



An
Coimisiún
Pleanála

Inspector's Addendum Report

ABP-322476-25

Development

Construction of 352 residential units and provision of part of the Rathnew Inner Relief Road, and all associated site works. The application is accompanied with an EIAR and NIS.

Location

Tinakilly, Rathnew, Co. Wicklow

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

2360219

Applicant

Keldrum Ltd.

Type of Application

Large-Scale Residential Development

Type of Appeal

Third Party

Appellant(s)

1. Henry & Aoife Clarke, Evelyn & Shay Ryan
2. Leslie Armstrong
3. Eileen M Howell
4. Vincent Collard
5. Les & Lynda Martin

Date of Site Inspection

23rd July 2025

Senior Inspector

Paul O'Brien

1.0 Introduction

1.1. This Report is an Addendum report to the Inspector's Report in respect of 319137-24 dated 30th May 2024. Permission was sought for a residential development of 352 units in the form of 220 houses and 132 apartment/ duplex/ maisonette units, a section of the Rathnew Inner Relief Road (RIIR), infrastructure required to service the development, open space and all associated site works on a site of 16.8 hectares on lands in Tinakilly, Rathnew, Co. Wicklow. The site is adjacent to Tinakilly Country House Hotel, which is a protected structure (Reference No. 25-15 applies), however no works are proposed to this house under this application.

1.2. The Board issued a Direction under BD-017145-24 on the 1st of August 2024, and an Order on the 2nd of August 2024, refusing permission for the development of this site for two reasons as follows:

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 8th day of July 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 provisions of the Wicklow County Development Plan 2022-2028, which notes that a new Local Area Plan (LAP) 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 lands 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.'

The following was provided in the direction:

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.

- 1.3. A judicial review of the decision to refuse permission was taken by the applicant. The Board decision was quashed by order of the High Court on the 11th of April 2025. The court order 'states that the file is to be remitted back to the Board, to the point after the Inspector's Report has been prepared for further consideration and determination in accordance with law. That the Board invite the applicant for JR to make submissions on the planning application, the subject of these proceedings (a further information notice) within two weeks of the perfection of the order (i.e. 19th May, 2025). That the Board make a new decision within 16 weeks of the perfection of the order, dated the 6th of May, 2025(i.e. 25th August, 2025).'
- 1.4. Since the preparation of the original report, Wicklow County Council varied the Wicklow County Development Plan 2022 to 2028, through Variation No.2, to integrate the land use zoning map and other key maps from the Wicklow Town - Rathnew Local Area Plan 2025 into the County Development Plan. Subsequently Wicklow County Council have adopted a new Wicklow Town – Rathnew Local Area Plan 2025 – 2031 and which came into force on the 23rd of June 2025. The Minister has issued a Direction on this plan; however, the raised issues are not directly relevant to the subject site. The impact of the new LAP is considered further in this report.

Note: Reference to the Board in the sections above and in the subsequent sections of this Addendum Report is appropriate to the time that the direction was issued etc. Also, An Bord Pleanála is now An Coimisiún Pleanála.

2.0 **Recent, relevant, Planning applications in the immediate vicinity of the site**

- There are no relevant applications in the immediate vicinity of the site since the assessment of the development under ABP Ref. 319137-24.

3.0 **Compliance with National Planning Framework (NPF) – First Revision**

3.1. Relevant new/ updated National Guidance, since the preparation of the original report, includes the following:

- **Project Ireland 2040 – National Planning Framework (NPF) – First Revision**

Chapter 2 of the National Planning Framework (NPF) is entitled ‘A New Way Forward’ and sets out the role of the NPF.

National Policy Objective 11 states: ‘Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.’

Chapter 4 of the National Planning Framework (NPF) titled ‘Making Stronger Urban Places’ and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 12 seeks to ‘Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being’.
- National Policy Objective 14 seeks to ‘Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions, increased residential population and

employment activity, enhanced levels of amenity and design and placemaking quality, in order to sustainably influence and support their surrounding area to ensure progress toward national achievement of the UN Sustainable Development Goals.’

- National Policy Objective 20 provides that ‘In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth’.
- National Policy Objective 22 provides that “In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

Chapter 6 of the NPF is entitled ‘People, Homes and Communities’ and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

- National Policy Objective 37 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.
- National Policy Objective 43 seeks to ‘Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location’.
- National Policy Objective 45 seeks ‘To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing

buildings, infill development schemes, area or site-based regeneration and increased building heights’.

The Revised National Planning Framework’ was published in April 2025 and includes revised figures of 50,000 residential units per annum in the years to 2040. The NPF was revised to allow planning for an additional 950,000 people in Ireland between 2022 and 2040.

4.0 Compliance with relevant provisions of the Recent Planning Guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended)

4.1. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHLGH, 2023) were revoked and replaced with the Design Standards for Apartments, Guidelines for Planning Authorities, 2025 on the 8th of July 2025. Circular Letter: NSP 04/2025 clarifies that applications in the planning system including those on appeal to An Coimisiún Pleanála on or before the 8th of July 2025 are to be considered in accordance with the 2023 guidelines. Full details of compliance with the 2023 guidelines is set out in the Inspectors Report for ABP Ref. 319137-24 dated 30th May 2024.

4.2. The following are also relevant:

- Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021,
- Climate Action Plan 2024 and Climate Action Plan 2025

I will address the decision of the Court, the Local Area Plan and the new/ updated guidance in the following sections of this report.

5.0 An Assessment of the Proposed Development by Reference to the Wicklow Town and Rathnew Local Area Plan and Recent Planning

Guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended)

5.1. Context

I have addressed 'reference to the current statutory development and any relevant updated Guidance' in this section to avoid unnecessary repetition as there is a degree of overlap in matters arising.

5.2. Development Plan/ Local Area Plan

- 5.2.1. The Wicklow County Development Plan 2022 – 2028 is the current operative Plan for County Wicklow and the appeal lands are also subject to the Wicklow Town – Rathnew Local Area Plan 2025 – 2031 which came into effect on the 23rd of June 2025. This replaced the expired Wicklow Town and Rathnew Development Plan 2013 – 2019. The Zoning Map and other key maps from the LAP were adopted into the Wicklow County Development Plan 2022 – 2028 under Variation No.2. Full details are provided in Volume 2, Part 5 of the Wicklow County Development Plan 2022 – 2028. The following is stated under the foreword:

'The Wicklow Town – Rathnew Local Area Plan 2025 was adopted on 12 May 2025, with Variation No. 2 to the County Development Plan running alongside the LAP making process. Variation No. 2 incorporated the maps of the Wicklow Town – Rathnew LAP into the County Development Plan.'

