



Wicklow Rathnew LAP – Draft Ministerial Direction Stage Submission - Report

Who are you:	Private Individual
Name:	R.F. Conway & Company Limited
Reference:	DWTRLAP-113357
Submission Made	July 11, 2025 11:39 AM

Topic

Draft Ministerial Direction to the Local Area Plan

Submission

Please refer to attachment.

Topic

Draft Ministerial Direction to Variation No. 2

Submission

Please refer to attachment.

Topic

Material Amendment No. 41 (Murrough North)

Submission

Please refer to attachment.

File

R.F. Conway & Company_Draft Ministerial Direction LAP submission_11.07.2025.pdf, 0.51MB



Draft Direction LAP,
Administrative Officer,
Planning Section,
Wicklow County Council,
Station Road,
Wicklow Town,
A67 FW96

Date: 11 July 2025

RE: Formal objection to the proposed rezoning of Employment (E) zoning at Murrough North to OS2-Natural Areas (Material Amendment 41) under the Draft Ministerial Direction on the Wicklow Town - Rathnew Local Area Plan 2025 – 2031.

Dear Sir/Madam,

As introductory context to this matter:

- *Under the Draft Wicklow Town-Rathnew LAP 2025, Wicklow County Council sought to rezone approximately 2.8 hectares of our lands at Murrough North from Employment land to OS2-Natural Areas.*
- *The council members democratically approved our proposal to retain Employment zoning on 1.0 hectares of land, meaning 1.8 hectares would become OS2-Natural Areas. This was approved in the WCC Ordinary Meetings of February 2025 and May 2025, as Material Amendment Number 41 – and **was adopted by Wicklow County Council** on 23 June 2025 as part of 'Wicklow Town - Rathnew Local Area Plan 2025 – 2031'.*
- *Now, under the 'Draft Ministerial Direction on the Wicklow Town-Rathnew Local Area Plan 2025-2031', from the Minister for Housing, Local Government, and Heritage, it is proposed that the Employment zoning already agreed to be retained on 1.0 hectares of land be reversed, meaning the entire 2.8 hectares would become OS2-Natural Areas.*

We hereby submit a formal objection to the Draft Ministerial Direction seeking the removal of Employment (E) zoning from the lands at Murrough North, democratically approved under Material Amendment 41 of the Wicklow Town-Rathnew LAP 2025. We respectfully request that the Planning Authority does not override the council members' democratic vote on the following grounds, all of which are supported by both legal and substantive evidence.



1. No History of Flooding

Our company's land has a long and verifiable history of being unaffected by flooding, including during significant national weather events, such as:

- Storm Darwin (2014)
- Storm Desmond (2015)
- Storm Ophelia (2017)
- Storm Emma (2018)
- Storm Barra (2021)
- Summer Flood Events (2023)

The site is naturally elevated and well-drained. According to the Planning System and Flood Risk Management Guidelines (2009), issued under Section 28 of the Planning and Development Act 2000 (as amended), planning authorities should base flood risk assessments on robust, site-specific evidence, such as historical actual flood data, where available and reliable, rather than relying heavily on predictive flood risk models and other **sources which do not present an accurate picture**.

Disregarding the factual historical evidence could undermine the principles of proper planning and sustainable development as required by the Act, which mandates that planning decisions be based on objective, verifiable evidence.

The 'Justification Test' cited by the OPR and Minister James Browne TD in his Draft Direction, which is a central point of the argument to dezone the subject lands, is absolutely flawed. This justification test, published in ADDENDUM I TO THE STRATEGIC FLOOD RISK ASSESSMENT OF THE DRAFT WICKLOW TOWN & RATHNEW LOCAL AREA PLAN 2025, is a highly subjective exercise which contains material issues.

The justification for Material Amendment Number 41 includes the following assertions:

"The zoning or designation of the lands for the particular use or development type is required to ADDENDUM I TO WICKLOW TOWN - RATHNEW LAP 2025 SFRA 47 achieve the proper planning and sustainable development of the urban settlement and, in particular:

- | | |
|--|-----------|
| <i>(i) Is essential to facilitate regeneration and/or expansion of the centre of the urban settlement;</i> | No |
| <i>(ii) Comprises significant previously developed and/or under-utilised lands;</i> | No |
| <i>(iii) Is within or adjoining the core of an established or designated urban settlement;</i> | No |
| <i>(iv) Will be essential in achieving compact and sustainable urban growth;</i> | No |
| <i>(v) There are no suitable alternative lands for the particular use or development type, in areas at lower risk of flooding within or adjoining the core of the urban settlement</i> | No |



