

Forward Planning  
Wicklow County Council  
Station Road  
Wicklow Town

Submitted via online portal

30<sup>th</sup> August 2021

**RE: Draft Wicklow County Development Plan 2021-2027**

A Chara,

An Taisce welcomes the opportunity to comment on the Draft Wicklow County Development Plan 2021-2027. We wish to make the following submission, which we request the Council take into consideration in the finalisation and adoption of the Plan.

We would also request that the Council make An Taisce known of any further consultation periods regarding the making of the new Development Plan.

Yours sincerely,

Phoebe Duvall

*Planning and Environmental Policy Officer  
An Taisce – The National Trust for Ireland*

Ian Lumley

*Head of Advocacy  
An Taisce – The National Trust for Ireland*

**An Taisce is a membership-based charity | Join us at [www.antaisce.org/membership](http://www.antaisce.org/membership)**

An Taisce – The National Trust for Ireland | *Protecting Ireland's heritage, safeguarding its future*

Tailors' Hall, Back Lane, Dublin, D08 X2A3, Ireland | [www.antaisce.org](http://www.antaisce.org) | +353 1 707 7076 | [info@antaisce.org](mailto:info@antaisce.org)

Company Limited by Guarantee no. 12469 | Charity CHY4741 | Charity Regulator no. 20006358 | EU Transparency Register no. 473905437651-60

**Directors:** Philip Kearney (Chair), Trish O'Connell (Vice-Chair),  
Stuart McCaul (Secretary), Aoife O'Gorman (Treasurer), Hugh O'Reilly, John Sweeney

# **Submission on the Draft Wicklow County Development Plan 2021-2027**



Tailors Hall, Back Lane, Dublin 8  
[www.antaisce.org](http://www.antaisce.org)

## **1. Overarching Comments**

The new Wicklow County Development Plan (hereafter referred to as the CDP or Draft Plan) should represent a catalyst for positive change and facilitate the development of the county in a plan-led, sustainable manner. The CDP should strive to establish a coherent framework for the coordinated sustainable economic, social, cultural and environmental development of the county in line with the UN Sustainable Development Goals.

An Taisce's key objectives in making this submission on the Draft Plan include:

- Ensuring that the climate and biodiversity loss emergencies are addressed at all levels of planning and development;
- Ensuring that European, national, regional and local policy and guidelines are implemented;
- Reducing Ireland's fossil fuel use and greenhouse gas emissions in accordance with EU law;
- Protecting town centres, and counselling against unserviced development and sprawl;
- Promoting compact development served by public transport;
- Promoting rapid and extensive shifts toward walking and cycling and away from private car use;
- Ensuring the implementation of EU environmental law and protecting habitats and biodiversity, particularly Natura 2000 sites;
- Protecting our water bodies and water quality, including through the prevention of inappropriate development;
- Conserving the quality of the Irish landscape, archaeological monuments and built heritage, particularly protected structures;
- Promoting efficient investment in public infrastructure and services; and,
- Promoting local self-reliance, public health and quality of life.

We are pleased that many of these goals already form key parts of the Draft CDP.

## **2. Addressing the Climate and Biodiversity Emergencies**

### **2.1 Climate Change**

Given that the global climate and biodiversity loss emergencies are the defining challenges of our time, and indeed formally recognised as emergencies by Wicklow County Council, An Taisce strongly supports the significantly increased emphasis on climate mitigation and

adaptation the Draft Plan, particularly the inclusion as one of the three overarching themes of the Plan.

All climate mitigation provisions in the new CDP must be assessed against Ireland's fair share emissions reduction commitments in line with the Paris Agreement and the need to limit warming to 1.5C over pre-industrial levels. Similarly, the new Plan should ensure that development decisions are also assessed against these commitments. We also recommend that commitments be added to Chapter 7 (Community Development) to address the disproportionate impact of climate change on marginalised communities.

Both the policies and the zoning in the new CDP should take account of up-to-date climate projections. This is of particular importance with regard to increased coastal, fluvial and pluvial flood risk. New development proposals should also be required to demonstrate consideration of this.

As climate change both impacts and is impacted by all areas of planning and development, we welcome various policy objectives throughout the plan that address both climate mitigation and adaptation. However, we consider that the Draft CDP could improve its explicit integration of climate action throughout. We recommend that each chapter of the new plan be *directly* assessed against climate objectives and targets, including those outlined in the Paris Agreement and EU policy. We note that Section 2.2.2 states that: "*the plan will also include an appendix which audits the provisions of the plan, to show how and where climate considerations have indeed been fully and adequately incorporated into the plan provisions.*" It does not appear that this appendix has been included in the Draft Plan materials.

We would highlight the recent Draft Longford Development Plan, which provides a useful example of strong climate integration throughout the plan. Each chapter contains a climate context section with climate-specific objectives relating to the theme of the chapter. We recommend that a similar approach be added to the Wicklow Plan. The aforementioned appendix would indeed be welcome, however, we consider that the audit to be contained in it would be more effective if it were contained within the chapters themselves.

We note that the Draft acknowledges that the Supreme Court ruling striking down the National Mitigation Plan (NMP). However, the NMP is then used as policy context in other sections, such as 16.1.4. We recommend that these be updated to reflect the ruling.

### 2.1.1 Just Transition

The equitable and united transition as a society towards decarbonisation is crucial, and ensuring a 'Just Transition' should be a guiding principle in forward planning. Our move away from away from fossil fuels and emissions-intensive industries must be equitable and support the viability and vibrancy of life in Wicklow. It is therefore imperative that workers and other stakeholders impacted by these changes are provided with the appropriate resources, compensation and training. A Just Transition model is needed to plan and deliver a package of complementary interventions to secure livelihoods while shifting rapidly to sustainable methods of energy and food production.

We therefore welcome the discussion of a Just Transition in Section 2.2.2. We consider, however, that the commitments are relatively vague and would benefit significantly from greater detail on what the Council considers to be the principles of a Just Transition and how development decisions in the county will be made in accordance with same.

## 2.2 Biodiversity Loss

As noted in the Draft, Wicklow County Council declared a Climate and Biodiversity in April 2019. While the Draft CDP has a strong focus on climate through its inclusion as a key theme, An Taisce considers that it does not yet sufficiently address the concurrent biodiversity loss emergency.

