



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

12th January 2023

Mr Darragh O'Brien TD
Minister for Housing, Local Government and Heritage
Department of Housing, Local Government and Heritage
Custom House
Dublin 1
D01 W6X0

Re: Notice pursuant to section 31AN(4) of the Planning and Development Act 2000 (as amended) – Wicklow County Development Plan 2022 – 2028

A chara,

I am writing to you pursuant to section 31AN(4) of *the Planning and Development Act 2000* (as amended) (the "Act") in the context of the Wicklow County Development Plan 2022-2028 (the "Plan"). In particular, I write arising from the consideration by this Office of the following:

- a) the Notice of Intent to issue a Direction issued to Wicklow County Council (the "Council") by your office on 24th October 2022,
- b) the report of the Chief Executive of the Council dated December¹ 2022 on the submissions and observations made to the planning authority (the "CE's Report"), and
- c) the four submissions made directly by elected members of the Council to this Office and considered by this Office pursuant to section 31(10)(a) of the Act.

¹ Report to the Members of Wicklow County Council under Section 12 (4) of the Planning and Development Act, 2000 (as amended).

Draft Direction

The draft Direction contained three parts:

- Part 2(a) reinstate settlement boundaries and zoning objectives to those set out in the draft Plan in the case of four (4) individual material amendments in Kilpeddar-Willowgrove, Johnstown, Ashford, and Carnew);
- Part 2(b) delete two (2) zoning objectives from the settlement zoning map for Aughrim; and
- Part 2(c) delete the objective and associated map in respect of a new nursing home / residential care facility for the elderly at Kilmullen, Newcastle.

You will note that in the Report prepared in accordance with section 31(8) of the Act, the Chief Executive recommends that the draft Direction issued by the Minister is given effect as drafted in relation to Parts 2(a), 2(b) and Part 2(c) above and without amendment to the draft Direction.

The Office now recommends, pursuant to section 31AN(4) of the Act that you issue the attached Direction in the same form as the draft Direction.

In forming this recommendation, this Office reiterates the submissions made to you in the Notice which issued from this Office to your office on 7th October 2022 pursuant to section 31(AM)(8) of the Act in respect of Parts 2(a), 2(b) and 2(c) of the draft Direction.

Public Consultation on the Draft Direction

The public consultation on the draft Direction took place between 3rd November 2022 and 16th November 2022. The Report of the Chief Executive (CE's Report), given the limited number of issues in the draft Direction and the limited number of submissions received, presents the full text of each written submission to the planning authority received from elected members, members of the public and prescribed bodies.

You might please note the following:

- the Office received one (1) submission from an elected member (Cllr. Gail Dunne) opposing Part 2(a) of the draft Direction; two submissions from elected members (Cllr. Tommy Annesley and Cllr. Sylvester Bourke) opposing Part 2(b); and one (1) submission from an elected member (Cllr. Derek Mitchell) opposing Part 2(c). The submissions are attached to this letter for information purposes.
- a total of fourteen (14) submissions were received by the Chief Executive during the consultation period, including four (4) from elected members, eight (8) from members of the public, and two (2) from prescribed authorities (Transport Infrastructure Ireland and Dublin Airport Authority) as follows:
- as set out in the Report, the four (4) submissions received from elected members all opposed the draft Direction as follows:
 - Part 2(a) (iii) Amendment V2 – 99 at Ashford (1)
 - Part 2(b) (i) Zoning objective R2.5 – New Residential (Low Density) at Aughrim (2)
 - Part 2(c) Objective CPO7.xx and associated map at Kilmullen, Newcastle (1)
- as set out in the Report, seven valid submissions were received from members of the public, and one invalid submission from a member of the public. The seven valid submissions from members of the public were as follows²:
 - Part 2(a) (i) Amendment V1 – 11(a) at Kilpeddar-Willowgrove (1 in support, 1 opposed)
 - Part 2(a) (ii) Amendment V1 – 13 at Johnstown (1 in support)
 - Part 2(a) (iii) Amendment V2 – 99 at Ashford (1 in support, 2 opposed)

² The submission from The Wicklow Planning Alliance supported the draft Direction in relation to Part 2(a), 2(b) and 2(c).

