An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta Department of Housing, Local Government and Heritage



February 2023

For the Attention of: Mr. Brian Gleeson, Chief Executive

Wicklow County Council County Buildings Whitegates Wicklow Town County Wicklow A67 FW96

Section 31 of the Planning and Development Act 2000 (as amended) Decision to Issue a Direction to Wicklow County Council on the Wicklow County Development Plan 2022 - 2028

Dear Brian,

I am writing to inform you of the following in relation to the Section 31 draft Direction issued to Wicklow County Council on 24th October 2022, and the subsequent consideration by the Office of the Planning Regulator ('the Office') of your report and the submissions made directly to the Office in connection with the Wicklow County Development Plan 2022 – 2028, as adopted by the elected members of Wicklow County Council on 12th September 2022.

The Office notified the Minister pursuant to section 31AN(4) of the Planning and Development Act 2000 ('the Act') on 12th January 2023 and recommended that I as Minister, issue the Direction, as attached to the *Notice of Intention to Issue a Direction* dated 24th October 2022, without material amendment to the draft Direction.

The draft Direction contained the following parts:

- Part 2(a) reinstate settlement boundaries and zoning objectives to those set out in the draft Plan in the case of four (4) individual material amendments in Kilpeddar-Willowgrove, Johnstown, Ashford, and Carnew;
- Part 2(b) delete two (2) zoning objectives from the settlement zoning map for Aughrim; and



• Part 2(c) delete the objective and associated map in respect of a new nursing home / residential care facility for the elderly at Kilmullen, Newcastle.

A copy of the notice letter and proposed final Direction was submitted to the Minister by the Office along with supporting documentation, which included the following:

- Wicklow County Council Chief Executive's Report issued under section 31(8) of the Act;
- A copy of submissions received by the OPR pursuant to section 31(10) of the Act.

Having reviewed and considered the Office's notification letter under section 31AN(4), your report on the draft Direction and submissions received, and the submissions made directly by elected members of the Council to the Office, I am of the opinion that the Direction should be issued to effect recommendations (2)(a)(i), (2)(a)(ii) and (2)(a)(iv); (2)(b)(i) and (2)(b)(ii) and (2)(c) of the Office, and in that regard I refer you to the Statement of Reasons set out in the enclosed Direction.

I have decided not to include recommendation 2(a)(iii) issued by the Office under section 31AN(4), in the Direction, which would have required the following:

Reinstate the following settlement boundaries and zoning objectives to that of the draft *Plan*:

Amendment V2-99 (Ashford) i.e. the settlement boundary reverts to the draft Plan and the subject land reverts to unzoned from RN- New Residential.

My reasons for not including this recommendation in the Direction are set out as follows:

- 1. The subject lands are contiguous to an approved Strategic Housing Development which is nearing completion and which has the potential to provide access to the subject lands with the result that the lands may be considered to be serviced and may be developed for housing within the life of the County Development Plan.
- 2. The subject lands are contiguous to the existing urban environment of Ashford.

In light of my decision you will note that there are consequent changes to the numbering of the elements of the Direction in its final form, and the date of the Direction has been amended from '2022' to '2023'.



Accordingly, Wicklow County Council should **TAKE NOTICE** that on the day of February, 2023 I have issued a Direction pursuant to Section 31 of the Planning and Development Act 2000 (as amended). Pursuant to Section 31(17) of the Act this Direction is deemed to have immediate effect and its terms are considered to be incorporated into the plan. A copy of this Direction is enclosed.

In light of the foregoing, Wicklow County Council is required, pursuant to Section 31(2) of the Planning and Development Act 2000 to comply with this Direction so as to rectify the matter in a manner that, in my opinion, will ensure that the Wicklow County Development Plan 2022 - 2028 sets out an overall strategy for proper planning and sustainable development and meets the requirements of the Act.

The Council should ensure that the Direction is available for inspection at its offices and on its website.

My officials remain available to assist you, as necessary, in complying with the foregoing process.

Yours sincerely,

Darragh O'Brien, TD,

Minister for Housing, Local Government & Heritage

Copied to:

- Cathaoirleach, Wicklow County Council, County Buildings, Whitegates, Wicklow Town, County Wicklow, A67 FW96
- Office of the Planning Regulator, Fourth Floor (West Wing) Park House, Grangegorman, 191-193A North Circular Road, Dublin 7, D07 EWV4.
- Mr. Jim Conway, Director, Eastern & Midland Regional Assembly, 3rd Floor North, Ballymun Civic Centre, Main Street, Ballymun, Dublin 9, D09 C8P5.

DIRECTION IN THE MATTER OF SECTION 31

OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)

Wicklow County Development Plan 2022 – 2028

"Development Plan" means the Wicklow County Development Plan 2022 - 2028

"Planning Authority" means Wicklow County Council

WHEREAS the Minister at the Department of Housing, Local Government and Heritage in exercise of the powers conferred on him by section 31 of the Act, and consequent to a recommendation made to him by the Office of the Planning Regulator under section 31AN(4) of the Act hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (Wicklow County Development Plan 2022 2028) Direction 2023.
- (2) The Planning Authority is hereby directed to take the following steps with regard to the Development Plan:
 - (a) Reinstate the following settlement boundaries and zoning objectives to that of the draft Plan:
 - (i) Amendment V1 11(a) (Kilpeddar Willowgrove), i.e. the settlement boundary reverts to the draft Plan.
 - (ii) Amendment V1 13 (Johnstown) i.e. the settlement boundary reverts to the draft Plan.

- (iii) Amendment V2 103 (Carnew) i.e. the settlement boundary reverts to the draft Plan and the subject land reverts to unzoned from RN- New Residential and OS1 Open Space.
- (b) Delete the following zoning objectives from the settlement zoning map for Aughrim:
 - (i) R2.5 New Residential (Low Density)
 - (ii) AUG 4.
- (c) Delete both Objective CPO7.xx inserted under Amendment V1-31 and associated Map 7.01:

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

Kilmullen, Newcastle (c.2ha)

STATEMENT OF REASONS

I. Pursuant to section 31(1)(b), section 31(1)(ba)(i) and section 31(1)(c)

The Development Plan as made includes material amendments to the draft Plan, that individually and cumulatively are not consistent with the Core Strategy, national and regional planning policy, and the proper planning and sustainable development of the area, including:

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

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

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

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

III. Pursuant to section 31(1)(b)

In light of the matters set out at I to II above, the Minister is of the opinion that the Development Plan fails to set out an overall strategy for the proper planning and sustainable development of the area.

IV. Pursuant to section 31(1)(c)

In light of the matters set out at I to III, above, the Development Plan is not in compliance with the requirements of the Act

GIVEN under my official seal,

Minister for Housing, Local Government and Heritage

day of February, 2023