

An  
Coimisiún  
Pleanála

**Direction**  
**CD-020121-25**  
**ABP-322093-25**

The submissions on this file and the Inspector's report were considered at a Commission meeting held on 03/07/2025.

The Commission decided, generally in accordance with the Inspector's recommendation, that the development is not exempt from the provisions of Part V of the PDA 2000 (as amended) as indicated hereunder.

#### **DRAFT Order**

**WHEREAS** a dispute has arisen between the planning authority, Wicklow County Council and the developer, John Murphy, in relation to whether or not the development is exempt from the requirements of Part V of the Planning and Development Act 2000, as amended, which is subject of condition no. 19 of the grant of permission made by An Bord Pleanála on the 9<sup>th</sup> February 2022 under planning reg. ref. 20/764 (ABP-310294-21) in respect of a development at Newcastle Lower, Newcastle, Co. Wicklow.

**AND WHEREAS** the said dispute was referred to An Coimisiun Pleanála by John Murphy on 10<sup>th</sup> March 2025:

**AND WHEREAS** An Coimisiun Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 96 and 97 of the Planning and Development Act 2000, as amended;
- (b) The Affordable Housing Act 2021;
- (c) Condition No. 19 of planning reg. ref. 20/764 (ABP-310294-21),

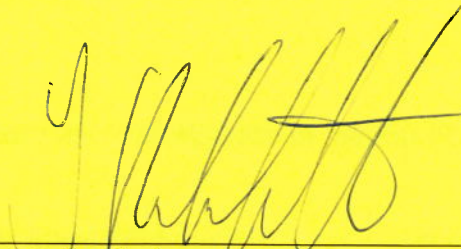
- (d) The submissions made by the referrer and the planning authority in relation to the dispute.

**AND WHEREAS** An Coimisiun Pleanála has concluded that:

- (i) An Coimisiun Pleanála has jurisdiction to determine the said dispute;
- (ii) An exemption certificate under section 97 of the Planning and Development Act 2000, as amended, was not applied for at the time of the making of the application of planning reg. ref. 20/764 (ABP-310294-21), and
- (iii) The provisions of the Affordable Housing Act 2021 were in effect at the time of the making of the decision on planning reg. ref. 20/764 (ABP-310294-21).

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred by Section 96(5) of the Planning and Development 2000 Act, as amended, hereby decides that the development is not exempt from the requirements of Part V of the Planning and Development Act 2000, as amended, which is subject of condition no. 19 of the grant of permission made by An Bord Pleanála on the 9<sup>th</sup> February 2022 under planning reg. ref. 20/764 (ABP-310294-21).

**Planning  
Commissioner:**

  
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Tom Rabbette

**Date:** 03/07/2025