- Part 2(a) (iv) Amendment V2 – 103 at Carnew (1 in support, 1 opposed)
 - Part 2(b) (i) Zoning objective R2.5 – New Residential (Low Density) at Aughrim (1 in support, 1 opposed)
 - Part 2(b) (ii) Zoning objective AUG4 at Aughrim (1 in support)
 - Part 2(c) Objective CPO7.xx and associated map at Kilmullen, Newcastle (1 in support, 1 opposed)
- as set out in the Report, the views of elected members were also raised at the Ordinary Meeting of the Council on 5th December 2022. The issues raised in relation to the specific parts of the draft Direction are also raised in written submissions to the Office and the CE and are addressed individually below. More generally, the views also consider the matters raised in the draft Direction to be minor matters, relating to a very small quantum of zoning, with limited housing potential, such that they did not warrant the issuing of the draft Direction.

As set out in the section 31AM(8) notice to your office, the Office considers that the boundary extensions and zoning objectives in peripheral locations would both individually and cumulatively constitute an approach to the proper planning and sustainable development of lower tier settlements which is inconsistent with national and regional policy for compact growth in NPO 3c and RPO 3.2, 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* (Development Plans Guidelines) and would facilitate a pattern of car-dependent development inconsistent with objectives to promote sustainable settlement and transportation strategies. Furthermore, the boundary extensions and zoning objectives are inconsistent with the wider provisions of the Core Strategy and zone additional land in circumstances where sufficient land in level 5 settlements has already been zoned in preferable locations.

As such, it is the view of the Office that this approach demonstrates the absence of an overall strategy for the proper planning and sustainable

development in the Development Plan and as such warrants the issuing of the draft Direction.

- the submission received by the CE from Transport Infrastructure Ireland (TII) relates mainly to the adopted plan in general, rather than specific items identified in the draft direction.
- the submission received by the CE from the Dublin Airport Authority states no comment.

Part 2(a) - Settlement boundaries and zoning objectives

The Office is satisfied that the Chief Executive's recommendation in respect of Part 2(a) is appropriate as it would reinstate the four (4) settlement boundaries and zoning objectives to that of the draft Plan in Kilpeddar-Willowgrove, Johnstown, Ashford, and Carnew.

As set out in the section 31(AM)(8) Notice issued to you by this office on 7th October 2022, the Chief Executive's previous recommendation to elected members was to make the Plan without these material amendments (CE's Report on Proposed Material Alterations, July 2022).

The statement of reasons in the draft Direction for Part 2(a) relate to the inclusion of material alterations 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 the housing supply targets and settlement hierarchy for Wicklow County in the Core Strategy of the adopted Plan, compact growth in NPO 3c and RPO 3.2 and 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 regarding the sequential approach (section 6.2.3); and objectives to promote sustainable settlement and transportation strategies.

The specific matters raised in the submissions received in relation to the individual zoning amendments are addressed below.

Material Amendment V1 – 11(a) at Kilpeddar-Willowgrove

A total of two (2) submissions were received in respect of Part 2(a)(i) of the draft Direction (i.e. the settlement boundary reverts to the draft Plan), one (1) opposing the draft Direction and one (1) in support. Both submission were received by the CE from members of the public.

The Office notes that a number of the reasons cited in the submission opposing the draft direction are similar to the reasons given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority including:

- 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.

As set out in the section 31AM (8) notice to your office, these reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) notice in response to those similar points raised again in submissions to the Chief Executive.

Additional issues raised in submissions are as follows:

- There is a need for additional residential land generally.
- The site is not environmentally sensitive.
- A low density development offers an alternative to one-off rural housing.
There is a tightening of rural housing test and qualifications.
- Availability of established public transport provision locally.

In respect of the need for additional residential land and accepting that 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 (CE Report July 2022) that the settlement boundary in Kilpeddar–Willowgrove 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 notes the point regarding the environmental status of the relevant site, however this is not a reason in itself to zone land or extend settlement boundaries that are otherwise inconsistent with the provisions of the Development Plans Guidelines which promotes the development of settlements in a sequential manner and the avoiding of leapfrogging undeveloped zoned residential land (section 6.2.3 of the Development Plans Guidelines).

In relation to the site offering low density development as an alternative to one-off housing, the Office notes that the adopted plan includes a policy framework for rural housing in the County which allows for dwellings for a family member/ for family use under specific criteria. Furthermore, the settlement boundary in the draft Plan does facilitate housing and there is no evidence that this land in particular is required to meet housing need in accordance with the Core Strategy.

In relation to the provision of public transportation, the Office remains of the view that the site is poorly serviced by public transport, with limited services and limited prospects for public transport enhancements during the life of the Development Plan.

Following consideration of the submissions and CE’s Report, there is no basis to amend the recommendation of this Office in respect of Part 2(a)(i).