The 2018 "Living Planet Report" from the World Wildlife Fund<sup>1</sup> presented a very bleak picture of the state of global biodiversity. There has been an overall 60% decline in species population size in just over 40 years (1970-2014). This decline stands at 83% for freshwater species. We would also draw the Council's attention to a recent paper<sup>2</sup> published by an international cohort of researchers highlighting the scale of the challenge posed by biodiversity loss, the implications for human society and the lack of adequate responses from policymakers.

We submit that the new CDP should directly and thoroughly address the gravity of the biodiversity crisis in a manner commensurate to the way it in which addresses the climate crisis. While there are many robust objectives in the Draft Plan aimed at ecological protection, especially in Chapter 17, we do not consider that the Draft Plan as a whole

---

<sup>1</sup> Living Planet Report, World Wildlife Fund (2018): <https://www.worldwildlife.org/pages/living-planet-report-2018>

<sup>2</sup> Bradshaw et al (2021) Underestimating the Challenges of Avoiding a Ghastly Future, *Frontiers in Conservation Science*: <https://www.frontiersin.org/articles/10.3389/fcosc.2020.615419/full> ; Covered in the *Irish Times* here: <https://www.irishtimes.com/news/environment/a-ghastly-future-leading-scientists-offer-bleak-prediction-for-civilisation-1.4456653>

sufficiently considers the context or addresses the scale of the current biodiversity loss emergency. We recommend that this be included alongside climate as one of the pillars of the overall strategy.

### **3. Sustainable Settlement**

The defining pattern of settlement development in Wicklow, and indeed around Ireland, in recent decades has generally been of a sprawling, uncoordinated nature where land has been developed in a 'leapfrog', low-density pattern. This type of land use has diminished the liveability of areas, created places that lack adequate public facilities, and generated car dependency for long commutes.

To achieve compact and sustainable settlement, combat rising transport emissions, and improve the quality of life for citizens, it is imperative that the new CDP addresses future population growth and continues to encourage a shift away from dispersed, car-orientated development patterns to walkable, cycleable, transit-orientated and consolidated urban forms. A crucial aspect of this will be the maintenance of and improvement in investment in public transport, walking and cycling to offer communities viable alternatives to private cars.

The prioritisation of future development in Wicklow's towns towards efficient, compact, and serviced locations in accordance with the sequential approach and existing infrastructural capacity is critical. The CDP should be guided by the existing essential social infrastructure (schools, community facilities, etc.) and physical infrastructure (transport, water services, communications, etc.), including realistic prospects for addressing capacity constraints. Where services are not available, there should be a reasonable expectation of their provision within the plan period. Land should not be zoned if there is no reliable prospect of providing key physical infrastructure within the plan period or within a reasonable time period thereafter, such as improved roads, footpaths, drainage and lighting to serve likely future development. The Council should engage with the providers of essential physical and social infrastructure and ensure that the town-specific policies are based on realistic assessments regarding the funding and timing of such infrastructure, recognising that some levels of strategic infrastructure may take a number of cycles to provide.

An Taisce therefore welcomes the many commitments throughout the Draft Plan to, for example:

- Promote compact development;
- Create walkable and cycleable places and support public transport provision;
- Prioritise brownfield, infill and underutilised land in future development;

- Encourage the renovation of vacant and/or derelict dwellings;
- Facilitate inclusive placemaking;
- Strengthen rural towns and settlement centres.

However, we consider that the policies directing new residential development to existing settlements and the criteria for limiting one-off housing to those with a demonstrated need should be as robust as possible as well as fully implemented and enforced.

As an additional measure to address compact settlement creation and the issues discussed above, An Taisce recommends that the Council make the seven location test standards for new housing outlined in the now replaced National Spatial Strategy 2002 (see chart below) a mandatory CDP requirement for new housing development. Unlike sustainability and quality of life indicators, these should be strictly enforced threshold standards without which no development should be permitted. This requires that zoning and decisions for new housing be conditional on integration with existing communities, affordability and mix of housing types, walking and cycling access to local services and schools, public transport access to employment locations, and availability of recreation facilities.

Evaluation Considerations	
<b>The Asset Test</b>	Are there existing community resources such as schools, etc. with spare capacity?
<b>The Carrying Capacity Test</b>	Is the environmental setting capable of absorbing development in terms of drainage, etc.?
<b>The Transport Test</b>	Is there potential for reinforcing usage of public transport, walking and cycling?
<b>The Economic Development Test</b>	Is there potential to ensure integration between the location of housing and employment?
<b>The Character Test</b>	Will the proposal reinforce a sense of place and character?
<b>The Community Test</b>	Will the proposal reinforce the integrity and vitality of the local community and services that can be provided?
<b>The Integration Test</b>	Will the proposal aid an integrated approach to catering for the housing needs of all sections of society?

*Tests for housing locations from the National Spatial Strategy 2002*

#### **4. Town and Village Centres**

An Taisce welcomes the Policy Objectives in the Draft CDP, particularly in Chapter 5, that promote town centre vitality and regeneration. The integration of this into the overall objective of healthy placemaking is also welcome.

These are also supported by the 2020 Programme for Government, which includes a mandate for implementing a Town Centres First policy to: *"implement a strategic approach to town centre regeneration by utilising existing buildings and unused lands for new development, and promote residential occupancy in our rural towns and villages. We will use the National Planning Framework as our template."*

#### **5. Built Heritage**

Ireland's, and indeed Wicklow's, unique built and cultural heritage is increasingly threatened with destruction. Ireland is a signatory to UNESCO's Convention Concerning the Protection of the World Cultural and Natural Heritage ratified by Ireland in 1991 and the Granada Convention ratified in Ireland in 1995. These conventions provide the basis for our national commitment to the protection of architectural heritage, the importance of *"handing down to future generations a system of cultural references"*. To be effective, it relies on its signatory countries implementing their own national protective regimes.

The CDP should ensure the effective promotion of the Architectural Heritage provisions of Planning and Development Act 2000 (as amended) and therefore the protection of Wicklow's built heritage, including Architectural Conservation Areas (ACAs) and Protected Structures.

Crucially, we also submit that Chapter 8 should be amended to include policies for monitoring buildings at risk and using the provision of Section 59 of the Planning Act to serve notices of endangerment to negligent property owners.