We dispute the SFRA's conclusions, as the land is previously developed and under-utilised, near the urban core, and no alternative sites meet our operational needs. Material flaws include:

- Point (ii), which states that that the land does not comprise significant previously developed and/or under-utilised lands. This is completely inaccurate. The lands in question were previously developed with permanent structures and the lands are clearly under-utilised at present. The adjacent timber storage area is at capacity, as we have articulated at length as part of this process.
- Point (iii), which states that the land is not within or adjoining the core of an established or designated urban settlement. This is inaccurate, and importantly, the “No” response is not in-keeping with the response given to the justification test for other areas within the same report. There are other areas in the report which a “Yes” response was assigned to, which are further in distance from the core of an established or designated urban settlement.
- Point (v), which states that there are suitable alternative lands. This is completely inaccurate. There are no suitably zoned, flat lands, of over 15 acres, with suitable access for HGVs, “within or adjoining the core of the urban settlement”. This is simply incorrect.

The “No” response against point (i) and (iv) are also questionable. The justifications on which much of the dezoning argument is based are deeply flawed, both logically and from a legal standpoint. It appears that the persons who authored the justification test are not familiar with the land or its uses.

2. Low-Impact, Temporary Land Use: Minimal Environmental Impact

The land is to be used exclusively for the temporary, low-impact storage of imported timber packs required by Ireland's construction industry. Key aspects of this operation include:

- The absence of permanent structures.
- The easily reversible nature of the activity.
- No emissions, waste, or water discharge.
- The land remains intact and recoverable.

This low-impact use poses no ecological risk and fully aligns with the National Planning Framework (NPF) objectives, specifically National Policy Objective 3a, which supports compact and sustainable urban growth, and National Policy Objective 13, which promotes land use that balances environmental, social, and economic needs.

Our lands host an active timber treatment plant for which planning permission was granted and which is subject to EPA licensing and supervision. This has operated successfully for over twenty years and has presented no difficulty during that period. Despite its location, it has not been referenced as a threat in any of the WCC deliberations.



3. Unsubstantiated Claims Regarding Ecological Impact

We object to the claim in the letter from the OPR to Minister James Browne TD dated 6 June 2025 that there is "reasonable scientific doubt" regarding the potential effects of our activities on the **Murrough SPA and Murrough Wetlands SAC**. No site-specific assessments have been presented that link our low-intensity operations with any harm to these designated ecological sites.

It makes no logical sense to completely sterilise employment lands as OS2-Natural Areas because there theoretically could be adverse effects, when there is absolutely no evidence to show that they effects would occur or what their impact would be. The planning process should be used to evaluate the effects of any proposed activities, rather than the present scenario, where Government Authorities are **proactively fighting to sterilise essential employment land** in the town.

Under the Habitats Directive (92/43/EEC) and Birds Directive (2009/147/EC), transposed into Irish law through the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477/2011), specifically Regulation 42, potential impacts on protected sites must be based on site-specific Appropriate Assessments. Our timber storage operation, which takes place a considerable distance from the protected areas and involves no discharges or construction, does not pose any credible threat to the integrity of these areas. In addition, Our 4.5-acre (1.8 hectare) buffer zone of OS2-Natural Areas, which we have already advised could be designed with suitable ecological safeguards (such as native planting), further ensures no adverse impact on the Murrough SPA/SAC. In addition, the CAAS Strategic Environmental Assessment (SEA) undertaken as part of the LAP process confirms that the 1.0 hectare, we seek to retain employment zoning on has the **lowest environmental sensitivity**.

To remove employment zoning based on theoretical risks, without the backing of proper, detailed, site-specific evidence, constitutes a flawed and unjustified approach under both national and EU law.

4. Strategic Role in National Housing Delivery: Critical Infrastructure for Construction

Our facility is the **largest imported timber storage and distribution facility in Ireland**. The timber stored on our land is a critical resource for Ireland's construction sector, particularly in support of the **Housing for All** initiative and the increasing demand for **sustainable, timber-frame housing** – in particular Modern Methods of Construction (MMC) and offsite manufacturing – both of which the Government has repeatedly emphasised the importance of. The land serves as a key logistics and storage hub, which facilitates the delivery of timber essential for:

- New housing developments.
- Affordable and carbon-conscious timber frame homes.
- Sustainable and climate-friendly building practices.

