



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

OPR Ref: AD-026-22

7th October 2022

Mr. Peter Burke TD
Minister for Local Government and Planning
Department of Housing, Local Government and Heritage
Custom House
Dublin 1
D01 W6X0

BY HAND AND BY EMAIL

Re: Notice Pursuant to section 31AM(8) of the Planning and Development Act 2000 (as amended) – Wicklow County Development Plan 2022-2028

A chara,

I am writing to you in relation to the recent adoption by the elected members of the Wicklow County Development Plan 2022-2028 (the 'Development Plan').

In particular, I am writing to you in the context of the statutory duty of the Office of the Planning Regulator ('the Office') pursuant to section 31AM(8) of the *Planning and Development Act 2000* (as amended) (the 'Act') to issue a Notice to you on the basis that, having considered the Development Plan, the Office is of the opinion that:

- a) the Development Plan has not been made in a manner consistent with recommendations of the Office, which required specific changes to the Development Plan to ensure consistency with national policy objectives (NPOs) of *Project Ireland 2040 National Planning Framework* (the NPF) and the regional policy objectives (RPOs) of the Eastern and Midlands Regional Assembly Regional Spatial and Economic Strategy (the RSES), and with the core strategy of the adopted Development Plan, and to have regard to the

Section 28 *Development Plans, Guidelines for Planning Authorities* (2022)¹ (Development Plan Guidelines). Specifically the Development Plan zones land for development in peripheral locations, leapfrogging unzoned and/ or undeveloped land, and in so doing does not apply the sequential approach to development to support compact growth of towns and villages and is not consistent with the objectives to promote sustainable settlement and transportation strategies under section 10(2)(n) of the Act, in Wicklow County;

- b) as a consequence of the above matters, the Development Plan made by Wicklow County Council ("the Council") fails to set out an overall strategy for the proper planning and sustainable development of the area concerned, contrary to the requirements of Section 10(1) of the Act; and
- c) the use by you of your function to issue a direction under section 31 of the Act would be merited.

The reasons for the Opinion of the Office are set out in further detail in section 2 of this Notice letter. This letter is a Notice to you pursuant to section 31AM(8) of the Act.

1. Background

1.1 Draft Wicklow County Development Plan

The Draft Wicklow County Development Plan 2021 – 2027 (the draft Plan) was on public display from 4th June 2021 to 30th August 2021.

A statement was appended to the draft Development Plan, as required under section 28(1A)(b) of the Act, concerning the implementation of Ministerial Guidelines. The statement did not include any information to demonstrate that the planning authority had formed the opinion that it is not possible to implement certain policies and objectives of the Minister contained in any relevant guidelines, as outlined in further detail below, and did not provide any reasons for not implementing any such policies

¹ Ministerial Planning Guidelines under Section 28 of the Planning and Development Act 2000 (as amended): Development Plans, Guidelines for Planning Authorities were published on 1st July 2022 and superseded the draft version published in August 2021

or objectives. Such information and reasons are required where section 28(1B)(b) applies.

The Office made a submission to the draft Plan on 30th August 2021, containing eighteen (18) recommendations and nine (9) observations.

Recommendation 3 (Future growth of Newtownmountkennedy and Rathdrum) and Recommendation 5 (Residential Land Zoning in Newtownmoundkennedy, Rathdrum and Ashford) of the Office's submission to the draft Plan required the planning authority to review the proposed distribution of population and housing in its core strategy and the approach to zoning land for housing in certain settlements, ensuring a greater level of consistency with the Housing Supply Target Methodology for Development Plans Guidelines and a more sustainable level of growth aligned with the NPF.

Recommendation 6 (Residential Land Zoning (Miscellaneous)) of the Office's submission to the draft Plan required amendments to the zoning maps and settlement plans in accordance with national policy objectives for compact growth, sequential development and the integration of land use and transport in the RSES, and consistent with the settlement hierarchy and housing targets set out in the draft Plan.

The Office also made recommendations (Recommendation 10 and 11) in relation to rural housing.

Subsequently, the Chief Executive sent a notice letter under section 12(5)(aa) of the Act dated 22 April 2022 to the Office advising of the making of Material Alterations to the Development Plan and specifying the recommendations of the Office not complied with.

1.2 Material Alterations to the Draft Wicklow County Development Plan 2022-2028

The elected members, having considered the draft Plan and the Chief Executive's (CE's) Report on submissions received (December 2021), resolved to amend the

draft Plan. The material alterations to the draft Plan were on public display from 27th April 2022 to 25th May 2022.

The material alterations included a number of changes including:

- a series of individual material amendments to the land use zoning objectives to zone additional land for residential use;
- material amendment V1-17, a ban on the sale of residential developments to commercial institutional investment bodies;
- commercial institutional investment bodies;
- material amendment V1-31, providing for a nursing home / residential care facility for the elderly outside of a defined settlement boundary in Newcastle; and
- material amendment V1-21, amends the rural housing need criteria under CPO 6.41 of the Plan to include applicants who provide care services to family members and those working in healthcare provision locally.

The Office made a submission on 25th May 2022 on the material alterations to the draft Plan containing seven (7) recommendations. The submission also noted the decision of the planning authority not to comply, in particular, with Recommendations 3, 5, 6, 10 and 11.

The Office recommendations at MA stage included:

- MA Recommendation 3 – Material Zoning Amendments, relating to residential land use zoning in Kilpeddar–Willowgrove, Johnstown, Ashford, Carnew, and Tinahely.
- MA Recommendation 4 – Development Management, relating to the sale of residential development to institutional investors.
- MA Recommendation 5 –Nursing home (Newcastle).
- MA Recommendation 6 – Rural Housing Criteria.

1.3 Adopted Wicklow County Development Plan 2022-2028

The elected members of Wicklow County Council resolved to make the Wicklow County Development Plan 2022 – 2028 at a Council Meeting on 12th September 2022.

Subsequently, the Chief Executive sent a notice letter under section 31AM(6) of the Act dated 16th September 2022 to the Office advising of the making of the Development Plan and specifying the recommendations of the Office not complied with.

The section 31AM(6) notice letter stated that MA Recommendation 1, MA Recommendation 2, MA Recommendation 3, MA Recommendation 4, MA Recommendation 5 and MA Recommendation 6 had not been complied with, either in full or in part.

In relation to the rural housing policy the Office notes the decision of the elected members not to comply with Recommendations 10, 11 and MA Recommendation 6. Having regard to the current policy framework and the forthcoming section 28 Guidelines, on balance, the Office considers that there is insufficient basis to make a recommendation to the Minister to issue a draft Direction in respect of this matter.

The Office has given careful consideration to the decision of elected members not to comply with Recommendation 3 (Future growth of Newtownmountkennedy and Rathdrum), Recommendation 5 (Residential Land Zoning in Newtownmountkennedy, Rathdrum and Ashford) and Recommendation 6 (Residential Land Zoning (Miscellaneous)).

While the Office remains of the view that these settlements are growing in a manner that is contrary to the promotion of sustainable settlement and transportation strategies to reduce energy demand and Greenhouse Gas (GHG) emissions in accordance with section 10(2)(n) of the Act and the *Climate Action Plan 2021*, the circumstances that apply, including recent planning permissions and other policy considerations mean that on balance, the Office considers that there is insufficient basis to make a recommendation to the Minister to issue a draft Direction in respect of these matters.

Similarly in relation to a number of the residential material zoning amendments under MA Recommendation 3, namely Amendment V2–100 (Ashford), Amendment V2–102 (Carnew), and the residential zoning in Baltinglass under Recommendation 6(i), the Office has had regard to the amendment in the Development Plan Guidelines published by the Minister in June 2022, and in particular to the policy and objective regarding zoned and serviced housing land, and considers that these changes would not unduly impact on the compact and sequential growth of the aforementioned settlements.

In relation to the SLB (Strategic Land Bank) zoning objective in Tinahely (Amendments V2 – 108 and V2 – 109, MA Recommendation 3), the Office remains concerned regarding further residential development in the settlement, which is not evidenced based and is contrary to national and regional policy on compact growth and the sequential approach to zoning. Moreover, the extent of residential development has the potential to undermine a proportionate and sustainable growth strategy for Tinahely consistent with national policy (NPO 18a), and section 10(2)(n) of the Act. The Office accepts, however, that designating these respective lands Strategic Land Bank does not provide for the development of these lands during the plan period.