We welcome the commitment to the integration and positive role of heritage into placemaking and town centre regeneration Section 5.3.1 and CPOs 5.17 and 5.18.

We also welcome CPO 8.6 on protecting the integrity of the Baltinglass Hills archaeological landscape.



## 6. Economic Development

### 6.1 Agriculture

Current models of intensive agriculture in Ireland are resulting in an array of adverse impacts including to water quality, air and climate, and biodiversity.

The EPA released the Water Quality in 2020 report<sup>3</sup> on 14<sup>th</sup> July 2021, indicating that nearly half of our rivers (47%) and a third of lakes are failing to meet their environmental quality standards for nutrients, with serious consequences for the health of Irish waters. Rather than meeting our obligations under the Water Framework Directive to halt and reverse water pollution, it is actually on the rise: more than one third of river sites (38%) have increasing levels of nitrate pollution. Ireland has obligations under the EU Water Framework Directive to bring all water bodies into good status by 2027.

We welcome CPO 9.39 on the protection of water. In light of the aforementioned ongoing problems with water quality, we recommend that it also require assessment of agricultural developments in relation to Water Framework Directive targets and the use of catchment sensitive farming practices. We therefore welcome CPO 13.6 *“To encourage and promote the use of catchment-sensitive farming practices, in order to meet Water Framework Directive targets and comply with the River Basin Management Plan”*.

Ireland is also in ongoing breach of its 116kt per annum limit under the National Emissions Ceiling Directive (2016/2284/EU),<sup>4</sup> 99% of which is caused by agriculture. This breach is currently subject to an EU legal infringement complaint. Ireland is legally obliged under the Directive to decrease its ammonia emissions to 107.5kt by 2030. While previous reporting indicated that Ireland’s total ammonia emissions were already in breach of EU thresholds since 2016, this is now recognised as a serious undercount. Data released by the EPA in June 2021<sup>5</sup> highlights that the State has been non-compliant for seven out of the last nine years, driven by growth of the agriculture sector.

Agriculture is also a major emitter of greenhouse gases and is contributing significantly to Ireland’s ongoing failures to reach its legally binding Paris Agreement targets; GHGs from agriculture account for one third of Ireland’s total emissions.

---

<sup>3</sup> EPA (2021) Water Quality in 2020: An Indicators Report. [https://www.epa.ie/publications/monitoring--assessment/freshwater--marine/EPA\\_Water\\_Quality\\_2020\\_indicators-report.pdf](https://www.epa.ie/publications/monitoring--assessment/freshwater--marine/EPA_Water_Quality_2020_indicators-report.pdf)

<sup>4</sup> EPA, June 2020, Ireland’s Air Pollutant Emissions: <https://www.epa.ie/pubs/reports/air/airemissions/irelandsairpollutantemissions2018/EPA-Air-Pollutant-Emissions-website.pdf>; <https://www.epa.ie/news-releases/news-releases-2021/ireland-continues-to-be-in-non-compliance-with-the-eu-national-emissions-ceiling-directive.php>

<sup>5</sup> EPA, June 2021, Ireland’s Air Pollutant Emissions: [https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/EPA-Irelands-Air-Pollutant-Emissions-report\\_2021Final.pdf](https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/EPA-Irelands-Air-Pollutant-Emissions-report_2021Final.pdf)

We submit that an objectives be added to ensure that permission for intensive agricultural developments is only granted when the direct, indirect and cumulative impacts of a proposal have been evaluated and mitigated if necessary. This includes impacts in the wider landholding (outside of the red line-bounded site) resulting from activities resulting from or facilitating the proposal (e.g. slurry spreading in relation to an application requiring slurry storage). Compliance with the Habitats, Birds, Water Framework and Nitrates Directives is also key.

#### 6.1.1 Diversification

In the interest of making agriculture in Wicklow maximally sustainable, we welcome CPO 9.37 agricultural diversification. We recommend that it specifically promote the production of vegetables, grains, nuts, pulses, fruits, etc.

#### 6.1.2 Horticultural Peat

We consider that a specific CPO is needed in relation to the need to rapidly move away from the use peat for horticulture, the extraction of which is highly ecologically damaging and causes the release of significant amounts of carbon.

#### 6.1.3 New European Strategies

In May 2020, in furtherance of the European Green Deal, the EU Commission published in parallel "A Farm to Fork Strategy" and the "EU Biodiversity Strategy for 2030 - Bringing nature back into our lives". The Biodiversity Strategy includes 14 key targets, the majority of which are relevant to agriculture (see Section 13 below on biodiversity for the full list).

We submit that the policies, objectives and targets of these two strategies should be incorporated into the new CDP. We therefore recommend the inclusion of the following policy objective:

*"Wicklow County Council will implement the objectives and targets at county level of the EU 'A Farm to Fork strategy', published in May 2020. The Council will also implement the targets of the 14-point EU Nature Restoration Plan in the 'EU Biodiversity Strategy for 2030 - Bringing nature back into our lives'. Agricultural development proposals must demonstrate compliance with the targets and policies of both strategies."*

## **6.2 Forestry**

An Taisce considers that the objectives around forestry should better differentiate between the planting of native woodland and the planting of other species such as sitka spruce, which create what are essentially ecological dead zones. While CPO 9.46 is welcome, we suggest that much greater emphasis should be placed on facilitating the planting of native broadleaf woodlands.

Historically the valleys of County Wicklow contained some of Ireland's greatest ancient native woodlands, the last being the Upper Derry River valley where the extensive Coollattin-Shillelagh woods were largely destroyed in the late 80s and early 90s. Support is needed for large-scale oak, native scots pine and other native woodland restoration in the Glen of Imaal, Glenmalure, Glendalough, Glencullen, etc.

With regard to CPO 9.48 on the development of forestry for timber biomass, we submit that this should be strongly caveated with the need for any such proposals to undergo a rigorous sustainability assessment.

## **6.3 Extractive Industry**

We submit that an additional policy objective be included to require strict enforcement against unauthorised development and of conditions applied to permitted quarry development. We also consider that Section 35 of the Planning and Development Act 2000 (as amended) regarding past failures to comply should be rigorously applied to proposals for continued or expanding quarrying operations.

