

File With \_\_\_\_\_

**LARGE RESIDENTIAL  
DEVELOPMENT  
CORRESPONDENCE FORM**

Appeal No: ABP 322476-25ms. KhatipovaPlease treat correspondence received on 4/6/25 (email + post) as follows:

1. Update database with new agent for Applicant/Appellant \_\_\_\_\_

2. Acknowledge with LRD 233. Keep copy of Board's Letter ☐

1. RETURN TO SENDER with LRD \_\_\_\_\_

2. Keep Envelope: ☐3. Keep Copy of Board's letter ☐**Amendments/Comments**Applicants Response to Article 73A.Section 137.**4. Attach to file**(a) SHD/LRD Unit ☐ (b) Inspector ☐RETURN TO EO ☐Plans Date Stamped ☐Date Stamped Filled in ☐EO: Catherine FlynnAA: Faizide KhoshfaryDate: 11-6-25Date: 11/6/25

Handwritten marks and scribbles in the top right corner.

C Flynn

**Dáire Littleton Caden**

**From:** Evan Walsh <evan@brockmcclure.ie>  
**Sent:** Dé Céadaoin 4 Meitheamh 2025 10:44  
**To:** Appeals2; Bord  
**Cc:** Laura Brock  
**Subject:** ABP-322476-25 - 1st Party Submission/ Observation Following Request from An Bord Pleanála  
**Attachments:** Final - First Party Submission- Observation Report (ABP-322476-25).pdf; ABP Submission Request.pdf

**Caution:** This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Dear Sir/ Madam,

We Brock McClure Planning & Development Consultants, 63 York Road, Dun Laoghaire, Co. Dublin are instructed by our client, Keldrum Limited c/o Ardale Property Group, Unit B4, Oakfield Industrial Estate, Ninth Lock Road, Clondalkin, Dublin, D22 XD28 to submit the attached 1<sup>st</sup> Party Submission/ Observation Report associated with An Bord Pleanála case number ABP-322476-25 (WCC Ref. 2360219), following a request issued by An Bord Pleanála on the 19<sup>th</sup> of May 2025.

Please find attached the following documents:

- Additional Information Request Letter as issued by An Bord Pleanála (19<sup>th</sup> May 2025).
- 1<sup>st</sup> Party Submission/ Observation Report

An Bord Pleanála have confirmed that this suite of information requested can be submitted via email to [appeals@pleanala.ie](mailto:appeals@pleanala.ie). A hard copy of the attached documents has also been sent to the offices of An Bord Pleanála at 64 Marlborough St, Rotunda, Dublin 1, D01 V902.

This submission is made before the noted deadline of 5.30 pm 4<sup>th</sup> June 2025.

I would be grateful if you could please confirm receipt of this submission via return email. We ask that all correspondence regarding this appeal case is forwarded to our offices at 63 York Road, Dun Laoghaire, Dublin.

Evan Walsh

Senior Executive Planner



Brock McClure  
Planning & Development Consultants  
63 York Road

Dún Laoghaire  
Co. Dublin

[evan@brockmcclure.ie](mailto:evan@brockmcclure.ie)

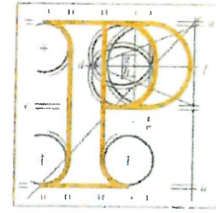
Office: +353 1 559 3859  
Direct: 01 514 3286



**Our Case Number:** ABP-322476-25

**Planning Authority Reference Number:** 2360219

**Your Reference:** Keldrum Limited



An  
Bord  
Pleanála

RECEIVED

20 MAY 2025

Brock McClure  
Planning & Development Consultants  
63 York Road  
Dun Laoghaire  
Co. Dublin

**Date:** 19 May 2025

**Re:** Large scale residential development: construction of 220 houses and 132 apartments; provision of new section of Rathnew Inner Relief Road; associated vehicular and pedestrian access, carriageways, paths and junctions; provision of new vehicular entrance and gates along eastern portion of Tinakilly Avenue and all associated site development works. The planning application is accompanied by an Environmental Impact Assessment Report and Natura Impact Statement. The application can be viewed at <https://tinakillydemesneirld.ie>.  
Site of c. 16.8 ha at Tinakilly, Rathnew, Co. Wicklow

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer to the above-mentioned Large Scale Residential Development appeal.

The Board has examined the appeal and is of the opinion that certain information is necessary for the purpose of enabling it to determine the appeal.

In accordance with article 73A(1)(a) of the Planning and Development Regulations 2001, (as amended), you are required to submit, on or before **4<sup>th</sup> June 2025**, the following -

- **A copy of the High Court order is attached to this letter for your information. Having regard to the High Court Order in this case, the quashing of the previous Board decision and the passage of time, the Board considers that it is appropriate in the interests of justice to now require you to make your submissions/observations on the planning application the subject of this appeal.**
- **Your submissions on the documents available from Wicklow County Council regarding Variation No.2 to the Wicklow County Development Plan 2022-2028 which integrates the land use zoning map and key development objectives from the Wicklow Town – Rathnew Local Area Plan 2025 into the County Development Plan and which came into effect on the 12th of May 2025.**

Teil	Tel	(01) 858 8100
Glaao Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	<a href="http://www.pleanala.ie">www.pleanala.ie</a>
Ríomhphost	Email	<a href="mailto:bord@pleanala.ie">bord@pleanala.ie</a>

64 Sráid Maoilbhríde  
Baile Átha Cliath 1  
D01 V902

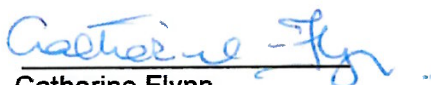
64 Marlborough Street  
Dublin 1  
D01 V902

If the information required is not received before the end of the specified period, the Board may dismiss or otherwise determine the appeal without further notice to you in accordance with section 133 of the 2000 Act, (as amended). Your submission in response to this notice must be received by the Board not later than **5.30 p.m. on the date specified above**.

Please be advised that a standalone website shall be made available for the duration of the appeal as set out in Article 20A(3) of the Planning and Development Regulations 2001, as amended.

Please quote the above appeal reference number in any further correspondence.

Yours faithfully,



Catherine Flynn  
Executive Officer  
Direct Line: 01-8737143

BP71 Registered Post

**Teil**  
**Glaó Áitiúil**  
**Facs**  
**Láithreán Gréasáin**  
**Ríomhphost**

**Tel** (01) 858 8100  
**LoCall** 1800 275 175  
**Fax** (01) 872 2684  
**Website** [www.pleanala.ie](http://www.pleanala.ie)  
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64 Sráid Maoilbhríde 64 Marlborough Street  
Baile Átha Cliath 1 Dublin 1  
D01 V902 D01 V902

**1<sup>st</sup> Party Submission/ Observation**

**Following Request from ABP**

**Large Scale Residential Development**

**On Lands at Tinakilly,  
Rathnew, Co. Wicklow**

**ABP – 322476-25**

**On behalf of**

**Keldrum Limited**

June 2025



Planning & Development Consultants

63 York Road,

Dun Laoghaire

Co. Dublin

[www.brockmcclure.ie](http://www.brockmcclure.ie)

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## 1 Introduction

We, Brock McClure Planning & Development Consultants, 63 York Road, Dun Laoghaire, Co. Dublin, are instructed to submit this 1<sup>st</sup> Party Submission/ Observation Report to An Bord Pleanála on behalf of Keldrum Limited c/o Ardale Property Group, Unit B4, Oakfield Industrial Estate, Ninth Lock Road, Clondalkin, Dublin, D22 XD28 ("the Applicant") relating to a live appeal of a Large-Scale Residential Development on lands located at Tinakilly, Rathnew, County Wicklow (ABP-322476-25).

On the 19<sup>th</sup> of May 2025 An Bord Pleanála issued a letter to the Applicant noting that the Board has examined the appeal and is of the opinion that certain information is necessary for the purpose of enabling it to determine the appeal. The following information was requested in the letter received:

*In accordance with article 73A(1(a) of the Planning and Development Regulations 2001, (as amended), you are required to submit, on or before 4th June 2025, the following:*

- *A copy of the High Court order is attached to this letter for your information. Having regard to the High Court Order in this case, the quashing of the previous Board decision and the passage of time, the Board considers that it is appropriate in the interests of justice to now require you to make your submissions/ observations on the planning application the subject of this appeal.*
- *Your submissions on the documents available from Wicklow County Council regarding Variation no. 2 of the Wicklow County Development Plan 2022-2028 which integrates the land use zoning map and key development objectives from the Wicklow Town – Rathnew Local Area Plan 2025 into the County Development Plan and which came into effect on the 12th of May 2025.*

Following the High Court Order perfected on the 6<sup>th</sup> of May 2025 (H.JR.2024.0001198), quashing An Bord Pleanála's decision to refuse planning permission for the subject development (ABP-319137-24), the Applicant welcomes the invitation from An Bord Pleanála to make any Submissions/ Observations in relation to the subject development, now assigned the reference no. ABP-322476-25, prior to the new appeal decision being issued, due on the 25<sup>th</sup> of August 2025.

Section 2 of this document sets out information concerning the background to the application and to the content and making of Variation no. 2 and the Wicklow Town-Rathnew Local Area Plan 2025.

Section 3 of this report has been prepared to detail the Applicant's Submissions/ Observations in relation to the items requested in the letter issued by An Bord Pleanála on 19<sup>th</sup> of May 2025.

In accordance with the letter received from An Bord Pleanála, this response containing the Applicant's Submissions/ Observations in respect of the requested items is now submitted to An Bord Pleanála before the end of the specified period (5:30 pm 4<sup>th</sup> of June 2025).

## 2 Context

Section 2 'Context' has been prepared to outline the background to the LRD application/appeal; the Wicklow County Development Plan 2022-2028 Variation no. 2 adoption process; the Wicklow Town – Rathnew Local Area Plan 2025-2031 plan making process, and the Specific Local Objectives included within the Wicklow Town – Rathnew Local Area Plan 2025 – 2031 relevant to the subject development, for the benefit of An Bord Pleanála.

### 2.1 Background to LRD Application/Appeal

By way of background:

- This LRD planning application was submitted to Wicklow County Council after the Wicklow County Development Plan 2022-2028 was adopted by the Council. Development within Wicklow-Rathnew was assessed by the Planning Authority by reference to that Development Plan and also by reference to the Wicklow-Rathnew Town Development Plan 2013-2019.
- The application was granted by Wicklow County Council and was appealed to the Board by third parties. The Board refused permission by Order dated 2<sup>nd</sup> August 2024 on the basis that: the development, not being zoned in a current statutory plan, did not meet the pre-conditions applying to LRD and so the Board was 'precluded' from granting permission; and on the basis that it was premature pending the making of a local area plan for Wicklow-Rathnew.
- The Applicant challenged by way of judicial review the Board's decision and the Board's decision was subsequently quashed by Order of the High Court dated 11<sup>th</sup> April 2025<sup>1</sup>.
- The application has now been remitted to the Board and assigned a new case number (ABP-322476-25) and, as outlined in Section 1 of this document, the Applicant has been asked to make submissions to the Board on or before the 4<sup>th</sup> of June 2025.
- Since the application was remitted: 1) Variation no. 2 to the Wicklow County Development Plan 2022-2028 was made on 12<sup>th</sup> of May 2025; and 2) the Wicklow Town – Rathnew Local Area Plan 2025 was made by the Council on 12<sup>th</sup> May 2025.
- Variation no. 2 to the Wicklow County Development Plan 2022-2028 integrates the land use zoning map and key development objectives from the Wicklow Town -Rathnew Local Area Plan 2025 into the County Development Plan. An Interim Variation Adoption Decision Document May 2025 showing the modifications to the County Development Plan is available on Wicklow County Council's website here: [https://www.wicklow.ie/Portals/0/adam/Documents/SRZlvUlcSkat83hpKD1byA/Link/Interim%20Variation%20No.2%20adoption%20decision%20document\\_May%202025.pdf](https://www.wicklow.ie/Portals/0/adam/Documents/SRZlvUlcSkat83hpKD1byA/Link/Interim%20Variation%20No.2%20adoption%20decision%20document_May%202025.pdf). Variation no. 2 came into effect on 12<sup>th</sup> May 2025.
- As regards the Wicklow-Rathnew Local Area Plan 2025 an Interim Plan Adoption Decision Document May 2025 showing text and mapping of that Local Area Plan is available on Wicklow County Council's website here: [https://www.wicklow.ie/Portals/0/adam/Documents/JcqovjrqwkyLN046OynODQ/Link/Interim%20Variation%20No.2%20adoption%20decision%20document\\_May%202025.pdf](https://www.wicklow.ie/Portals/0/adam/Documents/JcqovjrqwkyLN046OynODQ/Link/Interim%20Variation%20No.2%20adoption%20decision%20document_May%202025.pdf).

<sup>1</sup> Perfected on 6<sup>th</sup> May 2025.

[20Wicklow%20Town%20-](#)

[%20Rathnew%20LAP%202025%20Adoption%20Decision%20Document.pdf](#). The application site is zoned in the Local Area Plan and is subject to a specific local objective. The Wicklow Town – Rathnew Local Area Plan 2025-2031 was made and will likely be in effect before the Board’s target decision date of the 25<sup>th</sup> of August 2025<sup>2</sup>.

## 2.2 Wicklow County Development Plan 2022-2028 – Variation No. 2

Wicklow County Council has adopted a new Local Area Plan (LAP) for the settlement of ‘Wicklow Town – Rathnew’. To ensure consistency of the draft and final Wicklow Town – Rathnew LAP with the County Development Plan, it was proposed to vary the County Development Plan alongside the LAP making process.

The formal process for preparing a Variation Number 2 of the Wicklow County Development Plan 2022-2028 began in 2023 alongside the LAP process, which led to the publication of a proposed Variation Number 2 on 9<sup>th</sup> of October 2024. Following the consideration of submissions made by the public and various stakeholders, the Elected Members of Wicklow County Council resolved to propose alterations to that proposed Variation. As these proposed alterations constituted ‘material’ alterations to the proposed Variation, these alterations were published for further public consultation in March 2025.

At the County Council meeting of the 12<sup>th</sup> of May 2025, the Elected Members of Wicklow County Council resolved to adopt Variation Number 2 alongside the adoption of the LAP. The variation came into effect on the 12<sup>th</sup> of May 2025.

An Interim Variation Adoption Decision Document May 2025 has been published by Wicklow County Council since 12<sup>th</sup> May and key modifications to the Wicklow County Development Plan include:

Textual changes at 1.2 (new text in red):

*Separate **Local Area Plans** are in place, which will be reviewed ~~after the adoption~~ during the lifetime of this plan, for the following towns / areas: Bray Municipal District, Wicklow Town - Rathnew, Arklow, Greystones – Delgany - Kilcoole and Blessington. These Local Area Plans are reviewed and made under Sections 18, 19 and 20 of the Planning and Development Act, and ~~as such do not form part of the County Development Plan~~ and are subsidiary plans to this County Development Plan. ~~However~~ The CDP does provide the key parameters for these Local Area Plans such as the future population and housing targets and sets out the broad strategy for the future economic and social development of these towns. To ensure that the zoning and key development objectives of these LAPs clearly form part of this County Development Plan, the land use zoning and key development objectives maps are adopted by way of variation into the County Development Plan during the making of each LAP.*

Changes to 3.5 ‘Zoning’ so that it now reads:

*This development plan provides the population and housing targets for all 21 settlements in the County up to 2031. ~~However~~, it only provides plans for 13 settlements, the remainder of the settlements having their own stand-alone ‘Local Area Plans’, which will be reviewed ~~after the adoption~~ during the lifetime of this County Development Plan. As part of the LAP adoption process, the land use zoning and key development objectives maps for the LAP settlements / areas are integrated into Volume 2 of this County Development Plan by way of variation.*

<sup>2</sup> As appearing from the Board’s website.



### Changes to Chapter 3 'Local Area Plan':

*The Core Strategy Tables to follow shows the housing unit requirements for the LAP towns, up to the year 2031 and the housing unit capacity of lands zoned in ~~current~~ LAPs in effect at the time of the adoption of the County Development Plan in 2022.*

*~~This table shows that the majority of current LAPs have a surplus of zoned land having regard to the revised 2031 targets set out in the NPF Roadmap and the RSES for the EMRA.~~*

*Upon adoption of this County Development Plan in 2022, the amount of zoned land in pre-existing LAPs exceeded the amount of land needed to meet the Core Strategy 2031 housing targets for each of the towns set out in this County Development Plan (as detailed in Table A of the Core Strategy).*

*In the preparation of the updated LAPs during the lifetime of this County Development Plan, development and growth objectives, including the amount of zoned housing land and phasing / prioritising objectives, shall take into account the zoning principles set out hereunder as well as the guidance set out in 'Development Plans – Guidance for Planning Authorities' (DoHLGH 2022) and any further Government or Ministerial policies / guidance in place at the time of the adoption of the LAP.*

*In particular, residential development objectives including land zoning provisions will be made on the basis of providing enough housing land to meet the prevailing Core Strategy population and housing targets set out in the County Development Plan at the time of adoption of the LAP, with flexibility in the zoning provisions to ensure that (a) the targets can be achieved in the event that unforeseen impediments to the development of certain lands arise and (b) the LAPs do not have to be formally amended to reflect any changes in the Core Strategy or population / housing targets that may arise during the lifetime of the County Development Plan due to changes to the National Planning Framework, Regional Spatial and Economic Strategy or planning legislation.*

The insertion of a new Part 5 in the Development Plan concerning local area plan zoning. This, inter alia, sets out the meaning of various zoning objectives and at part 5.2 includes links to zoning mapping for Wicklow Rathnew, etc.:

#### **Part 5.2 Wicklow Town & Rathnew Local Area Plan 2025**

- [Interim Land Use Zoning Map](#)
- [Interim Key Green Infrastructure Map](#)
- [Interim Indicative Flood Zones Map 4A](#)
- [Interim Indicative Flood Zones Map 4B](#)
- [Interim Indicative Flood Zones Map 4C](#)
- [Interim Indicative Flood Zones Map 4D](#)
- [Interim Indicative Flood Zones Map 4E](#)
- [Interim Indicative Flood Zones Map 4F](#)
- [Interim Transport Strategy Map](#)



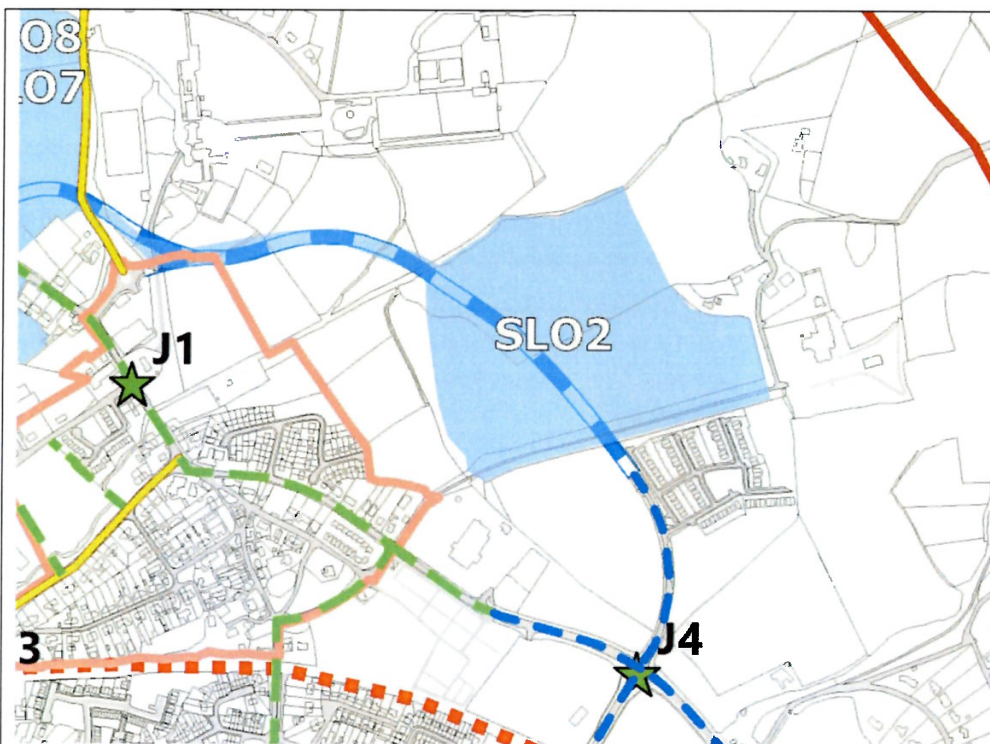


Figure 1 - Extract from Transport Strategy Map Above marked SL02 (which corresponds with specific local objective 2 in the Local Area Plan.

