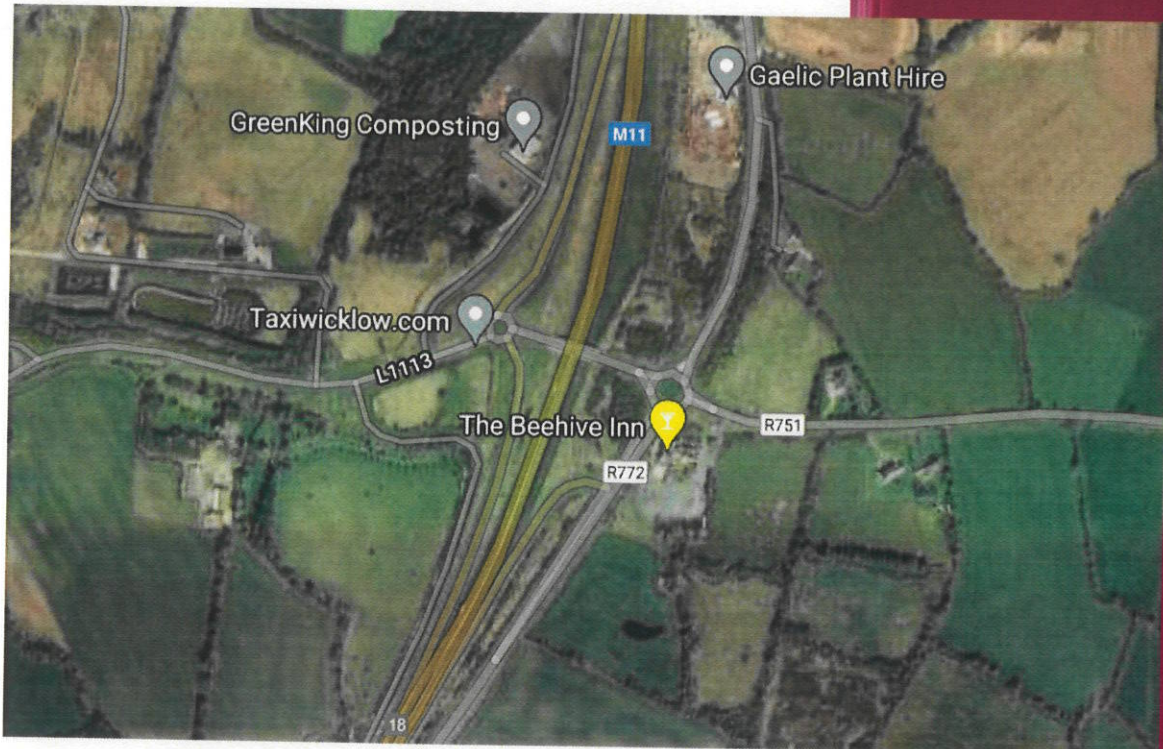


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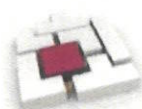
Development Plan Submission



Draft Wicklow Development Plan 2021-2027 (Stage 2)

Employment Land proposal

On behalf of: Charles O'Reilly Hyland



downey
PLANNING

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Executive Summary

- This Development Plan submission is made by Downey Planning, on behalf of our client Charles O'Reilly Hyland, and is submitted to Wicklow County Council in the context of the Draft Wicklow County Development Plan 2021-2027 which is currently on public display.
- Our client owns land to the east of Coolbeg townland, which is a long established commercial site on unzoned land.
- It is the Strategic Objective for Economic Development in rural areas; *to preserve the amenity, character and scenic value of rural areas, and to generally require employment-generating development to locate on zoned / designated land within existing settlements. Notwithstanding this, it is the objective of the Council to enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise through the diversification of the rural economy into new sectors and services including those addressing climate change and sustainability and through the development of appropriate rural based enterprises, which are not detrimental to the character, amenity, scenic value, heritage value and environmental quality of a rural area.*
- Our client proposes to rezone approximately 4.8 hectares of their land, located nearest the townland of Coolbeg situated on the M11 at the R751/M11 junction; approximately; 7km from Wicklow Town. The re-zoning would comprise a new 'Employment' use to reflect its strategic location for a rural business and the existing commercial business that operates on the site.

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1.0 Introduction

In accordance with Section 9, 10, 11 and 12 of the Planning and Development Act 2000 (as amended), Downey Planning, Chartered Town Planners, 1 Westland Square, Pearse Street, Dublin 2, on behalf of our client, Charles O'Reilly Hyland, wish to make this submission on the Draft Wicklow County Development Plan 2021-2027 to Wicklow County Council.