## **6.4 Remote Working**

We welcome the various objectives to support remote working as this has the potential to contribute significantly to the vitality and long-term viability of Wicklow's rural areas and small towns.

## **7. Tourism and Recreation**

It is a particular objective of An Taisce that future tourism and recreational visitor promotion nationally should be as car-free as possible. A new tourist model is required based on longer area-based stays accommodated in locations to a level commensurate with the capacity of the host environment rather than high volume car trips and drive-through tourism. It would prioritise the enhanced promotion and development of safe greenway cycling routes, and

attractive walking and hiking routes and other outdoor activities for all ages and abilities. It is noted that the 2020 Programme for Government sets out a range of policies on tourism including to: "*Develop Ireland as a **long stay** tourism destination to spread tourism more evenly across the country. This will help reduce emissions and maximise economic return*" (emphasis added).

The overarching consideration of any tourism project needs to:

- A. Assess the suitability of its nature, scale and location impact; and
- B. Ensure that there will be no direct, indirect or cumulative adverse impacts on the quality and character of the host location and wider area (for example, causing traffic congestion and damaging nature conservation sites).

Projects seeking to attract larger visitor numbers, and consequently causing traffic generation and physical impacts, should not be located in areas of ecological or landscape sensitivity and which do not have the carrying capacity for the impact and service demand generated.

CPO 11.3 and others to direct tourism development to existing settlements as well as CPO 11.4 to ensure that development protects the environmental quality, amenity and character of sites, are noted and welcome.

However, there is an overall need to better integrate sustainable transport integration with tourism. We recommend the inclusion of additional explicit objectives to:

- Increase the access to public transport, walking and cycling options from key tourist destinations and accommodation hubs;
- Increase car-free, long-stay trips; and
- Provide for additional tourist accommodation in appropriate locations, particularly in areas with existing services and infrastructure.

We would strongly recommend against the promotion of "driving trails", for example in CPO 11.27, as this conflicts with the overarching objective of the plan to move away from dependence on private car use.

We also welcome the Policy Objectives to continue promoting the development of walking and cycling routes greenways.

We submit that CPOs 11.35, 11.37, 11.41, 11.42 could be amended to specifically commit to avoiding conflicts with sensitive ecological sites and ensuring compliance with the Habitats

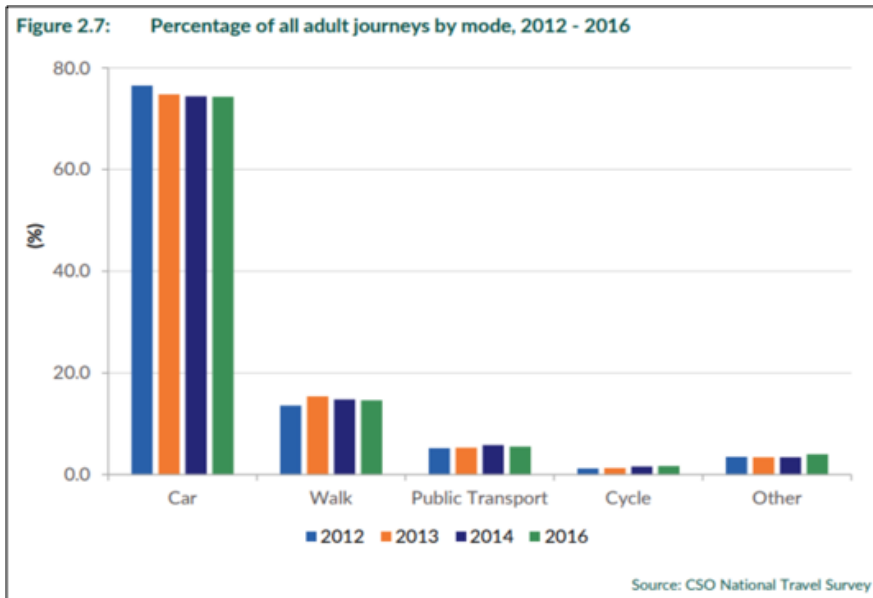
and Birds Directives. The environmental protection measures in CPOs 11.47-11.49 are welcome.

## **8. Sustainable Transportation**

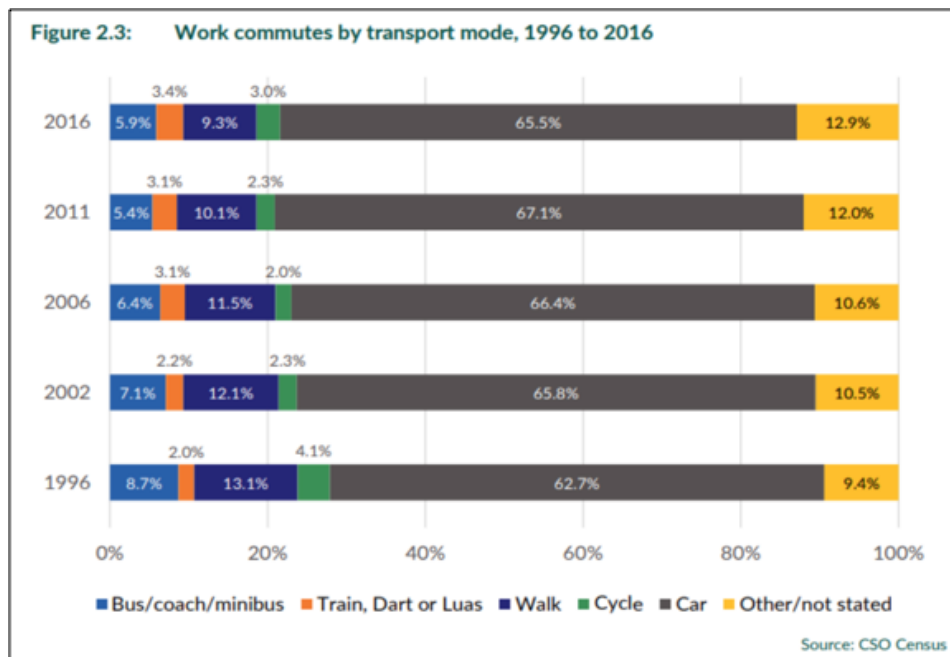
To achieve compact and sustainable settlement, combat rising transport emissions, and improve the quality of life for people in Wicklow, it is imperative that the CDP comprehensively addresses future population growth and encourages a shift away from dispersed settlement towards more consolidated urban forms. A crucial aspect of this is that investment in public transport, walking and cycling is maintained and improved across the county in order to offer communities viable alternatives to private cars.

