



AN ARD-CHÚIRT
THE HIGH COURT

PLANNING AND ENVIRONMENT

H.JR.2024.0001198

FRIDAY THE 11th DAY OF APRIL 2025

BEFORE MR JUSTICE RICHARD HUMPHREYS

BETWEEN

KELDRUM LIMITED

APPLICANT

-AND-

AN BORD PLEANÁLA

RESPONDENT

-AND-

WICKLOW COUNTY COUNCIL

NOTICE PARTY

Upon motion of Counsel for the Applicant made unto the Court pursuant to the Notice of Motion filed on the 12th day of November 2024 seeking the following reliefs

- “1. An Order of certiorari by way of application for judicial review quashing the decision of the Respondent, dated 2nd August 2024 (ABP Ref. ABP-319137-24) to refuse planning permission for development of 352 residential units, private, public, and communal open spaces and associated works at Tinakilly, Rathnew, County Wicklow.
2. Such declaration(s) of the legal rights and/or legal position of the Applicant and/or persons similarly situated as the Court considers appropriate.
3. An Order remitting the matter to the Respondent to be reconsidered and determined in accordance with law.



AN ARD-CHÚIRT
THE HIGH COURT

4. A Declaration that Section 50B of the Planning and Development Act 2000 as amended, and/or Sections 3 and 4 of the Environment (Miscellaneous Provisions) Act 2011 and/or that the interpretative obligation set out in Case C-470/16 (*North East Pylon Pressure Campaign Limited v. An Bord Pleanála*), whereby in proceedings where the application of national environmental law is at issue, it is for the national court to give an interpretation of national procedural law which, to the fullest extent possible, is consistent with the objectives laid down in Article 9(3) and (4) of the Aarhus Convention, apply to these proceedings.
5. Such further or other order as this Honourable Court shall deem fit.
6. The costs of these proceedings.”

And on coming before the Court by way of physical hearing on the 11th day of April 2025

Whereupon and on reading the said Motion and the Originating Statement filed on the 25th day of September 2024 and the Affidavits (2) of Pierce Dillon filed on the 29th day of January 2025 and the 28th day of February 2025 and Affidavit of Emma Maye filed on the 18th day of February 2005 and the written submissions and exhibits filed in respect of said proceedings

In the presence of Counsel for the Applicant and Counsel for the Respondent

And on hearing said respective Counsel

And the Court being informed there is agreement between the parties that the matter be remitted to the Respondent for reconsideration without the Respondent accepting it was in error



AN ARD CHUÍRT
THE HIGH COURT

And the Court noting that the agreement reached between the parties is strictly without prejudice to the position of the Respondent that the decision taken by it was lawful and that no legal error had been identified in the decision.

BY CONSENT

The Court **DOTH GRANT** an Order of certiorari quashing the decision of the Respondent dated 2nd August 2024 (An Bord Pleanála Ref: ABP-319137-24) to refuse planning permission for the development of 352 residential units, private, public, and communal open spaces and associated works at Tinakilly, Rathnew, County Wicklow strictly without prejudice to the position of the Respondent that the decision was lawful and that no legal error had been identified in the decision

IT IS ORDERED that the matter be remitted to the Respondent to the point after the Inspector's Report had been prepared for further consideration and determination in accordance with law

AND IT IS ORDERED that the Respondent

1. do issue a Notice to the Applicant inviting the Applicant to make submissions to the Respondent on the planning application the subject of these proceedings (a "Further Information Notice") within two weeks of the perfection of the within Order
2. do make a new decision on the planning application the subject of these proceedings within 16 weeks of perfection of this Order

No Order as to the costs of the proceedings

HELEN RYAN
REGISTRAR
Perfected 06/05/2025



AN ARD-CHÚIRT
THE HIGH COURT

Hayes Solicitors

Solicitors for the Applicant (Keldrum Limited Ltd.)

Field Fisher LLP

Solicitors for Respondent (An Bord Pleanála)

Dorothy A. Kennedy

Law Agent for the Notice Party (Wicklow County Council)

