

An
Coimisiún
Pleanála

Commission Order
ABP-322093-25

Planning and Development Acts 2000 to 2024

Planning Authority: Wicklow County Council

Planning Register Reference Number: 20/764

WHEREAS An Bord Pleanála granted permission on the 9th day of February, 2022 under planning register reference number 20/764 (ABP-310294-21) in respect of a development at Newcastle Lower, Newcastle, County Wicklow.

AND 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 number 19 of the grant of permission.

AND WHEREAS the said dispute was referred to An Bord Pleanála by John Murphy care of Dunbar Lunn, Civil and Structural Consulting Engineers of Unit 2 Aldercourt, Ferns, Enniscorthy, County Wexford on the 10th day of March, 2025:

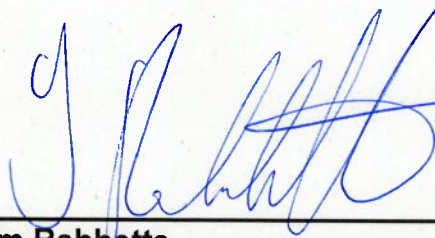
AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to -

- (a) sections 96 and 97 of the Planning and Development 2000 Act, as amended;
- (b) the Affordable Housing Act 2021;
- (c) Condition 19 of planning register reference number 20/764 (ABP-310294-21); and
- (d) the submissions made by the referrer and the planning authority in relation to the dispute:

AND WHEREAS An Coimisiún Pleanála has concluded that -

- (a) An Coimisiun Pleanala has jurisdiction to determine the said dispute;
- (b) an exemption certificate under section 97 of the Planning and Development Act, 2000, as amended, was not applied for at the time of making of the application of planning register reference 20/764 (ABP-310294-21); and
- (c) the provisions of the Affordable Housing Act 2021 were in effect at the time of the making of the decision of planning register reference 20/764 (ABP-310294-21):

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 96(5) of the Planning and Development Act 2000, 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 number 19 of the grant of permission made by An Bord Pleanála on the 9th day of February 2022 under planning register reference number 20/764 (ABP-310294-21).

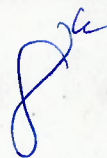


Tom Rabbette

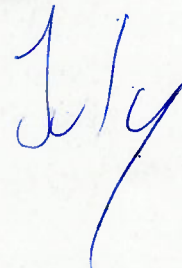
**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission**



Dated this



day of



2025