The data presented in a recent Government review of sustainable mobility policy make it unequivocally clear that Ireland has failed to achieve the modal shift in transport that was envisioned in the Smarter Travel policy (2009) and a suite of other transport-related policies. This presents a significant climate mitigation challenge as well, since EPA data indicate that transport accounted for 20.4% of Ireland's overall greenhouse gas emissions in 2019.

CSO data show that private car dependence is extremely high across Ireland - 74.3% of all journeys are made by car. 15% are made on foot while only 5.5% are by public transport and 2% by bicycle (see chart below). We note that the National Cycling Strategy, which ran in parallel to Smarter Travel, provided that 10% of all journeys would be made by bike by 2020. Notably, public transport use and accessibility in smaller towns and rural areas is also particularly poor.



Similarly, a cornerstone target of the Smarter Travel policy was that commuting journeys made by car should drop from 65% to 45% by 2020 while commuter journeys by walking, cycling and public transport should increase to account for 55%. As the 2016 census data below shows, we have completely failed to achieve that. In fact, the share of car journeys to work has risen since 1996 and actually surpassed the Smarter Travel baseline of 65%. The percentage of commutes made by cycling, walking or taking the bus has decreased and is nowhere near the 55% share stipulated by Smarter Travel.



According to the data presented in the Draft CDP, almost 40% of the County's working population are travelling outside the County for work, the majority of which making that journey by car.

An Taisce therefore welcomes the many transport and mobility provisions which aim to support the objectives of compact development, integrate land use and transport planning, facilitate a modal shift away from car dependency, and support the provision of public transport as well as high quality pedestrian and cycling infrastructure.

For instance, we welcome CPO 12.5 on the requirement for Accessibility Reports and remedial action where necessary, as increased sustainable transport infrastructure and capacity provision needs to come before expanded residential development, particularly in larger towns and their catchment areas. This CPO would be significantly strengthened by the insertion of criteria on what constitutes a deficiency and guidelines for phasing and/or restricting development in response to deficiencies. We also recommend that this CPO be amended so that the Accessibility Report must assess existing public transport capacity in addition to access.

Crucially, we submit that strong implementation measures, namely robust targeted and timed plans, should be included throughout the CDP's transport objectives so that the new Development Plan can actually deliver on its sustainable transport objectives. We recommend that specific modal shift targets for 2027, (settlement-specific targets and an overall county target) be set in line with the Smarter Travel policy.

Wicklow County Council should undertake a transport strategy with the other Eastern and Midlands Region counties and with the Southern Region (particularly Wexford). This requires supporting a substantial modal shift from private car to bus and train use and the linking of any future expansion of Rosslare Port to rail freight, including through Wicklow.

## **8.1 Programme for Government**

The 2020 Programme for Government sets out as an overarching mission: "*A Better Quality of Life for All*" with "*A national clean air strategy,*" "*Better work life balance*" and "*a fundamental change in the nature of transport in Ireland*" as key objectives. It sets out as immediate priority actions:

*"Necessary improvements in climate impact, quality of life, air quality and physical and mental health demand that every effort is made by the Government to make active travel and public transport better and more accessible."*

*"Each local authority will be immediately mandated to carry out an assessment of the road network, to see what space can be allocated for pedestrians and cyclists. This should be done immediately."*

In light of the Programme for Government mandate and the aforementioned transport data, we cannot overstate the urgency with which the Council needs to address the current unsustainability of transport in the county and the ongoing failure to achieve meaningful progress toward a modal shift away from private car use. We therefore recommend that provision for the immediate review called for in the Programme for Government be included in the CDP.

## **8.2 Road Investment**

We submit that transport policy and investment in Wicklow should be reprioritised away from new major road infrastructure, of course with the exception of necessary maintenance and small town bypasses. We recommend that it instead be directed to support public and active transport projects and cycling infrastructure. This should align with the Programme for Government commitment to a 2:1 ratio of expenditure between new public transport infrastructure and new roads. We consider that any future investment in motorway or dual carriageway schemes, other than small-scale bypasses to relieve urban congestion points, would be a misdirection and misspending of limited public money.

Current levels of traffic, in particular private cars, on the N11 are unsustainable in generating traffic around the M50, through Wicklow and into Wexford. The current proposal to increase the capacity of the N11 cannot be justified. There is no capacity to widen the current road alignment in the Glen of the Downs. Alternative routes would have adverse impacts and be unjustified in terms of cost implications.

Significant amounts of existing road space also needs to be reallocated for high quality segregated cycle lanes and footpaths.

## **9. Water Services**

The management of surface and ground water in accordance with the provisions of the EU Water Framework Directive (WFD) and Groundwater Directive will be one of the most crucial challenges in this new CDP. While Wicklow has seen a 9% increase in good and high status waterbodies, the county nevertheless faces an immense challenge in achieving 'good' status in all water bodies by 2027 as required by the WFD. The Plan should include a requirement



for all development proposals to demonstrate full compliance with the WFD, Groundwater Directive and River Basin Management Plans.

### **9.1 Wastewater**

While connection to public wastewater infrastructure is preferable to further proliferation of private systems, planning permission for developments that require additional public wastewater treatment capacity must be deemed premature until such capacity is in place.

CPO 13.15 therefore must be rigorously enforced with regard to ensuring that all lands zoned for development are served by adequate treatment systems and that regional and strategic wastewater scheme are delivered. We also recommend that the list of areas needing new or improved treatment plants be amended with targets for the delivery of those projects.

### **9.2 Private Treatment Systems**

The ongoing proliferation of private wastewater treatment systems will present significant challenges for the achievement of Ireland's legally binding water quality targets under the WFD. The CDP should also ensure the adequate provision of serviced sites within close proximity to established water/wastewater infrastructure, where a connection to services can be readily facilitated, and where there is sufficient cumulative capacity within the wastewater treatment plant.

We also recommend the insertion of a policy objective to promote changeover from septic tanks to public collection networks in all cases where this is feasible.