This written submission is made in response to an invitation for comments from interested parties by Wicklow County Council. This submission is being made within the specified timeframe for submissions i.e. 30th August 2021, as set out on the Draft Development Plan's webpage.

2.0 Planning Legislation

Section 9 of the Planning and Development Act, 2000 (as amended) provides that, subject to the requirements set out in Section 9, 10, 11 and 12 of the Act, that a planning authority must adopt a new Development Plan every six years. The contents of the Development Plan are set out within Section 10 of the Planning and Development Act, 2000 (as amended) and must include a strategy for the proper planning and sustainable development of the area of the Development Plan and shall consist of a written statement and a plan or plans indicating the development objectives for the area in question. The process for the preparation of the Draft Development Plan is contained within Section 11 of the Planning and Development Act, 2000 (as amended) and the consultation process of the Draft Development Plan is contained within section 12 of the Planning and Development Act, 2000 (as amended), which states:

"12 - (1) Where the Draft Development Plan has been prepared in accordance with section 11, the planning authority shall within 2 weeks of the period referred to in section 11(5)(c)—

- (a) send notice and a copy of the Draft Development Plan to the Minister, the Board, the relevant regional authority, the prescribed authorities, any town commissioners in the area and any city or county development boards in the area, and*
- (b) publish notice of the preparation of the draft in one or more newspapers circulating in its area.*

12-(2) A notice under subsection (1) shall state that—

- (a) a copy of the draft may be inspected at a stated place or places and at stated times during a stated period of not less than 10 weeks (and the copy shall be kept available for inspection accordingly), and*
- (b) written submissions or observations with respect to the draft made to the planning authority within the stated period will be taken into consideration before the making of the plan".*

This submission to the draft of the Development Plan is being made in accordance with Section 12 (2) (b) of the Planning and Development Act, 2000 (as amended) and is being submitted within the specified timeframe (4th June – 30th August 2021) as set out on the webpage of the Wicklow County Development Plan 2021-2027.

3.0 Site Location and Description

The subject lands, which extend to approximately 4.8 hectares (10 acres), are located approximately 6km southwest of Wicklow Town Centre and east of the M11 at the R751/M11 junction. The lands include the Beehive bar and restaurant, a guesthouse, a HGV parking facility and a park and ride facility. Historically the premises included a convenience store to the front of the original building. Part of the site comprises a local on-site wastewater treatment plant for The Beehive and as such is commercial in nature. Therefore the entire site is commercial and not rural or agricultural. Access to the site is via the R751. It serves M11 exit 18.

This location caters for strategic long distance inter-regional traffic as it serves routes Dublin-Rosslare, Dublin-Wexford and Dublin-Waterford. Additionally, the site serves inter-urban traffic with links between Gorey, Arklow and Dublin. The South-East of Ireland is a significant driver in Ireland's tourism, services facilities at the proposed site would support networks between popular seaside destinations Tramore, Dunmore East, Brittas Bay and Dublin. This site is strategic Location for an employment use, due to its motorway access and central location along the M11 between Dublin and major towns Wexford, Enniscorthy, Gorey and Arklow.

The planning history of the site demonstrates its long-established commercial use with a restaurant and bar premises, guest house, HGV parking and a park and ride facility. Therefore, noting its history and its proximity to the junction with the M11, it is important that a viable and sensible zoning or local objective is sought for the lands that will not materially conflict with national planning guidelines, particularly that of the 'Spatial Planning and National Roads Guidelines for Planning Authorities'.



Fig. 1 – Site location

4.0 Planning History

Downey Planning have carried out a detailed examination of the planning history pertaining to the subject lands. With only one dwelling on the lands, there is limited history in terms of past planning applications, which we have summarised below:

Reg. Ref. 1655; A.B.P Reg. Ref. PL27.248302 – On 22nd September 2017, An Bord Pleanála overturned Wicklow County Councils decision to permit re-development of existing commercial site to provide off-line service area. This application was refused for the following reasons;

- The proposed development is in an unzoned rural area adjoining the motorway road network close to a major junction (function 18) on the M11, which has not been identified in the National Roads Authority Service area policy issued in August 2014 as a suitable location for an off-line motorway service area.
- Having regard to the location of an off-line motorway service area of the scale proposed in conjunction with established commercial development on site, its accessibility in the local area, in particular Wicklow town, and having regard to the level of motorway service facilities established along the proportion of the M11, it is considered that the proposed development would have strong potential to become a significant destination in its own right, and thereby directly divert trade away from the town due to the scale and level of services proposed on the site and the ease of accessibility of the area by car.