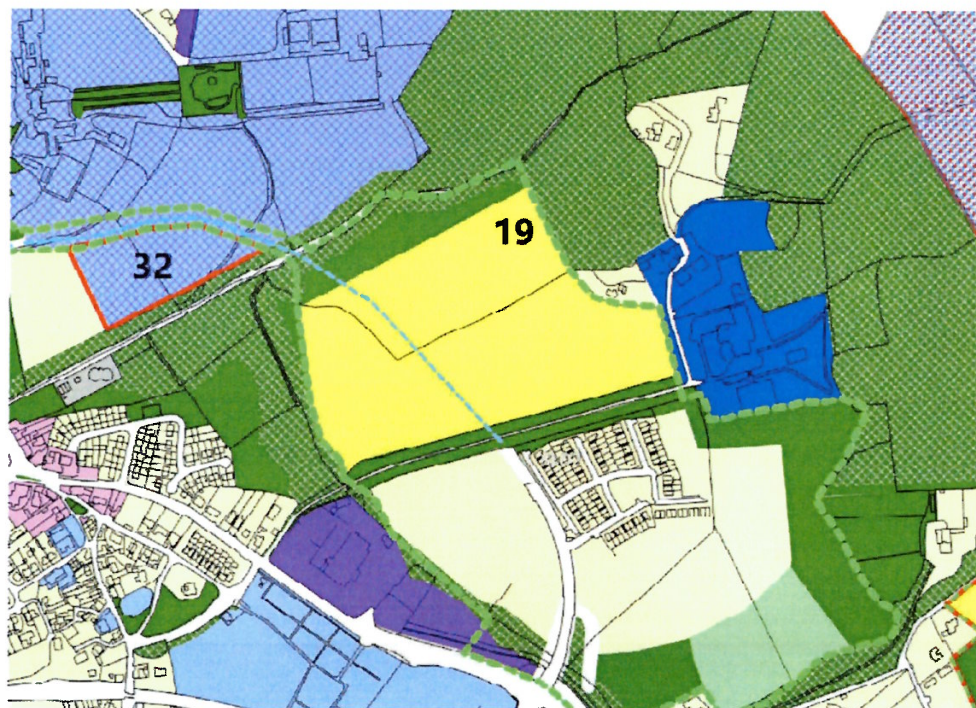


Figure 2 - Extract from Zoning Map Above – the application site is zoned.



## 2.3 Wicklow Town – Rathnew Local Area Plan 2025 – 2031 – Plan Making Process

The formal process for preparing a new Wicklow Town – Rathnew Local Area Plan for the 2025-2031 period began in 2023, which led to the publication of a new Draft Wicklow Town – Rathnew Local Area Plan on 9<sup>th</sup> of October 2024. Following the consideration of submissions made by the public and various stakeholders regarding the Draft Plan, the Elected Members of Wicklow County Council proposed amendments to that Draft Plan. As these proposed amendments constituted ‘material’ amendments to the Draft Plan, these amendments were published for further public consultation in March 2025.

At the County Council meeting of the 12<sup>th</sup> of May 2025, the Elected Members of Wicklow County Council resolved to make the Wicklow Town – Rathnew Local Area Plan 2025-2031. This Plan will come into effect in 6 weeks on the 23<sup>rd</sup> of June 2025. An ‘Interim Plan Adoption Decision Document May 2025’ is available on Wicklow County Council’s website.

### Specific Local Objectives (‘SLO’)

The subject site is shown as zoned in the Local Area Plan and identified as being subject to Specific Local Objective 2 – Tinakilly / Newrath.

The purpose of an SLO is to guide developers as to the aspirations of the plan regarding the development of certain lands where more than one land use is proposed, where there is new infrastructure necessitated on the subject lands or where the lands are zoned for ‘mixed use’ to give more detail on the development objective of these lands.

The SLO2 Plan Boundary as included within the ‘Interim Plan Adoption Decision Document May 2025’ is shown in the context of the subject development redline boundary below:

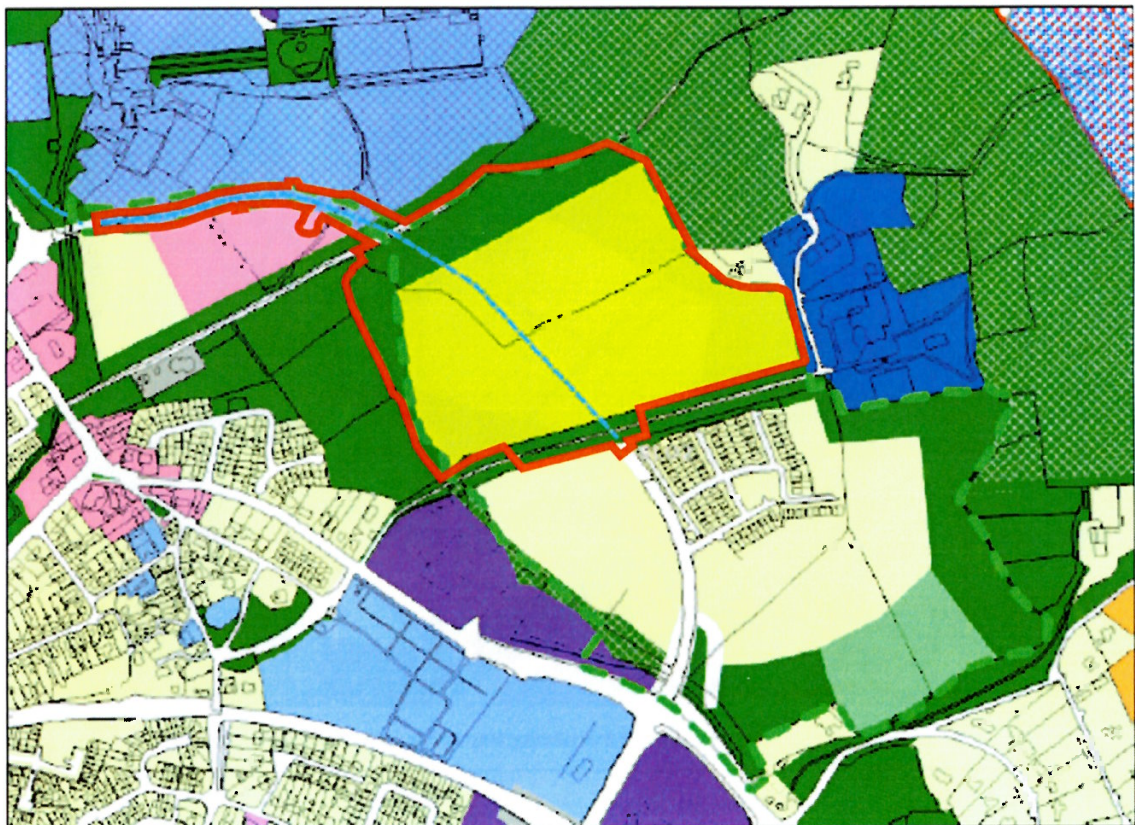


Figure 3 – Site Redline Boundary in Context of SLO Objective 2 Area as included within Interim Plan Adoption Decision Document

The Specific Local Objectives relating to development on the SLO2 Tinakilly/ Newrath lands are outlined in the Interim Plan Adoption Decision Document as follows:

*This SLO is located in the townlands of Tinakelly and Newrath. The SLO comprises New Residential (RN1), Existing Residential (RE), Active Open Space (AOS), Natural Areas (OS2) and Open Space (OS1) zonings. Any development proposal shall comply with the County Development Plan, this Local Area Plan and the following:*

- 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 and
- Retain the ‘fairy tree’ at its current location (shown with green tree symbol on map SLO 2).
- 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-aside’ size mixed use pitch. No more than 20% of the dwellings, unless otherwise agreed with by 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 145mx90m) 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.

For the benefit of An Bord Pleanála, it is noted that the zoning objectives on the subject site within the SLO2 boundary comprise the following as described within the Wicklow Town – Rathnew Local Area Plan 2025-2031<sup>3</sup>:

Zoning	Objective	Description
RN1 – New Residential – Priority 1	To provide for new residential development and supporting facilities during the lifetime of the plan.	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.

<sup>3</sup> Descriptions of zoning are also included in the text to Variation no. 2 to the County Development Plan.

OS1 – Open Space	To protect and enhance existing and provide for recreational open space	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.
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It is also noted that the text at pg. 19 in the Wicklow Rathnew Local Area Plan 2025 Interim Plan Adoption Decision Document May 2025 states that:

*Uses generally appropriate for **residential (RN / RE)** zoned areas include houses, apartments, residential open space, education, community facilities, retirement homes, nursing homes, childcare/**crèche**, health centres, guest house, bed and breakfast, places of public worship, home based economic activity, utility installations and ancillary development and other residential uses in accordance with the County Development Plan (CDP) and Local Area Plan (LAP).*

A Concept Plan for development on the SLO 2 Tinakilly/ Newrath lands is included within the Wicklow Town – Rathnew Local Area Plan 2025-2031 which provides an indicative site layout plan to guide any development proposed on the lands within the lifetime of the Plan.

The Concept Plan closely aligns with the layout of the subject scheme (WCC Ref. 2360219 / ABP-322476-25).

The subject scheme was submitted to Wicklow County Council prior to the publication of the Wicklow Town – Rathnew Local Area Plan 2025-2031. It is evident that Wicklow County Council has referenced subject scheme layout to prepare the Concept Plan for the SLO 2 area. The SLO 2 Concept Plan is shown on Figure 4 below, with the subject site redline boundary included for the benefit of An Bord Pleanála:





Figure 4 - Wicklow Town – Rathnew Local Area Plan 2025-2031 – SLO 2 Concept Plan in the Context of the Subject Site Redline Boundary

### 3 Applicant Submissions/ Observations

An Bord Pleanála has requested the Applicant's Submissions/ Observations in respect of the following items:

- *A copy of the High Court order is attached to this letter for your information. Having regard to the High Court Order in this case, the quashing of the previous Board decision and the passage of time, the Board considers that it is appropriate in the interests of justice to now require you to make your submissions/ observations on the planning application the subject of this appeal.*
- *Your submissions on the documents available from Wicklow County Council regarding Variation no. 2 of the Wicklow County Development Plan 2022-2028 which integrates the land use zoning map and key development objectives from the Wicklow Town – Rathnew Local Area Plan 2025 into the County Development Plan and which came into effect on the 12th of May 2025.*

The Applicant's replies are set out below:

#### 3.1 Applicant's Response/ Reply

##### 3.1.1 High Court Order

The background to the application is set out in Section 2 to this document. The Applicant challenged by judicial review the Board's previous decision to refuse permission for this application where the Board refused permission on the basis that the development was not zoned in a current statutory plan and so it was precluded from granting permission; and on the basis of prematurity pending the making of an LAP. The Board's decision was quashed and, as reflected in the High Court Order, the matter has been remitted to the Board. Without prejudice to the Applicant's position in those judicial review proceedings it is evident from the material set out at section 2 that Variation no. 2 to the Wicklow County Development Plan, which was made on 12<sup>th</sup> of May 2025, incorporates the zoning map and zoning objectives in the Wicklow Rathnew Local Area Plan 2025 into the Wicklow County Development Plan. The Wicklow Rathnew Local Area Plan 2025 has been made (on 12<sup>th</sup> of May 2025). It follows that the Board is not precluded from determining/granting permission for the development for want of zoning in a current statutory plan and that the development is not premature pending the making of an LAP for the area.

##### 3.1.2 Variation no. 2 and the Wicklow – Rathnew Local Area Plan 2025 - 2031

Variation no. 2 and the Wicklow Town - Rathnew Local Area Plan 2025 were both made on 12<sup>th</sup> of May 2025. The Board's target date for making a decision (based on the Board's website) is 25<sup>th</sup> August 2025. Key extracts from Variation no. 2 are set out in section 2 of this document. Insofar as the text of the Development Plan has been amended to reflect that the zoning map and development objectives in the Wicklow Rathnew Local Area Plan 2025 have been incorporated into the Development Plan the site is zoned at present and it is considered that there is no zoning related impediment to granting permission for the LRD application. The proposed uses are consistent with the zoning and purpose of the zoning objectives as described in the Interim Variation Adoption Decision Document May 2025. Overlays of the scheme with the zoning are included under the heading 'Wicklow Town - Rathnew Local Area Plan 2025-2031'.



### 3.1.3 Wicklow Town – Rathnew Local Area Plan 2025-2031

The zoning mapping for the application site in the Wicklow Town - Rathnew Local Area Plan 2025 – 2031 Interim Plan Adoption Decision Document May 2025 reflects that included in Variation no. 2 to the Development Plan.

#### 3.1.3.1 Land Use Zoning and SLO 2 Concept Plan

The Applicant wishes to submit to An Bord Pleanála that the subject development layout (WCC Ref. 2360219 / ABP-322476-25) generally aligns with the zoning for the lands as included within the Wicklow Town – Rathnew Local Area Plan 2025-2031. It is noted to An Bord Pleanála that there has been an uplift in the quantity of zoned lands within the subject site boundary within the Wicklow – Rathnew Local Area Plan 2025 – 2031, providing additional residential zoned lands (RN1) along the site western boundary and within the north western area of the site, which had previously been zoned for open space provision within the Wicklow Town – Rathnew Development Plan 2013-2019, under which the subject application was originally lodged (WCC Ref. 2360219 / ABP-322476-25). The approximate location of the additional RN1 zoned lands is shown below on a site zoning map as included within the Wicklow Rathnew Local Area Plan 2025 – 2031:

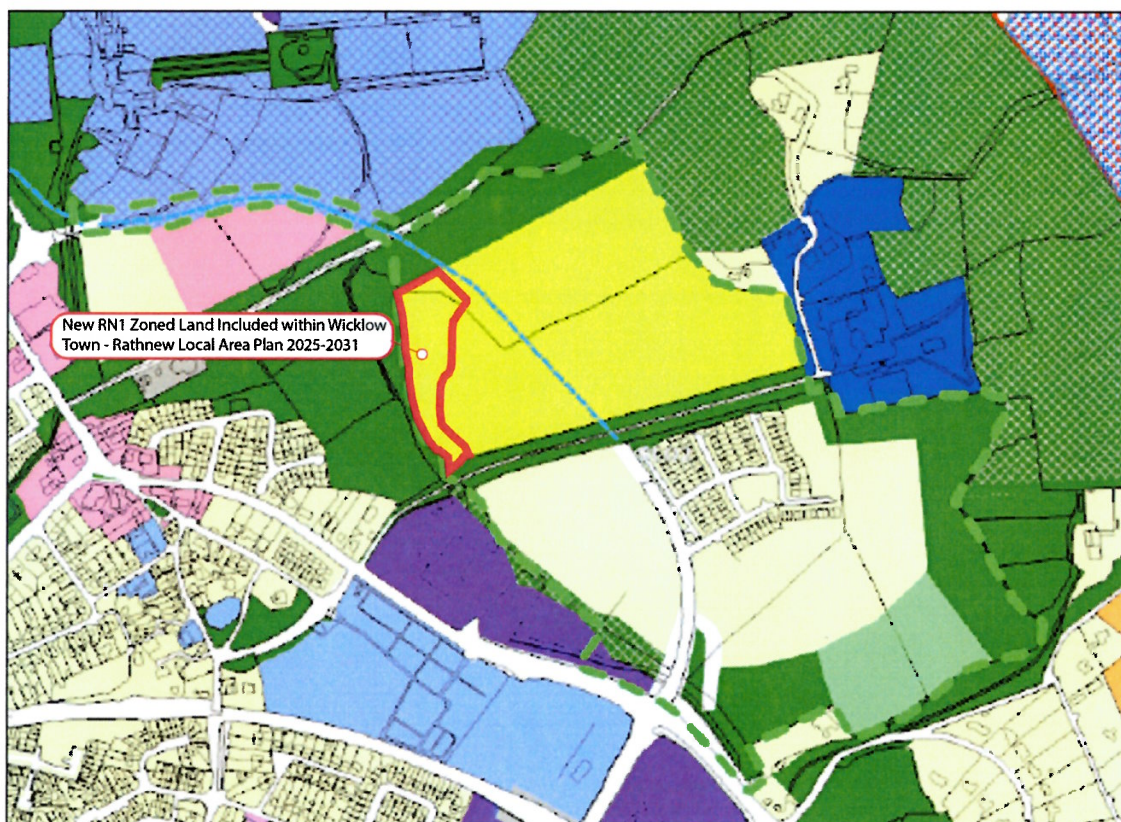


Figure 5 - Additional Residential Zoned Lands included within the Wicklow Town – Rathnew Local Area Plan 2025 - 2031

Aside from the above highlighted lands along the western and north western site boundaries, it is considered that the division of residential zoned lands and open space zoned lands remains generally consistent from the Wicklow Town – Rathnew Development Plan 2013 – 2019 to the Wicklow Town – Rathnew Local Area Plan 2025 – 2031.

The location of the additional residential (RN1) zoned lands on the site is shown below in the context of the SLO2 Concept Plan for the subject site:





Figure 6 - Additional Residential Zoned Lands included within the Wicklow Town – Rathnew Local Area Plan 2025 – 2031 in the context of SLO2 Concept Plan

The location of the additional residential (RN1) zoned lands on the site is shown below in the context of the subject development layout:



Figure 7 - Additional Residential Zoned Lands included within the Wicklow Town – Rathnew Local Area Plan 2025 – 2031 in the context of Subject Development Layout

It is submitted to An Bord Pleanála that the above Figure 5, Figure 6 and Figure 7 clearly demonstrate that the subject scheme layout generally aligns with the site zoning as included within the Wicklow Town – Rathnew Local Area Plan 2025-2031 and the SLO2 Concept Plan across the wider development site.



The proposed development only deviates from the zoning objectives for the site as included within the Wicklow Town – Rathnew Local Area Plan 2025 -2031 along the western and northwestern site boundary, where lands previously zoned for open space provision have now been zoned for residential development (RN1) within the Wicklow Town – Rathnew Local Area Plan 2025 -2031. This was not envisaged at application stage. It is noted that the text at pg. 19 in the Wicklow Rathnew Local Area Plan 2025 Interim Plan Adoption Decision Document May 2025 states that ancillary development and residential open space are generally appropriate uses:

*Uses generally appropriate for **residential (RN / RE)** zoned areas include houses, apartments, residential open space, education, community facilities, retirement homes, nursing homes, childcare/crèche, health centres, guest house, bed and breakfast, places of public worship, home based economic activity, utility installations and ancillary development and other residential uses in accordance with the County Development Plan (CDP) and Local Area Plan (LAP).*

The use of now newly zoned RN1 lands for ancillary purposes as residential open space, clearly aligns with the new RN1 zoning along the site's western boundary. It is noted that these newly zoned lands do not impact development ratios as they were previously zoned as passive open space and as such do not form part of the 15% requirement for residential public open space. The current layout also does not preclude/prevent the development of residential housing on the newly zoned RN1 lands in the future.