In the context of the above, and having reviewed the CE’s reports on the draft Plan and material alterations to the draft Plan, the notice of the making of the Development Plan and the reasons in the notice letter, the Office has concluded that, with the exception of the below, the recommendations of the Office have been responded to in the reports and/or Notice and have been addressed to the satisfaction of the Office, or are otherwise considered satisfactory within the legislative and policy context.

MA Recommendation 3

MA Recommendation 3 of the Office’s submission to the material alterations to the draft Plan required the planning authority to omit a total of four zoning amendments and to make minor modifications to a further four zoning amendments from the draft Plan to manage growth in these respective settlements. The aggregate area relating to the respective zoning amendments amounted to approximately 26 ha.

MA Recommendation 3 – Material Zoning Amendments stated the following:

Having regard to national and regional policy objectives NPO 3c and NPO 18a, the Development Plans, Guidelines for Planning Authorities (2007) and Development Plans, Guidelines for Planning Authorities - Draft for Consultation (August 2021), and section 10(2)(n) of the Planning and Development Act 2000, as amended, the Office considers that the following settlement boundary extensions and residential zonings proposed under the material amendments are inconsistent with the core strategy and/or contrary to the implementation of compact growth, sequential zoning and the provision of a sustainable settlement and transport strategy.

(i) the planning authority is therefore required to make the Plan without the following material amendments:

- Amendment V1–11(a) (Kilpeddar – Willowgrove)*
- Amendment V1–13 (Johnstown)*
- Amendment V2–99 (Ashford)*
- Amendment V2–100 (Ashford)*

(ii) the planning authority is required to include a minor modification as necessary to the lands identified in the following material amendments to clearly indicate that growth in these settlements will be managed to ensure future development is consistent with the plans objectives in relation to these Level 5 settlements and the core strategy.

- Amendment V2–102 (Carnew)*
- Amendment V2–103 (Carnew)*
- Amendment V2–108 (Tinahely)*
- Amendment V2–109 (Tinahely)*

The Office's submission letter to the material alterations stated:

Instead of focusing on building up local communities through sensitive infill development, reuse of existing buildings, these amendments will instead encourage piecemeal additions to sensitive local communities that have access

to limited services and infrastructure which is contrary to the obligations on all local authorities to secure compact forms of urban development and contrary to the implementation of sequential and public transport and active travel centred housing delivery locations.

The aforementioned amendments are, therefore, considered to be inconsistent with national and regional policy in respect of compact growth (NPO 3c and RPO 3) and/or with sequential residential zoning under the Minister's Guidelines, the implementation of the core strategy, the proportionate growth of settlements (NPO 18a), and the provision of a sustainable settlement and transport strategy in accordance with section 10(2n) of the Act.

The planning authority did not comply with MA Recommendation 3 and all eight (8) material amendments were adopted as part of the Plan.

In relation to the following zoning amendments listed, the CE's recommendation was to accept the recommendations of the Office and to make the Plan without the zoning amendments:

- (i) Amendment V1 – 11(a) (Kilpeddar – Willowgrove)
- (ii) Amendment V1 – 13 (Johnson)
- (iii) Amendment V2 – 99 (Ashford)
- (iv) Amendment V2 – 103 (Carnew)

The elected members voted to make the Plan contrary to the recommendation of the Chief Executive and the Office in respect of these remaining zoning amendments. The section 31AM(6) notice detailed the reasons given by the elected members.

The Office has assessed each of the zoning amendments and considered the reasons provided by the elected members for rejecting the CE's recommendation in each case.

However, the Office considers that the reasons provided by the elected members do not satisfactorily address MA Recommendation 3.

Further consideration of these zoning amendments, and the reasons provided by the elected members, is addressed individually below.

(i) Amendment V1 – 11(a) (Kilpeddar – Willowgrove)

Zoning amendment V1 – 11(a) amends the draft Plan by extending the settlement boundary of Kilpeddar – Willowgrove. The land, comprising c. 1.2 ha, was outside of the settlement boundary in the draft Plan.

Kilpeddar – Willowgrove is a Level 7: Village (Type 1) settlement in accordance with the Wicklow Settlement Hierarchy (Table 3.5 of the adopted development plan). The Level 7 settlements do not include land use zoning objectives but have designated settlement boundaries to identify the areas within the settlement and those in the rural area.

The settlement boundary extension comprises undeveloped greenfield land and peripherally located approximately 1.5 km from the Kilpeddar village centre, and outside the CSO boundary. The lands are located approximately 500 metres west of the access onto the N11.

The CE's Report states the following in relation to the subject lands:

Kilpeddar – Willowgrove is a small settlement with limited services. There is no school and very limited local amenities serving existing residents, which has been highlighted in many submissions to the Draft Plan. The boundary identified in the Draft Plan already includes adequate land to accommodate the appropriate level of future development that village can sustain.

In respect of this amendment, the elected members provided the following reasons in the notice letter for rejecting the CE's recommendation to not extend the settlement boundary:

- *Proposed extension to serve 3 members of same family for individual houses on their own land;*
- *No concerns in relation to sight line provision, road frontage and flooding.*

In relation to the need for the boundary extension to meet local housing need, Chapter 6 set out rural housing policy, including the criteria for local housing need (Objective 6.4.1). The scale of the boundary extension would, however, significantly increase the development potential of the lands in a piecemeal manner, and in a

location that will contribute to further car-dependent urban sprawl in this area contrary to compact growth and objectives to promote sustainable settlement and transportation strategies under section 10(2)(n) of the Act.

The matters raised in relation to sightlines and road frontage are matters to be considered through the development management process and are not relevant to the Office's consideration of the material amendment. Similarly, the Office raises no concerns in relation to flood risk management.

The Office considers that the above reasons do not address the substantive issue in the recommendation concerning this amendment in respect of the peripheral location of the boundary extension and inconsistency with: national and regional policy in respect of compact growth (NPO 3c and RPO 3.2 of the RSES), the core strategy of the adopted plan, and objectives to promote sustainable settlement and transportation strategies under section 10(2)(n) of the Act.

(ii) Amendment V1 – 13 (Johnstown)

Zoning amendment V1 – 13 amends the draft Plan by extending the settlement boundary for Johnstown, a level 8 settlement in the settlement hierarchy. The land, comprising c. 3 ha, was outside of the settlement boundary in the draft Plan.

The settlement boundary for Johnstown in the draft Plan extended for c. 900 metres in a north-south axis along the local road in rural county Wicklow. The zoning amendment extended the settlement boundary further to the north for c. 450 metres in a linear manner along a rural cul-de-sac.

The CE's Report states the following in relation to the land:

Johnstown is a small settlement with limited services. There are no mains water services and very limited local amenities serving existing residents. The boundary identified in the draft plan already includes adequate land to accommodate the appropriate level of future development that the village can sustain.

In respect of this amendment, the elected members provided the following reasons in the notice letter for rejecting the CE's recommendation to not extend the settlement boundary:

1. *Provides for infill between two lots of houses in the village.*
2. *Extension to allow for people who qualify under Level 8 villages and unable to get sites for housing*
3. *Village boundary is generally built up*

The potential to provide for infill development is not in itself, a basis upon which to extend settlement boundaries that would otherwise not be consistent with national or regional policy, or with the Core Strategy of the Plan. Existing residential development in the vicinity (i.e. outside of the settlement boundary) would have been considered by the planning authority under its rural housing policies and objectives. As pointed out by the elected members, the extension of the boundary would mean that housing applications would instead fall under policies and criteria for a single house under Level 8: Villages (Type 2) rather than the rural housing policies in chapter 6 of the Development Plan and the section 28 *Sustainable Rural Housing Guidelines for Planning Authorities* (2005), including Appendix 4 ribbon development.

While such boundary extensions may be warranted and justified in certain circumstances, no evidence-based justification has been provided in this instance to address the CE's conclusion that the boundary includes adequate land to facilitate future development and the settlement capacity constraints set out in the CE's reason for recommending against the amendment.

The Office considers that the above reasons do not address the substantive issue in the recommendation concerning this amendment in respect of the peripheral location of the boundary extension and inconsistency with: national and regional policy in respect of compact growth (NPO 3c and RPO 3.2 of the RSES), the core strategy of the adopted plan, and the provision of a sustainable settlement and transport strategy in accordance with section 10(2)(n) of the Act.