- 5.2.2. Under Section 5.0.1 'Introduction' it is stated 'Each LAP is published separately to the County Development Plan, however in order to ensure consistency in the proper planning of the County, the land use zoning map and key development objectives maps have been included here in the County Development Plan.'
- 5.2.3. Lands were zoned for Residential (R1), Residential (R2) and Passive Open Space (PAS) on the expired plan. The R1 and R2 lands of the expired development plan have been replaced with the RN(1) zoning of the current plan and as described in 3.2.2 of this report. The lands zoned PAS under the expired plan are now zoned OS1 Open Space in the adopted plan.
- 5.2.4. I have identified relevant policies and objectives within the adopted/ operative Wicklow Town – Rathnew Local Area Plan 2025 – 2031 and have assessed if/ how

the proposal complies with them, as follows, starting with the zoning/ map based objectives in the following table:

Table I– Zoning/ Map Based Objectives

<p>Map No.1 –</p> <p>The majority of the site is zoned ‘RN(1): New Residential – Priority 1.’ With an Objective ‘To provide for new residential development and supporting facilities during the lifetime of the plan.’ Under the heading Description it states:</p> <p>‘To facilitate for the provision of high quality new residential developments at appropriate densities with excellent layout and design, well linked to the town centre and community facilities. To provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities.’</p> <p>An area of land to the north of the site and a section to the south are zoned ‘OS1: Open Space’ with an Objective ‘To protect and enhance existing and provide for recreational open space.’ Under the heading Description it states:</p> <p>‘Subject to the protection and enhancement of natural biodiversity, to facilitate the further development and improvement of existing parks and casual play areas, to facilitate opportunities for the development of new high quality amenity open areas and to restrict developments / activities (such as the use or development of such lands for formal sports grounds for organisations that are not available for a broad range of the public) that would reduce the opportunities for use by the wider public.’</p> <p>Part of this development includes the provision of sections of the Rathnew Inner Relief Road (RIRR), and which is aligned with the indicative ‘Roads Objectives’ of the local area plan.</p>
<p>Map No.1 –</p> <p>The subject site is located within SLO2 – Specific Local Objective area 2 and any development on these lands shall comply with the following:</p> <ul style="list-style-type: none"> • Provision of the Rathnew Inner Relief Road (RIRR) to facilitate access to new developments from the existing road network, to prevent congestion in Rathnew village centre due to the development of the Clermont and Tinakilly area and to achieve good traffic circulation in the area. The RIRR shall be developed in

accordance with the delivery programme set out in the future Wicklow Town - Rathnew Local Transport Plan;

- Provision of a childcare facility at an appropriate location on the RN1 zoned lands in line with the relevant Guidelines for Planning Authorities;
- Retain the 'fairy tree' at its current location (shown with red tree symbol on SLO 2 concept sketch);
- Provision of a mixed use games area of not less than 0.75ha on lands zoned RN1 or OS1 comprising at a minimum: an equipped playground of not less than 2,000sqm; one tennis court; one basketball court; and a '7-a-side' size mixed use pitch. No more than 20% of the dwellings, unless otherwise agreed with the Planning Authority, shall be occupied on the lands zoned RN1 before this facility is complete and available for use. Any proposed development on the subject lands should be accompanied by a detailed phasing programme and rationale to be agreed with the Planning Authority.
- Provision of a fully drained, levelled and seeded full size playing pitch (at least 145m x 90m) on the AOS lands in this SLO along with the completion of the associated vehicular access and car parking prior to the commencement of any residential development on the RN1 lands in this SLO.

SLO2 also includes a separate 'Concept Plan' for these lands and which includes the lands to the north and south of Tinakilly Avenue.

Assessment of Zoning/ Map Based Objectives in relation to the proposed

development: The proposed development is for a residential development of 352 residential units in the form of houses/ apartments and all supporting infrastructure including a section of the RIRR. The applicant has outlined in their submission how they consider the proposed development to be compliant with the RN1 and OS1 zoning, and how their layout closely aligns with the SLO2 Concept Plan. I am satisfied that the proposed development is compliant with the zoning objectives including the road proposal included on Map No.1.

SLO2 includes five separate requirements in conjunction with the Concept Map, and I will provide a summary of the applicant's comments, and I will assess the compliance of each of these as follows:

Provision of RIRR:

- Applicant's Comment: The proposed section of road is included within the submitted application, and which has been subject to Appropriate Assessment and Environmental Impact Assessment.
- Assessment: The proposed development includes the provision of the RIRR from a connection point with Tinakilly Park to the south and tying in with the existing road/ roundabout to the north of Clermont Grove. I am satisfied that the applicant demonstrates compliance with this requirement of the LAP. No Local Transport Plan (LTP) has been prepared to date, but the Commission may decide to phase the development in conjunction with the provision of the LTP by way of condition. I consider that this road is a key element in the development of Rathnew as demonstrated by its inclusion on Map No.5 Transport Strategy and its completion would support/ facilitate the objectives of any such LTP.

Provision of a childcare facility on the RN1 zoned lands:

- Applicant's Comment: A creche has been provided in Broomhall, approximately 630m to the south of the subject site to serve this development and the wider area, and the childcare needs of this development have been met. The facility in Broomhall is located to the west of the Hawkstown Road and which would be connected to the subject site via the RIRR. The lands to the west of the site have been zoned to RN1 from a previous PAS – Passive Open Space use. The applicant reports that an additional 35-50 units could be provided here, but also a childcare facility could be provided on these lands. The applicant has stated they are willing to accept a condition that these RN1 lands be omitted from the subject site and could be used for a future application of housing or a childcare facility as appropriate.
- Assessment: No childcare facility is proposed as part of the subject development. The submitted proposal is to provide a large facility in Broomhall to serve this and other development in the area. This is a large facility with capacity of between 190 and 250 spaces depending on age groups etc. The requirement is clearly stated to provide the facility on the RN1 lands, and which refers to the subject lands. As such there is no opportunity for the location of the facility on adjoining lands, off site.

There is a requirement for a facility that can accommodate 71 children (as per the table under Section 8.5.11 of ABP Ref. 319137-24). The Commission may be of a mind to remove by way of condition a number of units and to provide the childcare facility on these lands. I note the applicant's comments regarding the RN1 lands to the west and certainly a childcare facility could be provided here in addition to more housing. Such a location for the childcare facility would address the requirement on the RN1 lands in accordance with SLO2. However, I would caution against such an approach.

No details on the size, height or layout of such a facility has been included with the application and in the absence of such information I would recommend against the granting of permission for such a facility and for the proposed development as too many uncertainties arise. This would be relatively large facility and would require a large land take for the provision of the building but also car parking, set down areas and also outdoor open space. The inclusion of such a facility, by way of condition, would not allow for third parties for comment on its location, size, impact etc. There may also be impacts on the urban design of the development and the location of such a facility to the west of the site may not demonstrate proper planning as it may not be in the most accessible of locations on this site.

The LAP clearly sought to provide for a facility on the subject lands/ SLO2 to serve the local population and to be in accordance with the Childcare Guidelines and the Apartment Guidelines as relevant. I note also Objective CPO 7.29 of the Wicklow County Development Plan and which states 'Where considered necessary by the Planning Authority, to require the provision of childcare facilities in all residential developments comprising 75 houses or more (including local authority and social housing schemes). In accordance with Department of Environment, Heritage & Local Government guidelines, childcare places shall be provided at a ratio of 20 places per 75 residential units, having regard to cumulative effects of permitted development, (unless it can be demonstrated that having regard to the existing geographic distribution of childcare facilities and the

emerging demographic profile of the area that this level of childcare facilities is not required).’