#### **Applicant Response and Remedy**

The Applicant welcomes a condition or specific guidance within the forthcoming appeal decision from An Bord Pleanála regarding the appropriate next steps in relation to the additional RN1 zoned lands in the northwestern and western area of the subject site.

The Concept Plan for the SLO2 lands clearly demonstrates that the development of these newly zoned lands represents a logical and seamless extension of the subject scheme (WCC Ref. 2360219 / ABP-322476-25). The Concept Plan does not materially alter the fundamentals of the proposal and, if anything, further supports the full delivery of the SLO2 objectives outlined in the Local Area Plan.

We are of the opinion that any amendments required to the area of the site where new RN1 zoned lands have been included within the Wicklow Town – Rathnew Local Area Plan 2025-2031, to align with the new zoning objective for this area of the site and to align with the general objectives for the entirety of the lands included within the SLO 2 Tinakilly/ Newrath boundary, can be dealt with via condition applied by An Bord Pleanála, requiring the omission of the new RN1 zoned lands from the development proposal.

The omission of this new area of RN1 zoned area from the site boundary will allow for this area of the site to be redesigned as part of a subsequent planning application to full comply with the zoning objective, and to deliver on the specific objectives for SLO 2 Tinakilly/ Newrath as included within the Wicklow Town – Rathnew Local Area Plan 2025-2031.

This approach will allow for development on the majority of the site to proceed, as it aligns with the zoning objectives and generally aligns with the SLO 2 Concept Plan layout for the area as included with the Wicklow Town – Rathnew Local Area Plan 2025-2031, contributing towards the Government target of the delivery of 50,000 houses per annum to 2030 and 60,000 houses per annum each year thereafter to address the current national shortage of housing supply.

### 3.1.3.2 Specific SLO2 Objectives

The Applicant now wishes to provide a direct response to each of the specific SLO2 Objectives for Tinakilly/ Newrath in the context of the subject development currently awaiting appeal decision from An Bord Pleanála:

***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;***

It is submitted to An Bord Pleanála that the subject scheme (WCC Ref. 2360219 / ABP-322476-25) involves the delivery of the remainder of the Rathnew Inner Relief Road through the subject lands. The subject scheme layout tracks the exact Rathnew Inner Relief Road Layout included within the Wicklow Town – Rathnew Local Area Plan 2025-2031 SLO2 Concept Plan.

The importance of the delivery of the Rathnew Inner Relief Road is highlighted within Appendix 1 – Local Transport Assessment of the Wicklow Town – Rathnew Local Area Plan 2025-2031 which notes:

*'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'.*

In addition to this, Appendix 3 – Infrastructure Delivery Schedule and Implementation of the Wicklow Town – Rathnew Local Area Plan 2025-2031 notes that the Rathnew Inner Relief Road should be delivered in the 'Short Term – Medium Term'. It is clear that the delivery of this infrastructure is of significant importance to Wicklow County Council.

As part of the subject scheme (WCC Ref. 2360219 / ABP-322476-25) an Appropriate Assessment Screening Report and full Environmental Impact Assessment Report was completed, encapsulating the Rathnew Inner Relief Road with the entirety of the residential element of development proposed. The initial Wicklow County Council Planner's Report published with WCC Ref. 2360219 noted the following regarding the Environmental Impact Assessment Report completed:

*'In conclusion the EIAR submitted is considered to be sufficiently detailed to comply with the requirements of the European Directive 2014/52/EU and to allow the Planning Authority to carry out a full assessment of the environmental impacts of the proposed development. In this regard is considered that the proposed development will not result in any significant negative impacts on the environment'.*

The An Bord Pleanála Inspector's Report published with the ABP-319137-24 included the following:

*'The submitted EIAR has been considered with regard to the guidance provided in the EPA documents 'Guidelines for Planning Authorities and An Bord Pleanála on Carrying out Environmental Impact Assessment' (2018); 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' (draft August 2017) and 'Advice Notes for Preparing Environmental Impact Statements' (draft September 2015). In conclusion, 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’.

We refer An Bord Pleanála to the Appropriate Assessment Screening Report and Environmental Impact Assessment Report associated with the subject development (WCC Ref. 2360219 / ABP-322476-25) for details.

It is therefore submitted to An Bord Pleanála that the subject scheme (WCC Ref. 2360219 / ABP-322476-25) fully delivers the objective to deliver the Rathnew Inner Relief Road and that this objective will be fulfilled as the development progresses.

**Provision of a childcare facility at an appropriate location on the RN1 zoned lands in line with the relevant Guidelines for Planning Authorities**

The Applicant acknowledges that the objectives for development on the SLO2 lands within the Wicklow Town – Rathnew Local Area Plan 2025-2031 include for the delivery of a creche facility on RN1 zoned lands on which the subject development is located.

This approach differs from the previous application for the subject development (WCC Ref. 2360219 / ABP-322476-25) under which the Applicant built a creche - at considerable expense - within Broomhall Business and Enterprise Park to meet the full childcare needs of the proposed development. This creche is now complete and has recently begun trading. It is located approximately 500 metres from Tinakilly and immediately adjacent to St. Coen’s National School and Gaelscoil Chill Maintain.

It is dealt with at length within the An Bord Pleanála Inspector’s Report published with the ABP-319137-24 and included the following:

*‘Planning Reference 22/590 refers to a grant of permission for the increase in a childcare facility from 135 places to 190 places and the developer considers that this facility could accommodate up to 250 children on a full time/ part time/ afterschool basis. Whilst I am not certain that the Applicant’s calculations are correct, the provision of a facility that can accommodate between 190 and 250 children would be adequate to serve the needs of permitted development and the subject site. The Applicant has identified an additional 21 childcare facilities within a 3 km radius of the subject site and whilst no details of capacity is provided, it is likely that additional capacity can be provided to meet any increase in demand in the area. I am therefore satisfied that the development of a childcare facility at Broomhall would be adequate to serve the needs of this development and that there is no requirement to provide for a standalone facility on this site’.*

On that basis, the approach to childcare provision for the residential units within the subject scheme is entirely appropriate and has been carefully evaluated.

The Applicant acknowledges that the Wicklow Town – Rathnew Local Area Plan 2025-2031 includes additional RN1 zoned lands within the subject site redline boundary in the northwestern and western portion of the site, as detailed in Section 3.1 of this report.

It is noted that the newly residential-zoned area within the redline boundary has the potential to accommodate approximately 35-50 additional units on the subject site. This is based on the applicable density range of 35-50 units per hectare for Outer Suburban/ Greenfield site where a density of 35-50 units per hectare, as set out in the Wicklow County Development Plan 2022-2028.

### **Applicant Response and Remedy**

As outlined above, should An Bord Pleanála be so minded, the Applicant is willing to accept a condition requiring the omission of the new RN1 zoned lands from the subject site boundary. This would allow for the future redesign of this area as part of a subsequent planning application, ensuring full compliance with the applicable zoning objective and facilitating the delivery of the specific objectives for SLO 2 Tinakilly/Newrath, as set out in the Wicklow Town–Rathnew Local Area Plan 2025–2031.

In addition, the Applicant is committed to the provision of an on-site childcare facility to accommodate the increased residential quantum arising from the development of the newly designated RN1 zoned lands. The delivery of this creche would be directly linked to the delivery of any additional residential development within RN1 zoned lands located in the northwestern and western area of the site.

**Retain the 'fairy tree' at its current location (shown with green tree symbol on map SLO 2).**

The applicant acknowledges the objective to retain the 'fairy tree' at its current location as outlined within SLO2 and shown on the SLO2 Concept Plan.

The applicant wishes to note to An Bord Pleanála that this item was dealt with by the applicant and project design team at Further Information Stage with the Planning Authority and there appears to be no evidence, historic or archaeological, to corroborate or confirm anything other than the very recent references to the Hawthorn on the site being a 'fairy tree'. An Bord Pleanála Inspector's Report further noted that:

*'Considering the number of trees to be planted as part of this development, its ['fairy tree'] loss from a biodiversity point of view is not significant. I accept that it has a local importance but even retaining it as is would not be the same as much of its character comes from its isolation within a large field. If the applicant can relocate it, then I would not be opposed to this, but I would not recommend that this move be conditioned'*

### **Applicant Response and Remedy**

Without prejudice to the above in the event that retention of the tree is required, the applicant is willing to make amendments to the subject scheme layout, which could be agreed with Wicklow County Council via condition applied by An Bord Pleanála, or subject to an amendment planning application, to allow this tree to remain in situ.

We trust the Board will acknowledge this as an appropriate solution at this juncture.

**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-aside' size mixed use pitch. No more than 20% of the dwellings, unless otherwise agreed with by 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 145mx90m) 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.**

The Applicant acknowledges the objective included for SLO2 Tinakilly/ Newrath to provide an equipped playground of not less than 2,000sqm; one tennis court; one basketball court; and a '7-aside' size mixed-use pitch on RN1 or OS1 zoned lands, and a fully drained, levelled and seeded full size playing pitch (at least 145mx90m) on the AOS zoned lands with the completion of the associated vehicular access and car parking.

We wish to bring to the attention of An Bord Pleanála that the SLO2 boundary includes both the site subject of this appeal (WCC Ref. 2360219 / ABP-322476-25) and lands to the south of Tinakilly Avenue under the control of Keldrum Limited, extending approximately 25.83ha. These lands to the south of the subject site represent Phase 1 of the overall Tinakilly development, and have the benefit of planning permission granted by Wicklow County Council (WCC Reg Ref. 22/837). This development is currently under construction, expected to be completed in 2025.

The lands to the south of the subject site feature approximately 4.4ha of OS1 zoned lands, and approximately 2.45ha of AOS zoned lands within the Wicklow Town – Rathnew Local Area Plan 2025-2031. The following elements provided as part of the development to the south (WCC Reg Ref. 22/837) realise the objective to provide an equipped playground of not less than 2,000sqm and a fully drained, levelled and seeded full size playing pitch (at least 145mx90m) within the SLO2 boundary and have been completed, or are nearing completion:

- 13,700 sq.m Adventure Playground to due for completion by the end of 2025 on OS1 zoned lands.
- 24,500 sq.m delivered including a flat area of 145m x 90m capable of being converted from a general park area to a playing pitch in the future by WCC. This has been completed and is open for public use on AOS zoned lands.
- 30,000 sq.m delivered as a park complete with planting and paths. This has been completed and is open for public use on OS1 zoned lands.
- A vehicular access point and public car park is being delivered as part of the section of Rathnew Inner Relief Road through the lands to the south of the subject site. This is due for completion by the end of 2025.

In addition to the above elements of recreational development being delivered as part of the permission granted to the south of the development site (WCC Reg Ref. 22/837) within the SLO2 boundary on OS1 and AOS zoned lands, it is submitted that the subject development (WCC Ref. 2360219 / ABP-322476-25) also provides the following elements of recreational development on RN1 and OS1 zoned lands within the SLO2 boundary:

- 4,698 sq.m Linear Park, Natural Play Area and Kickabout Area on RN1 zoned lands.
- 1,793 sq.m Linear Park, Natural Play Area and Kickabout Area on RN1 zoned lands.
- 1,348 sq.m Pedestrian Plaza area on RN1 zoned lands.
- 4,639 sq.m Avenue Park on OS1 zoned lands.
- 11,709 sq.m Wetlands and Wetlands Walkway on OS1 zoned lands.

It is therefore submitted to An Bord Pleanála that the subject development (WCC Ref. 2360219 / ABP-322476-25) and the permitted development to the south under construction (WCC Reg Ref. 22/837), fully deliver the equipped playground of not less than 2,000 sq.m on RN1 or OS1 zoned lands and the fully drained, levelled and seeded full size playing pitch (at least 145mx90m) on the AOS lands within the SLO2 boundary, as well as associated vehicular access and public car parking associated with the pitch area and public park as outlined within the SLO2 development objectives in the Wicklow – Rathnew Local Area Plan 2025-2031.

#### **Applicant Response and Remedy**

In order to address this objective, the only remaining elements required are the tennis court, basketball court and '7-a side' mixed-use pitch.

It is expressly noted to An Bord Pleanála that no location for these elements of development is specified within the SLO2 Tinakilly/ Newrath development boundary - only that they are to be provided on RN1 or OS1 zoned land.

It is considered that there is scope for the required mixed-use games area to be located in a number of locations within the SLO2 boundary that are zoned RN1 or OS1. The Applicant is willing to agree a suitable location for the mixed-use games area within the SLO2 boundary with Wicklow County Council, via condition applied by An Bord Pleanála.

## **4 Conclusion**

It is our considered opinion that this First Party Submission/ Observation Report, prepared following invitation from An Bord Pleanála to make submissions/ observations on the documents available from Wicklow County Council regarding Variation no. 2 of the Wicklow County Development Plan 2022-2028 which integrates the land use zoning map and key development objectives from the Wicklow Town – Rathnew Local Area Plan 2025 into the County Development Plan provides the Board with an overview of the subject schemes general compliance with the zoning and key development objectives for the Tinakilly/ Newrath Lands as included as SLO2 within the Wicklow Town/ Rathnew Local Area Plan 2025-2031.

Where there are minor differences between the objectives of the Wicklow Town/ Rathnew Local Area Plan 2025-2031 and the subject scheme design, the Applicant has provided a rationale for the design differences, referencing the previous assessment of the scheme on the site by Wicklow County Council (WCC Ref. 2360219) and the An Bord Pleanála Inspector (ABP-319137-24).

The Applicant has clearly outlined their willingness to amend the proposal scheme along the western and north western boundary to fully align with the objectives of the Wicklow Town/ Rathnew Local Area Plan 2025-2031. Should An Bord Pleanála deem this necessary, we trust that this can be dealt with via condition wherein a separate application could be the appropriate remedy to address the changed context.

Considering the above, we trust that An Bord Pleanála will examine the subject proposal de novo and uphold the grant of permission as issued by Wicklow County (WCC Ref. 2360219).

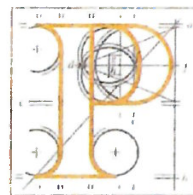




Our Case Number: ABP-322476-25

Planning Authority Reference Number: 2360219

Your Reference: Keldrum Limited



An  
Bord  
Pleanála

Brock McClure  
Planning & Development Consultants  
63 York Road  
Dun Laoghaire  
Co. Dublin

**AN BORD PLEANÁLA**

LDG- \_\_\_\_\_  
ABP- \_\_\_\_\_

**04 JUN 2025**

Fee: € \_\_\_\_\_ Type: \_\_\_\_\_

Time: 12:26 By: Courier



Date: 19 May 2025

**Re:** Large scale residential development: construction of 220 houses and 132 apartments; provision of new section of Rathnew Inner Relief Road; associated vehicular and pedestrian access, carriageways, paths and junctions; provision of new vehicular entrance and gates along eastern portion of Tinakilly Avenue and all associated site development works. The planning application is accompanied by an Environmental Impact Assessment Report and Natura Impact Statement. The application can be viewed at <https://tinakillydemesnelrd.ie>.  
Site of c. 16.8 ha at Tinakilly, Rathnew, Co. Wicklow

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer to the above-mentioned Large Scale Residential Development appeal.

The Board has examined the appeal and is of the opinion that certain information is necessary for the purpose of enabling it to determine the appeal.

In accordance with article 73A(1)(a) of the Planning and Development Regulations 2001, (as amended), you are required to submit, on or before **4<sup>th</sup> June 2025**, the following -

- **A copy of the High Court order is attached to this letter for your information. Having regard to the High Court Order in this case, the quashing of the previous Board decision and the passage of time, the Board considers that it is appropriate in the interests of justice to now require you to make your submissions/observations on the planning application the subject of this appeal.**
- **Your submissions on the documents available from Wicklow County Council regarding Variation No.2 to the Wicklow County Development Plan 2022-2028 which integrates the land use zoning map and key development objectives from the Wicklow Town – Rathnew Local Area Plan 2025 into the County Development Plan and which came into effect on the 12th of May 2025.**

Teil	Tel	(01) 858 8100
Glaio Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	<a href="http://www.pleanala.ie">www.pleanala.ie</a>
Ríomhphost	Email	<a href="mailto:bord@pleanala.ie">bord@pleanala.ie</a>

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

If the information required is not received before the end of the specified period, the Board will dismiss or otherwise determine the appeal without further notice to you in accordance with section 133 of the 2000 Act, (as amended). Your submission in response to this notice must be received by the Board not later than **5.30 p.m. on the date specified above.**

Please be advised that a standalone website shall be made available for the duration of the appeal as set out in Article 20A(3) of the Planning and Development Regulations 2001, as amended.

Please quote the above appeal reference number in any further correspondence.

Yours faithfully,



Catherine Flynn  
Executive Officer  
Direct Line: 01-8737143

BP71 Registered Post

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	<a href="http://www.pleanala.ie">www.pleanala.ie</a>
Ríomhphost	Email	<a href="mailto:bord@pleanala.ie">bord@pleanala.ie</a>

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

**1<sup>st</sup> Party Submission/ Observation**

**Following Request from ABP**

**Large Scale Residential Development**

**On Lands at Tinakilly,  
Rathnew, Co. Wicklow**

**ABP – 322476-25**

**On behalf of**

**Keldrum Limited**

June 2025



Planning & Development Consultants

63 York Road,

Dun Laoghaire

Co. Dublin

[www.brockmcclure.ie](http://www.brockmcclure.ie)

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## 1 Introduction

We, Brock McClure Planning & Development Consultants, 63 York Road, Dun Laoghaire, Co. Dublin, are instructed to submit this 1<sup>st</sup> Party Submission/ Observation Report to An Bord Pleanála on behalf of Keldrum Limited c/o Ardale Property Group, Unit B4, Oakfield Industrial Estate, Ninth Lock Road, Clondalkin, Dublin, D22 XD28 (“the Applicant”) relating to a live appeal of a Large-Scale Residential Development on lands located at Tinakilly, Rathnew, County Wicklow (ABP-322476-25).

On the 19<sup>th</sup> of May 2025 An Bord Pleanála issued a letter to the Applicant noting that the Board has examined the appeal and is of the opinion that certain information is necessary for the purpose of enabling it to determine the appeal. The following information was requested in the letter received:

*In accordance with article 73A(1(a) of the Planning and Development Regulations 2001, (as amended), you are required to submit, on or before 4th June 2025, the following:*

- *A copy of the High Court order is attached to this letter for your information. Having regard to the High Court Order in this case, the quashing of the previous Board decision and the passage of time, the Board considers that it is appropriate in the interests of justice to now require you to make your submissions/ observations on the planning application the subject of this appeal.*
- *Your submissions on the documents available from Wicklow County Council regarding Variation no. 2 of the Wicklow County Development Plan 2022-2028 which integrates the land use zoning map and key development objectives from the Wicklow Town – Rathnew Local Area Plan 2025 into the County Development Plan and which came into effect on the 12th of May 2025.*

Following the High Court Order perfected on the 6<sup>th</sup> of May 2025 (H.JR.2024.0001198), quashing An Bord Pleanála’s decision to refuse planning permission for the subject development (ABP-319137-24), the Applicant welcomes the invitation from An Bord Pleanála to make any Submissions/ Observations in relation to the subject development, now assigned the reference no. ABP-322476-25, prior to the new appeal decision being issued, due on the 25<sup>th</sup> of August 2025.

Section 2 of this document sets out information concerning the background to the application and to the content and making of Variation no. 2 and the Wicklow Town-Rathnew Local Area Plan 2025.

Section 3 of this report has been prepared to detail the Applicant’s Submissions/ Observations in relation to the items requested in the letter issued by An Bord Pleanála on 19<sup>th</sup> of May 2025.

In accordance with the letter received from An Bord Pleanála, this response containing the Applicant’s Submissions/ Observations in respect of the requested items is now submitted to An Bord Pleanála before the end of the specified period (5:30 pm 4<sup>th</sup> of June 2025).