(iii) Amendment V2 – 99 (Ashford)

Zoning amendment V2 - 99 amends the draft Plan by extending the settlement boundary for Ashford to the south and zoning the subject land for 'RN-New Residential' and AOS 'Active Open Space'. The land zoned for AOS adjoins an existing soccer pitch. The land, comprising c. 3.8 ha, was outside of the settlement boundary and unzoned in the draft Plan.

The land is located outside the CSO boundary, c. 2km from the village centre.

The CE's Report states the following in relation to the lands:

The lands should not be zoned for new residential development at this time, having regard to (a) the currently unserviced nature of the lands with respect to roads and transportation infrastructure, (b) with respect to the 'sequential development' principles set out in Section 6.2.3 of the Guidelines, given that more spatially centrally located sites are available in Ashford.

In respect of this amendment, the elected members provided the following reasons in the notice letter for rejecting the CE's recommendation not to extend the settlement boundary and not to zone the land to 'RN-New Residential':

- *Need for housing provision in Ashford*
- *Would provide for housing affordability*
- *Site already serviced and zoned*
- *Live planning application on site*
- *Provides for community gain as objective provides for active open space.*

Ashford is a Level 5 settlement in the Wicklow Settlement Hierarchy and under Table 3.5 Wicklow County Core Strategy Table (inserted by MA Amendment V1 - 5), the required aggregate housing target for Level 5 settlements is 129 housing units over the life of the plan. The draft plan provides for c.9 ha of RN 'New Residential' land and proposed amendment V2 – 100 provides for a further 11 ha of RN 'New Residential' land.

The Office does not therefore consider that there is an evidence-based justification to support the need for a further c.4 ha of New Residential zoned land to facilitate the level of growth set out in the Core Strategy for Ashford over the plan period.

The zoning of further land in Ashford is inconsistent with the core strategy and also has the potential to undermine the proportionate growth of this rural town which is inconsistent with NPO 18a of the NPF.

The Office also notes that the CE opposed the proposed MA V2-99 on the basis that it was considered surplus to the requirements of the development needs of Ashford given the Core Strategy population and housing targets.

The reasons given by elected members also refer to the site being already zoned and serviced. In relation to previous zoning of these lands, the Office acknowledges that the lands were zoned Residential in the Wicklow County Development Plan 2016-2022. However, the subject land has no apparent vehicular access, and the CE's report states that the lands are currently unserviced with respect to roads and transportation infrastructure.

Further, sections 10(8) of the Act provides that there is no presumption in law that any land zoned in a particular development plan shall remain so zoned in any subsequent plan.

In relation to the planning history of the site, the Office notes that a recent planning application (PRR 22/291) for 60 residential units on the lands in question was withdrawn.

The elected members also point to a planning gain from the open space zoning of part of the lands. This is not, however, a sufficient basis upon which to zone lands which are otherwise inconsistent with national and regional policy, and having regard to section 28 guidelines.

In this respect, the Office notes there is already land zoned RN New Residential, SLO 1 and SLO 2 which is sequentially preferable than the subject land.

Furthermore, proposed material amendment V2 - 100 provides for a further 11 ha RN New Residential land. The subject rezoning therefore leapfrogs to the edge of

the settlement to a peripheral and non-sequential location outside of the CSO boundary.

It is a policy and objective of the Development Plans Guidelines, to which planning authorities are required to have regard, that planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first, with more spatially peripherally located development sites being zoned subsequently (section 6.2.3).

This is important in terms of encouraging town and village development starting with their centres before moving outwards in a considered way that results in compact, well-planned, walkable and attractive places.

The boundary extension and zoning amendment is, therefore, inconsistent with the requirements for compact growth in NPO 3c of the NPO and RPO 3.2 of the RSES. Furthermore, and having regard to section 6.2.3 of the Development Plans Guidelines, the proposed boundary extension and zoning amendment do not have regard to the sequential approach to development and no reasons are provided in the s.28(1A)(b) statement to explain why it was not possible to implement such policy. In addition, the proposed boundary extension and zoning amendment are inconsistent with the Core Strategy of the adopted Plan.

Moreover the development of greenfield peripheral sites for residential development has the potential to undermine the redevelopment of sites more favorable to achieving compact growth, resulting in unsustainable patterns of settlement that would be car-dependent and not conducive to public transportation contrary to the requirement for objectives to promote sustainable settlement and transportation strategies under section 10(2)(n) of the Act.

The Office considers that the reasons provided by the elected members in support of boundary extension and zoning amendment V2-99 do not address the substantive issue in the recommendation concerning this amendment due to the peripheral location of the land and inconsistency with: NPO 3c, RPO 3.2 in relation to compact growth, NPO18a in relation to the proportionate growth of rural towns, and the core strategy of the development plan, the sequential approach to development, and

objectives to promote sustainable settlements and transport strategies under section 10(2)(n) of the Act.

(iv) Amendment V2 – 103 (Carnew)

Zoning amendment V2 - 103 amends the draft Plan by extending the settlement boundary for Carnew to the north, and zoning lands measuring c.1.2 ha for part 'RN-New Residential' (0.51 ha) and part 'OS1 Open Space' (0.66 ha). The lands were outside of the settlement boundary and unzoned in the draft Plan.

The land is located outside the CSO boundary, c. 1 km from the village centre.

The CE's Report states the following in relation to the land:

Having regard to the provisions of the new Ministerial Guidelines on Development Plans (June 2022), the CE maintains his view that the lands should not be zoned for new residential development at this time, having regard to (a) the fact that the lands were not previously zoned, (b) the 'sequential development' principles set out in Section 6.2.3 of the Guidelines, given that more spatially centrally located sites are available in Carnew.

In respect of this amendment, the elected members provided the following reasons in the notice letter for rejecting the CE's recommendation not to extend the settlement boundary and not to zone the land to part 'RN-New Residential' and part 'OS1 Open Space':

- *The settlement is located to the south of the county and requires growth to allow viable town development.*
- *Appropriate provision of social and water infrastructure within the town*
- *Land is close to existing residential development.*

As in the case of Ashford, Carnew is a Level 5 settlement in the Wicklow Settlement Hierarchy, with an aggregate housing target of 129 housing units for all settlements within this tier in the settlement hierarchy (Core Strategy Table 3.5) The draft Plan provides for c. 4ha of RN 'New Residential' land and proposed amendment V2 – 102 provides for a further 3.5ha of RN 'New Residential' land.

The Office does not therefore consider that there is an evidence-based justification to support the need for a further 1.2 ha New Residential zoned land to provide for the level of growth set out in the Core Strategy for Carnew over the plan period.

The zoning of further land in Carnew inconsistent with the core strategy also has the potential to undermine the proportionate growth of this rural town inconsistent with NPO 18a of the NPF.

The Office also notes that the CE opposed the proposed MA V2-103 on the basis that it was considered surplus lands to the requirements of the development needs of Carnew given the Core Strategy population and housing targets.

The reasons given by elected members also refer to the appropriate provision of social and water infrastructure within the town. This is not, however, a sufficient basis upon which to zone lands which are otherwise inconsistent with national and/or regional policy and where sufficient lands are zoned consistent with the Core Strategy of the adopted Plan.

Further, there is already land zoned RN New Residential (Amendment V2-104 and V2-105) which is sequentially preferable than the subject land being closer to the village centre, and Amendment V2-102 which is located between the subject land and the centre. The subject rezoning therefore leapfrogs to the edge of the settlement to a peripheral and non-sequential location outside of the CSO boundary.

The boundary extension and zoning amendment is, therefore, inconsistent with the requirements for compact growth in NPO 3c of the NPF and RPO 3.2 of the RSES, and does not have regard to the policy and objective for a sequential approach to development in the Development Plan Guidelines, and is inconsistent with the Core Strategy of the adopted Plan.

As set out in relation to Amendment V2-99 (Ashford) above, the development of greenfield peripheral sites for residential development in these circumstances is contrary to the requirement for objectives to promote sustainable settlement and transportation strategies under section 10(2)(n) of the Act.

The Office considers that the reasons provided by the elected members in support of zoning amendment V2-103 do not address the substantive issue in the

recommendation concerning this amendment due to the peripheral location of lands and inconsistency with NPO 3c, and RPO 3.2 in relation to compact growth, NPO 18a in relation to the proportionate growth of rural towns, and the core strategy of the development plan, the sequential approach to development, and objectives to promote sustainable settlements and transportation strategies under section 10(2)(n) of the Act.