No such childcare facility has been included as part of this development. I therefore recommend that permission be refused as the applicant has not demonstrated where and how such a facility could be provided in accordance with a requirement of SLO2 of the Wicklow Town – Rathnew Local Area Plan, and which also fails to demonstrate compliance with the Childcare Guidelines, 2001 and the Apartment Guidelines, 2025. The development would also materially contravene Objective CPO 7.29 of the Wicklow County Development Plan which requires the provision of a suitable childcare facility, unless for demographic/geographic reasons such a facility is deemed not necessary. As there is a specific requirement for such a facility through the LAP, which is included within Volume 2, Part 5 of the Wicklow County Development Plan 2022 – 2028, the failure to provide such a childcare facility is a material contravention of the Wicklow County Development Plan.

Retain the ‘Fairy Tree’:

- Applicant’s Comment: The applicant is willing to make amendments to the scheme in order to accommodate the retention of the tree.
- Assessment: The requirement here is clear and requires the tree to be retained in its current location and which is clearly located by way of a red tree symbol on the Concept Plan. The tree was not afforded such a level of protection prior to the adoption of the Wicklow Town – Rathnew Local Area Plan 2025 – 2031. I consider that the only way to address this is to remove units in this location. Whilst the setting of the tree will be significantly changed by the overall development of this site, it is possible to retain the tree in its current location, but this will impact on the overall number of units to be provided. It is not certain from the submitted information as to how many units would be impacted. The tree appears to be very close to the access road serving at least 14 of the houses here, meaning that all of these would have to be omitted from the final design. It is likely that the exact location of the tree would require a significant redesign of this section of the layout.

I would not therefore support the removal of the tree, or alternatively the removal of units at this stage to facilitate the retention of the tree. It is not certain how many houses would have to be removed but I estimate that at least 14 would be impacted through the location of the tree in relation to houses and their associated access road. I therefore recommend that permission be refused for failure to not comply with this requirement of SLO2 of the Wicklow Town – Rathnew Local Area Plan 2025 – 2031. Having regard to Variation 2 and the incorporation of the LAP into Volume 2, Part 5 of the Wicklow County Development Plan 2022 – 2028, the removal of the tree would not give rise to a material contravention of the Wicklow County Development Plan.

Provision of mixed use games area of 0.75 hectares:

- Applicant's Comment: Refers to the overall SLO2 lands including in/ adjoining Tinakilly Park to the south of Tinakilly Avenue. As part of this permitted and nearly completed development are a playground, a flat area of land that is suitable for use as a pitch, public park and a vehicle access with car park for use by those using the amenities on these lands. The subject RN1 lands provide for a liner-park/ natural play area, a pedestrian plaza area and wetlands/ walkways on the OS1 lands to the north of the site. The applicant acknowledges that the only amenity elements required are the tennis court, basketball court and a 7-a side mixed-use pitch, and these may be provided on site subject to condition.
- Assessment: There are a number of elements to this requirement, and I will break them down as follows:
 - 0.75 hectares on RN1 or OS1 Lands: No such facility is provided as part of the proposed development. The subject lands are zoned RN1 so it could be located here but to the south of Tinakilly Park is an Area Zoned 'AOS: Active Open Space' and which is indicated in the Concept Plan as suitable for the development of a mixed use games area. From my site visit it was clear that these facilities have not been provided to date on the Tinakilly Park lands. The requirement is clear in that 0.75 hectares is to be provided on RN1 or OS1 lands, and this appears to be in addition to the provision of a similar facility on the lands to the south zoned AOS. The Concept Plan gives rise to a level of confusion as there is a specific AOS zoning in the LAP and then it indicates an AOS area on lands that are

zoned RN1 and not under the AOS zoning. My assessment of this is a requirement for mixed use facilities on the subject lands but not in a specific location but which may be zoned RN1 or OS1. The AOS lands in Tinakilly Park to the south are not relevant to this requirement as they are not zoned RN1 or OS1.

- List of facilities to be provided: None are proposed as part of this development.
- 20% of dwellings, only, to be occupied in advance of the provision of this facility/ phasing of plan: This is a phasing issue that would only be relevant on commencement of development/ delivery of infrastructure.

The applicant outlines in their submission that the missing facilities (tennis court, basketball court and 7-a side pitch) can be provided by way of condition. No specific location is identified for these. I note the response of the applicant, but again I am not satisfied that the provision of such facilities can be easily achieved. The indicative 'AOS' boundary on the Concept Plan would be a good location for such facilities, however combined with protection of the 'Fairy Tree', it is possible that at least 36 houses would require to be omitted from the proposed development/ site area. I therefore recommend that permission be refused for failure to comply with the requirement for amenity provision as per SLO2 of the Wicklow Town – Rathnew Local Area Plan 2025 – 2031. As SLO2 forms part of the Zoning Map of the Wicklow Town-Rathnew Local Area Plan, and which has been integrated into the Wicklow County Development Plan 2022 – 2028 by Variation No.2, then the proposed development would materially contravene the Wicklow County Development Plan 2022 – 2028 for failure to demonstrate compliance with the plan.

Provision of a Playing Pitch:

- Applicant's Comment: Refers to the overall SLO2 lands including within/ adjoining Tinakilly Park to the south of Tinakilly Avenue. As part of this permitted and nearly completed development is a flat area of land that is suitable for use as a pitch.
- Assessment: No such pitch is proposed on the subject lands. There is again confusion here as the requirement is for a pitch (with clear dimensions etc. provided) 'on the AOS lands in this SLO'. The only AOS lands, such zoned and

indicated, are to the south in Tinakilly Park and which I consider could accommodate such a pitch even though the Concept Plan indicates that two pitches could be provided. The requirement continues and includes the provision of access and car parking prior to the commencement of residential development on the RN1 lands; I don't see any difficulty with the provision of these. The confusion arises as there is an outlined area indicated as 'AOS "Active Open Space" Boundary' on the lands to the east of the RIRR/ west of the 'Fairy Tree'. This forms part of the RN1 zoned lands and it appears that the Concept Plan has designated this as AOS lands, but which is not actually zoned for this. The provision of the pitch, access and car parking is to be undertaken 'prior to the commencement of any residential development on the RN1 lands in this SLO'. This could be read as the facilities to the south in Tinakilly Park are to be completed prior to the commencement of the subject development or the completion of the facilities on the subject site prior to the commencement of the housing here. I consider that the former is what is required and although the pitch was not in place on the day of the site visit, the lands were to the required standard for the development of such a pitch. I therefore consider that the applicant can meet this objective.

Considering Variation No.2 of the Wicklow County Development Plan incorporates the zoning map into the county development plan, including SLO2, then the requirements of SLO2 apply to the development plan and the applicant has failed to demonstrate compliance with SLO2. This failure would result in a material contravention of the county development plan.