## 2 Context

Section 2 'Context' has been prepared to outline the background to the LRD application/appeal; the Wicklow County Development Plan 2022-2028 Variation no. 2 adoption process; the Wicklow Town – Rathnew Local Area Plan 2025-2031 plan making process, and the Specific Local Objectives included within the Wicklow Town – Rathnew Local Area Plan 2025 – 2031 relevant to the subject development, for the benefit of An Bord Pleanála.

### 2.1 Background to LRD Application/Appeal

By way of background:

- This LRD planning application was submitted to Wicklow County Council after the Wicklow County Development Plan 2022-2028 was adopted by the Council. Development within Wicklow-Rathnew was assessed by the Planning Authority by reference to that Development Plan and also by reference to the Wicklow-Rathnew Town Development Plan 2013-2019.
- The application was granted by Wicklow County Council and was appealed to the Board by third parties. The Board refused permission by Order dated 2<sup>nd</sup> August 2024 on the basis that: the development, not being zoned in a current statutory plan, did not meet the pre-conditions applying to LRD and so the Board was 'precluded' from granting permission; and on the basis that it was premature pending the making of a local area plan for Wicklow-Rathnew.
- The Applicant challenged by way of judicial review the Board's decision and the Board's decision was subsequently quashed by Order of the High Court dated 11<sup>th</sup> April 2025<sup>1</sup>.
- The application has now been remitted to the Board and assigned a new case number (ABP-322476-25) and, as outlined in Section 1 of this document, the Applicant has been asked to make submissions to the Board on or before the 4<sup>th</sup> of June 2025.
- Since the application was remitted: 1) Variation no. 2 to the Wicklow County Development Plan 2022-2028 was made on 12<sup>th</sup> of May 2025; and 2) the Wicklow Town – Rathnew Local Area Plan 2025 was made by the Council on 12<sup>th</sup> May 2025.
- Variation no. 2 to the Wicklow County Development Plan 2022-2028 integrates the land use zoning map and key development objectives from the Wicklow Town -Rathnew Local Area Plan 2025 into the County Development Plan. An Interim Variation Adoption Decision Document May 2025 showing the modifications to the County Development Plan is available on Wicklow County Council's website here: [https://www.wicklow.ie/Portals/o/adam/Documents/SRZlvUlcSk183hpKD1byA/Link/Interim%20Variation%20No.2%20adoption%20decision%20document\\_May%202025.pdf](https://www.wicklow.ie/Portals/o/adam/Documents/SRZlvUlcSk183hpKD1byA/Link/Interim%20Variation%20No.2%20adoption%20decision%20document_May%202025.pdf). Variation no. 2 came into effect on 12<sup>th</sup> May 2025.
- As regards the Wicklow-Rathnew Local Area Plan 2025 an Interim Plan Adoption Decision Document May 2025 showing text and mapping of that Local Area Plan is available on Wicklow County Council's website here: [https://www.wicklow.ie/Portals/o/adam/Documents/JcqovjrqwkyLN046OynODQ/Link/Interim%20Variation%20No.2%20adoption%20decision%20document\\_May%202025.pdf](https://www.wicklow.ie/Portals/o/adam/Documents/JcqovjrqwkyLN046OynODQ/Link/Interim%20Variation%20No.2%20adoption%20decision%20document_May%202025.pdf).

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<sup>1</sup> Perfected on 6<sup>th</sup> May 2025.

[20Wicklow%20Town%20-](#)

[%20Rathnew%20LAP%202025%20Adoption%20Decision%20Document.pdf](#). The application site is zoned in the Local Area Plan and is subject to a specific local objective. The Wicklow Town – Rathnew Local Area Plan 2025-2031 was made and will likely be in effect before the Board’s target decision date of the 25<sup>th</sup> of August 2025<sup>2</sup>.

## 2.2 Wicklow County Development Plan 2022-2028 – Variation No. 2

Wicklow County Council has adopted a new Local Area Plan (LAP) for the settlement of ‘Wicklow Town – Rathnew’. To ensure consistency of the draft and final Wicklow Town – Rathnew LAP with the County Development Plan, it was proposed to vary the County Development Plan alongside the LAP making process.

The formal process for preparing a Variation Number 2 of the Wicklow County Development Plan 2022-2028 began in 2023 alongside the LAP process, which led to the publication of a proposed Variation Number 2 on 9<sup>th</sup> of October 2024. Following the consideration of submissions made by the public and various stakeholders, the Elected Members of Wicklow County Council resolved to propose alterations to that proposed Variation. As these proposed alterations constituted ‘material’ alterations to the proposed Variation, these alterations were published for further public consultation in March 2025.

At the County Council meeting of the 12<sup>th</sup> of May 2025, the Elected Members of Wicklow County Council resolved to adopt Variation Number 2 alongside the adoption of the LAP. The variation came into effect on the 12<sup>th</sup> of May 2025.

An Interim Variation Adoption Decision Document May 2025 has been published by Wicklow County Council since 12<sup>th</sup> May and key modifications to the Wicklow County Development Plan include:

Textual changes at 1.2 (new text in red):

*Separate **Local Area Plans** are in place, which will be reviewed ~~after the adoption~~ during the lifetime of this plan, for the following towns / areas: Bray Municipal District, Wicklow Town - Rathnew, Arklow, Greystones – Delgany - Kilcoole and Blessington. These Local Area Plans are reviewed and made under Sections 18, 19 and 20 of the Planning and Development Act, and ~~as such do not form part of the County Development Plan~~ and are subsidiary plans to this County Development Plan. ~~However~~ The CDP does provide the key parameters for these Local Area Plans such as the future population and housing targets and sets out the broad strategy for the future economic and social development of these towns. To ensure that the zoning and key development objectives of these LAPs clearly form part of this County Development Plan, the land use zoning and key development objectives maps are adopted by way of variation into the County Development Plan during the making of each LAP.*

Changes to 3.5 ‘Zoning’ so that it now reads:

*This development plan provides the population and housing targets for all 21 settlements in the County up to 2031. ~~However~~, it only provides plans for 13 settlements, the remainder of the settlements having their own stand-alone ‘Local Area Plans’, which will be reviewed ~~after the adoption~~ during the lifetime of this County Development Plan. As part of the LAP adoption process, the land use zoning and key development objectives maps for the LAP settlements / areas are integrated into Volume 2 of this County Development Plan by way of variation.*

<sup>2</sup> As appearing from the Board’s website.



### Changes to Chapter 3 'Local Area Plan':

*The Core Strategy Tables to follow shows the housing unit requirements for the LAP towns, up to the year 2031 and the housing unit capacity of lands zoned in ~~current~~ LAPs in effect at the time of the adoption of the County Development Plan in 2022.*

*~~This table shows that the majority of current LAPs have a surplus of zoned land having regard to the revised 2031 targets set out in the NPF Roadmap and the RSES for the EMRA.~~*

*Upon adoption of this County Development Plan in 2022, the amount of zoned land in pre-existing LAPs exceeded the amount of land needed to meet the Core Strategy 2031 housing targets for each of the towns set out in this County Development Plan (as detailed in Table A of the Core Strategy).*

*In the preparation of the updated LAPs during the lifetime of this County Development Plan, development and growth objectives, including the amount of zoned housing land and phasing / prioritising objectives, shall take into account the zoning principles set out hereunder as well as the guidance set out in 'Development Plans – Guidance for Planning Authorities' (DoHLGH 2022) and any further Government or Ministerial policies / guidance in place at the time of the adoption of the LAP.*

*In particular, residential development objectives including land zoning provisions will be made on the basis of providing enough housing land to meet the prevailing Core Strategy population and housing targets set out in the County Development Plan at the time of adoption of the LAP, with flexibility in the zoning provisions to ensure that (a) the targets can be achieved in the event that unforeseen impediments to the development of certain lands arise and (b) the LAPs do not have to be formally amended to reflect any changes in the Core Strategy or population / housing targets that may arise during the lifetime of the County Development Plan due to changes to the National Planning Framework, Regional Spatial and Economic Strategy or planning legislation.*

The insertion of a new Part 5 in the Development Plan concerning local area plan zoning. This, inter alia, sets out the meaning of various zoning objectives and at part 5.2 includes links to zoning mapping for Wicklow Rathnew, etc.:

#### **Part 5.2 Wicklow Town & Rathnew Local Area Plan 2025**

- [Interim Land Use Zoning Map](#)
- [Interim Key Green Infrastructure Map](#)
- [Interim Indicative Flood Zones Map 4A](#)
- [Interim Indicative Flood Zones Map 4B](#)
- [Interim Indicative Flood Zones Map 4C](#)
- [Interim Indicative Flood Zones Map 4D](#)
- [Interim Indicative Flood Zones Map 4E](#)
- [Interim Indicative Flood Zones Map 4F](#)
- [Interim Transport Strategy Map](#)



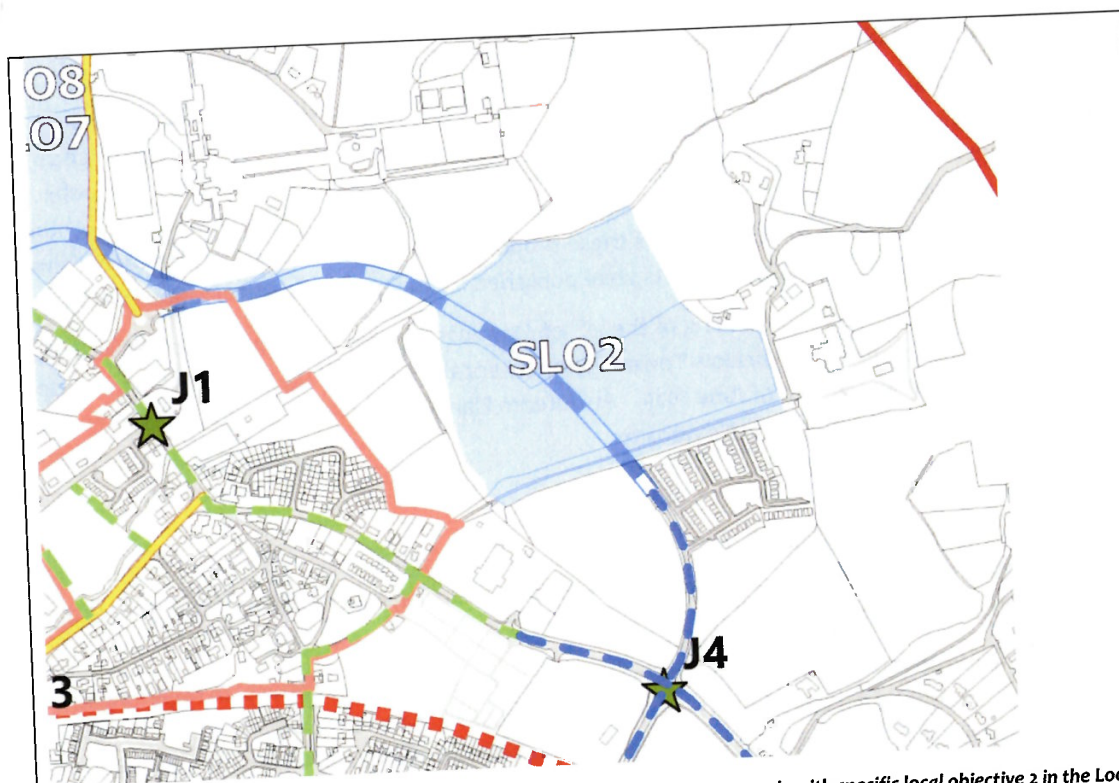


Figure 1 - Extract from Transport Strategy Map Above marked SLO2 (which corresponds with specific local objective 2 in the Local Area Plan.

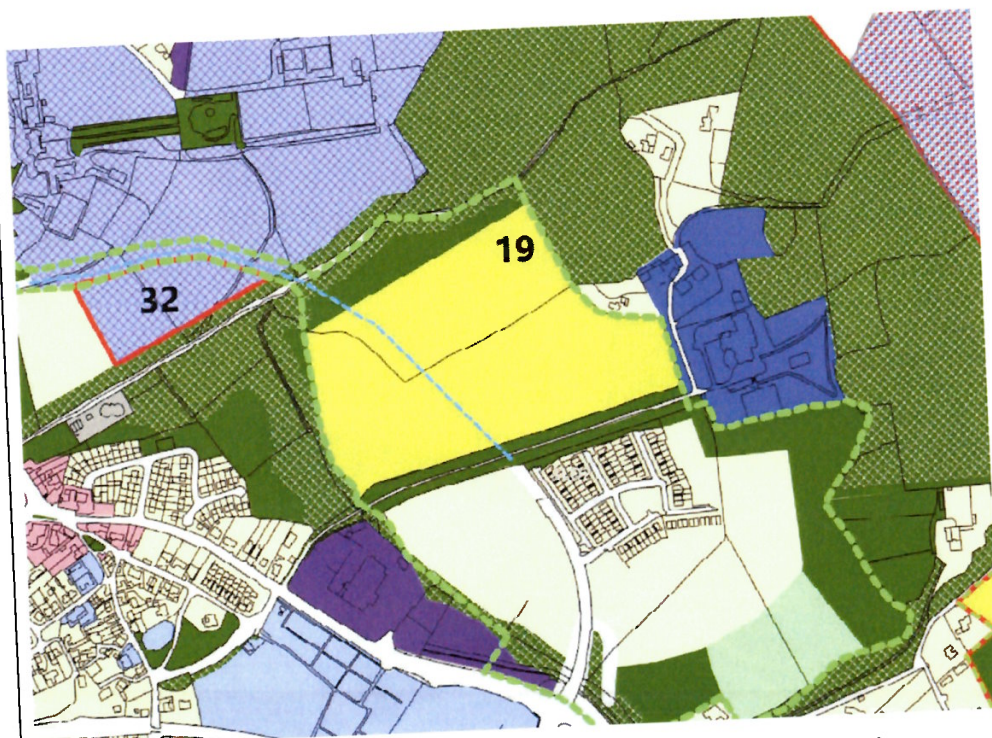


Figure 2 - Extract from Zoning Map Above – the application site is zoned.



## 2.3 Wicklow Town – Rathnew Local Area Plan 2025 – 2031 – Plan Making Process

The formal process for preparing a new Wicklow Town – Rathnew Local Area Plan for the 2025-2031 period began in 2023, which led to the publication of a new Draft Wicklow Town – Rathnew Local Area Plan on 9<sup>th</sup> of October 2024. Following the consideration of submissions made by the public and various stakeholders regarding the Draft Plan, the Elected Members of Wicklow County Council proposed amendments to that Draft Plan. As these proposed amendments constituted ‘material’ amendments to the Draft Plan, these amendments were published for further public consultation in March 2025.

At the County Council meeting of the 12<sup>th</sup> of May 2025, the Elected Members of Wicklow County Council resolved to make the Wicklow Town – Rathnew Local Area Plan 2025-2031. This Plan will come into effect in 6 weeks on the 23<sup>rd</sup> of June 2025. An ‘Interim Plan Adoption Decision Document May 2025’ is available on Wicklow County Council’s website.

### Specific Local Objectives (‘SLO’)

The subject site is shown as zoned in the Local Area Plan and identified as being subject to Specific Local Objective 2 – Tinakilly / Newrath.

The purpose of an SLO is to guide developers as to the aspirations of the plan regarding the development of certain lands where more than one land use is proposed, where there is new infrastructure necessitated on the subject lands or where the lands are zoned for ‘mixed use’ to give more detail on the development objective of these lands.

The SLO2 Plan Boundary as included within the ‘Interim Plan Adoption Decision Document May 2025’ is shown in the context of the subject development redline boundary below:

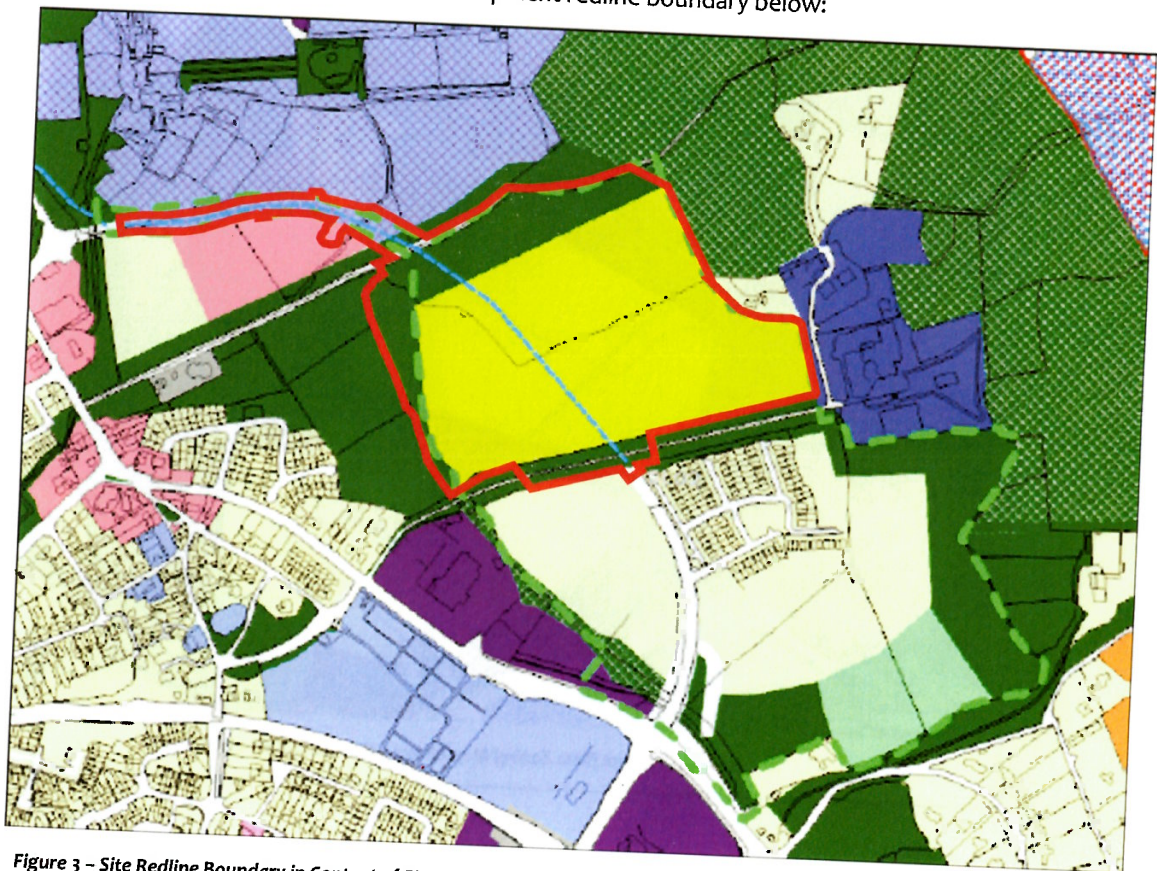


Figure 3 – Site Redline Boundary in Context of SLO Objective 2 Area as included within Interim Plan Adoption Decision Document

The Specific Local Objectives relating to development on the SLO2 Tinakilly/ Newrath lands are outlined in the Interim Plan Adoption Decision Document as follows:

*This SLO is located in the townlands of Tinakelly and Newrath. The SLO comprises New Residential (RN1), Existing Residential (RE), Active Open Space (AOS), Natural Areas (OS2) and Open Space (OS1) zonings. Any development proposal shall comply with the County Development Plan, this Local Area Plan and the following:*

- *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 and*
- *Retain the ‘fairy tree’ at its current location (shown with green tree symbol on map SLO 2).*
- *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-aside’ size mixed use pitch. No more than 20% of the dwellings, unless otherwise agreed with by 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 145mx90m) 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.*

For the benefit of An Bord Pleanála, it is noted that the zoning objectives on the subject site within the SLO2 boundary comprise the following as described within the Wicklow Town – Rathnew Local Area Plan 2025-2031<sup>3</sup>:

Zoning	Objective	Description
RN1 – New Residential – Priority 1	To provide for new residential development and supporting facilities during the lifetime of the plan.	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.