Reg. Ref. 97/6337 – Planning permission granted for retention of alterations to already approved development carried out under Planning Ref. 90/6281

Reg. Ref. 90/6281 – Planning permission granted for the demolition of outbuildings, alterations and additions to existing public house including restaurant and treatment plant and other external works

The above planning history demonstrates that there is an existing commercial business at the subject site, known as the Beehive Bar and Restaurant and as such it is not a greenfield agricultural site. The wider site has therefore historically been in commercial use.

5.0 Planning Context

The National Planning Framework (NPF)

The National Planning Framework is the *“Government’s high-level strategic plan for shaping the future growth and development of our county out to the year 2040”*. It is a Framework to guide public and private investment, to create and promote opportunities for our people, and to protect and enhance our environment – from our villages to our cities and everything in between. Compact growth is a key feature of the National Planning Framework which outlines, *“Making better use of under-utilised land and buildings, including ‘infill’, ‘brownfield’ and publicly owned sites and vacant and under-occupied buildings, with higher housing and jobs densities, better serviced by existing facilities and public transport”*.

There are objectives set out in the National Planning Framework towards coordinating land use zoning, infrastructure and services which state; *“standardised methodology will be put in place for core strategies and will also address issues such as the differentiation between zoned land that is available for development and zoned land that requires significant further investment in services for infrastructure for development to be realised.”*

National Policy Objective 72a: *Planning authorities will be required to apply a standardised, tiered approach to differentiate between i) zoned land that is serviced and ii) zoned land that is serviceable within the life of the plan.*

- *Tier 1: Serviced Zoned Land This zoning comprises lands that are able to connect to existing development services, i.e. road and footpath access including public lighting, foul sewer drainage, surface water drainage and water supply, for which there is service capacity available, and can therefore accommodate new development. These lands will generally be positioned within the existing built-up footprint of a settlement or contiguous to existing developed lands. The location and geographical extent of such lands shall be determined by the planning authority at a settlement scale as an integral part of the plan-making process and shall include assessment of available development services. Inclusion in Tier 1 will generally require the lands to be within the footprint of or spatially sequential within the identified settlement.*

Regional Spatial and Economic Strategy 2019-2031

The Regional Spatial and Economic Strategy (RSES) was published by the Eastern and Midland Regional Assembly. The RSES outlines the long-term regional level strategic planning and economic framework in support of the National Planning Framework for the period 2019-2031. The RSES identifies regional assets, opportunities, pressures and constraints and provides a framework for investment to better manage spatial planning and economic development throughout the Eastern & Midland Region. The RSES is tasked with the development of planning policy for future housing needs in the region upon consideration of the availability of land, resources, environment and infrastructure capacity.

Wicklow County Development Plan 2016-2022

The following LECP Economic Objectives are very relevant to the potential zoning of the subject site:

- **7.1** *Stimulate and support the development and expansion of micro-enterprises and SME's facilitation the growth of economic activities, development of innovative sectors, promotion of business engagement and the creation of new employment opportunities, decent jobs sustainable meaningful livelihoods.*
- **6.1:** *Support inward and promote the creation and expansion of new and existing employment opportunities in the county to drive economic development within the County.*
- **6.3:** *Support the provision of high-quality infrastructure throughout the County that will facilitate and support economic expansion.*
- **8.4** Support the rural economy and promote rural economic diversification.

Chapter 9.3 of the Draft Development Plan states the following:

(ii) Ensuring an adequate supply of zoned and serviced land for employment in accordance with national and regional policy the focus of all new development including economic development should be on regeneration and redevelopment of brownfield lands and infill sites within or adjacent to the town centres. Additional greenfield lands will also be zoned, where deemed necessary, in town plans and local areas plans to facilitate economic growth that cannot be accommodated on town centre sites or within the existing built-up area. The amount of land to be zoned will be determined on a case-by-case basis having regard to the characteristics of a settlement, the need for new employment opportunities and the availability of brownfield lands or infill sites.

6.0 Justification and Grounds of Proposed Re-Zoning

The entire site is a long-established commercial hub with multiple commercial operations. Taking the above policy objectives into consideration, we propose to change to the zoning objective of the subject site under the Draft Wicklow County Development Plan 2021-2027 from an unzoned land to an Employment" (E) site – reflecting its true status and allowing for a moderate intensification of employment. In doing so it seeks to support the new draft development plans approach to regional and economic development by developing existing serviced land and supporting inter-regional and urban traffic. The objective of Employment zoning is to provide for the development of enterprise and employment.

