



19th June 2025

For the Attention of: Ms Emer O’Gorman, Chief Executive

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

**Section 31 of the Planning and Development Act 2000 –
Notice of Intention to Issue a Direction to Wicklow County Council
regarding the Wicklow Town-Rathnew Local Area Plan 2025-2031**

Dear Emer,

Consequent to a recommendation made to me as Minister by the Office of the Planning Regulator (the Office) on 6th June 2025 in connection with the *Wicklow Town-Rathnew Local Area Plan 2025-2031* (the Local Area Plan) as adopted by the elected members of Wicklow County Council on 12th May 2025, and pursuant to section 31 of the Planning and Development Act 2000 (the Act), I write to give notice of my intention to issue a direction to Wicklow County Council to take account of certain measures specified in this notice.

Opinion

On consideration of the recommendation made to me by the Office, and on the basis of the information available to me, I have formed the opinion that:

- (i) Wicklow County Council, as planning authority, in making the Local Area Plan, has failed to implement recommendations made to it by the Office under section 31AO of the Act;
- (ii) The Local Area Plan is not consistent with national and regional policy objectives specified in the National Planning Framework First Revision and the Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES);
- (iii) The Local Area Plan, as made, fails to set out an overall strategy for the proper planning and sustainable development of the area;
- (iv) The Local Area Plan, as made, is not in compliance with the requirements of the Act.

A draft of the Direction accompanies this notice and I request that you publish notice of this draft Direction, no later than two weeks after its receipt. The reasons for the Direction are set out in the



Statement of Reasons incorporated in the attached draft Direction and further detail is provided in the Summary of Issues as set out below.

Process to Date

The draft Wicklow Town-Rathnew Local Area Plan 2025 (the draft Plan) was on public display from 9th October 2024 to 20th November 2024. The Office of the Planning Regulator made a submission to the draft Plan on 20th November 2024, containing 6 recommendations which addressed a broad range of matters.

The elected members, having considered the draft Plan and the Chief Executive's report on submissions received, decided to amend the draft Plan. The proposed material alterations were on public display from 3rd March 2025 to 31st March 2025. The Office made a submission on 28th March 2025 containing 6 recommendations. The Office's recommendations at the Material Alterations stage included, inter alia, *MA Recommendation 2 – Flood Risk Management* and *MA Recommendation 3 – Environmental Protection*.

The elected members of Wicklow County Council adopted the *Wicklow Town-Rathnew Local Area Plan 2025-2031* on 12th May 2025. Subsequently, the planning authority issued a notice letter to the Office advising of the making of the Local Area Plan and specifying the recommendations of the Office that were not complied with.

Having reviewed the Chief Executive's reports on the draft Plan and material alterations to the draft Plan, and the planning authority's section 31AO(5) notice letter, the Office has concluded that, with the exception of the items below, the recommendations of the Office have been responded to and/or have been addressed to its satisfaction, or are otherwise considered satisfactory within the legislative and policy context. The outstanding matters, therefore, relates to the following:

- MA 20B - Land zoned New Residential – Priority 2 (RN2) at Glenealy Road (*MA Recommendation 3*).
- MA 38 - Land zoned New Residential – Priority 1 (RN1) at Charvey Court (*MA Recommendation 2 and MA Recommendation 3*).
- MA 41 - Land zoned Employment (E) at The Murrough (*MA Recommendation 2 and MA Recommendation 3*).

Summary of Issues



OPR MA Recommendation 2 (Material Alterations MA 38 and MA 41)

Having regard to RPO 7.12 of the Regional Spatial and Economic Strategy and Strategic County Outcome SCO 7, MA Recommendation 2 of the Office's submission to Wicklow County Council recommended that the planning authority make the Local Area Plan without material alteration MA 38 and MA 41.

The submission highlighted that these lands overlap with Flood Zone A and B and have not satisfied multiple criteria of the Justification Test specified in the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).

By proceeding to zone lands at known risk of flooding for vulnerable forms of development without having passed the Justification Test, the Office considers the Local Area Plan is not consistent with RPO 7.12 of the RSES, in addition to specified objectives of the Wicklow County Development Plan.

OPR Recommendation 3 (Material Alterations MA 20B, MA 38 and MA 41)

Having regard to the necessity to protect the environment and biodiversity, including designated sites under the Birds and Habitats Directives, and cognisant of relevant objectives of the County Development Plan and the RSES, the Planning Authority was recommended to make the Local Area Plan without material alterations MA 20B, MA 38 and MA 41.

