



AN ARD-CHÚIRT  
THE HIGH COURT

PLANNING AND ENVIRONMENT

H.JR.2024.0001371

FRIDAY THE 11<sup>th</sup> DAY OF APRIL 2025

BEFORE MR JUSTICE RICHARD HUMPHREYS

BETWEEN

CAIRN HOMES PROPERTIES LIMITED

APPLICANT

-AND-

AN BORD PLEANÁLA

RESPONDENT

-AND-

WICKLOW COUNTY COUNCIL

NOTICE PARTY

Upon motion of Counsel for the Applicant made unto the Court pursuant to the Notice of Motion filed on the 13<sup>th</sup> day of November 2024 seeking the following reliefs

“1 An Order of *Certiorari*, by way of application for judicial review, quashing that part of the Order of the Respondent, made on 11 September 2024, to refuse on appeal the planning application by the Applicant (ref no. ABP-319657-24) for permission for Large-Scale Residential Development (comprising, *inter alia*, 329 no. residential units and associated development at Blessington Demesne, County Wicklow).

2. An Order remitting to the Respondent that part of the appeal as relates to the application for permission for Large-Scale Residential Development (comprising, *inter alia*, 329 no. residential units and associated development at Blessington Demesne, County



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Wicklow)(ref no. ABP-319657-24), to be considered and determined in accordance with law and in accordance with such directions as the High Court may deem appropriate.

3. Such declaration(s) of the legal rights and/or legal position of the Applicant and/or persons similarly situated as the court considers appropriate.

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

5. Such further or other Order as to this Honourable Court shall seem appropriate.

6. The costs of the within proceedings.”

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

Whereupon and on reading the said Motion and the Originating Statement and the Affidavit of Aidan McLernon both filed on the 1<sup>st</sup> day of November 2024 verifying the facts set out in the said Statement and the Affidavit of Pierce Dillon filed on the 10<sup>th</sup> day of February 2025 and the written submissions and exhibits filed in respect of said proceedings

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

And on hearing said respective Counsel

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



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

**BY CONSENT**

The Court **DOTH GRANT** an Order of certiorari quashing the decision of the Respondent dated 11<sup>th</sup> September 2024 to refuse on appeal the planning application by the Applicant (ref no. ABP-319657-24) for permission for Large- Scale Residential Development comprising, inter alia, 329 no. residential units and associated development at Blessington Demesne County Wicklow) strictly without prejudice to the position of the Respondent that the decision was lawful and that no legal error had been identified in the decision

**IT IS ORDERED** that

1. the matter be remitted to the Respondent to the point after the Inspector's Report had been prepared for further consideration and determination in accordance with law
2. the remittal shall relate solely to that part of the Respondent's decision set out at paragraph 1 above and shall not for the avoidance of any doubt relate to that part of the Respondent's decision as related to a 10.65 hectare Town Park, and the extension of the Blessington Inner Relief Road

**AND IT IS ORDERED** that the Respondent

1. do issue a Notice to the Applicant inviting the Applicant to make submissions to the Respondent on the planning application the subject of these proceedings (a "Further Information Notice") prior to any new decision being made on the planning application by the Respondent



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2. do make a new decision on the planning application the subject of these proceedings within 16 weeks from the date of perfection of this Order

No Order as to the costs of the proceedings

**HELEN RYAN**

**REGISTRAR**

**Perfected 06/05/2025**

Arthur Cox LLP

**Solicitors for the Applicant** (Cairn Homes Properties Ltd.)

Field Fisher LLP

**Solicitors for Respondent** (An Bord Pleanála)

Dorothy A. Kennedy

**Law Agent for the Notice Party** (Wicklow County Council)