The M11 and junction 18 are significant for transport links in Wicklow and more broadly the EMRA and SRA, this re-zoning proposal seeks to support county and regional development in the most viable way. In the next section, the rational for the above proposal will be set out.

Crucially, a proposed development on this site can provide a safe and appropriately designed access to the M11 where currently there is difficulty in terms of local access. This was a factor in the initial granting of planning permission by Wicklow County Council for an offline service area on the site, whereby the planner's report stated that the entrance and exit layout, which included a separate exit for HGVs and a specific T-junction, provided a high quality integration with the M11 and would be a

cohesive and safer road layout than the existing junction. This comment was further supported in the Inspector's report (A.B.P Ref. PL27.248302).

Current Land Use Zoning (Wicklow County Development Plan 2016-2022):

This site is not currently zoned for development, it is situated within unzoned rural land. In the Wicklow County Development Plan 2016 – 2022 there is a strategic objective for the economic development in rural areas; (Rural Clusters & Rural Areas i.e. any location outside the development boundary of any settlement in Level 1-8)

- *To preserve the amenity, character and scenic value of rural areas, and to generally require employment-generating development to locate on zoned / designated land within existing settlements. Notwithstanding this, it is the objective of the Council to support the diversification of the rural economy through the development of appropriate rural based enterprises, which are not detrimental to the character, amenity, scenic value, heritage value and environmental quality of a rural area.*
- **existing commercial development*nonconforming uses*
- *Strategic location, access, central location, nearest service station*
- *Local objective to offline stations*
- *Aimed at motor way users/ not town centre users*

Rural Employment Objectives (Wicklow County Development Plan 2016-2022):

RUR1; *To permit the development of employment generating developments in rural areas, where it is proven that the proposed development requires to be located in a rural area (e.g. dependent on an existing local resource) and will have a positive impact on the location.*

RUR2; *To permit the development of small-scale commercial / industrial developments in rural areas that are not dependent on an existing local resource, subject to compliance with of all the following criteria*

1. *The proposed development shall be a small-scale industrial / commercial scheme or service and the number employed shall be appropriate in scale to the location and its characteristics, including proximity to the workforce and customers.*
2. *The proposed development shall be located on the site of a redundant farm building / yard or similar agricultural brownfield site.*
3. *The nature and scale of the proposed development and the proposed process or activity to be carried out, shall be appropriate to and compatible with, the character of the rural environment of the site at which the development is proposed, and shall not be detrimental to the rural amenity of the surrounding area. In the assessment of planning applications, cognisance shall be taken of the location of the site vis-à-vis the proximity of the site to the national and regional road network.*

Draft Land Use Zoning (Wicklow County Development Plan 2021-2027):

As before, the subject site is not zoned for development; it is unzoned rural land. Similar to the previous plan, there are strategic objectives for the development of employment in rural areas;

- **CPO 9.31:** *To permit the development of employment generating developments in rural areas, where it is proven that the proposed development requires to be located in a rural area (e.g. dependent on an existing local resource) and will have a positive impact on the location.*
- **CPO 9.31** *Enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise through the diversification of the rural economy into new sectors and services, including ICT-based industries and those addressing climate change and sustainability.*
- **CPO 9.33** *To support proposals to maximise economic opportunities and strengthen the economic structure of the south and west of the County by facilitating economic diversification and new enterprise development including remote working opportunities.*

Environmental Issues

The site is not located adjacent or within an SAC, SAP nor a Natural Heritage Area. There are areas of ecological and environmental interest within the locality.

Three Mile Water river is located at the south of the site, this river is not considered a “River Waterbody Risk”. This river has a “good” ecological status. (EPA 2021) Additionally, are two National Water Monitoring Stations along the Three Mile Water river to the south-west of the site. The referenced location is 4.8km away from Deputy’s Pass Nature reserve SAC and Glenealy Woods NHA. The Ballnagran Landfill is located approximately 1.4km from site. GreenKing Composting Ltd located roughly 425m away from the site. The site has never been flooded.