Removing the Employment zoning designation would **disrupt the vital timber supply chain**, undermining the national housing agenda by increasing costs and delaying housing delivery. This conflicts with National Policy Objective 35 of the National Planning Framework (NPF), which supports infrastructure and employment opportunities through site-based regeneration and development to facilitate housing and economic growth.



Minister James Browne TD has taken the following actions over recent weeks:

- On 1 July 2025, Minister James Browne TD announced a new simplified and standardised process for delivery of social housing. He stated that “I am determined to use **every opportunity that exists to accelerate the delivery of homes.**” The Minister’s efforts to dezone this employment land immensely contradict this intent. It is of vital importance that Minister Browne TD is aware that suffocating this facility’s ability to meet the needs of the market will result in delays to new home construction and increased procurement costs for timber products nationally.
- In this announcement, the importance of using Modern Methods of Construction (MMC) is emphasised explicitly. Thousands of cubic metres of timber stored in our facility are supplied to MMC manufacturers every single week.
- On 8 July 2025, Minister James Browne TD introduced new Planning Standards for Apartments, which acknowledges notes that “Planning authorities may accept a reduced provision of private open space in certain circumstances“. Yet, open space (OS2-Natural Areas) is being prioritised above Employment zoned land in Murrough North. This is despite the fact these lands directly support the building of new homes.

5. Support for Wicklow Port and the Local Economy

The site is essential to the continued operation and success of **Wicklow Port**, a critical hub for the shipment of timber and other forest products, which directly / indirectly supports hundreds of Irish jobs. The port represents a major infrastructure asset for both the forestry and construction industries, and our site plays a vital role in maintaining the flow of materials through this port.

Given the significant public investment in the **€65+ million Port Access Road**, removing the Employment zoning would undermine the strategic importance of Wicklow Port, negatively impacting the local economy, employment, and regional development. Such a decision would be inconsistent with Section 66 of the Local Government Act 2001, which promotes local economic development and the effective use of infrastructure to support job creation.

Multiple timber shipments in Q1 and Q2 2025 into Wicklow Port were deferred due to the absence of space at our Murrough North facilities. Imported timber is in massively high demand – and this requires ample storage space and bespoke infrastructure.

6. Environmental Mitigation: Voluntary Commitment to a 4.5-Acre (1.8 Hectare) Buffer Zone

We have already committed to setting aside **4.5 acres (1.8 hectares)** as an environmental buffer zone of OS2-Natural Areas between the timber storage site and the nearby ecological areas. This significant concession was made in good faith during the Draft Wicklow Town-Rathnew LAP 2025 process and at substantial cost, demonstrating our commitment to environmental responsibility.



This buffer zone exceeds the mitigation requirements for more intensive land uses and aligns with Section 19 of the Planning and Development Act 2000 and the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, which promote the integration of environmental safeguards into planning proposals. The decision to target our site for de-zoning, despite these efforts, is unjustified and counterproductive to sustainable land use.

7. Inconsistent Application of Zoning Policy: Unequal Treatment of Similar Developments

Several other developments in the vicinity, some located closer to sensitive ecological sites, have been granted planning permission recently. **These developments have been required to address potential environmental concerns through the standard planning process, and the same approach should clearly be adopted here.**

It is inconsistent and inequitable to single out our site for pre-emptive de-zoning, particularly when our land use is less intensive and we have proactively undertaken environmental mitigation measures. Such selective application of zoning policy undermines the procedural fairness and public consultation requirements of Section 19 of the Planning and Development Act 2000 (as amended) for Local Area Plan processes.

8. Lack of Site-Specific Evidence: Inadequate Justification for De-Zoning

We strongly object to the proposed de-zoning of our land in the absence of proper site-specific, scientific evidence which credibly substantiates the claims of flood or ecological risk.

ADDENDUM I TO THE AA NATURA IMPACT REPORT FOR THE DRAFT WICKLOW TOWN-RATHNEW LOCAL AREA PLAN 2025 references the site, however, does NOT present any compelling evidence to support removal of employment zoning whatsoever. It highlights potential, theoretical, and unsubstantiated ecological risks which could occur “if unmitigated”. We have repeatedly emphasised that we would adopt mitigation measures, as necessary.

