



Tionól Reigiúnach Oirthir agus Lár-Tíre Eastern and Midland Regional Assembly

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Proposed Variation No. 1 of the Wicklow County Development Plan 2022-2028 (Rathdrum Town Plan)

The Eastern and Midland Regional Assembly notes the publication of the proposed Variation No. 1 of the Wicklow County Development Plan 2022-2028 and sets out hereunder observations on behalf of the Assembly. The submission has been prepared by the executive and approved by the Cathaoirleach of the Eastern and Midland Regional Assembly (EMRA).

1.0 Regional Spatial and Economic Strategy (RSES)

The Council will be aware of the finalisation of the Regional Spatial and Economic Strategy for the Eastern and Midland Region which was made on 28th June 2019. In line with the provisions of the Planning and Development Act 2000, as amended, the planning authority shall ensure, when making a variation to the development plan, that it is consistent with the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region, thus ensuring full alignment between local, regional and national planning policy. In this regard, the Regional Assembly welcomes the proposed variation to the County Development Plan.

2.0 Legislative Context

Under Section 27C of the Planning and Development Act 2000, as amended, the Eastern and Midland Regional Assembly, is obliged to prepare submissions/ observations to be submitted to the relevant planning authority and copied to the Office of the Planning Regulator.

A submission shall contain a report which shall state whether, in the opinion of the Regional Assembly, the draft variation of the development plan, is consistent with the Regional Spatial and Economic Strategy. If, in the opinion of the Regional Assembly the proposed draft variation of the development plan is not consistent with the RSES, the submission / observations and report shall include recommendations as to what amendments, in the opinion of the Regional Assembly, are required to ensure that it is consistent.

This report contains the opinion of the Eastern and Midland Regional Assembly in relation to the above matter along with recommendations as required under Section 27C of the Planning and Development Act 2000 as amended.

3.0 Proposed Variation No. 1

Proposed Variation No. 1 seeks to vary the Wicklow County Development Plan 2022-2028 in respect of the following;

‘To rezone 0.81ha of land at Ballygannon, Rathdrum, from ‘RN – New Residential’ to ‘OS2 – Passive Open Space’ and amend the written text of the Rathdrum Town Plan to reflect the changes consequent from the rezoning.’

3.1 Background summary of Proposed Variation

Wicklow County Council outlines that in the preparation of the first set of maps for the Residential Zoned Land Tax (RZLT) in 2022/2023 for County Wicklow, a landowner who has land that is considered to be ‘in scope’ for the tax on a draft or supplemental map may make a submission to request a change to the zoning of the land. Such requests are facilitated under Section 653 (1) of Part 22A of the Taxes Consolidation Act 1997 (as amended by the Finance Act 2022) in order to provide an opportunity for landowners to have the status of their land reviewed in light of the undertaking of the new taxation measure.

Circular Letter NRUP 07/2022 on December 2022 provides guidance from the Minister with regard to the process of considering any such re-zoning requests.

Submission number WW-RZLT-14, in relation to 0.81ha of land in Rathdrum, was received by Wicklow County Council on 20th December 2022. This submission sought to have this parcel of land rezoned. The site comprises a large ‘back garden’ to the rear of the landowners dwelling. There is a strip of Passive Open Space (OS2) zoned land to the rear of the site, which adjoins a stream to its southern boundary. The stream flows into the Avonmore River to the east, circa 1km from the site. The Chief Executive of Wicklow County Council has assessed the request and is of the opinion that a variation process should be commenced in relation to the subject lands in Rathdrum. It is proposed to re-zone the lands from ‘RN – New Residential’ to ‘OS2 – Passive Open Space’.