Specific concerns in relation to the retention of existing habitats and conservation of The Murrough Special Protection Area and The Murrough Wetlands Special Area of Conservation were raised during the plan-making process. Having regard to the above, the Office is of the opinion that a complete, precise and definitive finding and conclusion cannot be reached that there would be no risk of adverse effects on the integrity of protected sites.

Please see the reasons contained within the enclosed draft Direction for more detailed information.

Decision

On review of the recommendation issued by the Office, corresponding documents and analysis, I, as Minister, am of the opinion to issue a draft Direction and in that regard, I refer you to the Statement of Reasons set out in the enclosed draft Direction and the considerations below.

I, as Minister, consider that the plan as made:

- is not consistent with objectives of the National Planning Framework First Revision (2025) in particular NPO 52 (Coastal Resource), NPO 78 (Flood Risk Management), NPO 85 (Biodiversity) and NPO 87 (Protected Areas and Species).



- is not consistent with objectives of the Regional Spatial and Economic Strategy for the Eastern and Midland Region specifically RPO 7.12 (Flood Risk Management) and RPO 7.16 (Birds and Habitats).
- is not consistent with Policy Objectives CPO 13.3, CPO 14.06, CPO 17.1, CPO 17.2, CPO 17.4, CPO 17.7 and CPO 17.26 of the Wicklow County Development Plan 2022-2028.

The Local Area Plan has not been made in a manner consistent with, and has failed to implement, recommendations of the Office made under section 31AO of the Act.

Having regard to the matters set out above both individually and cumulatively, the Local Area Plan fails to set out an overall strategy for the proper planning and sustainable development of the area and is not in compliance with the requirements of the Act.

Measures to be taken – Draft Direction

Accordingly, having considered the recommendation of the Office, I am issuing a draft Direction pursuant to section 31 of the Planning and Development Act 2000 (as amended), to direct Wicklow County Council with regard to the *Wicklow Town-Rathnew Local Area Plan 2025-2031*.

In accordance with section 31AP(1) of the Act, having considered and taken account of the proposed draft direction submitted by the Office, the draft Direction as issued incorporates minor descriptive amendments which are not material in nature and do not alter the substance of the Office's recommended draft direction.

The draft Direction sets out the following steps for the Planning Authority to take:

- (a) Delete the following Material Alterations from the adopted Local Area Plan such that the subject lands revert to as indicated in the draft Local Area Plan:
 - (i) **MA 20B** - i.e. the subject lands revert to Open Space (OS1), from New Residential – Priority 2 (RN2).
 - (ii) **MA 38** - i.e. the subject lands revert to Open Space (OS1), from New Residential – Priority 1 (RN1).
 - (iii) **MA 41** - i.e. the subject lands revert to Natural Areas (OS2), from Employment (E).
- (b) and apply all necessary consequential updates to the text of the plan consistent with the foregoing.



Please note that in accordance with section 31(4)(c) and section 31(6) of the Act, those parts of the Local Area Plan referred to in this notice shall be taken not to have come into effect, been made or amended.

Next Steps – Procedural requirements

I wish to draw your attention to the public consultation obligations under section 31 of the Planning and Development Act 2000 (as amended), and the initial requirement as Chief Executive, under section 31(7) to publish notice of the draft Direction no later than 2 weeks after receipt of this notice, stating that the draft Direction may be inspected as specified in the notice, for a period of not more than 2 weeks.

The notice must also state that written submissions or observations in respect of the draft Direction may be made to the planning authority during the consultation period.

Further, in line with statutory requirements, a Chief Executive's report is to be prepared on the public consultation period under section 31(8), and must be furnished to the Office, the Minister, no later than 4 weeks after the public consultation process is completed, for further consideration.

In accordance with section 31(9) of the Act, the report of the Chief Executive must:

- (a) summarise the views of any person who made submissions or observations to the planning authority;
- (b) summarise the views of and recommendations (if any) made by the elected members of the planning authority;
- (c) summarise the views of and recommendations (if any) made by the regional assembly, and;
- (d) make recommendations in relation to the best manner in which to give effect to the draft Direction.

In addition, the elected members of the planning authority may make a submission to the Office of the Planning Regulator at any time up to the conclusion of the 2 week public consultation period referred to above and must also send any such submissions to me, as Minister.

The Office will then consider the Chief Executive's report together with any submissions made and will make a further recommendation to me, as Minister, regarding whether the Direction is to be issued with or without minor amendments, or not issued.

Where the Office is of the opinion that a material amendment to the draft Direction is required, or further investigation is necessary, or it is necessary for any other reason, then the Office may appoint an inspector no later than 3 weeks after receipt of the Chief Executive's report, prior to making a final recommendation to me.



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

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'James Browne', written over a horizontal line.