Material Amendments V1 – 11(a) at Kilpeddar-Willowgrove and V1 – 13 at Johnstown

A single (1) submission was received in support of Part 2(a)(ii) of the draft Direction (i.e. the settlement boundary reverts to the draft Plan).

Following consideration of the submissions and CE’s Report, there is no basis to amend the recommendation of this Office in respect of Part 2(a)(ii).

Material Amendment V2 – 99 at Ashford

A total of five (5) submissions were received in respect of Part 2(a)(iii) of the draft Direction (i.e. the settlement boundary reverts to the draft Plan and the subject land reverts to unzoned from RN- New Residential), four (4) opposing the draft Direction and one (1) in support. The submissions opposed to the draft Direction comprise a submission from an elected member directly to the Office (Cllr. Dunne), a submission from an elected member to the CE, and two submissions from members of the public. A further submission from the public in support of the draft Direction was also received by the CE.

The Office notes that a number of the reasons cited in the submissions are similar to the reasons given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority including:

- 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.

As set out in the section 31AM (8) notice to your office, these reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) notice in response to those similar points raised again in submissions to the Chief Executive.

Additional issues raised in submissions are as follows:

- The relevant lands are within the boundary and zoned in the last Ashford Plan, 2016 – 2022.
- The relevant site is serviced in relation to water and sewage infrastructure.

- Issues in relation to roads and transportation are local in nature and can be resolved as part of the planning process.
- There is a current housing estate, Grangelea, further south relative to the proposed site. Grangelea is located within the settlement boundary.
- In relation to sequential development, the site is surrounded to the south, north and east by housing estates and currently a Strategic Housing Development (SHD) is being built on the southeast site. This site is considered infill.

In respect of the point in the submission that the lands are within the boundary and zoned in the last Ashford LAP, 2016 – 2022, while the Office acknowledges the previous zoning of the site for residential development in the preceding LAP, the site is located outside the CSO boundary.

In relation to the policy and objective of the Development Plans Guidelines that zoned housing land in an existing development plan that is serviced and can be developed within the life of the plan, should not be subject to de-zoning, the Office notes that the Chief Executive's Report (July 2022) concludes that the lands should not be zoned for new residential development at this time, having regard to the currently un-serviced nature of the lands with respect to roads and transportation infrastructure.

Further, the Office notes that section 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.

The Office acknowledges the location of the established housing estate, Grangelea, which takes its vehicular access from the local road. The Grangelea housing development is the southernmost housing development within the built-up area of Ashford. Moreover, the Grangelea housing development is located within the CSO boundary, and having regard to the established access, from the local road, consolidates the future redevelopment of undeveloped residential zoned lands to the immediate north, i.e. SLO 2.

In relation to the point that the subject lands are considered infill development the Office notes a site immediately to the north obtained planning permission for 117 residential units, currently under construction, under the provisions of SHD.

Notwithstanding the land under construction to the north, the relevant site leapfrogs other undeveloped zoned lands closer to the urban centre inconsistent with the policy and objective of the Development Plans Guidelines that planning authorities adopt a sequential approach when zoning lands for development.

The Office remains of the view that the material amendment is contrary to national and regional policy objectives promoting compact growth (NPO 3c and RPO 3.2) and the proportionate growth of rural towns (NPO 18a), and fails to have regard to the requirement to implement or adopt the policy and objective for a sequential approach to zoning for residential development under section 6.2.3 of the Development Plans Guidelines. No or no adequate reasons have been provided to explain why it has not been possible to implement the guidelines.

Following consideration of the submissions and CE's Report, there is no basis to amend the recommendation of this Office in respect of Part 2(a)(iii).

Material Amendment V2 – 103 at Carnew

A total of two (2) submissions were received in respect of Part 2(a)(iv) of the draft Direction (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), one (1) submission opposing and one (1) in support. Both submissions received by the CE are from members of the public.

The reasons raised opposing the draft Direction as set out in the CE's Report are similar to the reasons given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority.

As set out in the section 31AM (8) notice to your office, the reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same

rationale as set out in the 31AM(8) notice in response to those similar points raised again in submissions to the Chief Executive.

Following consideration of the submissions and report, there is no basis to amend the recommendation of this Office in respect of Part 2(a)(iv).

Part 2 (b) - Zoning Objective R2.5 – New Residential (Low Density) at Aughrim

The Office is satisfied that the Chief Executive's recommendation in respect of Part 2(b) is appropriate as it would delete the following zoning objectives from the settlement zoning map for Aughrim:

- (i) R2.5 – New Residential (Low Density)
- (ii) AUG 4.