In fact, the report advises that the solution is for Material Amendment No. 41 to be modified to address the concerns articulated by the report. This was done and the modified Material Amendment No. 41 was approved in the May 2025 Wicklow County Council Ordinary Meeting. **The concerns articulated have already been addressed.**

The selective treatment of our lands creates an unjustifiable disparity between similar sites and undermines the credibility of the planning process. Section 19 of the Planning and Development Act 2000 (as amended) requires that zoning decisions in Local Area Plans be evidence-based and consistent with national, regional, and local objectives.



9. Local Democratic Support for Retaining Employment Zoning

The proposed amendment to retain Employment (E) zoning for the site was overwhelmingly **supported by local elected representatives** during the adoption of the Local Area Plan – on two occasions. The motion was passed by significant majority in the WCC Ordinary Meeting in February 2025 (Proposed Material Amendment #41), and again in May 2025 (adoption of this amendment). These council members, who are familiar with the land and its role in supporting local jobs and supply chains, acknowledged our efforts in allocating **1.8 hectares** of land as a buffer zone of OS2-Natural Areas and supported the retention of the zoning.

This robust level of support reflects the democratic will of the local community and reinforces the importance of making planning decisions that are both **evidence-based** and **fair**. Overriding this local democratic support without proper justification would be a violation of the principles outlined in the **Local Government Act 2001**.

We respectfully request that the Chief Executive's report under Section 31(8) of the Planning and Development Act 2000 robustly defend the democratic votes of February 10, 2025, and May 12, 2025 (WCC Ordinary Meetings, passed with significant majorities), which reflect local economic priorities tied to Wicklow Port, job creation, and the Housing for All initiative.

Our site's flood-free history, 1.8-hectare ecological buffer zone, and critical role in the national timber supply chain, as evidenced in this submission, support the council's decision for MA 41. We urge the report to ensure these local priorities are upheld.

10. ECHR and Constitutional Concerns

The proposed reversion of our 1.0 hectares of Employment (E) zoned land to OS2-Natural Areas disproportionately restricts our property rights under Article 1, Protocol 1 of the European Convention on Human Rights (incorporated into Irish law by the European Convention on Human Rights Act 2003) and Article 43 of the Irish Constitution. This restriction limits the economic use of our land, critical for operating Ireland's largest timber distribution facility, without site-specific evidence of flood or ecological harm to justify such a severe measure.

The Minister's Draft Direction fails to promote a fair balance between environmental protection and our legitimate business interests, which support the national timber supply chain and the Housing for All initiative. Our 1.8-hectare buffer zone of OS2-Natural Areas, flood-free history, and low-impact operations demonstrate that less restrictive measures could achieve environmental objectives without undermining our property rights or the public interest in housing and economic development.



Conclusion: Request for Retention of Zoning

The Minister's Draft Direction and proposed dezoning has far-reaching implications, setting a dangerous precedent that could undermine the planning process by removing zoning based on generic, unsupported claims rather than detailed **site-specific and substantiated evidence**.

I wish to make clear that at no point before or during the LAP process did any person representing Wicklow County Council, or any Government Authority, visit the site to undertake any form of ecological or flood-risk study. There was no direct contact made with our company to properly assess, evaluate, and discuss this matter. The entire process has been undertaken with generalised, generic information, and desktop research, without a single foot being set on our lands. A significantly more robust process should have been adopted in advance of trying to fatally terminate 2.8 hectares of employment zoning in a town which has extremely limited employment zoned landbank available.

It is conceivable that a decision was made to zone this land as OS2-Natural Areas, prior to the development of this LAP process and that all documents and reports prepared as part of the process have been designed to retrospectively justify this questionable and undemocratic decision. There appears to be a genuine absence of objectivity and impartiality in respect of these lands.

Dezoning the land would:

- Disregard the **long-standing flood-free history** of the site.
- Overlook the **low-impact, temporary nature** of the use, which has no negative ecological impact.
- Ignore **strong local and democratic support**.
- Undermine national priorities regarding **housing delivery** and **regional economic development**.
- Introduce a lack of confidence and credibility to local investment

In light of the above, we respectfully request that the Planning Authority:

1. Retain the **Employment (E) zoning** for the 1.0 hectares approved under Material Amendment Number 41.
2. Address any **environmental or flood concerns** through the **planning application process**, based on actual data and historical evidence.
3. Honour the **support of local elected representatives** and the environmental commitments already made by our company.
4. Make a **recommendation to Minister James Browne TD** in support of these points.

We remain committed to working constructively with Wicklow County Council and are happy to provide any further documentation or evidence required to assist in this matter.

Yours faithfully

R. F. Conway
Managing Director