



Urgent Special KIO Newsletter August 2024

NB: Where references to debates are included below we have inserted links to the source in the official Dáil record.

The Planning & Development Bill (2023) is Almost Concluded

Keep Ireland Open is alarmed that clauses to protect and preserve existing Public Rights of Way enacted in 2010 **are omitted** in the proposed replacement Bill that the Government plans to approve in the coming weeks.

Since its first appearance in Dáil Éireann in 2023 we have persistently sought to have these protections safeguarded and retained in the new Bill. Unfortunately, despite support from many TDs and Senators in the form of proposed amendments and speeches made at committee debates in both houses, Minister Darragh O'Brien has failed to accept any of the relevant amendments.

To date the Minister has refused to honour a commitment given to Steven Matthews TD (Green Party, Wicklow) in the Dáil that:

"It is intended that there will be no substantive changes to provisions in the draft Planning and Development Bill 2022 (the Bill) pertaining to public rights of way compared to the provisions in the current Planning and Development Act 2000 (as amended) (the Act of 2000). Section 51(2)(g) of the draft Bill restates section 10(2)(o) of the Act of 2000 without substantive modification." (Ctl+Click [HERE](#))

This assertion is clearly incorrect because the provision in the current Act is mandatory – "**SHALL** include objectives..." – while the wording in the draft Bill is optional – "**MAY** include objectives...". So unless the Bill is changed, local authorities will no longer be legally obliged to include a list Public Rights of Ways in their Development Plans.

At the Select Committee debates in February, March and April TDs Steven Matthews (GP), Cian O'Callaghan (SD), Eoin O'Bhroin (SF), amongst others, emphasised to the Minister the devastating impact of removing the legal obligation for Local Authorities to *"include objectives for... the preservation of public rights of way... both by marking them on a map and by indicating their location on a list"* in their Development Plans by changing a **SHALL** to a **MAY**. (Ctl+Click [HERE](#))

In the Seanad debate on 17 July Senators [Róisín Garvey and Pauline O'Reilly \(GP\)](#), [Emer Currie \(FG\)](#), [Victor Boyhan](#), and [Lynn Ruane](#) spoke on their amendments to address the issue. None of their amendments were accepted.

The final opportunity to have this provision retained happens in September when the proposed Bill returns to Seanad Éireann.

Keep Ireland Open is calling on our members, supporters and friends to contact your elected representatives – TDs, Senators – asking them to ensure that the new Planning and Development Bill retains Section 10(2)(o) of the existing Act that was inserted as part of the amendments approved in 2010. The relevant paragraph (o) is in the centre of Page 13 in this document: Ctl+Click [HERE](#)

We are asking you to lever your influence on your local elected representatives (TDs and Senators) to protect the public interest by amending the draft Planning and Development Bill before they pass it into law in September.

Please cut and paste the wording below into an email or letter amending it as you wish.

Find my TD: Ctl+Click [HERE](#)

Find my Senator: Ctl+Click [HERE](#)

Or here: <https://www.oireachtas.ie/en/contact-us/>

Thank you for renewing your 2024 KIO Membership.

If you have not renewed already or have not joined us yet please Ctl+Click [HERE](#)

To make an additional (badly needed) donation Ctl+Click [HERE](#)

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Proposed Email and/or Letter

Dear

The current draft of the Planning and Development Bill is in the final stages of becoming law. As a regular visitor to the outdoors I am concerned that provisions enacted in 2010 that oblige Local Authorities to include objectives to preserve Public Rights of Way in their Development Plans have been removed from the Bill.

Specifically, the latest draft – “Dáil Bill as amended in Committee by Seanad Éireann (17 July 2024)” - fundamentally modifies the obligation for local authorities to preserve PROWs. Vis:

Section 51(2) – Page 118 – in the draft Bill (2023) states that “A development management statement **MAY** include objectives for any of the following:

(g) preserving a specific public right of way,…”

whereas

Section 10(2)(o) of the 2000 Act, as amended, states that “the development plan **SHALL** include objectives for the preservation of public rights of way…”

This changed wording relegates the legal obligation from the current mandatory directive (**SHALL**) to an optional obligation (**MAY**)

I am asking that you make representations to Minister Darragh O’Brien to ensure that these protections are carried over by making the following amendments:

“In page 118, to delete lines 10 to 12.” Clause (g)

“In page 118, between lines 13 and 14, to insert the following:

(3) A development management statement shall include objectives for the preservation of public rights of way which give access to seashore, mountain, lakeshore, riverbank, cemetery, monument or other places of natural beauty or recreational utility, which public rights of way shall be identified both by marking them on at least one of the maps forming part of the development management statement and by indicating their location on a list appended to the development management statement.”

Yours sincerely