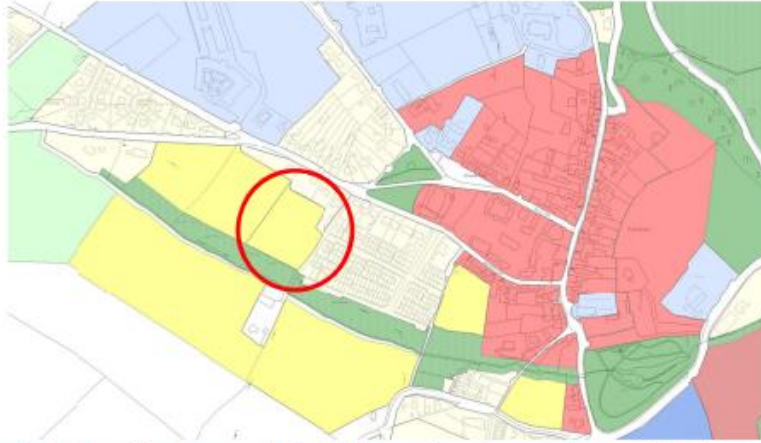
Reason Provided for the Proposed Variation:

- (a) Having regard to Section 653 (1) (a) and (b) of the Taxes Consolidation Act 1997 (as amended) (Residential Zoned Land Tax), following receipt of a submission to the draft map, seeking a rezoning.
- (b) Having considered the guidance set out in Circular Letter NRUP 07/2022, the Chief Executive of Wicklow County Council is satisfied that:
 - The removal of the ‘residential’ zoning of these lands would not undermine the proper planning and sustainable development of the area, including the core strategy and housing supply targets for Rathdrum, having particular regard to the quantum of residential land zoned in Rathdrum in the Wicklow County Development Plan 2022-2028.

- While these lands are located close to the core of Rathdrum, the removal of the ‘residential’ zoning of these lands would not conflict with the goals of compact growth and the ‘sequential approach to zoning’ set out in the Development Plans Guidelines for Planning Authorities 2022. The purpose of the ‘sequential approach’ is to avoid development and zoning ‘leapfrogging’ to less centrally located areas; this would not arise in this case as (a) no alternative, more peripheral lands are proposed or are necessary for rezoning on foot of this potential de-zoning, (b) the lands beyond this site are already under development and (c) the recently adopted Rathdrum Town Plan provides for carefully calibrated residential zoning provisions that accord with the sequential approach.
- The removal of the ‘residential’ zoning of these lands would not conflict with town centre regeneration aims. In order to achieve these aims, it is not essential that every piece of undeveloped land in a town be zoned for intensive / development use – towns require a range of uses and services, including open lands, in order to be sustainable.
- An alternative ‘biodiversity’ related zoning would benefit the environment and the residents of Rathdrum and would contribute towards the achievement of the County’s biodiversity and climate action goals.

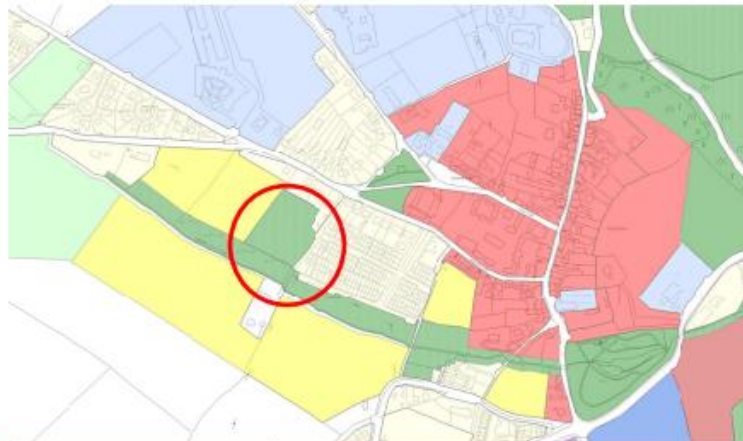
Proposed Zoning and Text Amendments

a) Rathdrum Town Plan Land Use Map Amendment
from



RN: New residential	To provide for new residential development and supporting facilities.	To facilitate for the provision of high quality new residential developments at appropriate densities with excellent layout and design, well linked to the town centre and community facilities. To provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities.
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To



OS2: Passive Open Space	To protect and enhance existing open, undeveloped lands	To protect, enhance and manage existing open, undeveloped lands that comprise flood plains, buffer zones along watercourses and rivers, steep banks, green breaks between built up areas, green corridors and areas of natural biodiversity.
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and

b) Rathdrum Town Plan Written Statement Amendment

Section '4.3 Residential Development' of the Rathdrum Town Plan written document is amended with new text in blue and deleted text in ~~red-strikethrough~~.