James Browne TD

Minister for Housing, Local Government and Heritage

Copied to:

- Cathaoirleach, Wicklow County Council, County Buildings, Whitegates, Wicklow Town, Co. Wicklow, A67 FW96.
- Director, Eastern and Midland Regional Assembly, 3rd Floor North, Ballymun Civic Centre, Main Street, Ballymun, Dublin 9, D09 C8P5.
- Office of the Planning Regulator, Park House, Grangegorman, 191-193A North Circular Road, Dublin 7, D07 EWW4.

DRAFT DIRECTION IN THE MATTER OF SECTION 31
OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)
Wicklow Town-Rathnew Local Area Plan 2025-2031

“Local Area Plan” means the Wicklow Town-Rathnew Local Area Plan 2025-2031 (as made).

“Development Plan” means the Wicklow County Development Plan 2022-2028.

“Planning Authority” means Wicklow County Council.

“RSES” means the Regional Spatial and Economic Strategy for the Eastern and Midland Region.

The Minister for Housing, Local Government and Heritage in exercise of the powers conferred on him by section 31 of the Planning and Development Act 2000 (No.30 of 2000) ("the Act") and consequent to a recommendation made to him by the Office of the Planning Regulator, hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (Wicklow Town-Rathnew Local Area Plan 2025-2031) Direction 2025.
- (2) The Planning Authority is hereby directed to take the following steps with regard to the Local Area Plan:
 - (a) Delete the following Material Alterations from the adopted Local Area Plan such that the subject lands revert to as indicated in the draft Local Area Plan:
 - (i) **MA 20B** - i.e. the subject lands revert to Open Space (OS1), from New Residential – Priority 2 (RN2).
 - (ii) **MA 38** - i.e. the subject lands revert to Open Space (OS1), from New Residential – Priority 1 (RN1).
 - (iii) **MA 41** - i.e. the subject lands revert to Natural Areas (OS2), from Employment (E).
 - (b) and apply all necessary consequential updates to the text of the plan consistent with the foregoing.

STATEMENT OF REASONS

- I. The Local Area Plan includes material alterations to the draft Local Area Plan to change the zoning of the land from Open Space (OS1) to New Residential – Priority 1 (RN1) (MA 38), and from Natural Areas (OS2) to Employment (E) (MA 41) located in Flood Zone A and B where the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (“Flood Guidelines”), issued under section 28 of the Act, indicate that such uses are not appropriate unless a Justification Test is passed. The material alterations are therefore inconsistent with RPO 7.12 of the RSES to avoid inappropriate development in areas at risk of flooding in accordance with the Flood Guidelines, and Policy Objective CPO 14.06 of the County Development Plan to implement the Flood Guidelines.
- II. The Local Area Plan includes material alterations to the draft Local Area Plan to zone land for residential and employment development in areas of environmental and biodiversity sensitivity (MA 20B, MA 38 and MA 41), including land within the floodplain and in close proximity to a watercourse (MA 38 and MA 41), and adjacent to The Murrough SPA and The Murrough Wetlands SAC and the Broad Lough (MA 41).

Furthermore, a complete, precise and definitive finding and conclusion has not been reached that there would be no risk of adverse effects on the integrity of The Murrough SPA and The Murrough Wetlands SAC, and reasonable scientific doubt remains as to the potential adverse effects of development facilitated under the Employment (E) zoning objective on the European sites in question (MA 41).

The material alterations are therefore inconsistent with RPO 7.16 of the RSES, and Policy Objectives CPO 13.3, CPO 17.1, CPO 17.2, CPO 17.4, CPO 17.7, and CPO 17.26 of the County Development Plan.

- III. The Local Area Plan has not been made in a manner consistent with, and has failed to implement, recommendations of the Office of the Planning Regulator made under section 31AO of the Act.

- IV. The Minister is of the opinion that the Local Area Plan as made is inconsistent with the objectives of the Development Plan of the area contrary to the requirements of section 19(2) and section 20(5)(a) of the Act.
- V. The Local Area Plan as made is not consistent with the objectives of the RSES contrary to section 19(2) and section 27(1) of the Act.
- VI. The Minister is of the opinion that the Local Area Plan as made is not consistent with National Policy Objectives 52, 78, 85 and 87 of the National Planning Framework First Revision (2025).
- VII. The Minister is of the opinion that the Local Area Plan fails to set out an overall strategy for the proper planning and sustainable development of the area.
- VIII. The Local Area Plan is not in compliance with the requirements of the Act.

GIVEN under my Official Seal,

Minister for Housing, Local Government and Heritage

Day of Month, Year.