Comment from applicant on the above requirements:

- 5.3. The applicant was invited to make a submission, on the decision of the Court Order and in response to Variation No.2 of the Wicklow County Development Plan 2022-2028 which saw the publication of the Wicklow Town-Rathnew Local Area Plan 2025, in response to the Article 73A(1)(a) notice issued on the 19th of May 2025 and responded to on the 4th of June 2025.
- 5.4. The following comments were made:

- The applicant has provided a 'Background to LRD Application/ Appeal and refers to Variation No.2 and the process behind the preparation of the Local Area Plan. The applicant reports that the Local Area Plan was adopted on the 12th of June 2025 and would come into force on the 23rd of June 2025.

Note: The applicant proceeds to refer to the Interim Plan Adoption Decision Document and which contains some different wording and maps which are also different to those in the adopted LAP.

- The site is subject to Specific Local Objective (SLO) 2 – Tinakilly/ Newrath. The applicant lists the specific local objectives that apply to these lands including the provision of the RIRR, provision of a childcare facility on the RN1 zoned lands, retention of the 'Fairy Tree' in its current location, provision of a mixed use games area of not less than 0.75 hectares on RN1 or OS1 zoned lands with a number of required facilities detailed, provision of a fully drained/ levelled/ seeded full size playing pitch (dimensions of 145mx90m) on the AOS lands with car parking/ access and to be provided in advance of any residential development on these lands. The subject lands within SLO2 are zoned RN1 – New Residential and OS1 – Open space.
- The applicant has included a copy of the SLO 2 Concept Plan in their submission through Figure 4 of their report.

Note: This map is different to the adopted SLO 2 Concept Plan included in the adopted LAP. The Active Open Space (AOS) area is not indicated in their referenced plan and there are differences in the overall site layout plan.

- As already reported, the applicant is satisfied that all requirements can be met. This is made easier through the provision of additional RN1 lands to the west of the subject site.

Conclusion on Zoning/ Map Based Objectives: The Concept Plan, which forms part of the adopted LAP, for SLO2 provides an indicative layout and the proposed development is generally in accordance with this plan. The site zoning of RN1 allows for residential development on these lands and is therefore compliant. The SLO includes a number of requirements, and I am not satisfied that the proposed development demonstrates compliance with them. Specifically, the need to retain

the 'Fairy Tree' and provide for specific active amenity space would require the omission of a number of housing units from the proposed development. In order to demonstrate compliance with SLO 2, I have calculated that the following units would need to be omitted from the proposed development:

- G1 to G14 – 14 residential units in total
- G15 to G30 – 16 residential units in total
- G37 to G42 – 6 residential units in total

This would result in a total of 36 units to be removed. Not all units would be directly impacted but may be impacted by the need to remove access roads etc. From the submitted total of 352 units, the net density would decrease to 32dph from 35dph, through the revised total of 316 units. Wicklow-Rathnew is described as a Level 2 – Core Region Key Town in the Wicklow County Development Plan 2022 – 2028 and as per Table 6.1 'Density Standards' of the LAP, 'Outer Suburban/ Greenfield Sites: Minimum density of 35 – 50 dwellings per hectare' is indicated. Should the Commission be of a mind to omit these units by way of condition and provide for the requirements of SLO 2, this would result in the development failing to meet the density requirements of Table 6.1 of the Wicklow County Development Plan. Although the shortfall is relatively small the density would not demonstrate compliance with the minimum density for these lands and as such would be a material contravention of the Wicklow County Development Plan 2022 – 2028.

The applicant has reported that additional lands are available through the zoning of more RN1 – Residential lands to the west of SLO2. I disagree with the applicant's interpretation of this. The expired Wicklow town – Rathnew Development Plan 2013 – 2019 included these lands for residential use. An Action Area Plan was prepared by the applicant for the development of lands here, which was accepted by Wicklow County Council and reduced the overall area of residential lands to the north of Tinakilly Avenue. On review of the Wicklow County Council website there is no record of this having gone through the Material Variation process, but notwithstanding, the current LAP includes these lands for RN1 development and residential development could be provided here, though these do not form part of the subject application.

Considering the revisions required to ensure compliance with SLO2, I recommend that permission be refused for the proposed development. The proposed development does not provide for all of the requirements of the SLO failing to provide for a childcare facility on site, does not include the retention of the 'Fairy Tree', and does not provide for all of the listed active amenity facilities. The omission of residential units in order to comply with the requirements of the SLO would result in the development failing to comply with the density requirements of the Wicklow County Development Plan 2022 – 2028, which in turn would be a material contravention of this county development plan.

Local Area Plan Written Statement

5.4.1. Chapter 1 – Introduction

Provides the background to the plan, what the plan format is and what issues are covered in the local area plan. The plan is also accompanied by a range of supporting documents including:

- Strategic Environmental Assessment
- Natura Impact Assessment (Appropriate Assessment)
- Strategic Flood Risk Assessment
- Local Transport Assessment
- Social Infrastructure Audit

Assessment of Chapter 1 – Introduction, in relation to the proposed development: This is an introductory chapter to the LAP and does not directly impact the proposed development.

5.4.2. Chapter 2 – Overall Vision and Strategy

- The plan is to be consistent with the Core Strategy provided in the Wicklow County Development Plan.
- Table 1 provides the 'RSES Policy Objectives for Wicklow Town-Rathnew'.
- Full details are provided on the 'Existing Settlement Assets' and the historical importance of Wicklow town and Rathnew are detailed.
- The physical and natural environmental context of Wicklow is provided, located to the east of the M11 motorway and to the east of the Irish Sea coast.

- It is recognised that there are opportunities for regeneration of sites within the plan area and a need for compact growth of the settlement.
- Table 2.1 Population growth & targets Wicklow Town – Rathnew. 2022 population is given as 16,439, expected to be 18,515 by 2028 and 19,400 by 2031. This will see an increase in housing unit numbers from 6,231 in 2022, rising to 7,573 in 2028 and 7,850 by 2031. The plan states, ‘The lands that are needed to be zoned to meet the current target will be zoned ‘New Residential’ and identified in this plan as ‘New Residential Priority 1’ lands.’
- Economic Development and Employment is detailed under Section 2.5. A list of strategic goals is provided here to support continued employment generation.
- Section 2.6 considers ‘Centres and Retail’ and is not directly relevant to the subject application.
- Section 2.7 considers ‘Social and Community Development’ including the provision of educational facilities, amenity spaces/ facilities and play areas.
- Section 2.8 refers to the importance of ‘Tourism Development’ and which is not directly related to this site.
- Section 2.9 refers to ‘Infrastructure and Services’ with general comments made on transport and infrastructure provision.
- Section 2.10 refers to the ‘Built Heritage and Natural Environment’ and refers to the Murrough SPA and Murrough Wetlands SAC as well as the Wicklow Head SAC.

Assessment of Chapter 2 – Overall Vision and Strategy, in relation to the proposed development: I refer to Table 2.1 and the population growth and targets for the period of the plan and beyond to 2031. The plan sets out a need for 1,342 residential units between 2022 and 2028. The proposed development provides for 352 units, and which would go some way to meeting the housing requirements over the lifetime of the plan. The removal of 36 units would provide for 316 units on these zoned lands.