### **9.3 Unassigned Waterbodies**

We would highlight the recent court ruling by Justice Hyland (2018 740 JR), which clarifies how unassigned waterbodies must be treated when assessing planning applications against WFD requirements, with implications for projects in proximity to unassigned waterbodies:

*"The WFD, as interpreted by the CJEU, requires a Member State to ensure that the requirements of Article 4 are met before permission is granted. It cannot be so satisfied in respect of development affecting a water body whose status has (in breach of the WFD and the implementing regulations in Ireland) not been assigned by the EPA."* [para 130 2018 740 JR]

It is submitted that the new CDP should take account of this ruling and its implications for granting planning permissions.

## **10. Flooding**

An Taisce submits a CPO is needed to ensure that all assessments of flood risk and all plans for flood defence measures are based on the most up-to-date climate projections. We would also submit that where flood mitigation measures are necessary, soft engineering solutions should preferentially be employed over hard engineering solutions where possible.

## **11. Waste and Environmental Emissions**

### **11.1 Air Quality - Ammonia**

See Section 6.1 of this submission on Ireland's ongoing breach of legally binding ammonia limits. We recommend the inclusion of a specific objective on the mitigation of ammonia emissions.

## **12. Energy and Information Infrastructure**

We welcome the Draft Plan's robust consideration of renewable energy development of various types and scales across Wicklow and well as the many policy objectives supporting and facilitating this. We also welcome the recognition that the development of renewables must be done with regard to ecological constraints, Habitats Directive requirements, heritage considerations, landscape, local amenity, etc.

There is no capacity for further expansion of the fossil gas network under national, EU and international climate policy. Fossil gas must be phased out of our energy mix as rapidly as possible if we are to reach our Paris Agreement targets to keep warming under 1.5C. Further expansion of gas networks also risks that infrastructure becoming "stranded assets" as Ireland makes the required transition away from fossil fuels. We therefore recommend the insertion of a CPO prohibiting further development of fossil fuel infrastructure.

## 12.1 Bioenergy

We submit that CPO 16.9 (to facilitate the development of projects that convert biomass to gas or electricity) requires a caveat that all such projects will undergo rigorous sustainability assessments.

For instance, the development of bioenergy through anaerobic digestion is welcome in principle but *only* where the sustainability of this resource is justified. In order for bioenergy to be deemed renewable and to contribute to overall emissions reduction, the feedstock sources and the supply chain of these feedstocks must be assessed to be sustainable.

For example, while the burning of biogas generated from biomass, slurry, etc. might be deemed 'carbon neutral', the emissions that contribute to the growth, harvesting and transport of the feedstock must also be considered, and can negatively impact bioenergy's overall contribution to climate mitigation. The fertiliser used to accelerate the growth of energy crops and feed cattle, which eventually produce slurry, not only produce emissions but also contribute to water pollution. In the worst cases, the emissions mitigation potential of biogas may be negligible.

Anaerobic digestion predicated on increased grass/energy crop production should not be permitted in light of the increased levels of fertiliser input needed to grow the grass and the associated water quality and climate impacts. The use of existing waste streams for energy provision are often a more sustainable option as they do not promote an increase in production of energy crops, which can increase NO<sub>2</sub> soil emissions and water quality impacts through higher requirements of fertiliser.

However, with regard to the use of slurry, intensive cattle farming is also a major emitter of greenhouse gases and is contributing significantly to Ireland's ongoing failures to reach its legally binding Paris Agreement targets. Any use of slurry for bioenergy production should not be reliant upon or drive further bovine agriculture intensification.

To ensure the sustainability of biogas production, the sustainability of the biogas's end use must also be fully assessed. Permission for biogas facilities should only be granted where the biomethane will not be mixed with fossil gas, as this would exacerbate lock-in to fossil fuel use and contribute negatively to Ireland's potential to reach its 2030 emissions reduction targets. Supplying biogas to off-grid industrial users would be a potentially sustainable option, provided it is used for electricity generation and is not mixed with fossil gas. Biogas can also be sustainably used to power buses and delivery vehicles in urban areas, which will have the parallel benefit of reducing air pollution.

The CDP should therefore ensure that any provision of bioenergy is accomplished in a sustainable manner. With regard to biogas specifically, we submit that a CPO is needed to specify that biogas development will only be supported where it can be demonstrated that the feedstock source is sustainable and where the end product will not be mixed with fossil gas.

## **12.2 Data Centres and Energy Use**

The Draft Plan Written Statement does not explicitly address data centre development in Wicklow, however, An Taisce considers that policies on the standard of assessment necessary for such proposals are needed.

Ireland has been called the “data centre capital of Europe” due to its mild climate and openness to Foreign Direct Investment (FDI). The proliferation of data infrastructure here has largely gone unchecked, and data centres now consume 11% of Ireland’s total grid-generated electricity. The Irish Academy of Engineers has projected that this will increase to 31% by 2027, and adding between 1.5 and 3 million tonnes of CO<sub>2</sub> to Ireland’s overall greenhouse gas emissions by 2028<sup>6</sup>. By increasing overall energy demand in Ireland through the relatively uninhibited development of data centres, we are actively diluting the end benefit of renewable energy penetration that has been created and added to the grid over the past 20-30 years. Any new data centre should not jeopardise Ireland’s existing national climate/renewable energy targets.

We therefore recommend the inclusion of the following objectives:

- Any new data centre proposal must fully comply with the requirements of the Environmental Impact Assessment Directive and assess the cumulative impacts of the energy demand and associated emissions in conjunction with the data centre sector as a whole.
- Any new data centre proposal must evaluate its energy demand in relation to rapidly increasing electricity grid constraints.
- Any new data centre development should only be considered if it provides a new, directly linked supply of renewable energy or matches its energy consumption with a new commensurate or greater contribution to Ireland’s renewable’s supply.

---

<sup>6</sup> <http://iae.ie/wp-content/uploads/2019/08/Data-Centres-July-2019.pdf>

### **13. Natural Heritage and Biodiversity**

Ireland has a poor record when it comes to protecting the natural environment. The sprawling nature of development is a driving force for habitat fragmentation, biodiversity loss and agriculture-related land loss and is contributing to climate change.