4.3 Residential Development

This plan makes provision for the zoning of ~~10.85ha~~ 10.05ha for new residential development of which c. 60% is located outside of the CSO 2016 boundary, with a capacity of c. ~~335~~ 305 units.

Table 4.1 New residential zoning provisions

Location/Description	Area (ha)	Zoning	Potential No. of Units
Union Lane	0.35	RN	10
Ballygannon	2.8 2.0	RN	90 60
Brewery Lane	0.63	RN	20
Poundbrook Lane	0.57	RN	20
Knockadosan	6.5	RN	195
Total	10.85 10.05		335 305

Figure 1: Extract of map from report on proposed Variation No. 1 of the Wicklow County Development Plan 2022-2028 indicating the location of the subject site and also proposed amendments to the Rathdrum Town Plan Written Statement (Volume 2 of the Wicklow CDP 2022-2028).

4.0 Submission

The Regional Assembly acknowledges the proposed Variation No. 1 of the Wicklow County Development Plan (CDP) 2022-2028, which seeks to rezone 0.81ha of land at Ballygannon, Rathdrum, from 'RN – New Residential' to 'OS2 – Passive Open Space' and amend the written text of the Rathdrum Town Plan to reflect the changes consequent from the rezoning.

Full details and a map of the subject site are set out in an accompanying report on public display, including a full assessment of site characteristics. The proposal involves changing the land use zoning objective of 0.81ha of land at Ballygannon, Rathdrum arising from a request from the relevant landowner during the Residential Land Zoned Tax (RLZT) process in County Wicklow to have an area of back garden to the rear of an existing dwelling rezoned from 'residential' use to 'open space' use where such requests may be facilitated in the RLZT procedure through Circular Letter NRUP 07/2022 issued in December 2022.

Rathdrum is not listed as one of the higher order settlements (e.g. Regional Growth Centre or Key Town) in the RSES 2019-2031 and is identified in the Wicklow County Development Plan 2022-2028 as a 'Self-Sustaining Town' with a housing target of 210 units (incl. 25% additional provision) in the core strategy of the county development plan. In keeping with Table 4.2 of the RSES, Table 3.3 of the

Wicklow County Development Plan 2022-2028 defines Self-Sustaining Towns in the Core Region as having *'high levels of population growth and a weak employment base which are reliant on other areas for employment and/or services and which require targeted 'catch up' investment to become more self-sustaining.'*

Having considered the small-scale nature of the proposed change to the land use zoning objective in Rathdrum consisting of 0.81ha of land from a residential to open space zoning, it is not considered that the proposed variation will have a material impact on the core strategy of the Wicklow County Development Plan 2022-2028 from a housing delivery perspective. The proposed variation will also not impact on any of the Regional Strategic Outcomes or Regional Policy Objectives contained in the RSES for the Eastern and Midland Region 2019-2031 as it relates to County Wicklow.

Accordingly, the Regional Assembly does not have any objection to the proposed draft Variation No. 1 of the Wicklow County Development Plan 2022-2028 as placed on public display.

5.0 Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA)

The proposed variation underwent a screening for Strategic Environmental Assessment (SEA) and concluded that the proposal does not require a Strategic Environmental Assessment as it would be unlikely to have significant effects on the environment, taking account of the relevant criteria set out in Schedule 2A of the Planning and Development (Strategic Environmental Assessment) Regulations 2004 and any submission or observation received from the designated environmental authorities specified in Article 13A(4).

Furthermore, a screening for Appropriate Assessment (AA) was also carried out and concluded that the proposed variation will not have any significant cumulative, direct or indirect impacts on a European site, therefore it is not considered necessary to undertake any further stages of the Appropriate Assessment process.

6.0 Conclusion

It is considered that the proposed Variation No. 1 to the Wicklow County Development Plan 2022-2028, is consistent with the Regional Spatial and Economic Strategy (RSES) 2019-2031, having regard to the observations outlined above. The proposed variation does not materially impact on any regional strategic outcomes or regional policy objectives contained in the RSES and accordingly, the Regional Assembly has no further observations to make on the matter.

Regards,

A handwritten signature in cursive script, appearing to read 'Clare Bannon', written in black ink.

Clare Bannon
Acting Director
Eastern and Midland Regional Assembly
26th September 2023