Recommendation 6

Aughrim - R2.5 – New Residential (Low Density) and AUG 4

Recommendation 6 of the Office’s submission to the draft Plan required the planning authority to make certain changes to residential zoning in Baltinglass, Aughrim, and Dunlavin, and to the ‘Tertiary Development Area’ in Roundwood.

Recommendation 6 – Residential Land Zoning (Miscellaneous) stated the following:

Having regard to national policy objectives NPO 3c and NPO 72 (a, b & c) which support compact growth and sequential development, the requirement under the Development Plans, Guidelines for Planning Authorities 2007 that a sequential approach to the zoning of lands is applied, the guiding principles for the integration of land use and transport in the Regional Spatial and Economic Strategy for the Eastern and Midland Region, and the Wicklow Settlement Hierarchy at table 3.5 and settlement housing targets in table 3.8 of the draft Plan, the planning authority is required to make the following changes to the settlement plans contained in the draft Plan:

- i. delete the RE – Existing Residential zoning south of Allen Dale Drive in Baltinglass referred to in table 8.3 of the Strategic Environmental Assessment (page 114) and amend the settlement boundary accordingly as this change would lead to further ribbon development contrary to the Sustainable Rural Housing Guidelines for Planning Authorities 2005;*
- ii. delete the R2.5 – New Residential (Low Density), Aug 3 and Aug 4 zoning objectives in Aughrim (referred to in table 8.3 of the SEA) and make corresponding changes to the written statement as these changes would undermine objectives to consolidate the settlement such as*

Specific Local Objectives SLO 1 and SLO 2 and AUG 9 (to resist significant new development on the south side of the R747);

- iii. review the land use zoning strategy for Dunlavin and delete NR – New Residential lands that are not sequentially favourable and not required to satisfy its housing target. The proposed residential changes referred to in table 8.3 of the SEA (page 114) would undermine the approach to retain sequentially preferable lands as Strategic Land Bank; and*
- iv. delete the Tertiary Development Area zoning (RD 4) in Roundwood which encroaches on the 200 m buffer from the reservoir and adjoins a proposed Natural Heritage Area and amend the settlement boundary accordingly. The proposed change is contrary to the principles of compact growth and sequential development.*

With the exception of the land use zoning strategy for Dunlavin, the CE recommended to the elected members that Recommendation 6 be complied with. The section 12(5)(aa) notice detailed the reasons given by the elected members.

The planning authority did not comply with Recommendation 6 and all of the subject zoning objectives were adopted as part of the Plan.

In relation to Dunlavin, the Office accepts the justification provided for retaining the proposed zonings in Dunlavin as outlined in Section 3 of the CE's Report (December 2021).

In relation to Baltinglass, the land was previously zoned and is serviced. As stated above, the Office has had regard to the provisions of the Development Plan Guidelines which were published subsequent to the draft Plan, and considers that these changes would not unduly impact on the compact and sequential growth of the settlement.

In relation to Roundwood, while the Office's recommendation has not been complied with, the Office considers there is insufficient basis in national or regional policy to support a recommendation to the Minister.

In relation to Aughrim the Office has assessed the three (3) relevant residential zoning objectives ('R2.5 – New Residential Low Density'; 'Aug 3' and 'Aug 4'), and

has considered the reasons provided by the elected members for rejecting the CE's recommendation.

The 'R2.5 – New Residential Low Density' lands are located on elevated land to the northwest of the settlement. The 'Aug 4' lands extend the linear development along the R747 at the eastern end of the village and are partially outside of the CSO boundary.

The CE's report states the following in relation to the subject lands:

*The CE agrees that the majority of the zonings detailed in this point [Recommendation 6] do not accord with proper planning principles and should be omitted **other than** the proposed residential sites in Dunlavin.*

The elected members provided the following reasons in the notice letter for rejecting the CE's recommendation to delete R2.5 – New Residential (Low Density) and Aug 4 zoning objectives from the draft Plan:

- *The inclusion of these areas will provide a choice of sites to provide for future housing need in Aughrim which is now designated a rent pressure zone and this should be a welcome development.*
- *Members of the owner's family have expressed an interest in developing dwellings on the lands.*

In relation to meeting housing need in Aughrim and the potential that the land will be developed, Aughrim is a Level 5 settlement in the Wicklow Settlement Hierarchy.

Excluding the subject zonings, the adopted Plan includes c.12 ha of residential zoned land, significantly exceeding the aggregate housing supply target (129) for all Level 5 settlements in Table 3.5.

The Office does not therefore consider that there is an evidence-based justification to support the need for further residential zoned land to provide for the level of growth set out in the Core Strategy for Aughrim over the plan period.

Further, the Office also notes the significant infrastructure constraints in Aughrim. Section 3.7 of Volume 2, Part 2, Small Town Plans of the Wicklow County Development Plan, 2021 – 2027 states that a wastewater treatment plant upgrade is

needed for the town. For this reason, the development plan (Section 3.7 of Volume 2, Part 2) states that no additional development shall be permitted unless there is adequate capacity in the wastewater treatment plant.

As noted in the Office's submission to the draft Plan, the tiered approach to zoning based on infrastructure capacity is required under NPO72, and the Development Plans Guidelines, to which the planning authority is required to have regard, require that a sequential approach is followed when zoning lands, whereby the most spatially centrally located development sites in settlements are prioritised for new development first, with more spatially peripherally located development sites being zoned subsequently.

Further, the subject residential zoned lands could not be considered to represent a sequential progression from the village centre of Aughrim. In particular, the 'R2.5 – New Residential (Low Density)' and AUG 4 lands are situated more peripherally to RN-New Residential and SLO 2 lands to the immediate north of the town centre.

It is a policy and objective of the Development Plans Guidelines that planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first, with more spatially peripherally located development sites being zoned subsequently (section 6.2.3).

The Office considers that the reasons provided by the elected members in support of the zoning objectives do not address the substantive issue in the recommendation concerning this amendment due to the peripheral location of lands and inconsistency with NPO 3c and RPO 3.2 in relation to compact growth (Aug 4), NPO 72 in relation to the tiered approach to zoning and infrastructure constraints in Aughrim, the core strategy of the development plan, and does not have regard to the sequential approach to development in the development Plan Guidelines.

MA Recommendation 5

MA Recommendation 5 of the Office's submission to the material alterations to the draft Plan required the planning authority to omit Amendment V1 – 31 to provide for

a new nursing home / residential care facility for the elderly at a location shown on Map 7.01.

The material amendment zones lands adjacent to the Druids Glen Hotel and Golf Resort for a nursing home use. The lands are removed from any town or village, are not serviced by public transport.

MA Recommendation 5 – stated the following:

Having regard to section 6.2.5² of the Development Plans, Guidelines for Planning Authorities - Draft for Consultation (2021), including SPPR DPG 7 and to the requirements to implement sequential zonings under the Development Plans, Guidelines for Planning Authorities (2007) and to the implementation of objectives to promote sustainable settlement and transport strategies under section 10(2)(n) of the Act.

The planning authority is required to make the Plan without the following amendment:

- *Amendment V1 – 31 To provide for a new nursing home / residential care facility for the elderly at location shown on Map 7.01 (Kilmullen, Newcastle (c. 2 ha))*

The CE's Report on Proposed Material Amendments to the Draft Wicklow County Development Plan 2022 – 2028 stated as follows;

The Draft Plan does not provide for zoning of rural areas outside of settlements for nursing homes / retirement villages. The Draft Plan does however set out a number of detailed objectives with regard to such developments, which provides for example that consideration may be given to nursing homes in rural locations where the certain criteria are fulfilled'.

In respect of this amendment, the elected members provided the following reasons in the notice letter for rejecting the CE's recommendation to omit zoning amendment for nursing home / residential care facility:

² Note typographical error. Section 6.2.5 should have read section 6.2.3.

- *The subject land was previously zoned as part of the Druids Glen resort, which is a big hotel and golf course;*
- *The subject lands were originally proposed as part of that complex, but was never developed;*
- *The lands are part of an existing hotel resort complex and not a rural isolated site;*
- *Druids Glen is a resort, a hotel providing swimming pool, food, walks, golf, including footpaths and street lighting. Residents in the proposed nursing home who are fit enough can easily use this resort without getting into cars and also the whole area of Druids Glen is a significant employer; and*
- *The site is considered a good place for a nursing home.*

The Office acknowledges that the subject lands were previously zoned ‘Tourism’ in the Greystones-Delgany and Kilcoole Local Area Plan 2013 – 2019. However, this does not provide an adequate evidence-based justification to support the Nursing Home zoning objective in a location outside of any designated settlement which is not consistent the provisions of the adopted Plan, specifically CPO 6.32 which states:

To support independent living and facilitate the provision of supported housing (specific purpose built accommodation) for older people and people with disabilities towns and villages. To facilitate the provision of nursing homes, retirement villages, residential care facilities at appropriate locations in towns and villages in the County. These facilities must be well served by infrastructure and amenities including accessible footpaths, local shops and public transport in order to allow the residents to be socially included and to allow better care in the community, independence and access.