<sup>3</sup> Descriptions of zoning are also included in the text to Variation no. 2 to the County Development Plan.

OS1 – Open Space	To protect and enhance existing and provide for recreational open space	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.
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It is also noted that the text at pg. 19 in the Wicklow Rathnew Local Area Plan 2025 Interim Plan Adoption Decision Document May 2025 states that:

*Uses generally appropriate for **residential (RN / RE)** zoned areas include houses, apartments, residential open space, education, community facilities, retirement homes, nursing homes, childcare/**crèche**, health centres, guest house, bed and breakfast, places of public worship, home based economic activity, utility installations and ancillary development and other residential uses in accordance with the County Development Plan (CDP) and Local Area Plan (LAP).*

A Concept Plan for development on the SLO 2 Tinakilly/ Newrath lands is included within the Wicklow Town – Rathnew Local Area Plan 2025-2031 which provides an indicative site layout plan to guide any development proposed on the lands within the lifetime of the Plan.

The Concept Plan closely aligns with the layout of the subject scheme (WCC Ref. 2360219 / ABP-322476-25).

The subject scheme was submitted to Wicklow County Council prior to the publication of the Wicklow Town – Rathnew Local Area Plan 2025-2031. It is evident that Wicklow County Council has referenced subject scheme layout to prepare the Concept Plan for the SLO 2 area. The SLO 2 Concept Plan is shown on Figure 4 below, with the subject site redline boundary included for the benefit of An Bord Pleanála:



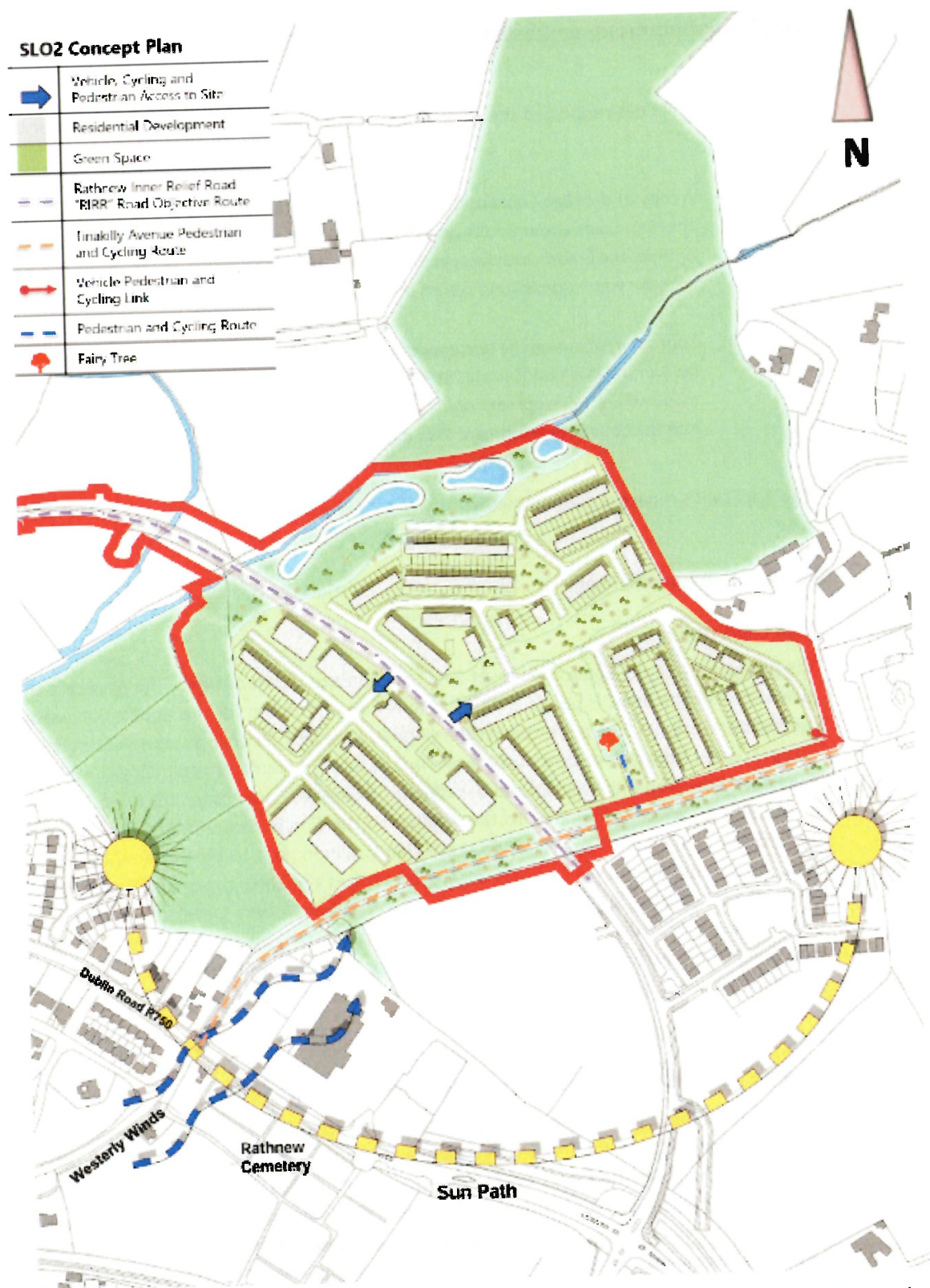


Figure 4 - Wicklow Town – Rathnew Local Area Plan 2025-2031 – SLO 2 Concept Plan in the Context of the Subject Site Redline Boundary

### 3 Applicant Submissions/ Observations

An Bord Pleanála has requested the Applicant's Submissions/ Observations in respect of the following items:

- A copy of the High Court order is attached to this letter for your information. Having regard to the High Court Order in this case, the quashing of the previous Board decision and the passage of time, the Board considers that it is appropriate in the interests of justice to now require you to make your submissions/ observations on the planning application the subject of this appeal.
- Your submissions on the documents available from Wicklow County Council regarding Variation no. 2 of the Wicklow County Development Plan 2022-2028 which integrates the land use zoning map and key development objectives from the Wicklow Town – Rathnew Local Area Plan 2025 into the County Development Plan and which came into effect on the 12th of May 2025.

The Applicant's replies are set out below:

#### 3.1 Applicant's Response/ Reply

##### 3.1.1 High Court Order

The background to the application is set out in Section 2 to this document. The Applicant challenged by judicial review the Board's previous decision to refuse permission for this application where the Board refused permission on the basis that the development was not zoned in a current statutory plan and so it was precluded from granting permission; and on the basis of prematurity pending the making of an LAP. The Board's decision was quashed and, as reflected in the High Court Order, the matter has been remitted to the Board. Without prejudice to the Applicant's position in those judicial review proceedings it is evident from the material set out at section 2 that Variation no. 2 to the Wicklow County Development Plan, which was made on 12<sup>th</sup> of May 2025, incorporates the zoning map and zoning objectives in the Wicklow Rathnew Local Area Plan 2025 into the Wicklow County Development Plan. The Wicklow Rathnew Local Area Plan 2025 has been made (on 12<sup>th</sup> of May 2025). It follows that the Board is not precluded from determining/granting permission for the development for want of zoning in a current statutory plan and that the development is not premature pending the making of an LAP for the area.

##### 3.1.2 Variation no. 2 and the Wicklow – Rathnew Local Area Plan 2025 - 2031

Variation no. 2 and the Wicklow Town - Rathnew Local Area Plan 2025 were both made on 12<sup>th</sup> of May 2025. The Board's target date for making a decision (based on the Board's website) is 25<sup>th</sup> August 2025. Key extracts from Variation no. 2 are set out in section 2 of this document. Insofar as the text of the Development Plan has been amended to reflect that the zoning map and development objectives in the Wicklow Rathnew Local Area Plan 2025 have been incorporated into the Development Plan the site is zoned at present and it is considered that there is no zoning related impediment to granting permission for the LRD application. The proposed uses are consistent with the zoning and purpose of the zoning objectives as described in the Interim Variation Adoption Decision Document May 2025. Overlays of the scheme with the zoning are included under the heading 'Wicklow Town - Rathnew Local Area Plan 2025-2031'.



### 3.1.3 Wicklow Town – Rathnew Local Area Plan 2025-2031

The zoning mapping for the application site in the Wicklow Town - Rathnew Local Area Plan 2025 – 2031 Interim Plan Adoption Decision Document May 2025 reflects that included in Variation no. 2 to the Development Plan.

#### 3.1.3.1 Land Use Zoning and SLO 2 Concept Plan

The Applicant wishes to submit to An Bord Pleanála that the subject development layout (WCC Ref. 2360219 / ABP-322476-25) generally aligns with the zoning for the lands as included within the Wicklow Town – Rathnew Local Area Plan 2025-2031. It is noted to An Bord Pleanála that there has been an uplift in the quantity of zoned lands within the subject site boundary within the Wicklow – Rathnew Local Area Plan 2025 – 2031, providing additional residential zoned lands (RN1) along the site western boundary and within the north western area of the site, which had previously been zoned for open space provision within the Wicklow Town – Rathnew Development Plan 2013-2019, under which the subject application was originally lodged (WCC Ref. 2360219 / ABP-322476-25). The approximate location of the additional RN1 zoned lands is shown below on a site zoning map as included within the Wicklow Rathnew Local Area Plan 2025 – 2031:

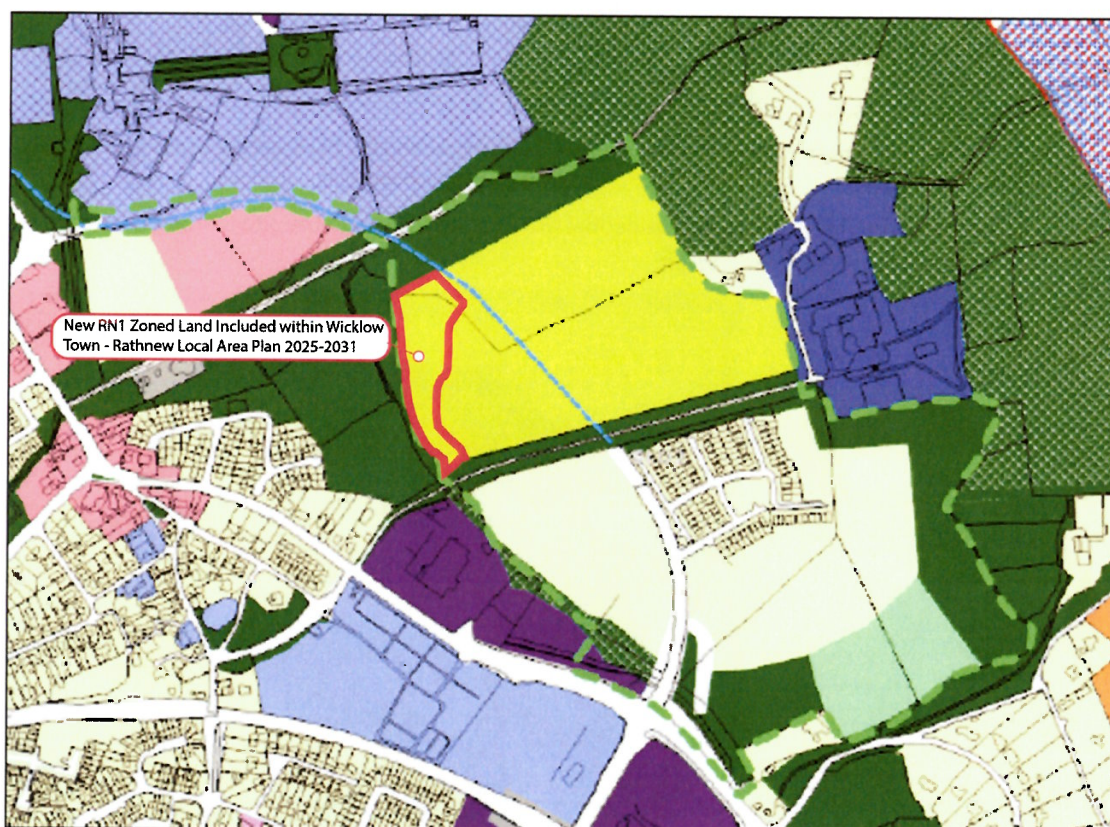


Figure 5 - Additional Residential Zoned Lands included within the Wicklow Town – Rathnew Local Area Plan 2025 - 2031

Aside from the above highlighted lands along the western and north western site boundaries, it is considered that the division of residential zoned lands and open space zoned lands remains generally consistent from the Wicklow Town – Rathnew Development Plan 2013 – 2019 to the Wicklow Town – Rathnew Local Area Plan 2025 – 2031.

The location of the additional residential (RN1) zoned lands on the site is shown below in the context of the SLO2 Concept Plan for the subject site:





**Figure 6 - Additional Residential Zoned Lands included within the Wicklow Town – Rathnew Local Area Plan 2025 – 2031 in the context of SLO2 Concept Plan**

The location of the additional residential (RN1) zoned lands on the site is shown below in the context of the subject development layout:



**Figure 7 - Additional Residential Zoned Lands included within the Wicklow Town – Rathnew Local Area Plan 2025 – 2031 in the context of Subject Development Layout**

It is submitted to An Bord Pleanála that the above Figure 5, Figure 6 and Figure 7 clearly demonstrate that the subject scheme layout generally aligns with the site zoning as included within the Wicklow Town – Rathnew Local Area Plan 2025-2031 and the SLO2 Concept Plan across the wider development site.



The proposed development only deviates from the zoning objectives for the site as included within the Wicklow Town – Rathnew Local Area Plan 2025 -2031 along the western and northwestern site boundary, where lands previously zoned for open space provision have now been zoned for residential development (RN1) within the Wicklow Town – Rathnew Local Area Plan 2025 -2031. This was not envisaged at application stage. It is noted that the text at pg. 19 in the Wicklow Rathnew Local Area Plan 2025 Interim Plan Adoption Decision Document May 2025 states that ancillary development and residential open space are generally appropriate uses:

*Uses generally appropriate for **residential (RN / RE)** zoned areas include houses, apartments, residential open space, education, community facilities, retirement homes, nursing homes, childcare/crèche, health centres, guest house, bed and breakfast, places of public worship, home based economic activity, utility installations and ancillary development and other residential uses in accordance with the County Development Plan (CDP) and Local Area Plan (LAP).*

The use of now newly zoned RN1 lands for ancillary purposes as residential open space, clearly aligns with the new RN1 zoning along the site's western boundary. It is noted that these newly zoned lands do not impact development ratios as they were previously zoned as passive open space and as such do not form part of the 15% requirement for residential public open space. The current layout also does not preclude/prevent the development of residential housing on the newly zoned RN1 lands in the future.

#### **Applicant Response and Remedy**

The Applicant welcomes a condition or specific guidance within the forthcoming appeal decision from An Bord Pleanála regarding the appropriate next steps in relation to the additional RN1 zoned lands in the northwestern and western area of the subject site.

The Concept Plan for the SLO2 lands clearly demonstrates that the development of these newly zoned lands represents a logical and seamless extension of the subject scheme (WCC Ref. 2360219 / ABP-322476-25). The Concept Plan does not materially alter the fundamentals of the proposal and, if anything, further supports the full delivery of the SLO2 objectives outlined in the Local Area Plan.

We are of the opinion that any amendments required to the area of the site where new RN1 zoned lands have been included within the Wicklow Town – Rathnew Local Area Plan 2025-2031, to align with the new zoning objective for this area of the site and to align with the general objectives for the entirety of the lands included within the SLO 2 Tinakilly/ Newrath boundary, can be dealt with via condition applied by An Bord Pleanála, requiring the omission of the new RN1 zoned lands from the development proposal.

The omission of this new area of RN1 zoned area from the site boundary will allow for this area of the site to be redesigned as part of a subsequent planning application to full comply with the zoning objective, and to deliver on the specific objectives for SLO 2 Tinakilly/ Newrath as included within the Wicklow Town – Rathnew Local Area Plan 2025-2031.

This approach will allow for development on the majority of the site to proceed, as it aligns with the zoning objectives and generally aligns with the SLO 2 Concept Plan layout for the area as included with the Wicklow Town – Rathnew Local Area Plan 2025-2031, contributing towards the Government target of the delivery of 50,000 houses per annum to 2030 and 60,000 houses per annum each year thereafter to address the current national shortage of housing supply.

### 3.1.3.2 Specific SLO2 Objectives

The Applicant now wishes to provide a direct response to each of the specific SLO2 Objectives for Tinakilly/ Newrath in the context of the subject development currently awaiting appeal decision from An Bord Pleanála:

***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;***

It is submitted to An Bord Pleanála that the subject scheme (WCC Ref. 2360219 / ABP-322476-25) involves the delivery of the remainder of the Rathnew Inner Relief Road through the subject lands. The subject scheme layout tracks the exact Rathnew Inner Relief Road Layout included within the Wicklow Town – Rathnew Local Area Plan 2025-2031 SLO2 Concept Plan.

The importance of the delivery of the Rathnew Inner Relief Road is highlighted within Appendix 1 – Local Transport Assessment of the Wicklow Town – Rathnew Local Area Plan 2025-2031 which notes:

*'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'.*

In addition to this, Appendix 3 – Infrastructure Delivery Schedule and Implementation of the Wicklow Town – Rathnew Local Area Plan 2025-2031 notes that the Rathnew Inner Relief Road should be delivered in the 'Short Term – Medium Term'. It is clear that the delivery of this infrastructure is of significant importance to Wicklow County Council.

As part of the subject scheme (WCC Ref. 2360219 / ABP-322476-25) an Appropriate Assessment Screening Report and full Environmental Impact Assessment Report was completed, encapsulating the Rathnew Inner Relief Road with the entirety of the residential element of development proposed. The initial Wicklow County Council Planner's Report published with WCC Ref. 2360219 noted the following regarding the Environmental Impact Assessment Report completed:

*'In conclusion the EIAR submitted is considered to be sufficiently detailed to comply with the requirements of the European Directive 2014/52/EU and to allow the Planning Authority to carry out a full assessment of the environmental impacts of the proposed development. In this regard is considered that the proposed development will not result in any significant negative impacts on the environment'.*

The An Bord Pleanála Inspector's Report published with the ABP-319137-24 included the following:

*'The submitted EIAR has been considered with regard to the guidance provided in the EPA documents 'Guidelines for Planning Authorities and An Bord Pleanála on Carrying out Environmental Impact Assessment' (2018); 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' (draft August 2017) and 'Advice Notes for Preparing Environmental Impact Statements' (draft September 2015). In conclusion, 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'.

We refer An Bord Pleanála to the Appropriate Assessment Screening Report and Environmental Impact Assessment Report associated with the subject development (WCC Ref. 2360219 / ABP-322476-25) for details.

It is therefore submitted to An Bord Pleanála that the subject scheme (WCC Ref. 2360219 / ABP-322476-25) fully delivers the objective to deliver the Rathnew Inner Relief Road and that this objective will be fulfilled as the development progresses.

**Provision of a childcare facility at an appropriate location on the RN1 zoned lands in line with the relevant Guidelines for Planning Authorities**

The Applicant acknowledges that the objectives for development on the SLO2 lands within the Wicklow Town – Rathnew Local Area Plan 2025-2031 include for the delivery of a creche facility on RN1 zoned lands on which the subject development is located.

This approach differs from the previous application for the subject development (WCC Ref. 2360219 / ABP-322476-25) under which the Applicant built a creche - at considerable expense - within Broomhall Business and Enterprise Park to meet the full childcare needs of the proposed development. This creche is now complete and has recently begun trading. It is located approximately 500 metres from Tinakilly and immediately adjacent to St. Coen's National School and Gaelscoil Chill Maintain.