The 2019 report on “The Status of EU Protected Habitats and Species in Ireland” (prepared every six years as required by Article 17 of the EU Habitats Directive)<sup>7</sup> illustrates the poor condition of Ireland’s biodiversity. Out of Ireland’s 59 European protected habitats, 85% were assessed as being in an unfavourable conservation status and 46% suffering from ongoing declines. The report highlighted agriculture and development (housing, commercial, industrial, and recreational) as two of the primary threats facing these habitats.

In light of the above, the urgency with which we need to address the biodiversity loss emergency must be reflected in the CDP. As such, we are pleased to see the suite of policies aimed at biodiversity protection and enhancement, including for Wicklow’s many Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas (existing and proposed), other protected sites and non-designated areas.

However, the implementation and enforcement of these policies, whether in relation to protected sites or biodiversity and ecology more broadly, must be upheld in the planning process at all levels. In An Taisce’s experience, this is frequently not the case.

#### **13.1 Habitats Directive Requirements**

In light of the aforementioned poor state of many of Ireland’s protected habitats and species, we would highlight the strict legal requirements of the Habitats Directive with regard to the granting of planning permission where the proposal could impact Natura 2000 sites.

It is now well established in law that approval can only be granted for plans and projects when it has been established beyond all reasonable scientific doubt that the subject proposal will not adversely impact any Natura 2000 sites.

In Case C-258/11, *Sweetman & Others v An Bord Pleanála & Others*, it was held that the provisions of Articles 6(2)–(4) of the Habitats Directive must be interpreted together “*as a coherent whole in the light of the conservation objectives pursued by the directive*” and that they impose a series of specific obligations necessary to achieve and maintain favourable

---

<sup>7</sup> Habitats Directive Article 17 Report Summary 2019:  
[https://www.npws.ie/sites/default/files/publications/pdf/NPWS\\_2019\\_Vol1\\_Summary\\_Article17.pdf](https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2019_Vol1_Summary_Article17.pdf)

conservation status. A plan or project will negatively impact upon a site if it prevented the "lasting preservation of the constitutive characteristics" of the site for which it was designated, with reference to the site's conservation objectives. Significantly it was determined that "authorisation for a plan or project ....may therefore be given only on condition that the competent authorities ....are certain that the plan or project will not have lasting adverse effects on the integrity of the site. That is so where **no reasonable scientific doubt remains** as to the absence of such effects" [emphasis added].

The competent authority must therefore refuse authorisation for any plans or projects where there is uncertainty as to whether the plan or project will have adverse effects on the integrity of the site. It was also held in paragraph 44 that:

*"So far as concerns the assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it **cannot have lacunae** and **must contain complete, precise and definitive findings** and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned (see, to this effect, Case C 404/09 Commission v Spain, paragraph 100 and the case-law cited)..."* [emphasis added].

In Kelly v An Bord Pleanála & Others, [2013 No 802 J.R.] with reference to Commission v Spain c-404/09, the High Court held in paragraph 36 that the competent authority must carry out an Appropriate Assessment for a plan or project in light of the best scientific knowledge in the field. It was also held that the competent authority must lay out the rational and reasoning which was used to arrive at the determination.

The case repeated the conclusion of the CJEU at paragraph 44 in the aforementioned Case C-258/11, namely that an AA "cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt." Consequently, it was held that an AA must include "examination, analysis, evaluation, findings, conclusions and a final determination."

The Kelly Judgement has provided a very helpful clarification of the requirements of an AA and in particular in paragraph 40, a summary of what must be delivered by the process in order to be lawfully conducted:

*"(i) Must identify, in the light of the best scientific knowledge in the field, all aspects of the development project which can, by itself or in combination with other plans or projects, affect the European site in the light of its conservation objectives. This clearly requires both examination and analysis.*

*(ii) Must contain complete, precise and definitive findings and conclusions and may not have lacunae or gaps. The requirement for precise and definitive findings and conclusions appears to require analysis, evaluation and decisions. Further, the reference to findings and conclusions in a scientific context requires both findings following analysis and conclusions following an evaluation each in the light of the best scientific knowledge in the field.*

*(iii) May only include a determination that the proposed development will not adversely affect the integrity of any relevant European site where upon the basis of complete, precise and definitive findings and conclusions made the Board decides that no reasonable scientific doubt remains as to the absence of the identified potential effects."*

If uncertainty exists regarding the potential impact of any proposed development full account should be taken of the precautionary principle, and the development should be refused.

These points of law regarding Appropriate Assessment must be upheld in the planning process in Wicklow and provided for in the CDP.

In this regard, we recommend that CPO 17.4 be strengthened to read "to ensure" the protection of designated sites and compliance with relevant EU Directives (in as far as is possible in the carrying out of the Council's functions), rather than "to contribute to".

### **13.2 EU Biodiversity Strategy**

We recommend that the implementation of the 14 points in the EU Biodiversity Strategy 2030 should be included as a specific biodiversity objective:

- 1. Legally-binding EU nature restoration targets will be proposed in 2021, subject to an environmental impact assessment. By 2030, significant areas of degraded and carbon-rich ecosystems are restored; habitats and species show no deterioration in conservation trends and status; and at least 30% reach favourable conservation status or at least show a positive trend.*
- 2. The decline in pollinators is reversed.*
- 3. The risk and use of chemical pesticides is reduced by 50% and the use of more hazardous pesticides is reduced by 50%.*
- 4. At least 10% of agricultural area is under high-diversity landscape features.*
- 5. At least 25% of agricultural land is under organic farming management, and the uptake of agro-ecological practices is significantly increased.*

6. *Three billion new trees are planted in the EU, in full respect of ecological principles.*
7. *Significant progress has been made in the remediation of contaminated soil sites.*
8. *At least 25,000 km of free-flowing rivers are restored.*
9. *There is a 50% reduction in the number of Red List species threatened by invasive alien species.*
10. *The losses of nutrients from fertilisers are reduced by 50%, resulting in the reduction of the use of fertilisers by at least 20%.*
11. *Cities with at least 20,000 inhabitants have an ambitious Urban Greening Plan.*
12. *No chemical pesticides are used in sensitive areas such as EU urban green areas.*
13. *The negative impacts on sensitive species and habitats, including on the seabed through fishing and extraction activities, are substantially reduced to achieve good environmental status.*
14. *The by-catch of species is eliminated or reduced to a level that allows species recovery and conservation.*

## **14. Green Infrastructure**

We welcome the Draft Plan's approach to green infrastructure and the recognition of the benefits to both environment and communities.

