



Wicklow Rathnew LAP – Draft Ministerial Direction Stage Submission - Report

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| Who are you: | Private Individual |
| Name: | Conway Roadfreight Limited |
| Reference: | DWTRLAP-152920 |
| Submission Made | July 16, 2025 3:30 PM |

Topic

Draft Ministerial Direction to the Local Area Plan

Submission

Please refer to attached letter.

Topic

Draft Ministerial Direction to Variation No. 2

Submission

Please refer to attached letter.

Topic

Material Amendment No. 41 (Murrough North)

Submission

Please refer to attached letter.

File

Conway Roadfreight_Draft Ministerial Direction LAP submission_16.07.2025.pdf, 1.12MB

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

Date: 16 July 2025

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

Dear Sir/Madam,

I represent Conway Roadfreight Limited, a Wicklow based road transport company, which distributes packaged timber throughout the island of Ireland from the R.F. Conway & Company distribution facility at the Murrough, Wicklow. Over 95% of our company's revenues are generated through activities originating from this facility, with other local road transport subcontractors also deriving most of their revenues in the same manner.

We hereby submit a formal objection to the Draft Ministerial Direction seeking the removal of Employment (E) zoning from 1.0 hectare of lands at Murrough North, **democratically approved** by Council Members under Material Amendment 41 (MA 41) of the Wicklow Town-Rathnew LAP 2025.

We respectfully submit that the evidence relied upon by the Minister for Housing, Local Government and Heritage to issue this direction appears to lack adequate, robust, site-specific ecological and flood risk assessments, and in some cases the underlying data is not accurate. We are not aware of any visit by any local or government authority, nor by any third-party representative, to undertake any form of ecological or flood-risk study on this site, and accordingly we cannot see how certain assertions and conclusions included in the various LAP reports have been made.

We raise the following issues, pertaining to documents published as part of the LAP process, for consideration by the Minister:

SFRA (Strategic Flood Risk Assessment)

1. The Justification Test published in 'Addendum I To The Strategic Flood Risk Assessment Of The Draft Wicklow Town & Rathnew Local Area Plan 2025' for MA 41 includes the following assertions:

The zoning or designation of the lands for the particular use or development type is required to achieve the proper planning and sustainable development of the urban settlement and, in particular:

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| (i) <i>Is essential to facilitate regeneration and/or expansion of the centre of the urban settlement;</i> | No |
| (ii) <i>Comprises significant previously developed and/or under-utilised lands;</i> | No |
| (iii) <i>Is within or adjoining the core of an established or designated urban settlement;</i> | No |
| (iv) <i>Will be essential in achieving compact and sustainable urban growth;</i> | No |
| (v) <i>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 contest that this justification test is fundamentally flawed, in particular, the “No” response assigned to points (ii), (iii), and (v).

Notably, regarding point (iii), in the same SFRA report the PU Public– Existing Wastewater Treatment Plant is considered to be “*within or adjoining the core of an established or designated urban settlement*”. It is given a “Yes” response. MA 41 is clearly significantly closer to the “core of an established or designated urban settlement” than the Wastewater Treatment Plant, by some distance, yet MA 41 is given a “No” response. **There is a clear disparity in how MA 41 has been treated.** In addition, point (v) states that there *are* “suitable alternative lands” available. This is 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”.

We contest that the **justification test relied upon by the SFRA, the OPR, and the Minister is not valid**, under the relevant Irish and EU laws which demand its production. We respectfully seek clarification and a response from the Minister on these issues.

2. Has the SFRA included a site-specific Stage 1 screening to identify flood zones within the MA 41 area, as required by the Flood Risk Management Guidelines?
3. Were site-specific flood hazard and risk maps developed for the MA 41 land parcel during Stage 2, based on available data (including historical data) and local conditions?
4. Were local drainage patterns and watercourse capacities within the MA 41 boundary analysed to inform flood risk mitigation measures?
5. Was an in-person survey of the MA 41 site undertaken to validate the accuracy of mapped flood zones and assess actual conditions on the ground, as per Stage 2 guidance in the Flood Risk Management Guidelines?
6. Were local watercourse conditions within the MA 41 site physically inspected to inform the detailed flood risk assessment, if required?
7. Has any evidence of actual flooding events on the site contained in MA 41 been uncovered as part of the LAP process? We are unaware of any such event in recorded history.