It is dealt with at length within the An Bord Pleanála Inspector's Report published with the ABP-319137-24 and included the following:

*'Planning Reference 22/590 refers to a grant of permission for the increase in a childcare facility from 135 places to 190 places and the developer considers that this facility could accommodate up to 250 children on a full time/ part time/ afterschool basis. Whilst I am not certain that the Applicant's calculations are correct, the provision of a facility that can accommodate between 190 and 250 children would be adequate to serve the needs of permitted development and the subject site. The Applicant has identified an additional 21 childcare facilities within a 3 km radius of the subject site and whilst no details of capacity is provided, it is likely that additional capacity can be provided to meet any increase in demand in the area. I am therefore satisfied that the development of a childcare facility at Broomhall would be adequate to serve the needs of this development and that there is no requirement to provide for a standalone facility on this site'.*

On that basis, the approach to childcare provision for the residential units within the subject scheme is entirely appropriate and has been carefully evaluated.

The Applicant acknowledges that the Wicklow Town – Rathnew Local Area Plan 2025-2031 includes additional RN1 zoned lands within the subject site redline boundary in the northwestern and western portion of the site, as detailed in Section 3.1 of this report.

It is noted that the newly residential-zoned area within the redline boundary has the potential to accommodate approximately 35-50 additional units on the subject site. This is based on the applicable density range of 35-50 units per hectare for Outer Suburban/ Greenfield site where a density of 35-50 units per hectare, as set out in the Wicklow County Development Plan 2022-2028.

### **Applicant Response and Remedy**

As outlined above, should An Bord Pleanála be so minded, the Applicant is willing to accept a condition requiring the omission of the new RN1 zoned lands from the subject site boundary. This would allow for the future redesign of this area as part of a subsequent planning application, ensuring full compliance with the applicable zoning objective and facilitating the delivery of the specific objectives for SLO 2 Tinakilly/Newrath, as set out in the Wicklow Town-Rathnew Local Area Plan 2025-2031.

In addition, the Applicant is committed to the provision of an on-site childcare facility to accommodate the increased residential quantum arising from the development of the newly designated RN1 zoned lands. The delivery of this creche would be directly linked to the delivery of any additional residential development within RN1 zoned lands located in the northwestern and western area of the site.

**Retain the 'fairy tree' at its current location (shown with green tree symbol on map SLO 2).**

The applicant acknowledges the objective to retain the 'fairy tree' at its current location as outlined within SLO2 and shown on the SLO2 Concept Plan.

The applicant wishes to note to An Bord Pleanála that this item was dealt with by the applicant and project design team at Further Information Stage with the Planning Authority and there appears to be no evidence, historic or archaeological, to corroborate or confirm anything other than the very recent references to the Hawthorn on the site being a 'fairy tree'. An Bord Pleanála Inspector's Report further noted that:

*'Considering the number of trees to be planted as part of this development, its ['fairy tree'] loss from a biodiversity point of view is not significant. I accept that it has a local importance but even retaining it as is would not be the same as much of its character comes from its isolation within a large field. If the applicant can relocate it, then I would not be opposed to this, but I would not recommend that this move be conditioned'*

### **Applicant Response and Remedy**

Without prejudice to the above in the event that retention of the tree is required, the applicant is willing to make amendments to the subject scheme layout, which could be agreed with Wicklow County Council via condition applied by An Bord Pleanála, or subject to an amendment planning application, to allow this tree to remain in situ.

We trust the Board will acknowledge this as an appropriate solution at this juncture.

***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-aside' size mixed use pitch. No more than 20% of the dwellings, unless otherwise agreed with by 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 145mx90m) 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.***

The Applicant acknowledges the objective included for SLO2 Tinakilly/ Newrath to provide an equipped playground of not less than 2,000sqm; one tennis court; one basketball court; and a '7-aside' size mixed-use pitch on RN1 or OS1 zoned lands, and a fully drained, levelled and seeded full size playing pitch (at least 145mx90m) on the AOS zoned lands with the completion of the associated vehicular access and car parking.

We wish to bring to the attention of An Bord Pleanála that the SLO2 boundary includes both the site subject of this appeal (WCC Ref. 2360219 / ABP-322476-25) and lands to the south of Tinakilly Avenue under the control of Keldrum Limited, extending approximately 25.83ha. These lands to the south of the subject site represent Phase 1 of the overall Tinakilly development, and have the benefit of planning permission granted by Wicklow County Council (WCC Reg Ref. 22/837). This development is currently under construction, expected to be completed in 2025.

The lands to the south of the subject site feature approximately 4.4ha of OS1 zoned lands, and approximately 2.45ha of AOS zoned lands within the Wicklow Town – Rathnew Local Area Plan 2025-2031. The following elements provided as part of the development to the south (WCC Reg Ref. 22/837) realise the objective to provide an equipped playground of not less than 2,000sqm and a fully drained, levelled and seeded full size playing pitch (at least 145mx90m) within the SLO2 boundary and have been completed, or are nearing completion:

- 13,700 sq.m Adventure Playground to due for completion by the end of 2025 on OS1 zoned lands.
- 24,500 sq.m delivered including a flat area of 145m x 90m capable of being converted from a general park area to a playing pitch in the future by WCC. This has been completed and is open for public use on AOS zoned lands.
- 30,000 sq.m delivered as a park complete with planting and paths. This has been completed and is open for public use on OS1 zoned lands.
- A vehicular access point and public car park is being delivered as part of the section of Rathnew Inner Relief Road through the lands to the south of the subject site. This is due for completion by the end of 2025.

In addition to the above elements of recreational development being delivered as part of the permission granted to the south of the development site (WCC Reg Ref. 22/837) within the SLO2 boundary on OS1 and AOS zoned lands, it is submitted that the subject development (WCC Ref. 2360219 / ABP-322476-25) also provides the following elements of recreational development on RN1 and OS1 zoned lands within the SLO2 boundary:

- 4,698 sq.m Linear Park, Natural Play Area and Kickabout Area on RN1 zoned lands.
- 1,793 sq.m Linear Park, Natural Play Area and Kickabout Area on RN1 zoned lands.
- 1,348 sq.m Pedestrian Plaza area on RN1 zoned lands.
- 4,639 sq.m Avenue Park on OS1 zoned lands.
- 11,709 sq.m Wetlands and Wetlands Walkway on OS1 zoned lands.

It is therefore submitted to An Bord Pleanála that the subject development (WCC Ref. 2360219 / ABP-322476-25) and the permitted development to the south under construction (WCC Reg Ref. 22/837), fully deliver the equipped playground of not less than 2,000 sq.m on RN1 or OS1 zoned lands and the fully drained, levelled and seeded full size playing pitch (at least 145mx90m) on the AOS lands within the SLO2 boundary, as well as associated vehicular access and public car parking associated with the pitch area and public park as outlined within the SLO2 development objectives in the Wicklow – Rathnew Local Area Plan 2025-2031.

#### **Applicant Response and Remedy**

In order to address this objective, the only remaining elements required are the tennis court, basketball court and '7-a side' mixed-use pitch.

It is expressly noted to An Bord Pleanála that no location for these elements of development is specified within the SLO2 Tinakilly/ Newrath development boundary - only that they are to be provided on RN1 or OS1 zoned land.

It is considered that there is scope for the required mixed-use games area to be located in a number of locations within the SLO2 boundary that are zoned RN1 or OS1. The Applicant is willing to agree a suitable location for the mixed-use games area within the SLO2 boundary with Wicklow County Council, via condition applied by An Bord Pleanála.

## 4 Conclusion

It is our considered opinion that this First Party Submission/ Observation Report, prepared following invitation from An Bord Pleanála to make submissions/ observations on the documents available from Wicklow County Council regarding Variation no. 2 of the Wicklow County Development Plan 2022-2028 which integrates the land use zoning map and key development objectives from the Wicklow Town – Rathnew Local Area Plan 2025 into the County Development Plan provides the Board with an overview of the subject schemes general compliance with the zoning and key development objectives for the Tinakilly/ Newrath Lands as included as SLO2 within the Wicklow Town/ Rathnew Local Area Plan 2025-2031.

Where there are minor differences between the objectives of the Wicklow Town/ Rathnew Local Area Plan 2025-2031 and the subject scheme design, the Applicant has provided a rationale for the design differences, referencing the previous assessment of the scheme on the site by Wicklow County Council (WCC Ref. 2360219) and the An Bord Pleanála Inspector (ABP-319137-24).

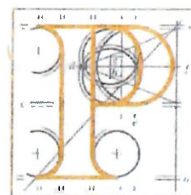
The Applicant has clearly outlined their willingness to amend the proposal scheme along the western and north western boundary to fully align with the objectives of the Wicklow Town/ Rathnew Local Area Plan 2025-2031. Should An Bord Pleanála deem this necessary, we trust that this can be dealt with via condition wherein a separate application could be the appropriate remedy to address the changed context.

Considering the above, we trust that An Bord Pleanála will examine the subject proposal de novo and uphold the grant of permission as issued by Wicklow County (WCC Ref. 2360219).

**Our Case Number:** ABP-322476-25

**Planning Authority Reference Number:** 2360219

**Your Reference:** Keldrum Limited



An  
Bord  
Pleanála



Brock McClure  
Planning & Development Consultants  
63 York Road  
Dun Laoghaire  
Co. Dublin

**Date:** 19 May 2025

**Re:** Large scale residential development: construction of 220 houses and 132 apartments; provision of new section of Rathnew Inner Relief Road; associated vehicular and pedestrian access, carriageways, paths and junctions; provision of new vehicular entrance and gates along eastern portion of Tinakilly Avenue and all associated site development works. The planning application is accompanied by an Environmental Impact Assessment Report and Natura Impact Statement. The application can be viewed at <https://tinakillydemesnelrd.ie>.  
Site of c. 16.8 ha at Tinakilly, Rathnew, Co. Wicklow

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer to the above-mentioned Large Scale Residential Development appeal.

The Board has examined the appeal and is of the opinion that certain information is necessary for the purpose of enabling it to determine the appeal.

In accordance with article 73A(1)(a) of the Planning and Development Regulations 2001, (as amended), you are required to submit, on or before **4<sup>th</sup> June 2025**, the following -

- **A copy of the High Court order is attached to this letter for your information. Having regard to the High Court Order in this case, the quashing of the previous Board decision and the passage of time, the Board considers that it is appropriate in the interests of justice to now require you to make your submissions/observations on the planning application the subject of this appeal.**
- **Your submissions on the documents available from Wicklow County Council regarding Variation No.2 to the Wicklow County Development Plan 2022-2028 which integrates the land use zoning map and key development objectives from the Wicklow Town – Rathnew Local Area Plan 2025 into the County Development Plan and which came into effect on the 12th of May 2025.**

Teil	Tel	(01) 858 8100
Glaao Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	<a href="http://www.pleanala.ie">www.pleanala.ie</a>
Ríomhphost	Email	<a href="mailto:bord@pleanala.ie">bord@pleanala.ie</a>

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902



If the information required is not received before the end of the specified period, the Board will dismiss or otherwise determine the appeal without further notice to you in accordance with section 133 of the 2000 Act, (as amended). Your submission in response to this notice must be received by the Board not later than **5.30 p.m. on the date specified above.**

Please be advised that a standalone website shall be made available for the duration of the appeal as set out in Article 20A(3) of the Planning and Development Regulations 2001, as amended.

Please quote the above appeal reference number in any further correspondence.

Yours faithfully,



Catherine Flynn  
Executive Officer  
Direct Line: 01-8737143

BP71 Registered Post

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	<a href="http://www.pleanala.ie">www.pleanala.ie</a>
Ríomhphost	Email	<a href="mailto:bord@pleanala.ie">bord@pleanala.ie</a>

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

**1<sup>st</sup> Party Submission/ Observation**

**Following Request from ABP**

**Large Scale Residential Development**

**On Lands at Tinakilly,  
Rathnew, Co. Wicklow**

**ABP – 322476-25**

**On behalf of**

**Keldrum Limited**

June 2025



Planning & Development Consultants

63 York Road,

Dun Laoghaire

Co. Dublin

[www.brockmcclure.ie](http://www.brockmcclure.ie)

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## 1 Introduction

We, Brock McClure Planning & Development Consultants, 63 York Road, Dun Laoghaire, Co. Dublin, are instructed to submit this 1<sup>st</sup> Party Submission/ Observation Report to An Bord Pleanála on behalf of Keldrum Limited c/o Ardale Property Group, Unit B4, Oakfield Industrial Estate, Ninth Lock Road, Clondalkin, Dublin, D22 XD28 ("the Applicant") relating to a live appeal of a Large-Scale Residential Development on lands located at Tinakilly, Rathnew, County Wicklow (ABP-322476-25).

On the 19<sup>th</sup> of May 2025 An Bord Pleanála issued a letter to the Applicant noting that the Board has examined the appeal and is of the opinion that certain information is necessary for the purpose of enabling it to determine the appeal. The following information was requested in the letter received:

*In accordance with article 73A(1(a) of the Planning and Development Regulations 2001, (as amended), you are required to submit, on or before 4th June 2025, the following:*

- A copy of the High Court order is attached to this letter for your information. Having regard to the High Court Order in this case, the quashing of the previous Board decision and the passage of time, the Board considers that it is appropriate in the interests of justice to now require you to make your submissions/ observations on the planning application the subject of this appeal.
- Your submissions on the documents available from Wicklow County Council regarding Variation no. 2 of the Wicklow County Development Plan 2022-2028 which integrates the land use zoning map and key development objectives from the Wicklow Town – Rathnew Local Area Plan 2025 into the County Development Plan and which came into effect on the 12th of May 2025.

Following the High Court Order perfected on the 6<sup>th</sup> of May 2025 (H.JR.2024.0001198), quashing An Bord Pleanála's decision to refuse planning permission for the subject development (ABP-319137-24), the Applicant welcomes the invitation from An Bord Pleanála to make any Submissions/ Observations in relation to the subject development, now assigned the reference no. ABP-322476-25, prior to the new appeal decision being issued, due on the 25<sup>th</sup> of August 2025.

Section 2 of this document sets out information concerning the background to the application and to the content and making of Variation no. 2 and the Wicklow Town-Rathnew Local Area Plan 2025.

Section 3 of this report has been prepared to detail the Applicant's Submissions/ Observations in relation to the items requested in the letter issued by An Bord Pleanála on 19<sup>th</sup> of May 2025.

In accordance with the letter received from An Bord Pleanála, this response containing the Applicant's Submissions/ Observations in respect of the requested items is now submitted to An Bord Pleanála before the end of the specified period (5:30 pm 4<sup>th</sup> of June 2025).

## 2 Context

Section 2 'Context' has been prepared to outline the background to the LRD application/appeal; the Wicklow County Development Plan 2022-2028 Variation no. 2 adoption process; the Wicklow Town – Rathnew Local Area Plan 2025-2031 plan making process, and the Specific Local Objectives included within the Wicklow Town – Rathnew Local Area Plan 2025 – 2031 relevant to the subject development, for the benefit of An Bord Pleanála.

### 2.1 Background to LRD Application/Appeal

By way of background:

- This LRD planning application was submitted to Wicklow County Council after the Wicklow County Development Plan 2022-2028 was adopted by the Council. Development within Wicklow-Rathnew was assessed by the Planning Authority by reference to that Development Plan and also by reference to the Wicklow-Rathnew Town Development Plan 2013-2019.
- The application was granted by Wicklow County Council and was appealed to the Board by third parties. The Board refused permission by Order dated 2<sup>nd</sup> August 2024 on the basis that: the development, not being zoned in a current statutory plan, did not meet the pre-conditions applying to LRD and so the Board was 'precluded' from granting permission; and on the basis that it was premature pending the making of a local area plan for Wicklow-Rathnew.
- The Applicant challenged by way of judicial review the Board's decision and the Board's decision was subsequently quashed by Order of the High Court dated 11<sup>th</sup> April 2025<sup>1</sup>.
- The application has now been remitted to the Board and assigned a new case number (ABP-322476-25) and, as outlined in Section 1 of this document, the Applicant has been asked to make submissions to the Board on or before the 4<sup>th</sup> of June 2025.
- Since the application was remitted: 1) Variation no. 2 to the Wicklow County Development Plan 2022-2028 was made on 12<sup>th</sup> of May 2025; and 2) the Wicklow Town – Rathnew Local Area Plan 2025 was made by the Council on 12<sup>th</sup> May 2025.
- Variation no. 2 to the Wicklow County Development Plan 2022-2028 integrates the land use zoning map and key development objectives from the Wicklow Town -Rathnew Local Area Plan 2025 into the County Development Plan. An Interim Variation Adoption Decision Document May 2025 showing the modifications to the County Development Plan is available on Wicklow County Council's website here: [https://www.wicklow.ie/Portals/0/adam/Documents/SRZlvUlcsk183hpKD1byA/Link/Interim%20Variation%20No.2%20adoption%20decision%20document\\_May%202025.pdf](https://www.wicklow.ie/Portals/0/adam/Documents/SRZlvUlcsk183hpKD1byA/Link/Interim%20Variation%20No.2%20adoption%20decision%20document_May%202025.pdf). Variation no. 2 came into effect on 12<sup>th</sup> May 2025.
- As regards the Wicklow-Rathnew Local Area Plan 2025 an Interim Plan Adoption Decision Document May 2025 showing text and mapping of that Local Area Plan is available on Wicklow County Council's website here: [https://www.wicklow.ie/Portals/0/adam/Documents/JcqovjrqwkyLN046OynODQ/Link/Interim%20Variation%20No.2%20adoption%20decision%20document\\_May%202025.pdf](https://www.wicklow.ie/Portals/0/adam/Documents/JcqovjrqwkyLN046OynODQ/Link/Interim%20Variation%20No.2%20adoption%20decision%20document_May%202025.pdf).

<sup>1</sup> Perfected on 6<sup>th</sup> May 2025.



[20Wicklow%20Town%20-](#)

[%20Rathnew%20LAP%202025%20Adoption%20Decision%20Document.pdf](#). The application site is zoned in the Local Area Plan and is subject to a specific local objective. The Wicklow Town – Rathnew Local Area Plan 2025-2031 was made and will likely be in effect before the Board’s target decision date of the 25<sup>th</sup> of August 2025<sup>2</sup>.

## 2.2 Wicklow County Development Plan 2022-2028 – Variation No. 2

Wicklow County Council has adopted a new Local Area Plan (LAP) for the settlement of ‘Wicklow Town – Rathnew’. To ensure consistency of the draft and final Wicklow Town – Rathnew LAP with the County Development Plan, it was proposed to vary the County Development Plan alongside the LAP making process.

The formal process for preparing a Variation Number 2 of the Wicklow County Development Plan 2022-2028 began in 2023 alongside the LAP process, which led to the publication of a proposed Variation Number 2 on 9<sup>th</sup> of October 2024. Following the consideration of submissions made by the public and various stakeholders, the Elected Members of Wicklow County Council resolved to propose alterations to that proposed Variation. As these proposed alterations constituted ‘material’ alterations to the proposed Variation, these alterations were published for further public consultation in March 2025.

At the County Council meeting of the 12th of May 2025, the Elected Members of Wicklow County Council resolved to adopt Variation Number 2 alongside the adoption of the LAP. The variation came into effect on the 12<sup>th</sup> of May 2025.

