor**

Deputy Regulator and Director of Plans Evaluation

Designated Public Official under the Regulation of Lobbying Act 2015

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