

DRAFT 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 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 (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 such that the subject lands revert to as indicated in the draft Variation:
 - (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 Variation includes material alterations to the draft Variation 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 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 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 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 above-mentioned 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 Official Seal,

Minister for Housing, Local Government and Heritage

Day of Month, Year.