



7th October 2025

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

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

**Section 31 of the Planning and Development Act 2000 –
Decision to Issue a Direction to Wicklow County Council regarding
Variation No.2 to the Wicklow County Development Plan 2022-2028**

Dear Emer,

I am writing to inform you of the following in relation to the section 31 draft Direction that issued to Wicklow County Council on 19th June 2025, and the subsequent consideration by the Office of the Planning Regulator (‘the Office’) of your report in connection with *Variation No.2 to the Wicklow County Development Plan 2022-2028*, as made by the elected members of Wicklow County Council on 12th May 2025.

The draft Direction, as issued in June, can be summarised as follows:

- Part 2(a) – Delete three identified material alterations from the adopted Variation, such that the subject lands revert to as indicated in the draft Variation.

The Office notified the Minister pursuant to section 31AN(4) of the Planning and Development Act 2000 (‘the Act’) on 27th August 2025 and recommended that I, as Minister, issue the Direction.



A copy of the notice letter and proposed final Direction was submitted to me, as Minister, by the Office along with a copy of your Chief Executive's Report on the draft Direction, prepared under section 31(8) of the Act.

Accordingly, having reviewed and considered the Office of the Planning Regulator's notice letter, your report of 7th August 2025 on the draft Direction and submissions received, I am of the opinion that the Direction should be issued in line with the recommendations of the Office and your report. In the above regard, I refer you to the Statement of Reasons set out in the enclosed Direction.

The Direction as issued incorporates minor descriptive amendments which are not material in nature and do not alter the substance of the Office's recommended direction but provide additional clarity in order to aid its interpretation.

For the avoidance of doubt, I also wish to confirm that at the time of my decision I was cognisant of the following matters:

- The proposed Material Alterations to the Variation, as published, are numbered 1 to 4.
- Material Amendments are identified on Map 1B included as proposed Material Alteration No. 2 to Variation No.2.
- Part of the "MA 20B" lands were outside the SLO 3 boundary as delineated at draft stage.
- The "MA 38" lands were wholly outside the SLO 3 boundary as delineated at draft stage.
- OS2 zoning is titled "Natural Areas".
- Footnote 6 of the Office's s.31AN(4) recommendation letter contains an inaccuracy.
- Proposed MA No. 42 to the Wicklow Town-Rathnew Local Area Plan 2025-2031 amended certain zoned lands from OS1 to OS2 and these were reflected in Variation No.2 through the incorporation of the relevant maps.



In reaching my decision to issue the Direction, I have noted your recommendations as Chief Executive under section 31(9) of the Act. I further note the Office's consideration of, and response to, those matters in its subsequent recommendation to me, as Minister, under section 31AN(4) of the Act.

Accordingly, Wicklow County Council should **TAKE NOTICE** that on 7th October 2025 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 *Variation No.2 to 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,

John Cummins TD

Minister of State for Local Government and Planning

Copied to:

- Cathaoirleach, Wicklow County Council, County Buildings, Whitegates, Wicklow Town, County 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.

DIRECTION IN THE MATTER OF SECTION 31
OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)
Variation No. 2 to the Wicklow County Development Plan 2022-2028

“Variation” means Variation No. 2 to the Wicklow County Development Plan 2022-2028 (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.

“NPF” means the National Planning Framework First Revision (2025).

The Minister of State at the Department of 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 the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2025 (S.I. No. 364 of 2025), 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 (Variation No. 2 to the Wicklow County Development Plan 2022-2028) Direction 2025.
- (2) The Planning Authority is hereby directed to take the following steps with regard to the Variation:
 - (a) Delete the following Material Alterations from the adopted Variation (*noting for the avoidance of doubt that the Material Alterations cited below are identified in Map 1b, as Proposed Material Alteration No. 2 to the Variation*):
 - (i) **MA 20B,**
 - (ii) **MA 38,**
 - (iii) **MA 41, and;**
 - (b) in the cases of MA 20B and MA 38, apply the ‘Changes Consequent’ (applicable to the Variation) recommended by the Wicklow County Council Chief Executive

at pages 42 and 43 of the section 31(8) report on the draft Direction *i.e.* the subject lands are each zoned Natural Areas (OS2), and;

- (c) in the case of MA 41, apply the "Chief Executive's recommendation" as recommended by the Wicklow County Council Chief Executive at page 44 of the section 31(8) report on the draft Direction *i.e.* the subject land is zoned Natural Areas (OS2).

STATEMENT OF REASONS

- I. The Variation includes material alterations to the draft Variation to change the zoning of the land to New Residential – Priority 1 (RN1) (MA 38), and 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 to the draft Variation are therefore inconsistent with NPO 78 of the NPF and RPO 7.12 of the RSES which seek to avoid inappropriate development in areas at risk of flooding, in accordance with the Flood Guidelines.
- II. The Variation includes material alterations to the draft Variation to zone land for development in areas of environmental and biodiversity sensitivity (MA 20B, MA 38 and MA 41, including land within the riparian buffer of a watercourse (MA 38 and MA 41), and adjacent to The Murrough SPA and The Murrough Wetlands SAC and the coastal resource at 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 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 NPO 52, NPO 85, and NPO 87 of the NPF and RPO 7.16 of the RSES.

- III. The Variation 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 31AM of the Act.
- IV. The Minister is of the opinion that the Variation is not consistent with the abovementioned objectives of the NPF and the RSES, and fails to set out an overall strategy for the proper planning and sustainable development of the area.
- V. The Variation is not in compliance with the requirements of the Act.

GIVEN under my hand,

A handwritten signature in black ink, appearing to read 'John Cummins', written over a horizontal line.

John Cummins TD
Minister of State for Local Government and Planning

7th October 2025