### **14.1 Greenways**

We welcome the progress made to date on the development of a network of greenways in Wicklow. We recommend that specific targets for further progress during the lifetime of the new CDP be set in the Draft Plan, particularly those discussed in CPO 18.11. The inclusion of the recreational trail along the redundant Woodenbridge to Shillelagh rail line, part of which is already restored, is welcome.

We also recommend the development of an integrated coastal walking route spanning the length of the county. The coastal trail recently completed in Wales provides a useful model.

### **14.2 Urban Greening**

We would highlight Point 11 of the aforementioned EU Biodiversity Strategy that: "*Cities with at least 20,000 inhabitants have an ambitious Urban Greening Plan.*" With regard to greening urban and peri-urban areas, Section 2.2.8 of the EU Biodiversity Strategy states:

*"Green urban spaces, from parks and gardens to green roofs and urban farms, provide a wide range of benefits for people. They also provide opportunities for*



*businesses and a refuge for nature. They reduce air, water and noise pollution, provide protection from flooding, droughts and heat waves, and maintain a connection between humans and nature.*

*The recent lockdowns due to the COVID-19 pandemic have shown us the value of green urban spaces for our physical and mental wellbeing. While protection of some urban green spaces has increased, green spaces often lose out in the competition for land as the share of the population living in urban areas continues to rise.*

*This strategy aims to reverse these trends and stop the loss of green urban ecosystems. The promotion of healthy ecosystems, green infrastructure and nature-based solutions should be systematically integrated into urban planning, including in public spaces, infrastructure, and the design of buildings and their surroundings.*

*To bring nature back to cities and reward community action, the Commission calls on European cities of at least 20,000 inhabitants to develop ambitious Urban Greening Plans by the end of 2021. These should include measures to create biodiverse and accessible urban forests, parks and gardens; urban farms; green roofs and walls; treelined streets; urban meadows; and urban hedges. They should also help improve connections between green spaces, eliminate the use of pesticides, limit excessive mowing of urban green spaces and other biodiversity harmful practices. Such plans could mobilise policy, regulatory and financial tools.*

*To facilitate this work, the Commission will in 2021 set up an EU Urban Greening Platform, under a new 'Green City Accord' with cities and mayors. This will be done in close coordination with the European Covenant of Mayors. The Urban Greening Plans will have a central role in choosing the European Green Capital 2023 and European Green Leaf 2022.*

*The Commission will support Member States and local and regional authorities through technical guidance and help to mobilise funding and capacity building. It will also reflect these objectives in the European Climate Pact."*

While only Bray currently has a population of over 20,000, we would nevertheless recommend that the new Development Plan should provide for the development of Urban Greening Plans for the county's larger towns, particularly those which are targeted for significant growth by 2030 such as Wicklow, Arklow, and Greystones.

We would also encourage the development of urban greening plans in smaller towns as well. Specific timelined and targeted policies for achieving urban greening objectives during the plan period should be developed.

## **15. Marine Planning and Coastal Zone Management**

A healthy ocean ecosystem is absolutely fundamental for the realisation of any economic or social benefits of coastal and marine activities. The objectives for the marine area should therefore directly address the trade-offs that may arise between economic interests and the pressing need to address declining marine biodiversity.

We recommend that an ecosystem approach be adopted in the CDP's marine-related policy involving basing all decisions on the proper functioning of the ecosystems upon which human activities in the marine area depend. This would better ensure that the ecological health of the marine area takes precedence over human pressures such as fishing and aquaculture. Indeed, such an approach will have long-term economic benefits, particularly for coastal communities, as our seas return to a healthier ecological state. We consider that an objective to apply this approach for marine planning and policy should be explicitly stated. This is particularly important in light of the imminent commencement of the new marine planning regime.

It is also important that the final plan includes a CPO to ensure that any activity that utilises the coastal and marine areas in Wicklow complies with the Marine Strategy Framework Directive and achieve the legally binding target for reaching Good Environmental Status in coastal and marine waters.

We also consider that a commitment to ecological protection and an ecosystems approach is required in CPO 19.3 relating to aquaculture and fisheries. We also consider that an explicit statement relating to compliance with Habitats Directives requirements is needed here.

The objectives around controls on development in areas prone to coastal erosion are welcome and should be rigorously enforced given the risks posed by climate change.

## **16. Strategic Environmental Assessment**

The Council has a legal obligation to ensure that the SEA process is robust, effective, and identifies all likely significant effects on the environment under the range of considerations set out in the Annexes to the SEA Directive. To ensure integration of environmental

considerations into the plan, a general policy or land use zoning should not be maintained where likely significant effects on the environment are identified.

An Taisce highlights Article 10, which sets out the provisions for the monitoring of a programme subject to SEA and the obligation for remedial action where unforeseen adverse effects arise:

- 1. Member States shall monitor the significant environmental effects of the implementation of plans and programmes in order, inter alia, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.*
- 2. In order to comply with paragraph 1, existing monitoring arrangements may be used if appropriate, with a view to avoiding duplication of monitoring.*

The provisions of Article 10 are not just for monitoring but, notably, for the remediation of unforeseen adverse effects. Section 8.12 of the 2001 European Commission guidance states that

*"Unforeseen adverse effects is better interpreted as referring to shortcomings of the prognostic statements in the environmental report (e.g. regarding the predicted intensity of the environmental effect) or unforeseen effects resulting from change of circumstances."*

The Council should ensure that monitoring of significant environmental effects is carried out and that any unforeseen adverse impacts that arise are remediated.

## **17. Implementation and Monitoring**

In the absence of rigorous application of policy, the divergence between policy and practice results in unsustainable, economically inefficient, structurally weak and spatially dispersed development patterns. Therefore, it is of paramount importance that the new CDP moves beyond objectives within the text and towards robust targets, actions and measures to achieve the tangible implementation of the plan's objectives and policies. The success or otherwise of the forthcoming CDP can only be judged against quantifiable and implementable criteria which are subject to ongoing monitoring. This will be fundamental in creating a sustainable and healthy future for Wicklow that supports the wellbeing of both people and planet.