The subject lands are not located within a town or village and, notwithstanding the private facilities of the Druid’s Glen complex, are not well served by the necessary infrastructure and amenities as set out in CPO 6.32 to allow for social inclusion and better care in the community, independence and access.

The Office considers that the reasons provided by the elected members in support of zoning amendment MA V1 – 31 do not address the substantive issue in the recommendation concerning this amendment, which was in respect of the peripheral and non-sequential nature of the zoning which does not have regard to the policy and objective for a sequential approach to development in the Development Plan Guidelines.

Further, the lack of opportunities for sustainable transport (public transport, walking, cycling) is not consistent with the provision of objectives to promote sustainable settlement and transportation strategies under section 10(2)(n) of the Act.

SEA Environmental Report

The consideration of the above referenced zoning objectives and material amendments in the SEA Environmental Report prepared by the planning authority states:

The proposed amendment is not consistent with established planning policy and proper planning and sustainable development of the County. The proposal would both individually and cumulatively reduce the extent to which sustainable development is provided for by the plan.

The SEA Environmental Report recommends that the Plan is made without these zoning objectives and material amendments.

2. Opinion of the Office and Reasons

Having considered the adopted Development Plan, the Office also notes, under section 31 AM(7) of the Act, that the said Development Plan has not been made in a manner consistent with the recommendations of the Office.

Further, the Office does not accept that the reasons given for not implementing the Office's recommendations in the notice letter received by the Office on 16th September 2022 adequately justify the failure to implement those recommendations or explain how, notwithstanding that failure, the Development Plan as adopted sets out an overall strategy for the proper planning and sustainable development of the area.

As you will be aware, under section 31AM(1)(a-e) of the Act, the Office has a statutory duty to evaluate and assess local authority development plans.

The following provisions of the Act are relevant in terms of the evaluation and assessment of local authority development plans such as this Development Plan:

- The provisions of section 31AM(2).
- Under section 31 AM(3)(a), the Office shall make, to the relevant planning authority, such recommendations in relation to the Office's evaluation and assessments as it considers necessary in order to ensure effective co-ordination of national, regional and local planning requirements by the relevant planning authority in the discharge of its development planning functions.
- In performing its functions, the Office must, under section 31P(3) of the Act, take account of the objective for contributing to proper planning and sustainable development and the optimal functioning of planning under the Act.
- Under section 31S, the Office must, in performing its functions, have regard to:
 - a) the policies and objectives for the time being of the Government, a State authority (including Ministerial guidelines, policy directives and directions issued under *Chapter IV of Part II*), planning authorities and any other body which is a public authority whose functions have, or may have, a bearing on the proper planning and sustainable development of cities, towns, villages or other areas, whether urban or rural,
 - b) the public interest and any effect the performance of the Office's functions may have on issues of strategic, economic or social importance to the State,
 - c) the National Planning Framework (or, where appropriate, the National Spatial Strategy) and any regional spatial and economic strategy for the time being in force, and

d) the requirements of relevant acts of the European Union, in particular, those relating to—

- (i) the Environmental Impact Assessment Directive,
- (ii) Directive 2001/42/EC of the European Parliament and Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment,
- (iii) the Habitats Directive, and
- (iv) the Birds Directives,

in so far as those requirements relate to planning authorities by virtue of being designated competent authorities for the purposes of those acts.

Accordingly, having considered the Development Plan in light of section 31AM(1)(a-e), section 31AM(2), section 31AM(3)(a), section 31P(3) and section 31S, and the letters from the planning authority of the 26th April issued under section 12(5)(aa) and of 16th September 2022 issued under section 31AM(6), the Office is of the opinion that the Development Plan has not been made in a manner consistent with the recommendations of the Office under section 31AM (7).

The adopted Development Plan includes zoning objectives and material amendments to the draft Plan which extend settlement boundaries and zone additional residential land in excess of what is required for Wicklow County as set out in the Core Strategy. These zoning objectives and amendments are located in peripheral and/or non-sequential locations and would encourage a pattern of development in particular locations which is inconsistent with national and regional policy objectives promoting compact forms of development (NPO 3c and RPO 3.2) and which fails to have regard to the policy and objective for a sequential approach to development in the Development Plans Guidelines issued under section 28 of the Act regarding the sequential approach, furthermore no or no adequate reasons relating to the proper planning and sustainable development of the area have been provided to explain why the guidelines have not been implemented notwithstanding the express obligation on the planning authority under s.28(1A)(b) and 28(1B)(b) to do so.

Moreover, having considered the reasons given by the elected members as set out above, the Office remains of the view that provisions of the development plan as made are inconsistent with section 10(2)(n), National Planning Objectives NPO 3(c), NPO 18(a) and NPO 72, Regional Policy Objective RPO 3.2, and fails to have regard to the section 28 Development Plans Guidelines and that the inclusion of such provisions, individually and cumulatively means the plan as made fails to set out an overall strategy for the proper planning and development of the area because such zoning objectives and amendments:

- zone land in Level 5 settlements inconsistent with the the wider provisions of the Core Strategy (Table 3.5) of the development plan;
- facilitate development in peripheral locations outside the CSO settlement boundaries, or in the case of Amendment V1 – 31 any existing settlement, and in the absence of infrastructure required for such development;
- encourage a pattern of development in particular locations not in accordance with the proper planning and sustainable development of such areas, planned and sequential development and the wider provisions of the Core Strategy of the development plan and, in the case of Amendment V1 – 31 CPO 6.32 of the Development Plan;
- zone land for development inconsistent with the strategic environmental assessment of the likely significant effects on the environment; and
- facilitate a pattern of car-dependent development inconsistent with objectives to promote sustainable settlement and transportation strategies.

Further, in making the Development Plan with residential zoning in excess of that determined to be required under the Core Strategy, and in particular in relation to the cumulative effect of zoning in Level 5 settlement, the planning authority has failed to have regard to the requirement under section 4.4 of the *Development Plans Guidelines* to ensure enough land is zoned and to avoid zoning too much land and the planning authority provides no or no adequate reasons relating to the proper planning and sustainable development of the area to explain why the guidelines have not been followed.

Further, the statement under section 28(1A)(b) attached to the Development Plan as made fails to include information which demonstrates that the planning authority has formed the opinion that it is not possible to implement the policies and objectives contained in the Development Plans Guidelines because of the nature and characteristics of the area, in addition to the reasons for the forming of that opinion contrary to section 28(1B)(b).

In making the Development Plan with the subject zoning objectives and amendments, the planning authority has made the plan inconsistent with the requirements of section 10(2A)(d)(ii) of the Act which requires the development plan to provide details of how the zoning proposals in respect of lands zoned for residential and for a mixture of residential and other uses accords with national policy that development of land shall take place on a phased basis.

The Development Plan has not been made in a manner consistent with and has failed to implement the recommendations of the Office under section 31 AM of the Act.

Having regard to the matters set out, above, the Development Plan fails to set out an overall strategy for the proper planning and sustainable development of the area and is not in compliance with the requirements of the Act

The factors that the Office has taken into account in forming this opinion are as follows:

- i. National Policy Objective NPO3(c), NPO 18(a) and NPO 72(c), and Regional Policy Objective RPO 3.2, which state:

NPO3(c)

Deliver at least 30% of all homes that are targets in settlements other than the five Cities and the suburbs, within existing built-up footprints.”

NPO 18 (a)

Support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including

interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services.

NP072(c)

When considering zoning of land for development purposes that cannot be serviced within the life of the relevant plan, such lands should not be zoned for development.

RPO 3.2

Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

- ii. *The Development Plans, Guidelines for Planning Authorities (2022), which state:*

Section 6.2.3 - Sequential Approach to Zoning for Residential Development

In undertaking the zoning function for new residential development at individual settlement scale, planning authorities are required to adopt a sequential approach which reflects the compact growth, utilisation of existing infrastructure and town regeneration national policy objectives of the NPF, further developing the Tiered Approach.