5.4.3. Chapter 3 – Residential Development:

- The following text is noted: “Edge of centre’ locations will be considered the priority location for such new greenfield residential development and will generally be zoned as ‘New Residential - Priority 1’ (zoned RN1) while more ‘out of centre’

housing sites (zoned 'New Residential - Priority 2' RN2) will only be considered where Objective WTR4 is satisfied and on the basis of integrated housing / community facilities / open space schemes that can be well connected to the existing built up area.'

- Table 3.1 lists the land zoned for new residential development in this plan and includes the subject site. Under the heading 'Status' it states that development is 'Linked to essential infrastructure' which includes community infrastructure and transportation infrastructure.
- WTR1 to WTR8 refer to 'Wicklow Town – Rathnew Residential Development Objectives'. WTR1 states 'All new housing developments shall be required to accord with the housing objectives and standards set out in the Wicklow County Development Plan.' WTR2 states 'Development shall extend outwards from the centre of Wicklow Town and Rathnew Village with undeveloped land closest to the centre and public transport routes given priority. 'Leapfrogging' to peripheral areas shall be strongly resisted.'

Assessment of Chapter 3 – Residential Development, in relation to the

proposed development: As the site is zoned RN1, it is a primary site for development of this nature. Combined with the housing targets in Chapter 2, the proposed development is acceptable in terms of providing for housing on these lands.

5.4.4. Chapter 4: Economic Development

Not directly relevant to this development.

5.4.5. Chapter 5: Key Regeneration Areas

Not directly relevant to this development, as the site is not listed as one of these areas.

5.4.6. Chapter 6: Retail and Opportunity Sites

Not directly relevant to this development. Rathnew is identified as a Level 4 – Small Town and Wicklow town is a Level 2 – Major Town Centre & County Town Centre.

5.4.7. Chapter 7: Community Development

- This chapter sets out the need for appropriate social infrastructure and open space. In terms of open space there is a need for approximately 21 hectares of

additional land to serve the LAP area. The subject lands of Tinakilly and also Knockrobin within SLO2 are identified for the provision of 2.45 hectares of Active Open Space. Housing developments are to provide for a minimum of 15% of the site area for open space uses.

- There are eight primary and four post primary schools within the LAP lands. Additional lands are zoned for 'Community and Education' use but do not include the subject site.

Assessment of Chapter 7 – Community Development, in relation to the

proposed development: The proposed development provides for open space in accordance with the requirement of the Wicklow County Development Plan. The lands to the north of the site are primarily for wetland uses but also have a significant amenity function. I am satisfied that the development demonstrates compliance with Chapter 7.

5.4.8. Chapter 8: Tourism

Not directly relevant to this development.

5.4.9. Chapter 9: Infrastructure

- The LAP promotes the integration of land-use and transport, supports active travel and also sustainable transport. Wicklow County Council recognises its limited role in promoting/ facilitating modal shift.
- As part of the LAP process a Strategic Flood Risk Assessment was prepared. In terms of the subject site the residential element is located within Flood Zone C. The proposed road (RIRR) will cross over the watercourse to the north west and which is within Flood Zone A.
- Infrastructure Objectives for Wicklow Town-Rathnew are listed under WTR80 to WTR91. I note WTR80 which states 'In collaboration and with the support of the relevant transport agencies to prepare a Local Transport Plan for Wicklow Town – Rathnew. The preparation of the plan would be subject to screening for both SEA and AA and, as relevant, subsequent stages of assessment.' WTR81 states 'Support the implementation of the recommendations of the Transport Assessment with regard to the delivery of new regional/distributor roads and road improvements, including

- The completion of the Rathnew Inner Relief Road including reconfiguration of road network between Junction 16 and Rathnew Village to re-direct Wicklow Town-bound flows away from the Aldi-Tinakilly traffic lights and the village centre;
- A new link road between Tighe's Avenue and the R752 (for Glenealy – Rathdrum bound traffic);
- The improvement of the road connections between the Wicklow Town – Rathnew and M11 Junctions 17 and 18, namely the L-1099 and R751, and;
- To facilitate and support the improvement of the operational efficiency of the regional / local road network to ensure that the M11 is not utilised as a 'local' route for trips internal to the settlement.'

The completion of the Rathnew Inner Relief Road is relevant to this development as the subject proposal includes a section of this road.

Assessment of Chapter 9 – Infrastructure, in relation to the proposed

development: The proposed development includes a section of the RIRR that will connect to existing sections to the west and to the south of the site, thereby completing this road and which demonstrates compliance with Objective WTR81 of the LAP.

- Note: I have checked the Uisce Éireann Capacity Registers on the 22nd of July 2025, published dates are December 2024. For the Rathnew Area Water supply capacity registers there is Potential Capacity Available – LoS improvement required – the note states:
 'Potential Capacity Available to meet 2033 population targets - Level of service (LoS) improvement required. Capacity constraints exist and additional analysis of Pre-connection Enquiries and Connection Applications will be undertaken as required by UÉ on an individual basis considering their specific load requirements. Improvement proposals will include but are not limited to leakage reduction and/or capital investment. These proposals will be required to maintain/improve levels of service as demand increases. These proposals will be developed & prioritised through the National Water Resources Plan and investment planning process.'

In terms of Wastewater Treatment Capacity, there is no specific details for Rathnew but for Wicklow, served by the Wicklow WWTP there is a Green indication which demonstrates that there is spare capacity available.

There is no indication that water supply and/ or foul drainage capacity would be difficult to provide for this development.

5.4.10. Chapter 10: Heritage, Biodiversity & Green Infrastructure

- This chapter provides specific objectives for the heritage of the LAP lands and is to be read in conjunction with the Wicklow County Development Plan 2022 – 2028. In terms of the subject site, Tinakilly House is included on the Record of Protected Structures – RPS 25-15 refers, but the proposed development does not directly impact on this structure.
- The importance of the Murrough SPA, Wicklow Head SPA, Murrough Wetlands SAC and Wicklow Reef SAC are included here.
- Tree Protection Orders (TPOs) are listed and are located on Map 2B; none are indicated on the subject site.
- Relevant objectives are listed under WTR92 to WTR103.

Assessment of Chapter 10 – Heritage, Biodiversity & Green Infrastructure, in relation to the proposed development: The impact of the development on Tinakilly House and European Designated Sites have been fully addressed in my original report and I do not foresee any change to the conclusions on these.

The site is not subject to a Tree Protection Order; however, the ‘Fairy Tree’ is now listed in SLO 2 as to be retained which puts a strong level of protection on this tree. I have already commented on what the implications of this would be on the development. Whilst I previously accepted the removal of this tree in my assessment of the development under ABP Ref. 319137-24, the Wicklow Town – Rathnew Local Area Plan makes clear that this tree is to be retained in situ and as such I now recommend that all measures are to be taken to ensure the retention of this tree in its current location. As SLO2 is included on the LAP zoning map which has been incorporated into the county development plan through Variation No.2, the removal of the tree would be material contravention of the Wicklow County Development Plan 2022 – 2028.