SEA (Strategic Environmental Assessment)

8. Is the Minister aware that the 1.0 Hectare site of MA 41 is classified as having the lowest environmental sensitivity in the *Environmental Sensitivity* mapping contained in the SEA dated October 2024 (prepared by CAAS Ltd.)?
9. Has the SEA incorporated a site-specific baseline assessment of environmental receptors (e.g., water quality, biodiversity) within the MA 41 area?
10. Has the SEA included a site-specific assessment of likely significant effects on the MA 41 landscape, as mandated by Schedule 2A of the Planning and Development Regulations 2001?
11. Were site-specific mitigation measures proposed for the MA 41 area to address potential environmental impacts, per SEA requirements?
12. Was an in-person baseline survey carried out for the MA 41 site to establish environmental conditions where existing data was inadequate?
13. Were the environmental characteristics of MA 41 physically surveyed to inform the identification of mitigation measures, in accordance with the SEA Directive's requirement for baseline data to be "relevant to the project location"?

AA (Appropriate Assessment)

14. Has a site-specific screening for Appropriate Assessment been completed to determine if the MA 41 development could affect nearby Natura 2000 sites, as required under Article 6(3) of the Habitats Directive?
15. Were site-specific pathways of impact (e.g., hydrological changes) from the MA 41 site to protected habitats assessed during the AA process?
16. Has the AA included a site-specific evaluation of in-combination effects with other plans or projects affecting the MA 41 area, as mandated by EU guidance?
17. Were site-specific conservation objectives for any impacted Natura 2000 sites considered in the AA for the MA 41 development?
18. Was a site-specific survey or field assessment carried out for MA 41, where existing data was inadequate to fully assess potential impacts on nearby Natura 2000 sites — in line with Article 6(3) of the Habitats Directive and CJEU jurisprudence requiring that Appropriate Assessment be based on the best available scientific evidence?
19. Were field observations made on-site to assess species or habitat conditions within MA 41?
20. Is the Minister aware that the amendments proposed to MA 41, as noted in the Second Chief Executive's report (dated April 2025) in order to comply with the Habitat and Birds Directive, were already made. The amended version of MA 41 was approved in the Wicklow County Council Ordinary Meeting of May 2025 – and was adopted by Wicklow County Council on 23 June 2025 as part of Wicklow Town Rathnew Local Area Plan 2025 – 2031.

Other Considerations:

21. Is the Minister aware of the crucial significance of this facility to the Irish Construction Industry? The facility is at capacity, as R.F. Conway & Company has highlighted in its submissions throughout the LAP process. The facility needs to expand into the 1.0 hectare site which the Minister seeks to remove employment zoning on, for purpose of low-impact, temporary storage of packaged timber. Suffocating this facility and its ability to meet the ever-increasing demands of the market will result in **delays to new home construction and increased procurement costs for timber products nationally**.
22. Is the Minister aware that the 1.0 hectare site in question is a rugged area comprised of grass and stony land, adjoining the existing timber distribution facility, with no visible signs of any wildlife or habitats?
23. Has the Minister ensured that any decision to reverse the zoning of MA 41 is supported by robust, site-specific, and relevant evidence of environmental or flood risk consistent with obligations under Section 31 of the Planning and Development Act 2000 and relevant EU environmental law, rather than **generalised and non-site-specific data** related to the surrounding locale?

We respectfully request that the Chief Executive recommends to Minister James Browne TD the following:

- Retain Employment (E) zoning for the 1.0 hectares approved under Material Amendment 41.
- Address any environmental or flood concerns through the planning application process.
- Honour the support of local elected representatives and the environmental commitments already made by the facility's operator.

We are committed to working constructively with Wicklow County Council and the Minister, and can provide further documentation or evidence required to assist in this matter.

Yours faithfully,



Robert Conway
Director
Conway Roadfreight Limited