An Interim Variation Adoption Decision Document May 2025 has been published by Wicklow County Council since 12<sup>th</sup> May and key modifications to the Wicklow County Development Plan include:

Textual changes at 1.2 (new text in red):

Separate **Local Area Plans** are in place, which will be reviewed ~~after the adoption~~ *during the lifetime* of this plan, for the following towns / areas: Bray Municipal District, Wicklow Town - Rathnew, Arklow, Greystones – Delgany - Kilcoole and Blessington. These Local Area Plans are reviewed and made under Sections 18, 19 and 20 of the Planning and Development Act, and ~~as such do not form part of the County Development Plan and are subsidiary plans to this County Development Plan.~~ *However* The CDP does provide the key parameters for these Local Area Plans such as the future population and housing targets and sets out the broad strategy for the future economic and social development of these towns. *To ensure that the zoning and key development objectives of these LAPs clearly form part of this County Development Plan, the land use zoning and key development objectives maps are adopted by way of variation into the County Development Plan during the making of each LAP.*

Changes to 3.5 ‘Zoning’ so that it now reads:

This development plan provides the population and housing targets for all 21 settlements in the County up to 2031. ~~However,~~ it only provides plans for 13 settlements, the remainder of the settlements having their own stand-alone ‘Local Area Plans’, which will be reviewed ~~after the adoption~~ *during the lifetime* of this County Development Plan. *As part of the LAP adoption process, the land use zoning and key development objectives maps for the LAP settlements / areas are integrated into Volume 2 of this County Development Plan by way of variation.*

<sup>2</sup> As appearing from the Board’s website.

### Changes to Chapter 3 'Local Area Plan':

*The Core Strategy Tables to follow shows the housing unit requirements for the LAP towns, up to the year 2031 and the housing unit capacity of lands zoned in ~~current~~ LAPs in effect at the time of the adoption of the County Development Plan in 2022.*

*~~This table shows that the majority of current LAPs have a surplus of zoned land having regard to the revised 2031 targets set out in the NPF Roadmap and the RSES for the EMRA.~~*

*Upon adoption of this County Development Plan in 2022, the amount of zoned land in pre-existing LAPs exceeded the amount of land needed to meet the Core Strategy 2031 housing targets for each of the towns set out in this County Development Plan (as detailed in Table A of the Core Strategy).*

*In the preparation of the updated LAPs during the lifetime of this County Development Plan, development and growth objectives, including the amount of zoned housing land and phasing / prioritising objectives, shall take into account the zoning principles set out hereunder as well as the guidance set out in 'Development Plans – Guidance for Planning Authorities' (DoHLGH 2022) and any further Government or Ministerial policies / guidance in place at the time of the adoption of the LAP.*

*In particular, residential development objectives including land zoning provisions will be made on the basis of providing enough housing land to meet the prevailing Core Strategy population and housing targets set out in the County Development Plan at the time of adoption of the LAP, with flexibility in the zoning provisions to ensure that (a) the targets can be achieved in the event that unforeseen impediments to the development of certain lands arise and (b), the LAPs do not have to be formally amended to reflect any changes in the Core Strategy or population / housing targets that may arise during the lifetime of the County Development Plan due to changes to the National Planning Framework, Regional Spatial and Economic Strategy or planning legislation.*

The insertion of a new Part 5 in the Development Plan concerning local area plan zoning. This, inter alia, sets out the meaning of various zoning objectives and at part 5.2 includes links to zoning mapping for Wicklow Rathnew, etc.:

#### **Part 5.2 Wicklow Town & Rathnew Local Area Plan 2025**

- [Interim Land Use Zoning Map](#)
- [Interim Key Green Infrastructure Map](#)
- [Interim Indicative Flood Zones Map 4A](#)
- [Interim Indicative Flood Zones Map 4B](#)
- [Interim Indicative Flood Zones Map 4C](#)
- [Interim Indicative Flood Zones Map 4D](#)
- [Interim Indicative Flood Zones Map 4E](#)
- [Interim Indicative Flood Zones Map 4F](#)
- [Interim Transport Strategy Map](#)

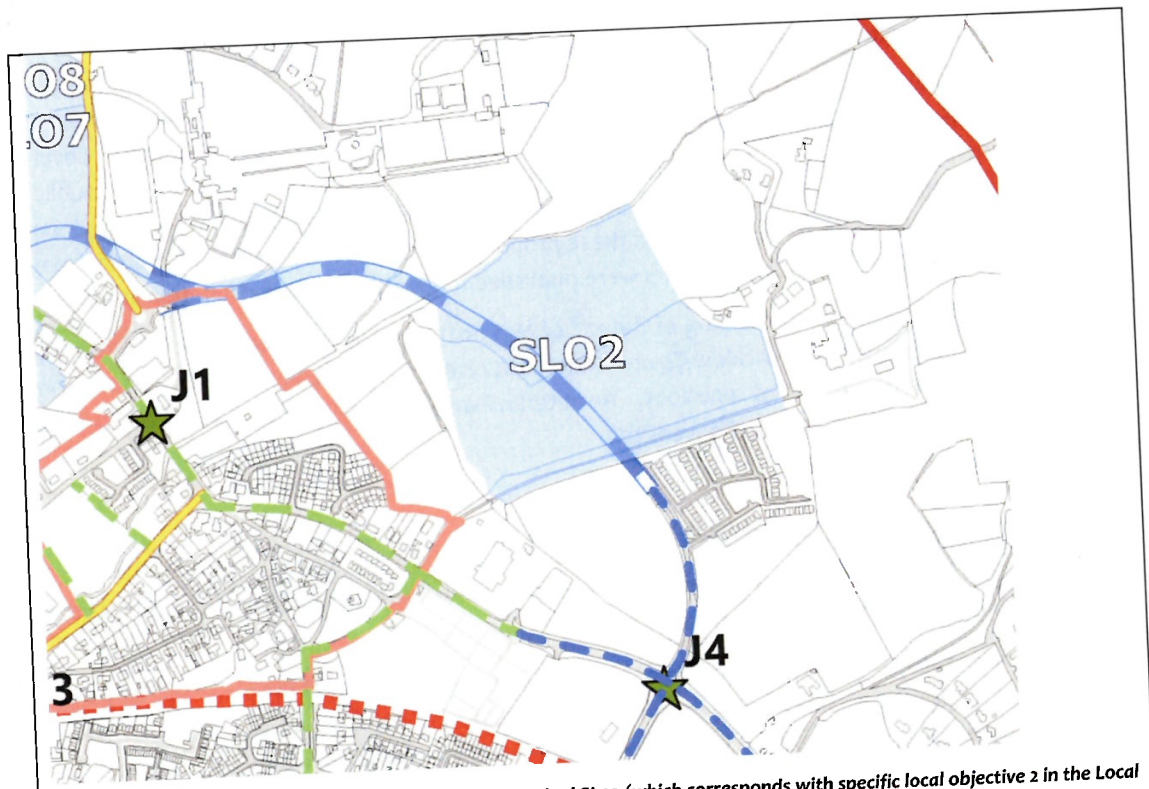


Figure 1 - Extract from Transport Strategy Map Above marked SL02 (which corresponds with specific local objective 2 in the Local Area Plan.

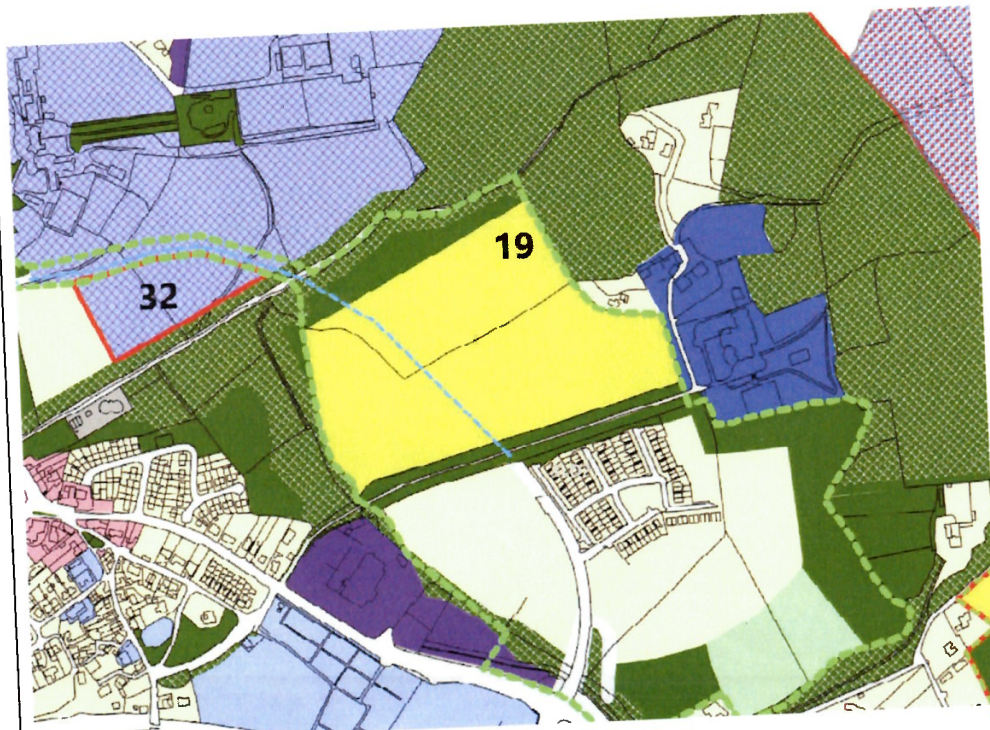


Figure 2 - Extract from Zoning Map Above – the application site is zoned.



## 2.3 Wicklow Town – Rathnew Local Area Plan 2025 – 2031 – Plan Making Process

The formal process for preparing a new Wicklow Town – Rathnew Local Area Plan for the 2025-2031 period began in 2023, which led to the publication of a new Draft Wicklow Town – Rathnew Local Area Plan on 9th of October 2024. Following the consideration of submissions made by the public and various stakeholders regarding the Draft Plan, the Elected Members of Wicklow County Council proposed amendments to that Draft Plan. As these proposed amendments constituted ‘material’ amendments to the Draft Plan, these amendments were published for further public consultation in March 2025.

At the County Council meeting of the 12<sup>th</sup> of May 2025, the Elected Members of Wicklow County Council resolved to make the Wicklow Town – Rathnew Local Area Plan 2025-2031. This Plan will come into effect in 6 weeks on the 23rd of June 2025. An ‘Interim Plan Adoption Decision Document May 2025’ is available on Wicklow County Council’s website.

### Specific Local Objectives (‘SLO’)

The subject site is shown as zoned in the Local Area Plan and identified as being subject to Specific Local Objective 2 – Tinakilly / Newrath.

The purpose of an SLO is to guide developers as to the aspirations of the plan regarding the development of certain lands where more than one land use is proposed, where there is new infrastructure necessitated on the subject lands or where the lands are zoned for ‘mixed use’ to give more detail on the development objective of these lands.

The SLO2 Plan Boundary as included within the ‘Interim Plan Adoption Decision Document May 2025’ is shown in the context of the subject development redline boundary below:

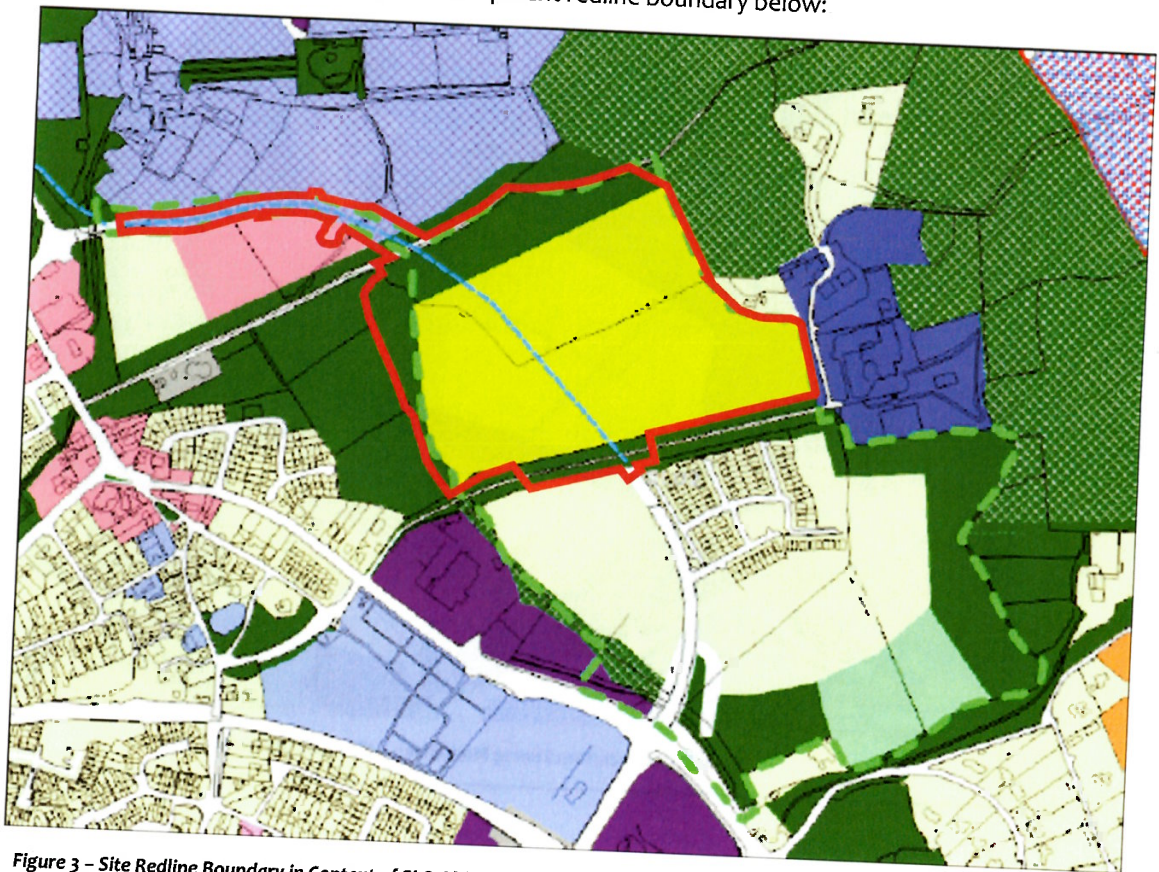


Figure 3 – Site Redline Boundary in Context of SLO Objective 2 Area as included within Interim Plan Adoption Decision Document

The Specific Local Objectives relating to development on the SLO2 Tinakilly/ Newrath lands are outlined in the Interim Plan Adoption Decision Document as follows:

*This SLO is located in the townlands of Tinakelly and Newrath. The SLO comprises New Residential (RN1), Existing Residential (RE), Active Open Space (AOS), Natural Areas (OS2) and Open Space (OS1) zonings. Any development proposal shall comply with the County Development Plan, this Local Area Plan and the following:*

- *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 and*
- *Retain the ‘fairy tree’ at its current location (shown with green tree symbol on map SLO 2).*
- *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 by 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 145mx90m) 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.*

For the benefit of An Bord Pleanála, it is noted that the zoning objectives on the subject site within the SLO2 boundary comprise the following as described within the Wicklow Town – Rathnew Local Area Plan 2025-2031<sup>3</sup>:

Zoning	Objective	Description
RN1 – New Residential – Priority 1	To provide for new residential development and supporting facilities during the lifetime of the plan.	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.

<sup>3</sup> Descriptions of zoning are also included in the text to Variation no. 2 to the County Development Plan.



OS1 – Open Space	To protect and enhance existing and provide for recreational open space	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.
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It is also noted that the text at pg. 19 in the Wicklow Rathnew Local Area Plan 2025 Interim Plan Adoption Decision Document May 2025 states that:

*Uses generally appropriate for **residential (RN / RE)** zoned areas include houses, apartments, residential open space, education, community facilities, retirement homes, nursing homes, childcare/**crèche**, health centres, guest house, bed and breakfast, places of public worship, home based economic activity, utility installations and ancillary development and other residential uses in accordance with the County Development Plan (CDP) and Local Area Plan (LAP).*

A Concept Plan for development on the SLO 2 Tinakilly/ Newrath lands is included within the Wicklow Town – Rathnew Local Area Plan 2025-2031 which provides an indicative site layout plan to guide any development proposed on the lands within the lifetime of the Plan.

The Concept Plan closely aligns with the layout of the subject scheme (WCC Ref. 2360219 / ABP-322476-25).

The subject scheme was submitted to Wicklow County Council prior to the publication of the Wicklow Town – Rathnew Local Area Plan 2025-2031. It is evident that Wicklow County Council has referenced subject scheme layout to prepare the Concept Plan for the SLO 2 area. The SLO 2 Concept Plan is shown on Figure 4 below, with the subject site redline boundary included for the benefit of An Bord Pleanála:



Figure 4 - Wicklow Town - Rathnew Local Area Plan 2025-2031 - SLO 2 Concept Plan in the Context of the Subject Site Redline Boundary

### 3 Applicant Submissions/ Observations

An Bord Pleanála has requested the Applicant's Submissions/ Observations in respect of the following items:

- A copy of the High Court order is attached to this letter for your information. Having regard to the High Court Order in this case, the quashing of the previous Board decision and the passage of time, the Board considers that it is appropriate in the interests of justice to now require you to make your submissions/ observations on the planning application the subject of this appeal.
- Your submissions on the documents available from Wicklow County Council regarding Variation no. 2 of the Wicklow County Development Plan 2022-2028 which integrates the land use zoning map and key development objectives from the Wicklow Town – Rathnew Local Area Plan 2025 into the County Development Plan and which came into effect on the 12th of May 2025.

The Applicant's replies are set out below:

#### 3.1 Applicant's Response/ Reply

##### 3.1.1 High Court Order

The background to the application is set out in Section 2 to this document. The Applicant challenged by judicial review the Board's previous decision to refuse permission for this application where the Board refused permission on the basis that the development was not zoned in a current statutory plan and so it was precluded from granting permission; and on the basis of prematurity pending the making of an LAP. The Board's decision was quashed and, as reflected in the High Court Order, the matter has been remitted to the Board. Without prejudice to the Applicant's position in those judicial review proceedings it is evident from the material set out at section 2 that Variation no. 2 to the Wicklow County Development Plan, which was made on 12<sup>th</sup> of May 2025, incorporates the zoning map and zoning objectives in the Wicklow Rathnew Local Area Plan 2025 into the Wicklow County Development Plan. The Wicklow Rathnew Local Area Plan 2025 has been made (on 12<sup>th</sup> of May 2025). It follows that the Board is not precluded from determining/granting permission for the development for want of zoning in a current statutory plan and that the development is not premature pending the making of an LAP for the area.

##### 3.1.2 Variation no. 2 and the Wicklow – Rathnew Local Area Plan 2025 - 2031

Variation no. 2 and the Wicklow Town - Rathnew Local Area Plan 2025 were both made on 12<sup>th</sup> of May 2025. The Board's target date for making a decision (based on the Board's website) is 25<sup>th</sup> August 2025. Key extracts from Variation no. 2 are set out in section 2 of this document. Insofar as the text of the Development Plan has been amended to reflect that the zoning map and development objectives in the Wicklow Rathnew Local Area Plan 2025 have been incorporated into the Development Plan the site is zoned at present and it is considered that there is no zoning related impediment to granting permission for the LRD application. The proposed uses are consistent with the zoning and purpose of the zoning objectives as described in the Interim Variation Adoption Decision Document May 2025. Overlays of the scheme with the zoning are included under the heading 'Wicklow Town - Rathnew Local Area Plan 2025-2031'.



### 3.1.3 Wicklow Town – Rathnew Local Area Plan 2025-2031

The zoning mapping for the application site in the Wicklow Town - Rathnew Local Area Plan 2025 – 2031 Interim Plan Adoption Decision Document May 2025 reflects that included in Variation no. 2 to the Development Plan.