5.4.11. Chapter 11: Zoning and Land Use

- Zoning within the LAP lands is indicated on Map No.1. of the plan. I have listed the relevant ones in the Table above. This chapter also provides a list of appropriate uses for each of the relevant zonings. I am satisfied that the proposed development is acceptable in terms of the RN1: New Residential zoning that applies here.
- Section 11.3 refers to Phasing and the RN1 lands are the priority for the development of new housing within the LAP area.
- The LAP seeks to protect designated European Sites, and inappropriate development will not be permitted within these areas.
- Section 11.5 details the areas subject to 'Specific Local Objectives (SLO)' and the subject site is located within SLO2. I have detailed the relevant sections/requirements in the Table above. Map No.1 of Variation no. 2 of the County Development includes the location of SLO 2. A Concept Plan for SLO2 is also included within the Wicklow Town – Rathnew Local Area Plan.
- The LAP includes details on Architectural Conservation Areas, and this is not directly relevant to the subject development.

Assessment of Chapter 11 – Zoning & Land Use, in relation to the proposed development: The proposed development is considered to be acceptable in terms of the zoning of the subject site and full regard has been had to the impact on European Designated Sites, indicated in this chapter, through the submitted Natura Impact Statement. As already assessed and reported, the proposed development does not comply with a list of requirements for the development of the subject lands.

5.4.12. Appendices

The LAP is supported with a number of Appendices as follows:

1. Local Transport Assessment
2. Social Infrastructure Audit
3. Infrastructure Delivery Schedule, Phasing and Implementation
4. Strategic Flood Risk Assessment
5. Strategic Environmental Assessment
6. Appropriate Assessment

In terms of the Local Transport Assessment, I note that Section 2.4.4 'New Regional/Distributor Roads' refers to the Rathnew Inner Relief Road and its progress to date. It also states 'It is essential that this route is completed during the lifetime of this LAP, as traffic issues arising on the R772 and R750 between Junction 16 and Wicklow Town as already described in this report must be addressed. Preliminary design work on the final section of the route is underway, with a number of possible options emerging.' Maps 43 a to c provide route options for the completion of this road but the route through the subject site remains the same for all and follows the alignment of that of the subject application.

5.4.13. Conclusion on the Local Area Plan:

I have outlined the relevant policies and objectives from the Wicklow Town – Rathnew Local Area Plan 2025 and how they may impact the proposed development. I am satisfied that the proposed development generally complies with the LAP, though as reported I am not satisfied that it complies with SLO 2, and I recommend that permission be refused for the proposed development. Whilst the Concept Plan provided with SLO 2 is only indicative, the list of requirements would have to be fully complied with, and the applicant has not demonstrated how this will be done.

5.5. Compliance with National Planning Framework

- 5.5.1. Project Ireland 2040 – National Planning Framework (NPF) – First Revision, came into effect in April 2025, and which updated the National Planning Framework, 2018. I refer to NPO 11 and development to be on a plan led basis. The adoption of the Wicklow Town and Rathnew Local Area Plan demonstrates how the NPF should be implemented at the local level, with the LAP providing clear objectives and zoning for the development of Rathnew over the lifetime of the plan.
- 5.5.2. I am satisfied that the proposed development demonstrates compliance with the relevant National Policy Objectives as set out in the NPF.

6.0 Compliance with relevant provisions of the Recent Planning Guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended)

6.1. Since the completion of the Inspector's Report for An Bord Pleanála under Reg Ref. 319137-24, the following guidelines have been issued:

- Planning Design Standards for Apartments - Guidelines for Planning Authorities, 2025 replaced the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, DoHPLG, 2023 and which are referenced in the original Inspector's Report dated 30th May 2024. However as per Circular Letter: NSP 04/2025, applications in the planning system on the 8th of July 2025 need comply with the former 2023 guidelines and not those of 2025. Floor areas, amenity space, and floor to ceiling heights demonstrated compliance with the previous guidelines.

7.0 Compliance with relevant provisions of the Climate Action Plan 2024 and the Climate Action Plan 2025

- 7.1. The proposed development was supported within an Appropriate Assessment/ Natura Impact Statement and an Environmental Impact Assessment Report (EIAR). These documents provided a full assessment of the impact of the development on the conservation objectives of designated sites and also a full consideration of impact on a range of environmental factors including human health, air quality and climate, Biodiversity and hydrology. In terms of the Environmental Impact Assessment, it was concluded that 'the submitted details have sufficiently demonstrated that the proposed development would not adversely impact on the existing environment. The proposed development is located on lands that are suitably zoned for residential development and these zoned lands have undergone Strategic Environment Assessment (SEA) as part of the county and local plan processes.' I note that the recently adopted LAP includes SEA, and no impacts of concern were identified.
- 7.2. The proposed development has full regard to the biodiversity as evidenced through the provision of wetland areas to the north of the site and includes a landscaping plan that encourages biodiversity to develop. Proposed residential units would have a high BER rating and through their energy efficiency would generate less

greenhouse gases than similar houses of an older vintage. Provision is made for EV charging on site and active travel is encouraged.

- 7.3. I am satisfied that the proposed development would not contravene the relevant provisions of the Climate Action Plan 2024 and the Climate Action Plan 2025.

8.0 Third Party Submissions

- 8.1. Third parties who made a submission on the original application were invited to make a submission on the response provided by the applicant to the Article 73A(1)(a) notice issued on the 19th of May 2025 and responded to on the 4th of June 2025. The Section 131 notice gave them to the 30th of June 2025 to make a response. A total of 3 submissions were received from:

- Henry and Aoife Clarke, Seamus and Evelyn Ryan, and David and Caroline O'Neill.
- Leslie Armstrong
- Eileen M. Howell

The following comments, summarised, were made:

- Negative impact on Tinakilly House, a protected structure, and its setting.
- Negative impact on the right of way along Tinakilly Avenue; this issue should be addressed through this application and not have to revert to the Courts. A planning condition should be included that ensures that the right of way along this avenue is protected. Any change to its status would be strongly resisted by residents of the area.
- Reject the Inspectors view that 'The house and its lands do not therefore include Tinakilly Avenue'. Evidence is indicated through the inclusion of the avenue on the Historic 6-Inch Map, First Edition.
- The EIAR has not fully considered the impact on architectural heritage as it focuses on archaeology and cultural heritage. It is considered that the development would have a significant impact on architectural heritage.

- The applicant's response to the new LAP seems to refer to the draft and not the finalised plan. The following have not been complied with in the submitted documentation:
 - Failed to provide a suitable childcare facility on the RN1 zoned lands. The provision of a creche in Broomhall Business and Enterprise Park is not acceptable.
 - Failed to provide a mixed use games area of at least 0.75 hectares on the RN1 or OS1 zoned lands. The location of the necessary facilities should be addressed as part of the application and not be agreed later on.
- The development is contrary to the proper planning of the area and permission should be refused for the proposed development.
- One of the submissions noted that the applicant had requested that lands zoned from Passive Open Space to RN1 be omitted from the current development proposal and which would allow for a new application for the development of these lands in accordance with the RN1 zoning objective.
- Need to provide for the necessary amenity and open space within the site area and as per the LAP.
- Need to retain the lands zoned RN1 and proposed for use as settlement tanks and ponds.
- The proposed development should be considered in the context of the recently adopted Local Area Plan.
- Request that previous submissions be considered in any new assessment.
- The 'Fairy Tree' should be fully protected during any construction works on site and this tree is of local heritage and cultural significance.
- The construction of the RIRR is premature pending the preparation/ publication of a Local Transport Plan for Wicklow Town and Rathnew.
- Opposition to the RIRR.
- Request that advance notice be provided on any construction-related disruption to electricity, water and fibre broadband in the area.

