

An  
Bord  
Pleanála

**Board Direction**  
**BD-017145-24**  
**ABP-319137-24**

The submissions on this file and the Inspector's report were considered at Board meetings held on 10/06/2024 and 01/08/2024.

The Board decided to refuse permission for the following reasons and considerations.

### **Reasons and Considerations**

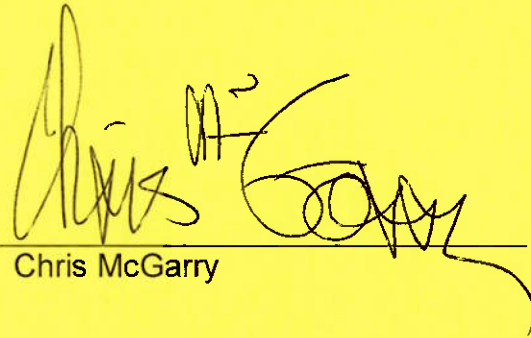
1. Having regard, to the specific legislative preconditions which apply to Large Scale Residential Development (LRD) as set out in Section 32A(1) of the Planning and Development Act 2000, as amended, to the nature of the appeal, which is an LRD appeal against a decision of the planning authority that relates to an application for permission to which section 32A(1) applies, (Section 2 of the Act refers), and to the totality of the documentation on file, including the submissions from third parties and the submission from the first party received by An Bord Pleanála on 08/07/2024 which states that, 'as of today, there is nothing in any county plan or local area plan that is in force to describe for Rathnew any objectives for zoning of land...', it is considered, that no statutory zoning currently applies to the subject site. In this context, the proposed development is not consistent with the legislative preconditions for an LRD application, insofar as it is not on land the zoning of which facilitates its use for the purposes proposed in the application. In this context, the Board is precluded from granting permission for the proposed development.

2. Having regard to the relevant provisions of the Wicklow County Development Plan 2022-2028, which notes that a new Local Area Plan will be made for Wicklow Town-Rathnew (with this future LAP listed as first in the order of priority of plans to be made – Section 3.5 of the Plan refers) and to the associated Core Strategy Table A: LAP Towns, which refers to a surplus of previously zoned land in this settlement and notes that, ‘...remaining surplus will be addressed in next LAP’, it is considered that the proposed development would be premature pending the making of a statutory local area plan for this overall settlement and which will confirm the final appropriate quantum and location of residential zoned land. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted and accepted the overall assessment of the proposed development by the Inspector. However, the Board was not satisfied on the facts of the case as set out in the application and appeal documentation that the proposed LRD development was actually on land the zoning of which facilitates its use for the purposes proposed in the application, as required under Section 32A(1) of the Planning and Development Act 2000, as amended. The Board therefore sought further information from the Planning Authority and from the applicant on this specific matter. Having considered the responses received, the Board concluded that the apparent absence of statutory zoning on site, precluded the granting of permission in this instance. The Board also considered that the fact of the current position, wherein it appears there is no applicable statutory zoning, along with the clear objective of the current Wicklow County Development 2022-2028, to undertake as a priority the making of a Local Area Plan for Wicklow Town – Rathnew and the associated evidence within the Core Strategy of the County Development Plan that a surplus of residential zoning within this settlement will be addressed at the time of making of the future LAP, meant that it would not be in accordance with the proper planning and sustainable development of the area to grant permission for a development of the scale proposed and that permission should be refused on the basis of prematurity pending the making of the LAP. The Board noted that the Inspector engaged with the issue of the new LAP for the settlement, as being a priority, but also stated that the Wicklow Town-Rathnew Development Plan 2013-

2019 is the operative plan for these lands (paragraph 8.2.2 of Inspector's report refers). However, the Board considered that the Inspector did not engage with the issue of surplus as set out in the Core Strategy, and the associated commentary that this would be addressed at next LAP stage. This in combination with the submissions from the planning authority and from the applicant's agents, in response to the Board's request for further information on the zoning issue, led the Board to determine that the proposed development would be premature at this time for the reason set out above.

**Board Member**



Chris McGarry

**Date:** 01/08/2024