It is a policy and objective of these Guidelines that planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first, with more spatially peripherally located development sites being zoned subsequently.

- iii. The Core Strategy Table in the adopted Development Plan.
- iv. The Chief Executive's reports on submissions on the draft Development Plan and material alterations to the draft Development Plan.

- v. The relevant requirements of section 10, section 12(18) and section 28 of the Act.
- vi. Directive 2001/42/EC of the European Parliament and Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.
- vii. The Office's statutory obligations under the Act.

In light of the above, the Office is therefore of the opinion that the Development Plan has not been made in a manner consistent with its recommendations and that the Development Plan fails to set out an overall strategy for the proper planning and sustainable development of the area.

3. Recommendation to the Minister

Having regard to section 31AM(8) of the Act, the Office recommends the exercise of your function under the relevant provisions of section 31 of the Act taking such steps as to rectify the matter as set out in the draft direction to the planning authority accompanying this notice, i.e.

- (a) Reinstate the following settlement boundaries and zoning amendments to that of the draft Plan:
 - (i) Amendment V1 – 11(a) (Kilpeddar – Willowgrove), i.e. the settlement boundary reverts to the draft Plan.
 - (ii) Amendment V1 – 13 (Johnstown) i.e. the settlement boundary reverts to the draft Plan.
 - (iii) Amendment V2 – 99 (Ashford) i.e. the settlement boundary reverts to the draft Plan and the subject land reverts to unzoned from RN- New Residential.
 - (iv) Amendment V2 – 103 (Carnew) i.e. the settlement boundary reverts the draft Plan and the subject land reverts to unzoned from RN- New Residential and OS1 Open Space.

(b) Delete the following zoning objectives from the settlement zoning map for Aughrim:

(i) R2.5 – New Residential (Low Density),

(ii) AUG 4

(c) Delete both Objective CPO7.xx inserted under Amendment V1-31 and associated Map 7.01:

To provide for a new nursing home/ residential care facility for the elderly at location shown on Map 7.01

- *Kilmullen, Newcastle (c.2ha)*

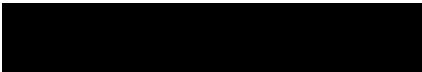
Please do not hesitate to contact the Office should you have any queries in relation to the above. Contact can be initiated through the undersigned or at plans@opr.ie.

Yours sincerely,



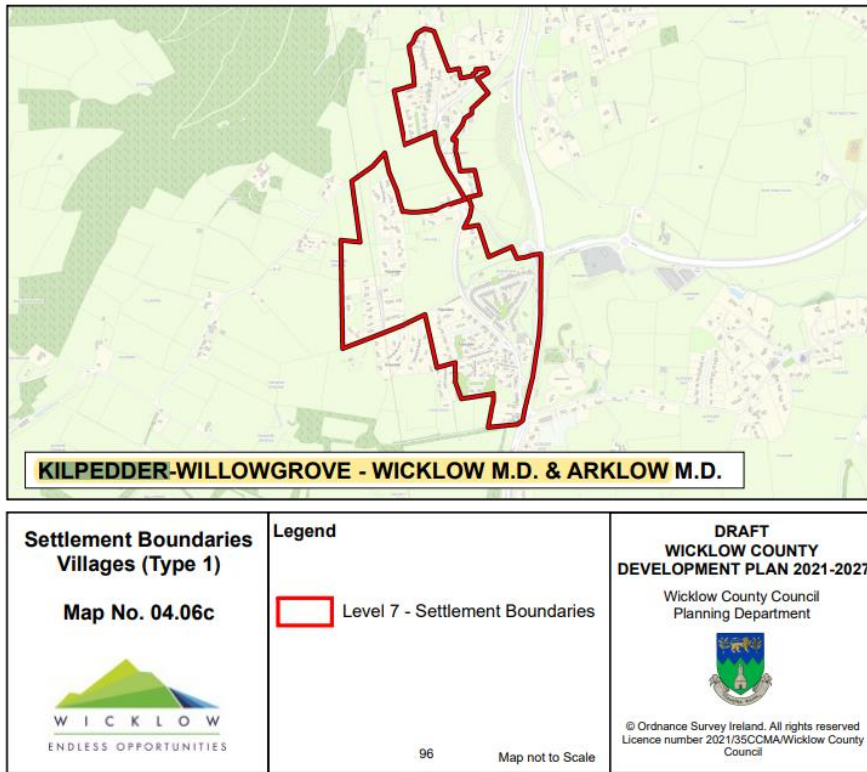
Niall Cussen

Planning Regulator



Appendix to Notice Pursuant to section 31AM(8) of the Planning and Development Act 2000 (as amended) – Wicklow County Development Plan 2022-2028

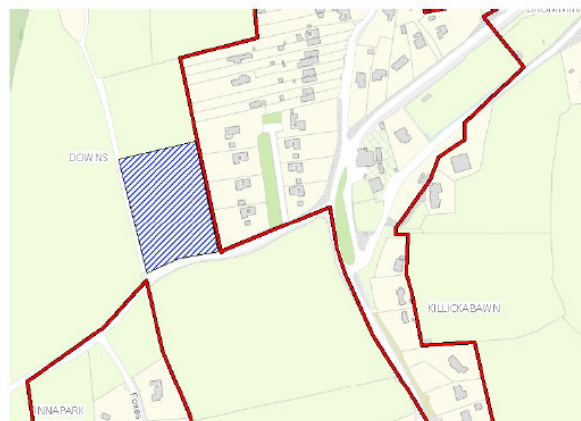
Kilpedder-Willowgrove Settlement Boundary



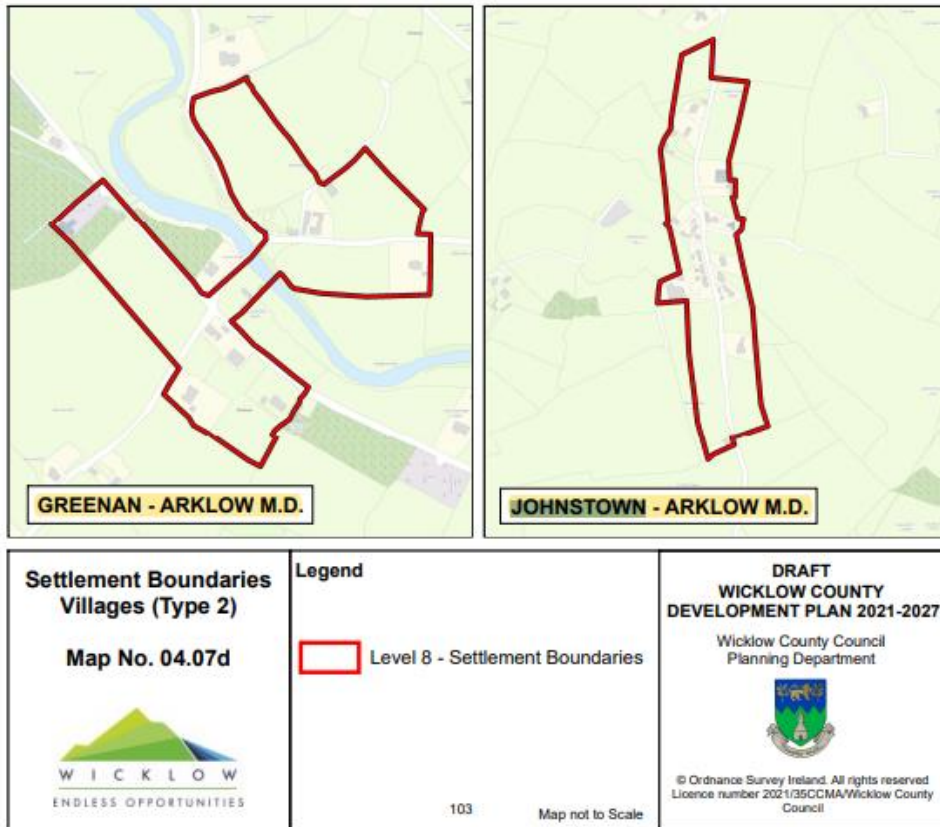
AMENDMENT V1 – 11

Level 7 Settlement Maps Kilpedder - Willowgrove

- (a) Extend village boundary by c. 1.2ha / 3 acres as shown in blue on map below