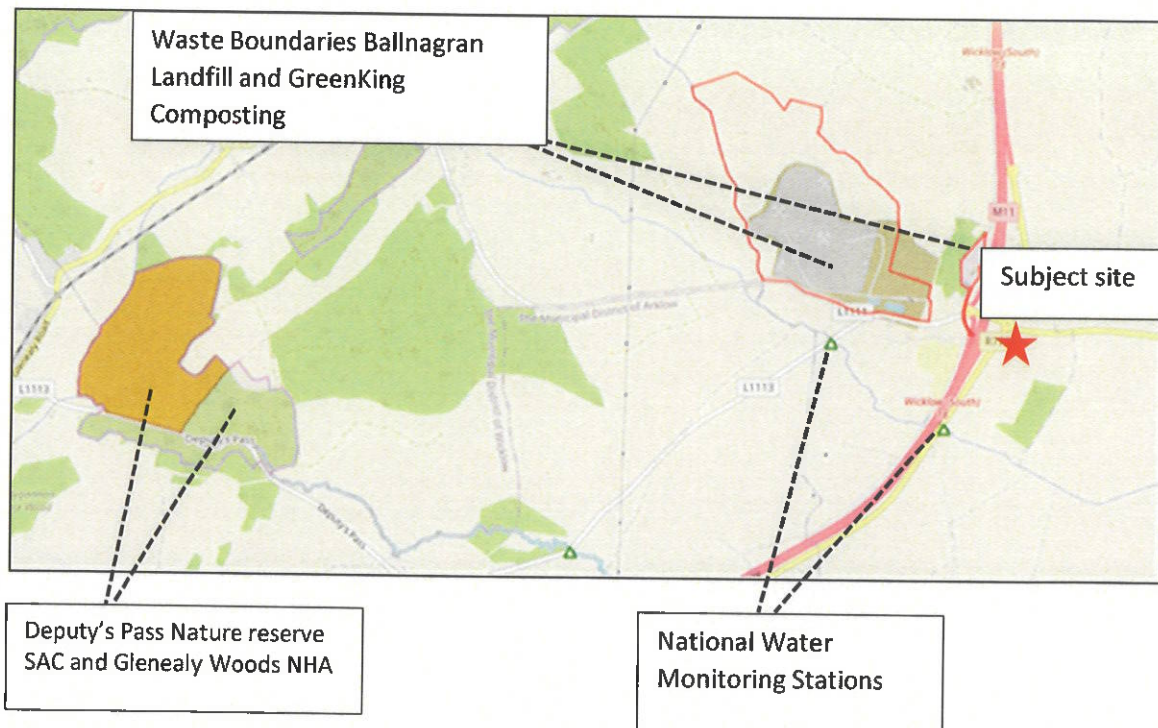


Fig. 2 – Environmental sites

7.0 Conclusion

The entirety of the subject site has a long established commercial use. However, in the Draft Development Plan, the site remains on unzoned land. Therefore our client wishes to formalise the current use in a way that reflects the historic reality of how the site has been used over generations.

This location of the site caters for strategic long distance inter-regional traffic as it serves routes Dublin-Rosslare, Dublin-Wexford and Dublin-Waterford. Additionally, the site serves inter-urban traffic with links between Gorey, Arklow and Dublin. The South-East of Ireland is a significant driver in Ireland's tourism, services facilities at the proposed site would support networks between popular seaside destinations Tramore, Dunmore East, Brittas Bay and Dublin. This site is a sensible location for intensified employment use, due to its motorway access and central location along the M11 between Dublin and major towns Wexford, Enniscorthy, Gorey and Arklow.

Given the existing commercial use on site, it is important that a viable and strategic zoning or local objective is sought for the lands. In our professional opinion, such a re-zoning would not materially conflict with national planning guidelines, particularly that of the 'Spatial Planning and National Roads Guidelines for Planning Authorities'.

Our view is that this site could be re-zoned for Employment use. The objective of Employment zoning is to provide for the development of enterprise and employment. The site is located in unzoned rural land; however, it has an un-conforming use and is fully serviced with existing carpark, entrance and commercial function. An employment use would meet the LECP Economic Objectives, namely stimulating and supporting the development and expansion of micro-enterprises and SME's facilitation the growth of economic activities, development of innovative sectors, promotion of business engagement and the creation of new employment opportunities, decent jobs sustainable meaningful livelihoods. Such as zoning would not detract from existing employment centres as there is sufficient distance between the site and nearest settlements. It would strengthen the diversity of commercial spaces available to commercial operators in the area.

Downey Planning are of the professional opinion that the site fulfils the Wicklow rural economy policy objectives in addition to meeting the aims of the National Planning Framework and the RSES, which seek to stimulate rural economies at appropriate, serviced locations.