

Ashford Property Services

**Planning, Architectural and
Property Valuation Consultants**

The Square Ashford. Co, Wicklow.

Phone / Fax. 0404-49013.

Mobile 087-2775923.

Email: oconnor.ashford@gmail.com

WICKLOW COUNTY COUNCIL

30 AUG 2021

PLANNING DEPT.

Administrative Officer Forward Planning

**Wicklow County Council
Station Road
Wicklow Town**

Wicklow County Development Plan 2021-2027.

Rural Housing.

A Chara,

We would like to make a submission for consideration in the preparation of the Wicklow County Development Plan 2021-2027.

We ask Wicklow County Council to comply with Articles 43 and 46 of the EC Treaty, which guarantees freedom of movement.

Galway County Council and several other counties are addressing this issue in the upcoming development plans.

See attached article.

Yours Sincerely:

Pat O'Connor 30/08/2021

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Pat O'Connor .Dip Arch. Biat.

Rory O'Connor. BSc (Hons) Con. Man. MIEI.

Ross Boyce. Architectural Technician

'Locals only' planning rule illegal and discriminatory, says EU

THE controversial 'locals only' and 'must speak Irish' planning rules have been challenged by the EU as illegal and discriminatory. A landmark EU ruling yesterday will test the Fianna Fail/Greens coalition as the parties are poles apart on the issue of one-off houses in the countryside. The move will put serious pressure on 22 local authorities to abandon their 'locals only' policies when granting planning permissions. The EU ordered Ireland to explain why the 22 authorities discriminate in favour of local people. The EU Commission has written to the Department of Environment asking it to show how its 'local needs' rules do not break several internal-market rules and are not discriminatory. After months of examining the issue, officials believe the rules break articles 43 and 56 of the EC Treaty which guarantee freedom of establishment and the free movement of capital. They examined planning rules in Carlow, Clare, Cork, Donegal, Fingal, Galway, Kerry, Kildare, Kilkenny, Mayo, Meath, Monaghan, Laois, Longford, Limerick, Louth, Offaly, Sligo, Tipperary North and South, Wexford, Westmeath and Wicklow. These authorities require either residency or family ties to the area before permission for one-off family dwellings is given. Several authorities require that an applicant be employed locally in agriculture while two counties can insist that an applicant must speak Irish. The vast majority of EU citizens were unable to claim former residency, family ties or fluency in Irish, said a Commission official. A 'letter of formal notice' asking how Ireland reconciles the rules with EU law has been sent to Environment Minister John Gormley, who has two months in which to respond. The letter says: "The Commission requests observations from Ireland on the discriminatory aspects of the restrictions, their objectives, and the proportionality of the measures with the objectives pursued." The issue is expected to provide one of the first of many expected tests of the Fianna Fail-Green partnership. Within Fianna Fail many members believe people should be allowed to build on their own land as they see fit while the Green Party favours regulated, sustainable development. One councillor admitted last night that his local authority was going to have to "revisit" the issue of planning permission to ensure it was not at variance with EU law. Cllr Dermot Connolly, a member of Galway County Council, said he believed that the EU did not always have the best interests of regions and cultures at hand. Mr Connolly said local authorities had to have practical

restrictions, their objectives, and the proportionality of the measures with the objectives pursued." The Green Party yesterday said there was a "fundamental dilemma" because the demand for rural housing vastly outstripped infrastructure and services capacity and unplanned urban sprawl could not be tolerated, but EU laws could not be ignored. Local authorities yesterday said they would be studying the EU ruling to assess its implications. Olivia Kelly © 2007 The Irish Times