As set out in the section 31(AM)(8) Notice issued to you by this Office on 7th October 2022, the Chief Executive's previous recommendation to elected members was to make the Plan without these zoning objectives (CE's Report, December 2021).

The statement of reasons in the draft Direction for Part 2(b) relate to the inclusion of zoning objectives 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 the housing supply targets and settlement hierarchy for Wicklow County in the Core Strategy of the adopted Plan, compact growth in NPO 3c and RPO 3.2, the proportionate growth of rural towns in NPO 18a, and the sequential approach to development having regard to the policy and objective of the Development Plans Guidelines regarding the sequential approach (section 6.2.3); and objectives to promote sustainable settlement and transportation strategies.

The specific matters raised in the submissions received in relation to the two individual zoning objectives are addressed below.

Zoning Objective R2.5 – New Residential (Low Density)

A total of six (6) submissions were received in respect of Part 2(b)(i) of the draft Direction (i.e. delete zoning objective R2.5), five (5) opposing the draft Direction and

one (1) in support. The submissions opposing the draft Direction comprise two submissions from elected members directly to the Office (Cllrs Annesley and Bourke), two submissions from the same elected members to the CE, and one submission from a member of the public to the CE. A further submission from a member of the public in support of the draft Direction was also set out in the CE's Report.

The Office notes that a number of the reasons cited in the submissions are similar to the reasons given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority including:

- 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.

As set out in the section 31AM (8) notice to your office, these reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) notice in response to those similar points raised again in submissions to the Chief Executive.

Additional issues raised in submissions are as follows:

- The lands were previously zoned residential, with services and should therefore not be de-zoned.
- Waste water provision in Aughrim is currently being upgraded which will soon allow for housing needs.
- The lands are located within the settlement boundary in the centre of Aughrim village.
- The R2.5 lands will ensure that the housing needs of people who need to provide a home for their family are met.

- The low density lands offer an alternative to one-off rural housing. It is more difficult for local people to obtain planning permission outside Aughrim.

In relation to the previous zoning the Office notes, as referenced above, section 10(8) of the Act which 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. The Office acknowledges that the subject site was zoned 'R10 Residential 10/ha' in the Aughrim Town Plan, 2016 – 2022, and is located within the CSO settlement boundary.

However, as set out in our Notice to your office on the 7th October 2022, there are significant infrastructure constraints in Aughrim. In this regard 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.

Furthermore, notwithstanding the location of the subject lands within the CSO boundary, the development of the R2.5 lands would leapfrog the redevelopment of undeveloped zoned land more favourably located to the centre of the town. Further, the subject residential zoned lands could not be considered to represent a sequential approach to 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. In particular, the 'R2.5 – New Residential (Low Density)' lands are situated more peripherally to RN-New Residential and SLO 2 lands to the immediate north of the town centre.

In relation to the low density lands offering an alternative to one-off housing, the adopted Plan sets out the rural housing provisions and criteria (Chapter 6) to qualify for rural housing need. Furthermore, as set out in our Notice to your office, 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. As such, there is no evidence that this land in particular is required as an alternative to one-off housing or to meet housing need in accordance with the Core Strategy.

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

The Office remains of the view that the material amendment is contrary to national and regional policy objectives promoting compact growth (NPO 3c and RPO 3.2) and the proportionate growth of rural towns (NPO 18a), and fails to have regard to the requirement to implement or adopt the policy and objective for a sequential approach to zoning for residential development under section 6.2.3 of the Development Plans Guidelines. No or no adequate reasons have been provided to explain why it has not been possible to implement the guidelines.

Following consideration of the submissions and CE's Report, there is no basis to amend the recommendation of this Office in respect of Part 2(b)(i).

Zoning Objective AUG 4 at Aughrim

The Office notes that no submissions were received opposing this part of the draft Direction (i.e. delete zoning objective AUG 4). One submission was received from a member of the public in support of the Direction.

Following consideration of the submissions and report, there is no basis to amend the recommendation of this Office in respect of Part 2(b)(ii).

Part 2(c) – Nursing home/ residential care facility zoning objective at Kilmullen, Newcastle

The Office is satisfied that the Chief Executive's recommendation in respect of Part 2(c) is appropriate as it would 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)'*.

As set out in the section 31(AM)(8) Notice issued to you by this Office on 7th October 2022, the Chief Executive's previous recommendation to elected members was to make the Plan without the Material Amendment V1-31 (CE's Report on Proposed Material Alterations, July 2022).