It was requested that permission be refused for the proposed development but also in the event that permission was granted, suitable conditions be attached that ensure that existing residents are protected, public safety be maintained, heritage be protected and that Rathnew be developed in a sustainable manner.

8.2. Comment on Third Party Submissions:

- The impact on Tinakilly Avenue and House were considered in the original Inspectors report. I wish to add that the RIRR is considered an important piece of infrastructure and the indicative route is provided in the Wicklow Town-Rathnew Local Area Plan 2025 – 2031 on Map 1 – Volume 2. Part 5 of the Wicklow County Development Plan 2022 – 2028 (Variation No. 2 of 2025). There is no indication that the right of way would be impeded by the proposed development.
- I accept the importance of the Avenue, but it is not included in the RPS as part of the house and its curtilage, which are included in the RPS.
- I am satisfied that the submitted EIAR fully considered the issue of Architectural Heritage with respect to Tinakilly House. Chapter 12 of the EIAR considers the impact of the development on ‘Architectural, Archaeological and Cultural Heritage’ and is detailed under Section 12.4 ‘Cultural Heritage’, but there is significant other information provided throughout this chapter including details on Cartographic Analysis (12.3.3). Placenames Analysis (12.4.1), and on Townlands Boundaries (12.4.2). The potential visual impact is considered in depth in Chapter 11 – ‘Landscape Visual Impact Assessment’.
- I agree with the submission on the issue of the LAP. I have addressed this issue in my report and consider that a childcare facility and required amenity facilities should be provided on this site, but which may require significant revisions to the site layout plan.
- As per my report, there is some confusion in the status of the zoned lands. The lands were zoned for residential under the expired Wicklow Town-Rathnew Development Plan 2013 – 2019 and remain as such under the current LAP. The confusion arises in the applicants proposal to revise the site through the Action Area Plan process and which it appears that the Planning Authority were satisfied with. I have found no record of a Material Variation of the zoned lands that would have resulted in the replacement of residential zoned lands with open space

lands. The proposed development is now subject to the Wicklow Town-Rathnew Local Area Plan 2025 – 2031 and it is clear that the majority of the site is zoned RN1 with surrounding areas zoned for Open Space, as also per Map No. 1, adopted through Variation No. 2, of the Wicklow County Development Plan 2022 – 2028. I am satisfied that the development of these lands would be in accordance with the current LAP

- A condition can be included that all trees to be retained, including the ‘Fairy Tree’, will be protected during the construction phase of this development.
- I have addressed the issue of the Local Transport Plan and the provision of the RIRR in my report. The RIRR is a key requirement for the development of this part of Rathnew and would have significant benefits for the wider area including Wicklow town. This is clearly identified in Appendix 1 of the LAP. The layout of the road is dictated by the existing section to the south of the subject site and the junction layout to the north west adjacent to Clermont Grove. I do not foresee that permitting and constructing this road would adversely impact on the preparation of a Local Transport Plan. This road has been indicated on plans for the area since at least the Wicklow Environs Local Area Plan 2001.
- The Construction Management Plan should include the notification of any disruption to local services to be made to residents of the area. This is common in many CMPs and would not be onerous on the applicant.
- In the event that permission were granted, suitable conditions would be included to ensure that local residents and their amenity is protected during the construction phase of this development.

9.0 Appropriate Assessment (AA)

- 9.1. AA was carried out in Section 9.0 of the original Inspector’s Report dated 30th May 2024. A number of European sites were identified for consideration and Stage 1 – Appropriate Assessment Screening was undertaken as it was considered that the proposed development may have a significant effect on the Murrough Wetlands SAC, Wicklow Mountains SAC and The Murrough SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site in light of its conservation objectives. I considered it

reasonable to conclude that on the basis of the information submitted in the Natura Impact Statement (NIS) report, including the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of the Murrough Wetlands SAC, Wicklow Mountains SAC and The Murrough SPA.

- 9.2. There have been no changes to the status of these designated sites since the previous report and no additional designated sites have been identified that may be impacted by the proposed development. I am satisfied that in the event that there were amendments to the development, such as the removal of residential units and replacement with open space/ a childcare facility, these would not impact on the previous assessment and there would be no impact on the designated sites.

10.0 Environmental Impact Assessment

- 10.1. The applicant submitted an EIAR in support of their application and this was assessed in the original IR. It was considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment. In conclusion, subject to the implementation of the mitigation measures set out in the environmental impact assessment report and subject to compliance with the conditions attached to their grant of permission, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable.
- 10.2. I am satisfied that the information provided in the EIAR remains adequate to identify potential impacts on the environment.

11.0 Water Framework Directive

- 11.1. The subject site is located immediately to the south of the Rathnew Stream and is approximately 800m to the west of the Broadlough Estuary.
- 11.2. The proposed LRD comprises of the construction of a residential development of 352 units in the form of 220 houses and 132 apartment/ duplex/ maisonette units, a

section of the Rathnew Inner Relief Road (RIIR), infrastructure required to service the development, open space and all associated site works on a site of 16.8 hectares on lands in Tinakilly, Rathnew, Co. Wicklow.

11.3. I have assessed the LRD development at Tinakilly, Rathnew, Co. Wicklow and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. I have undertaken a WFD Impact Assessment Stage 1: Screening and which is included in Appendix 1 after my report. This assessment considered the impact of the development on the:

- Rathnew Stream
- Broadlough Estuary
- Groundwater

11.4. The impact from the development was considered in terms of the construction and operational phases. Through the use of best practice and implement of a CEMP at the construction phase and through the use of SuDS during the operation phase, all potential impacts can be screened out.

Conclusion

11.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

12.0 Conclusion

12.1. The Board received five third party appeals against the decision of Wicklow County Council to grant permission for this LRD housing scheme on the 26th of February 2024. The decision of the Board to refuse permission was subject to JR and the court remitted the application back to the Board. This addendum report has been prepared, and which should be read in conjunction with the original Inspector's Report on file dated 30th May 2024.