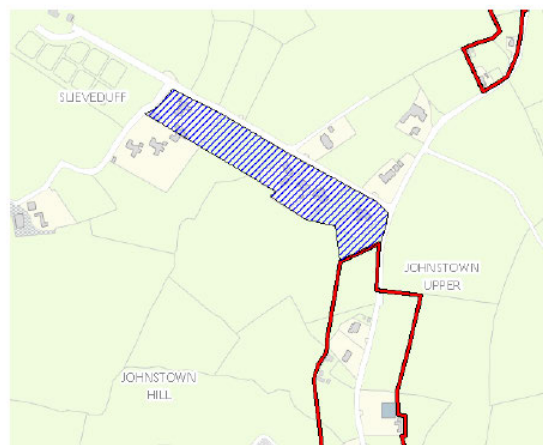
Johnstown-Arklow M.D. Settlement Boundary



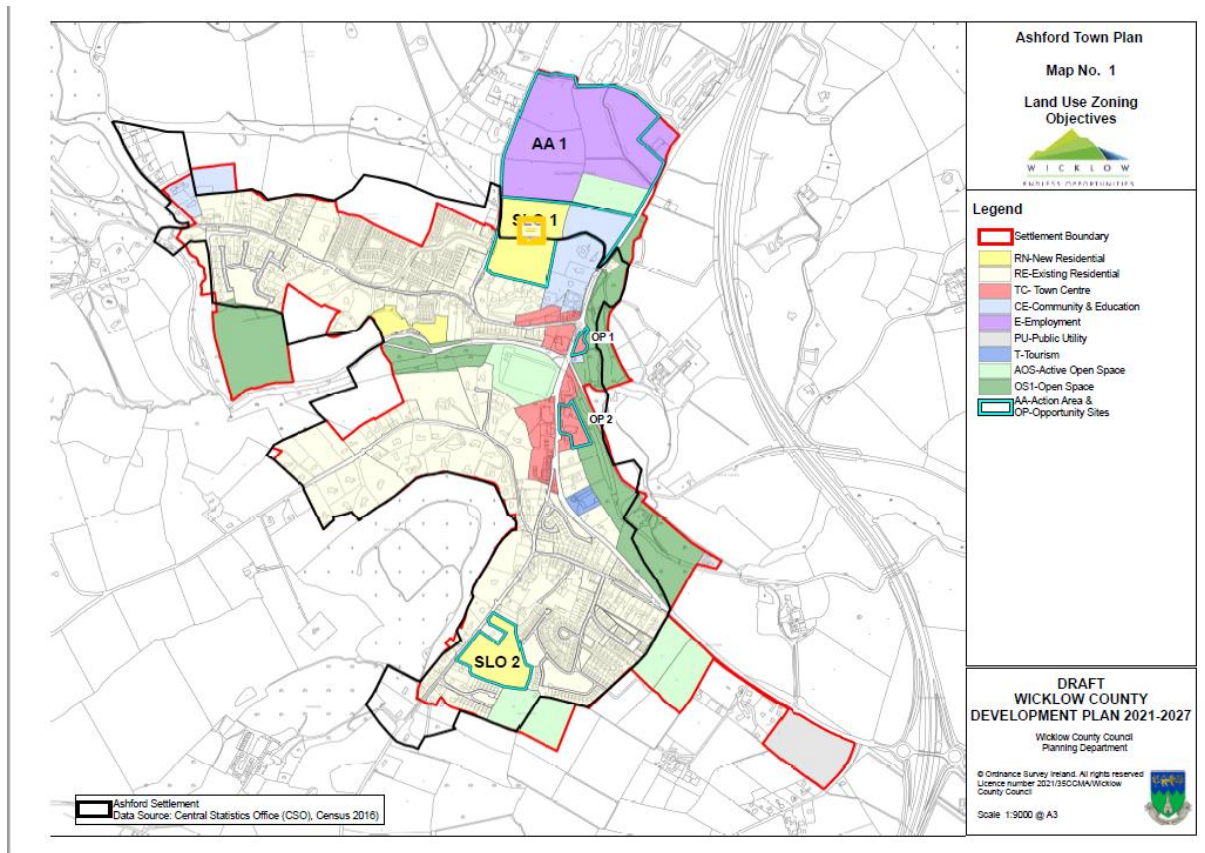
AMENDMENT V1 – 13

Level 8 Settlement Maps Johnstown

Extend village boundary by c. 3ha / 7.4 acres as shown in blue on map below:



Ashford Settlement Boundary



AMENDMENT V2 – 99

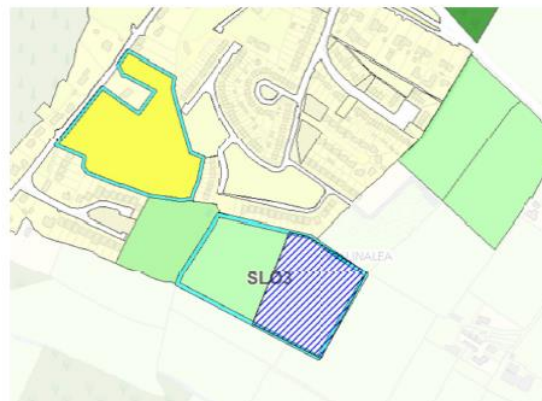
Section 2.9 Action Area Plans & Specific Local Objectives

- (a) To extend the plan boundary to include the lands outlined in light blue on map below and zone for 'RN-New Residential', and
- (b) Identify these lands, along with the adjoining AOS, as an 'SLO'

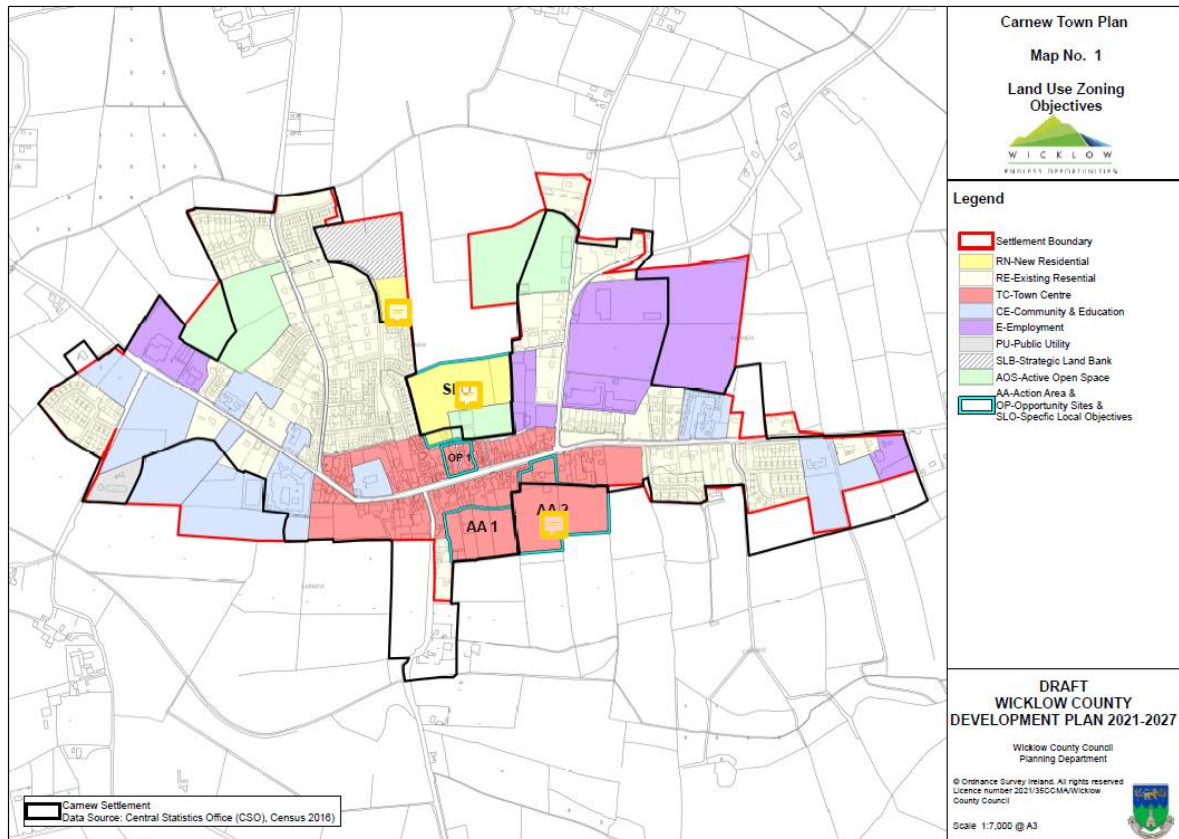
SLO 3 Ballinalea

SLO3 is situated at Ballinalea south of the Woodview estate as shown in Figure 2.X below and measures c. 3.8ha. These lands shall be developed as a residential and open space area, subject to the AOS area being laid out and suitably developed by the landowner to be suitable for active sports use and dedicated to public / sports club use prior to the commencement of any residential development.