The statement of reasons in respect the draft Direction for Part 2(c) relate to the location of 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; national and regional planning policy including compact growth in NPO 3c and RPO 3.2, the proportionate growth of rural towns in NPO 18a, the tiered approach to zoning in NPO 72, and the sequential approach to development having regard to the policy and objective of the Development Plans Guidelines) regarding the sequential approach (section 6.2.3); and objectives to promote sustainable settlement and transportation strategies.

A total of four (4) submissions were received in respect of Part 2(c) of the draft Direction, three (3) opposing the draft Direction and one (1) in support. The submissions opposing the draft Direction comprises one (1) submission directly to the Office (Cllr Mitchell), one (1) submission to the CE from the same elected member, and one (1) submission to the CE from a member of the public. A further submission from a member of the public in support of the draft Direction was also set out in the CE's Report.

The Office notes that a number of the reasons cited in the submissions were similar to the reasons given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority, including:

- 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.

As set out in the section 31AM(8) notice to your office, these reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) notice in response to those similar points raised again in submission to the Chief Executive and as summarised in the Report.

Additional issues raised in the submissions are as follows:

- This land is or was in an LAP for Kilcoole and was zoned as part of the site of Druids Glen Golf and Leisure Resort.
- The zoning objective for the site was to provide for 'Integrated Tourism & Leisure'.
- Druids Glen has extensive roads, footpaths, swimming pool and health centre, hotel, café, restaurant, lakes and parkland, as well as golf.
- Druids Glen is easily accessible to the site by walking and smooth roads for wheel chairs and offers a good amenity for nursing home residents and their visitors.
- There is a shuttle bus and taxi services to the hotel.
- It is considered that the nursing home objective shall remain in the plan, or failing that, shall revert to 'integrated Tourism/Leisure/Recreational' objective.
- The preliminary Census 2022 results confirm an increasing aging population and in turn added demand for care home facilities.

The Office acknowledges that the subject lands were previously zoned 'Tourism' in the Greystones-Delgany and Kilcoole Local Area Plan, 2013 – 2019, and further notes the aging population nationally and in turn an increasing need for care facilities. 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 supports and facilitates the provision of nursing homes retirement villages, residential care facilities at appropriate locations in towns and villages in the County. Policy Objective CPO 6.32 further requires that 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 located in a rural area, and notwithstanding the private facilities of the adjoining privately owned Druid's Glen complex, the subject lands are not well served by the necessary infrastructure and amenities as set out in CPO 6.32.

The site the subject of the material amendment, and its environs, is rural in character with no public footpaths and lighting adjoining the adjacent public road. Although the Office accepts that the privately owned Druids Glen complex has pedestrian facilities, with footpath provision and lighting, these facilities do not extend beyond the privately owned complex. The zoning of employment / health care uses in such a location has the potential to undermine the proportionate growth of rural towns, such as Newcastle, which is inconsistent with NPO 18a of the NPF.

In relation to the proposal that the zoning revert to 'integrated Tourism/ Leisure/ Recreational' objective as per the Kilcoole LAP, it is not the OPR's role to recommend alternative zoning objectives for sites unless such alternative zoning objective is in the OPR's view, required to rectify the matter in order to ensure that the development plan sets out an overall strategy for proper planning and sustainable development. Otherwise it is a matter for the planning authority. In this case, the land was not zoned 'integrated Tourism/Leisure/Recreational' in the draft Plan, and this zoning objective was not subject to the statutory provisions for Strategic Environmental Assessment and Appropriate Assessment. As such, the Office remains of the view that it is appropriate that the zoning objective and associated map is deleted as per the draft Direction.

Following consideration of the submissions and report, there is no basis to amend the recommendation of this Office in respect of Part 2(c).

Recommendation

In light of the above and for the reasons given in our notice letter of 6th October 2022, the Office remains of the view, as set out in the 31(AM)(8) Notice, that the Development Plan fails to set out an overall strategy for the proper planning and sustainable development of the area.

Having regard to section 31AN(4)(a) of the Act, the Office recommends the exercise of your function under the relevant provisions of section 31 of the Act to issue the direction.

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



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 Minister 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 31AN(4) 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. Pursuant to section 31(1)(b), section 31(1)(ba)(i) and section 31(1)(c)

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. Pursuant to section 31(1)(a)(i)(II) and section 31(1)(a)(ii)(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. Pursuant to section 31(1)(b)

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. Pursuant to section 31(1)(c)

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 official seal,

Minister for Housing, Local Government and Heritage day
of Month, year