- 12.2. I have considered the proposed development in the context of the current Wicklow County Development Plan 2022 – 2028, the Wicklow Town – Rathnew Local Area Plan 2025 – 2031, the Climate Action Plan 2024, Climate Action Plan 2025 and relevant updated guidance that has been introduced since the original IR was prepared, and as required by the Court order dated 11th of April 2025
- 12.3. The primary issue for the assessment is to demonstrate compliance with the relevant local area plan zoning, objectives and policies. Since the issuing of the Court order, the Wicklow Town-Rathnew Local Area Plan 2025 – 2031 was adopted and there are a number of requirements for any development of these lands. The applicant has not demonstrated compliance with these, and the necessary revisions would require the removal of residential units and revisions to the site layout. Potentially 36 units would require to be omitted from the development and which in turn would require significant alterations to the site layout but would also impact on unit mix and density. This in turn may result in a material contravention of the Wicklow County Development Plan for failure to meet density and unit mix requirements.
- 12.4. The provision of a childcare facility would require the removal of units, which may be in addition to the 36 units for omission, to provide for a suitable building, car parking area/ access and also outdoor open space for play. This may require a significant land take, in addition to the need to retain the 'Fairy Tree' and provide for the listed active recreational space. Considering the failure to meet the requirements of Specific Local Objective 2 contained within the LAP but also adopted through Variation No.2 of the Wicklow County Development Plan 2022 - 2028, it is recommended that permission be refused for the proposed development. The proposed development would materially contravene the Wicklow County Development Plan 2022 – 2028.
- 12.5. In the event that permission were granted and residential units were omitted/ childcare facility and other facilities provided, these would not have a negative impact on and/ or require the revision of the submitted Environmental Impact Assessment Report (EIAR) or on the Appropriate Assessment Screening/ Natura Impact Statement.
- 12.6. I consider that the proposed development remains consistent with relevant updated section 28 guidance i.e. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024 and the Planning Design Standards for Apartments - Guidelines for Planning Authorities, 2025

12.7. This conclusion should be read in conjunction with both the original IR dated 30th May 2024 and the other sections of this Addendum Report.

13.0 Recommendation

13.1. Having regard to the above assessment and to the content of the original Inspector's report dated 30th May 2024, I recommend that permission be Refused for the Large-Scale Residential Development (LRD) on a site at Tinakilly, Rathnew, Co. Wicklow, for the reasons as follows.

14.0 Reason for Refusal

1. The subject site is located on lands zoned 'RN1 – New Residential – Priority 1' and 'OS1 – Open Space' in the Wicklow Town – Rathnew Local Area Plan 2025. By Variation No. 2 of 2025, the maps and objectives of the Wicklow Town – Rathnew Local Area Plan 2025 were integrated into the Wicklow County Development Plan 2022 – 2028. The subject lands are located within Specific Local Objective (SLO) 2 and which includes a list of requirements to be undertaken. These include a road objective, provision of a childcare facility, the provision of specified active amenity areas and also the retention of a 'Fairy Tree' which is located on this site. The applicant has failed to comply with all of these requirements, recommending that they be addressed by way of condition, which could not be undertaken as there may be unknown consequential impacts arising from such an approach. The proposed development fails to protect an identified tree and fails to provide for adequate active amenity areas/ facilities on the subject lands. The proposed development materially contravenes the Wicklow County Development Plan 2022 - 2028 in not complying in full with the requirements of SLO2, would result in a poor quality of residential amenity and would be contrary to the proper planning and sustainable development of the area.

2. The subject site is located on lands zoned 'RN1 – New Residential – Priority 1' and 'OS1 – Open Space' in the Wicklow Town – Rathnew Local Area Plan 2025. By Variation No. 2 of 2025, the maps and objective of the Wicklow Town – Rathnew Local Area Plan 2025 were integrated into the Wicklow County Development Plan

2022 – 2028. The subject lands are located within Specific Local Objective (SLO) 2 and which includes a list of requirements to be undertaken for development of these lands including the provision of a childcare facility in accordance with relevant guidelines and to be located on the subject lands. The proposed development provides for 352 residential units, with a minimum demand for 71 childcare spaces. The applicant has not provided for such a facility on these lands which materially contravenes a specific requirement to be undertaken for development within SLO2 and which would materially contravene the Wicklow County Development Plan 2022 - 2028, would be contrary to the Childcare Guidelines, 2001, would result in a poor quality of residential amenity and would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Paul O'Brien

Inspectorate

7th August 2025

Appendix 3: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	ABP-322476-25	Townland, address	Tinakilly, Rathnew, Co. Wicklow
Description of project	Permission sought for a residential development of 352 units in the form of 220 houses and 132 apartment/ duplex/ maisonette units, a section of the Rathnew Inner Relief Road (RIIR), infrastructure required to service the development, open space and all associated site works on a site of 16.8 hectares on lands in Tinakilly, Rathnew, Co. Wicklow.		
Brief site description, relevant to WFD Screening,	Site is mostly in agricultural use. Site area is large at 16.8 hectares.		
Proposed surface water details	SuDS measures to be used in the engineering and landscaping design.		
Proposed water supply source & available capacity	<p>For the Rathnew Area Water supply capacity registers there is Potential Capacity Available – LoS improvement required – the note states:</p> <p>Potential Capacity Available to meet 2033 population targets - Level of service (LoS) improvement required. Capacity constraints exist and additional analysis of Pre-connection Enquiries and Connection Applications will be undertaken as required by</p>		

	UE on an individual basis considering their specific load requirements. Improvement proposals will include but are not limited to leakage reduction and/or capital investment. These proposals will be required to maintain/improve levels of service as demand increases. These proposals will be developed & prioritised through the National Water Resources Plan and investment planning process.					
Proposed wastewater treatment system & available capacity, other issues	Wastewater Treatment Capacity: there is no specific details for Rathnew but for Wicklow, served by the Wicklow WWTP there is a Green indication which demonstrates that there is spare capacity available.					
Others?	N/A					
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
e.g. lake, river, transitional and coastal waters, groundwater body, artificial (e.g.	Forms the northern boundary of the site	Rathnew Stream-010	Good	Not at Risk	N/A	Surface water run-off

canal) or heavily modified body.							
	Located approximately 790m to the east of the subject site	Broad Lough – IE_EA_130_0100	Moderate		N/A		Surface water run-off
	0m	Wicklow Groundwater (IE_EA_G_076)	Good	Not at Risk	N/A		Groundwater
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.

1.	Site clearance & Construction	Rathnew Stream-010	Indirect impact via Potential hydrological pathway	Water Pollution Surface water run-off	Use of Standard Construction Practice and CEMP. Also SUDS and site landscaping	No	Screen out at this stage.
2.	Site clearance & Construction	Broad Lough – IE_EA_130_0100	Indirect impact via Potential hydrological pathway	Water Pollution	Use of Standard Construction Practice and CEMP	No	Screen out at this stage.
3.	Site clearance & Construction	Wicklow Groundwater (IE_EA_G_076)	Indirect impact via Potential hydrological pathway	Water Pollution Surface water run-off	Use of Standard Construction Practice and CEMP. Also SUDS and site landscaping	No	Screen out at this stage.

OPERATIONAL PHASE							
4.	Surface Water Run-off	Rathnew Stream-010	Indirect impact via Potential hydrological pathway	Water Pollution	Several SuDS features incorporated into development	No	Screen out at this stage.
5.	Surface Water Run-off	Broad Lough – IE_EA_130_0100	Indirect impact via Potential hydrological pathway	Water Pollution	Several SuDS features incorporated into development	No	Screen out at this stage.
6.	Surface Water Run-off	Wicklow Groundwater (IE_EA_G_076)	Indirect impact via Potential hydrological pathway	Water Pollution	Several SuDS features incorporated into development	No	Screen out at this stage.
DECOMMISSIONING PHASE							
6.	N/A	N/A	N/A	N/A	N/A	N/A	N/A