Land Use Map



Carnew Settlement Boundary



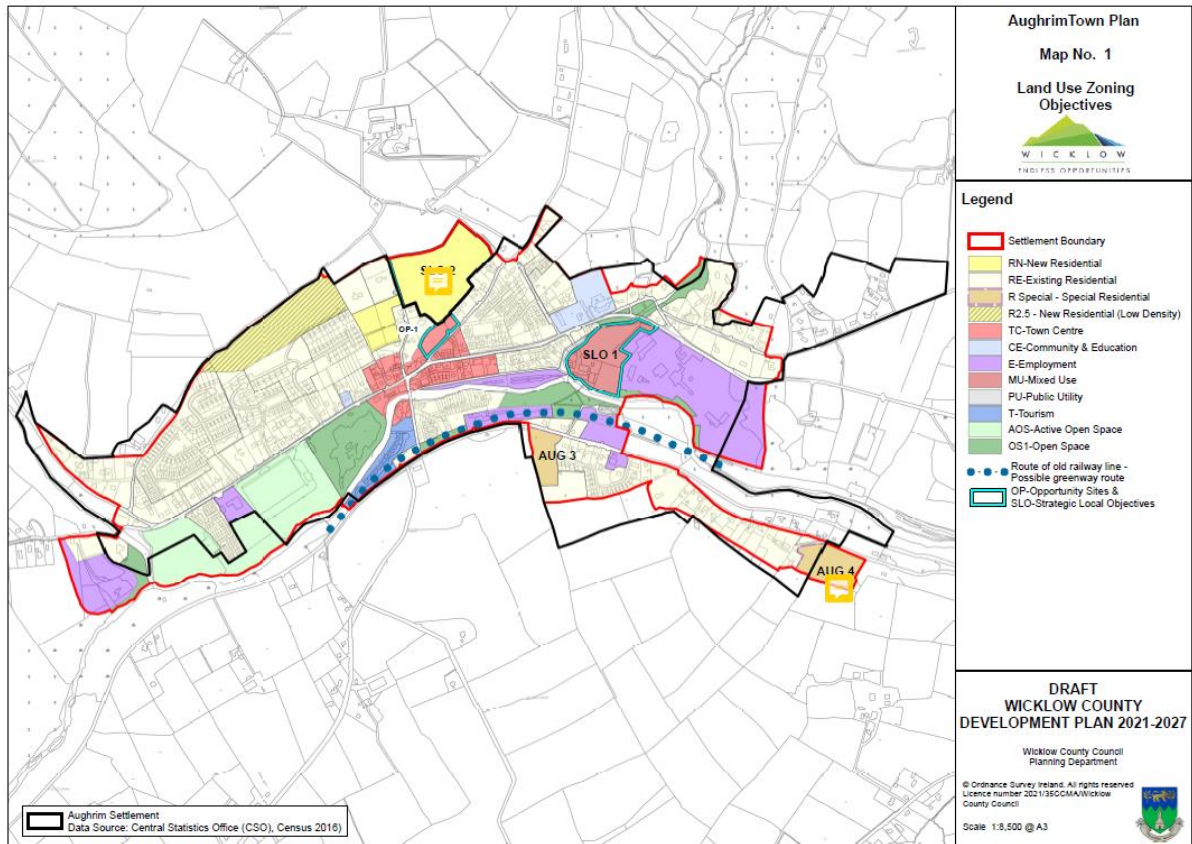
AMENDMENT V2 – 103

- (a) To extend plan boundary
- (b) Zone lands measuring c.1.2ha (as shown below) for part 'RN New Residential' use and part 'OS1 Open Space'.

Land Use Map



R2.5 – New Residential (Low Density) and AUG 4 (Aughrim)



Objective CPO7.xx inserted under Amendment V1-31

AMENDMENT V1 – 31

Section 7.4 Community Development Objectives

Residential & Day Care

- CPO7.XX** To provide for new nursing home / residential care facility for the elderly at location shown on Map 7.01:
- **Kilmullen, Newcastle (c. 2ha)**

To zone lands as shown on Map 7.01 below for nursing home use



DRAFT DIRECTION IN THE MATTER OF SECTION 31

OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)

Wicklow County Development Plan 2022 – 2028

“Development Plan” means the Wicklow County Development Plan 2022 – 2028

“Planning Authority” means Wicklow County Council

WHEREAS the powers and duties of the Minister for Housing, Local Government and Heritage under the Planning and Development Act 2000 (as amended) ("the Act"), other than the power to prosecute an offence, have been delegated to the Minister of State at the Department of Housing, Local Government and Heritage pursuant to the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2020 (S.I. 559 of 2020).

WHEREAS the Minister of State at the Department of the Housing, Local Government and Heritage in exercise of the powers conferred on him by section 31 of the Act, and consequent to a recommendation made to him by the Office of the Planning Regulator under section 31AM(8) of the Act hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (Wicklow County Development Plan 2022 - 2028) Direction 2022.
- (2) The Planning Authority is hereby directed to take the following steps with regard to the Development Plan:
 - (a) Reinstate the following settlement boundaries and zoning objectives to that of the draft Plan:

- (i) Amendment V1 – 11(a) (Kilpeddar – Willowgrove), i.e. the settlement boundary reverts to the draft Plan.
 - (ii) Amendment V1 – 13 (Johnstown) i.e. the settlement boundary reverts to the draft Plan.
 - (iii) Amendment V2 – 99 (Ashford) i.e. the settlement boundary reverts to the draft Plan and the subject land reverts to unzoned from RN- New Residential.
 - (iv) Amendment V2 – 103 (Carnew) i.e.the settlement boundary reverts to the draft Plan and the subject land reverts to unzoned from RN- New Residential and OS1 Open Space.
- (b) Delete the following zoning objectives from the settlement zoning map for Aughrim:
- (i) R2.5 – New Residential (Low Density)
 - (ii) AUG 4.
- (c) Delete both Objective CPO7.xx inserted under Amendment V1-31 and associated Map 7.01:
- To provide for a new nursing home/ residential care facility for the elderly at location shown on Map 7.01*
- *Kilmullen, Newcastle (c.2ha)*

STATEMENT OF REASONS

- I. The Development Plan as made includes material amendments to the draft Plan, that individually and cumulatively are not consistent with the

Core Strategy, national and regional planning policy, and the proper planning and sustainable development of the area, including:

- a) Land zoned for residential development in the Level 5 settlements of Ashford, Carnew and Aughrim inconsistent with Core Strategy housing supply targets and settlement hierarchy for Wicklow County in the adopted Plan.
- b) Settlement boundary extensions and land zoned for residential development (including for a nursing home/ residential care facility) located in peripheral locations removed from the existing settlement, and in the absence of infrastructure required for such development, inconsistent with the requirements for compact growth in NPO 3c and RPO 3.2, the tiered approach to zoning in NPO 72, the proportionate growth of rural towns in NPO 18(a), and the sequential approach to development having regard to the policy and objective of the *Development Plans Guidelines for Planning Authorities (2022)* regarding the sequential approach (section 6.2.3).
- c) Land zoned for a nursing home / residential care facility in a peripheral and non-sequential location outside of any settlement boundary, and remote from services and amenities, inconsistent with objective CPO 6.32 of the Development Plan in relation to housing for the elderly.
- d) Settlement boundary extensions and land zoned for development in locations that would facilitate a pattern of car-dependent development inconsistent with objectives to promote sustainable settlement and transportation strategies.

The development plan as made therefore fails to set out an overall strategy for the proper planning and sustainable development of the area.

- II. The Development Plan has not been made in a manner consistent with and has failed to implement the recommendations of the Office of the Planning Regulator under Section 31 AM.
- III. In light of the matters set out at I to II above, the Minister is of the opinion that the Development Plan fails to set out an overall strategy for the proper planning and sustainable development of the area.
- IV. In light of the matters set out at I to III, above, the Development Plan is not in compliance with the requirements of the Act

GIVEN under my hand,

Minister for Housing, Local Government and Heritage