#### 3.1.3.1 Land Use Zoning and SLO 2 Concept Plan

The Applicant wishes to submit to An Bord Pleanála that the subject development layout (WCC Ref. 2360219 / ABP-322476-25) generally aligns with the zoning for the lands as included within the Wicklow Town – Rathnew Local Area Plan 2025-2031. It is noted to An Bord Pleanála that there has been an uplift in the quantity of zoned lands within the subject site boundary within the Wicklow – Rathnew Local Area Plan 2025 – 2031, providing additional residential zoned lands (RN1) along the site western boundary and within the north western area of the site, which had previously been zoned for open space provision within the Wicklow Town – Rathnew Development Plan 2013-2019, under which the subject application was originally lodged (WCC Ref. 2360219 / ABP-322476-25). The approximate location of the additional RN1 zoned lands is shown below on a site zoning map as included within the Wicklow Rathnew Local Area Plan 2025 – 2031:

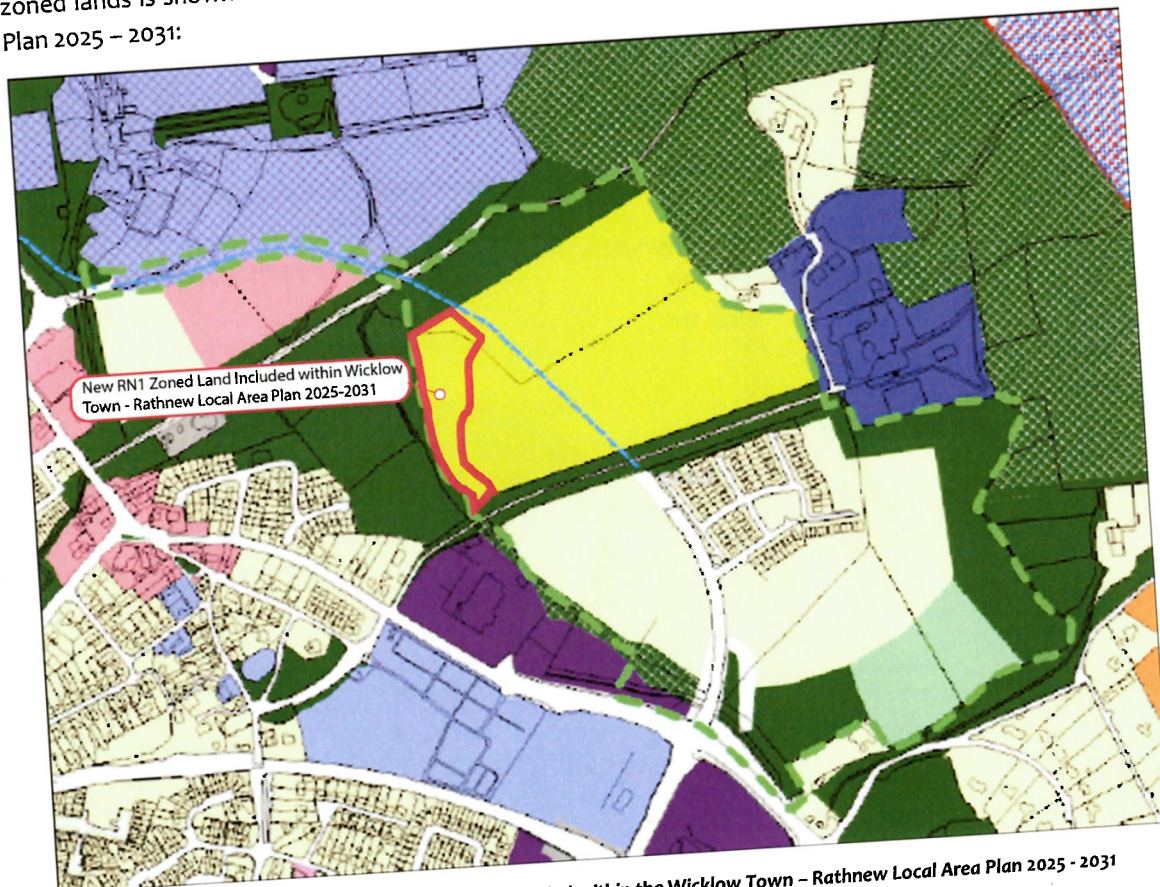


Figure 5 - Additional Residential Zoned Lands included within the Wicklow Town – Rathnew Local Area Plan 2025 - 2031

Aside from the above highlighted lands along the western and north western site boundaries, it is considered that the division of residential zoned lands and open space zoned lands remains generally consistent from the Wicklow Town – Rathnew Development Plan 2013 – 2019 to the Wicklow Town – Rathnew Local Area Plan 2025 – 2031.

The location of the additional residential (RN1) zoned lands on the site is shown below in the context of the SLO2 Concept Plan for the subject site:





Figure 6 - Additional Residential Zoned Lands included within the Wicklow Town – Rathnew Local Area Plan 2025 – 2031 in the context of SLO2 Concept Plan

The location of the additional residential (RN1) zoned lands on the site is shown below in the context of the subject development layout:



Figure 7 - Additional Residential Zoned Lands included within the Wicklow Town – Rathnew Local Area Plan 2025 – 2031 in the context of Subject Development Layout

It is submitted to An Bord Pleanála that the above Figure 5, Figure 6 and Figure 7 clearly demonstrate that the subject scheme layout generally aligns with the site zoning as included within the Wicklow Town – Rathnew Local Area Plan 2025-2031 and the SLO2 Concept Plan across the wider development site.



The proposed development only deviates from the zoning objectives for the site as included within the Wicklow Town – Rathnew Local Area Plan 2025 -2031 along the western and northwestern site boundary, where lands previously zoned for open space provision have now been zoned for residential development (RN1) within the Wicklow Town – Rathnew Local Area Plan 2025 -2031. This was not envisaged at application stage. It is noted that the text at pg. 19 in the Wicklow Rathnew Local Area Plan 2025 Interim Plan Adoption Decision Document May 2025 states that ancillary development and residential open space are generally appropriate uses:

*Uses generally appropriate for **residential (RN / RE)** zoned areas include houses, apartments, residential open space, education, community facilities, retirement homes, nursing homes, childcare/crèche, health centres, guest house, bed and breakfast, places of public worship, home based economic activity, utility installations and ancillary development and other residential uses in accordance with the County Development Plan (CDP) and Local Area Plan (LAP).*

The use of now newly zoned RN1 lands for ancillary purposes as residential open space, clearly aligns with the new RN1 zoning along the site's western boundary. It is noted that these newly zoned lands do not impact development ratios as they were previously zoned as passive open space and as such do not form part of the 15% requirement for residential public open space. The current layout also does not preclude/prevent the development of residential housing on the newly zoned RN1 lands in the future.

#### **Applicant Response and Remedy**

The Applicant welcomes a condition or specific guidance within the forthcoming appeal decision from An Bord Pleanála regarding the appropriate next steps in relation to the additional RN1 zoned lands in the northwestern and western area of the subject site.

The Concept Plan for the SLO2 lands clearly demonstrates that the development of these newly zoned lands represents a logical and seamless extension of the subject scheme (WCC Ref. 2360219 / ABP-322476-25). The Concept Plan does not materially alter the fundamentals of the proposal and, if anything, further supports the full delivery of the SLO2 objectives outlined in the Local Area Plan.

We are of the opinion that any amendments required to the area of the site where new RN1 zoned lands have been included within the Wicklow Town – Rathnew Local Area Plan 2025-2031, to align with the new zoning objective for this area of the site and to align with the general objectives for the entirety of the lands included within the SLO 2 Tinakilly/ Newrath boundary, can be dealt with via condition applied by An Bord Pleanála, requiring the omission of the new RN1 zoned lands from the development proposal.

The omission of this new area of RN1 zoned area from the site boundary will allow for this area of the site to be redesigned as part of a subsequent planning application to full comply with the zoning objective, and to deliver on the specific objectives for SLO 2 Tinakilly/ Newrath as included within the Wicklow Town – Rathnew Local Area Plan 2025-2031.

This approach will allow for development on the majority of the site to proceed, as it aligns with the zoning objectives and generally aligns with the SLO 2 Concept Plan layout for the area as included with the Wicklow Town – Rathnew Local Area Plan 2025-2031, contributing towards the Government target of the delivery of 50,000 houses per annum to 2030 and 60,000 houses per annum each year thereafter to address the current national shortage of housing supply.

### 3.1.3.2 Specific SLO2 Objectives

The Applicant now wishes to provide a direct response to each of the specific SLO2 Objectives for Tinakilly/ Newrath in the context of the subject development currently awaiting appeal decision from An Bord Pleanála:

***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;***

It is submitted to An Bord Pleanála that the subject scheme (WCC Ref. 2360219 / ABP-322476-25) involves the delivery of the remainder of the Rathnew Inner Relief Road through the subject lands. The subject scheme layout tracks the exact Rathnew Inner Relief Road Layout included within the Wicklow Town – Rathnew Local Area Plan 2025-2031 SLO2 Concept Plan.

The importance of the delivery of the Rathnew Inner Relief Road is highlighted within Appendix 1 – Local Transport Assessment of the Wicklow Town – Rathnew Local Area Plan 2025-2031 which notes:

*'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'.*

In addition to this, Appendix 3 – Infrastructure Delivery Schedule and Implementation of the Wicklow Town – Rathnew Local Area Plan 2025-2031 notes that the Rathnew Inner Relief Road should be delivered in the 'Short Term – Medium Term'. It is clear that the delivery of this infrastructure is of significant importance to Wicklow County Council.

As part of the subject scheme (WCC Ref. 2360219 / ABP-322476-25) an Appropriate Assessment Screening Report and full Environmental Impact Assessment Report was completed, encapsulating the Rathnew Inner Relief Road with the entirety of the residential element of development proposed. The initial Wicklow County Council Planner's Report published with WCC Ref. 2360219 noted the following regarding the Environmental Impact Assessment Report completed:

*'In conclusion the EIAR submitted is considered to be sufficiently detailed to comply with the requirements of the European Directive 2014/52/EU and to allow the Planning Authority to carry out a full assessment of the environmental impacts of the proposed development. In this regard is considered that the proposed development will not result in any significant negative impacts on the environment'.*

The An Bord Pleanála Inspector's Report published with the ABP-319137-24 included the following:

*'The submitted EIAR has been considered with regard to the guidance provided in the EPA documents 'Guidelines for Planning Authorities and An Bord Pleanála on Carrying out Environmental Impact Assessment' (2018); 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' (draft August 2017) and 'Advice Notes for Preparing Environmental Impact Statements' (draft September 2015). In conclusion, 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'.

We refer An Bord Pleanála to the Appropriate Assessment Screening Report and Environmental Impact Assessment Report associated with the subject development (WCC Ref. 2360219 / ABP-322476-25) for details.

It is therefore submitted to An Bord Pleanála that the subject scheme (WCC Ref. 2360219 / ABP-322476-25) fully delivers the objective to deliver the Rathnew Inner Relief Road and that this objective will be fulfilled as the development progresses.

**Provision of a childcare facility at an appropriate location on the RN1 zoned lands in line with the relevant Guidelines for Planning Authorities**

The Applicant acknowledges that the objectives for development on the SLO2 lands within the Wicklow Town – Rathnew Local Area Plan 2025-2031 include for the delivery of a creche facility on RN1 zoned lands on which the subject development is located.

This approach differs from the previous application for the subject development (WCC Ref. 2360219 / ABP-322476-25) under which the Applicant built a creche - at considerable expense - within Broomhall Business and Enterprise Park to meet the full childcare needs of the proposed development. This creche is now complete and has recently begun trading. It is located approximately 500 metres from Tinakilly and immediately adjacent to St. Coen's National School and Gaelscoil Chill Maintain.

It is dealt with at length within the An Bord Pleanála Inspector's Report published with the ABP-319137-24 and included the following:

*'Planning Reference 22/590 refers to a grant of permission for the increase in a childcare facility from 135 places to 190 places and the developer considers that this facility could accommodate up to 250 children on a full time/ part time/ afterschool basis. Whilst I am not certain that the Applicant's calculations are correct, the provision of a facility that can accommodate between 190 and 250 children would be adequate to serve the needs of permitted development and the subject site. The Applicant has identified an additional 21 childcare facilities within a 3 km radius of the subject site and whilst no details of capacity is provided, it is likely that additional capacity can be provided to meet any increase in demand in the area. I am therefore satisfied that the development of a childcare facility at Broomhall would be adequate to serve the needs of this development and that there is no requirement to provide for a standalone facility on this site'.*

On that basis, the approach to childcare provision for the residential units within the subject scheme is entirely appropriate and has been carefully evaluated.

The Applicant acknowledges that the Wicklow Town – Rathnew Local Area Plan 2025-2031 includes additional RN1 zoned lands within the subject site redline boundary in the northwestern and western portion of the site, as detailed in Section 3.1 of this report.

It is noted that the newly residential-zoned area within the redline boundary has the potential to accommodate approximately 35-50 additional units on the subject site. This is based on the applicable density range of 35-50 units per hectare for Outer Suburban/ Greenfield site where a density of 35-50 units per hectare, as set out in the Wicklow County Development Plan 2022-2028.

### **Applicant Response and Remedy**

As outlined above, should An Bord Pleanála be so minded, the Applicant is willing to accept a condition requiring the omission of the new RN1 zoned lands from the subject site boundary. This would allow for the future redesign of this area as part of a subsequent planning application, ensuring full compliance with the applicable zoning objective and facilitating the delivery of the specific objectives for SLO 2 Tinakilly/Newrath, as set out in the Wicklow Town–Rathnew Local Area Plan 2025–2031.

In addition, the Applicant is committed to the provision of an on-site childcare facility to accommodate the increased residential quantum arising from the development of the newly designated RN1 zoned lands. The delivery of this creche would be directly linked to the delivery of any additional residential development within RN1 zoned lands located in the northwestern and western area of the site.

**Retain the 'fairy tree' at its current location (shown with green tree symbol on map SLO 2).**

The applicant acknowledges the objective to retain the 'fairy tree' at its current location as outlined within SLO2 and shown on the SLO2 Concept Plan.

The applicant wishes to note to An Bord Pleanála that this item was dealt with by the applicant and project design team at Further Information Stage with the Planning Authority and there appears to be no evidence, historic or archaeological, to corroborate or confirm anything other than the very recent references to the Hawthorn on the site being a 'fairy tree'. An Bord Pleanála Inspector's Report further noted that:

*'Considering the number of trees to be planted as part of this development, its ['fairy tree'] loss from a biodiversity point of view is not significant. I accept that it has a local importance but even retaining it as is would not be the same as much of its character comes from its isolation within a large field. If the applicant can relocate it, then I would not be opposed to this, but I would not recommend that this move be conditioned'*

### **Applicant Response and Remedy**

Without prejudice to the above in the event that retention of the tree is required, the applicant is willing to make amendments to the subject scheme layout, which could be agreed with Wicklow County Council via condition applied by An Bord Pleanála, or subject to an amendment planning application, to allow this tree to remain in situ.

We trust the Board will acknowledge this as an appropriate solution at this juncture.

**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-side' size mixed use pitch. No more than 20% of the dwellings, unless otherwise agreed with by 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 145mx90m) 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.**

The Applicant acknowledges the objective included for SLO2 Tinakilly/ Newrath to provide an equipped playground of not less than 2,000sqm; one tennis court; one basketball court; and a '7-side' size mixed-use pitch on RN1 or OS1 zoned lands, and a fully drained, levelled and seeded full size playing pitch (at least 145mx90m) on the AOS zoned lands with the completion of the associated vehicular access and car parking.

We wish to bring to the attention of An Bord Pleanála that the SLO2 boundary includes both the site subject of this appeal (WCC Ref. 2360219 / ABP-322476-25) and lands to the south of Tinakilly Avenue under the control of Keldrum Limited, extending approximately 25.83ha. These lands to the south of the subject site represent Phase 1 of the overall Tinakilly development, and have the benefit of planning permission granted by Wicklow County Council (WCC Reg Ref. 22/837). This development is currently under construction, expected to be completed in 2025.

The lands to the south of the subject site feature approximately 4.4ha of OS1 zoned lands, and approximately 2.45ha of AOS zoned lands within the Wicklow Town – Rathnew Local Area Plan 2025-2031. The following elements provided as part of the development to the south (WCC Reg Ref. 22/837) realise the objective to provide an equipped playground of not less than 2,000sqm and a fully drained, levelled and seeded full size playing pitch (at least 145mx90m) within the SLO2 boundary and have been completed, or are nearing completion:

- 13,700 sq.m Adventure Playground to due for completion by the end of 2025 on OS1 zoned lands.
- 24,500 sq.m delivered including a flat area of 145m x 90m capable of being converted from a general park area to a playing pitch in the future by WCC. This has been completed and is open for public use on AOS zoned lands.
- 30,000 sq.m delivered as a park complete with planting and paths. This has been completed and is open for public use on OS1 zoned lands.
- A vehicular access point and public car park is being delivered as part of the section of Rathnew Inner Relief Road through the lands to the south of the subject site. This is due for completion by the end of 2025.

In addition to the above elements of recreational development being delivered as part of the permission granted to the south of the development site (WCC Reg Ref. 22/837) within the SLO2 boundary on OS1 and AOS zoned lands, it is submitted that the subject development (WCC Ref. 2360219 / ABP-322476-25) also provides the following elements of recreational development on RN1 and OS1 zoned lands within the SLO2 boundary:



- 4,698 sq.m Linear Park, Natural Play Area and Kickabout Area on RN1 zoned lands.
- 1,793 sq.m Linear Park, Natural Play Area and Kickabout Area on RN1 zoned lands.
- 1,348 sq.m Pedestrian Plaza area on RN1 zoned lands.
- 4,639 sq.m Avenue Park on OS1 zoned lands.
- 11,709 sq.m Wetlands and Wetlands Walkway on OS1 zoned lands.

It is therefore submitted to An Bord Pleanála that the subject development (WCC Ref. 2360219 / ABP-322476-25) and the permitted development to the south under construction (WCC Reg Ref. 22/837), fully deliver the equipped playground of not less than 2,000 sq.m on RN1 or OS1 zoned lands and the fully drained, levelled and seeded full size playing pitch (at least 145mx90m) on the AOS lands within the SLO2 boundary, as well as associated vehicular access and public car parking associated with the pitch area and public park as outlined within the SLO2 development objectives in the Wicklow – Rathnew Local Area Plan 2025-2031.

#### **Applicant Response and Remedy**

In order to address this objective, the only remaining elements required are the tennis court, basketball court and '7-a side' mixed-use pitch.

It is expressly noted to An Bord Pleanála that no location for these elements of development is specified within the SLO2 Tinakilly/ Newrath development boundary - only that they are to be provided on RN1 or OS1 zoned land.

It is considered that there is scope for the required mixed-use games area to be located in a number of locations within the SLO2 boundary that are zoned RN1 or OS1. The Applicant is willing to agree a suitable location for the mixed-use games area within the SLO2 boundary with Wicklow County Council, via condition applied by An Bord Pleanála.

## 4 Conclusion

It is our considered opinion that this First Party Submission/ Observation Report, prepared following invitation from An Bord Pleanála to make submissions/ observations on the documents available from Wicklow County Council regarding Variation no. 2 of the Wicklow County Development Plan 2022-2028 which integrates the land use zoning map and key development objectives from the Wicklow Town – Rathnew Local Area Plan 2025 into the County Development Plan provides the Board with an overview of the subject schemes general compliance with the zoning and key development objectives for the Tinakilly/ Newrath Lands as included as SLO2 within the Wicklow Town/ Rathnew Local Area Plan 2025-2031.

Where there are minor differences between the objectives of the Wicklow Town/ Rathnew Local Area Plan 2025-2031 and the subject scheme design, the Applicant has provided a rationale for the design differences, referencing the previous assessment of the scheme on the site by Wicklow County Council (WCC Ref. 2360219) and the An Bord Pleanála Inspector (ABP-319137-24).

The Applicant has clearly outlined their willingness to amend the proposal scheme along the western and north western boundary to fully align with the objectives of the Wicklow Town/ Rathnew Local Area Plan 2025-2031. Should An Bord Pleanála deem this necessary, we trust that this can be dealt with via condition wherein a separate application could be the appropriate remedy to address the changed context.

Considering the above, we trust that An Bord Pleanála will examine the subject proposal de novo and uphold the grant of permission as issued by Wicklow County (WCC Ref. 2360219).