



An  
Bord  
Pleanála

## Inspector's Report

### ABP-310734-21

#### Development

Wicklow County Council Compulsory Purchase (Chapel Road Pedestrian and Cyclist Infrastructure Improvement Scheme) Order No. 1 2021

#### Location

Two Sections of roadway between Chapel Road and Convent Road Roundabout north to the Blacklion Manor Road in the townlands of Delgany and Greystones, Co. Wicklow

#### Planning Authority

Wicklow County Council

#### Applicant

Wicklow County Council

#### Type of Application

Notice of Compulsory Purchase Order under the provisions of the Local Government (No.2) Act 1960, the Housing Act 1966, the Roads Act 1993, and the Planning and Development Act 2000 (as amended).

#### Objectors

Gerard & Deirdre Quigley  
Michael & Frances Denny

Paul & Renee Sutton  
Ronan & Aibhe Brennan  
Derrick & Sharon McGovern  
Rosemary Hammill  
Bernard & Elizabeth Burke  
Raymond & Ann Barry  
Evelyn & Michael Cawley

**Date of Site Inspection**

7<sup>th</sup> October 2021

**Inspector**

Máire Daly

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## **1.0 Introduction**

### **1.1. Overview**

- 1.1.1. Wicklow County Council (WCC) is seeking confirmation by the Board of a Compulsory Purchase Order (CPO) entitled “Wicklow County Council Compulsory Purchase (Chapel Road Pedestrian and Cyclist Infrastructure Improvement Scheme) CPO Order No.1 2021”.
- 1.1.2. The CPO relates to the compulsory and permanent acquisition of lands for the purposes of the provision of an upgrade to two sections of the existing Chapel Road (L1027-0), extending from the Chapel Road/Convent Road Roundabout, north to the Blacklion Manor Road. The upgrade will consist of improvements for pedestrians and cyclists and is to include upgrades to footpaths and the inclusion of cycle track facilities as well as improvements for vehicular traffic with the realignment and widening of the Chapel Road also. The proposed scheme is located c. 2km west of Greystones Town centre. The Board should note that the section of the Chapel Road located between the two proposed scheme sections is being delivered separately by D-RES Properties under WCC Planning ref. 18-678.
- 1.1.3. WCC has made the CPO and submitted the request for confirmation pursuant to the powers conferred on it. The CPO is made under Section 76 and the Third Schedule to the Housing Act 1966, as extended by Section 10 of the Local Government (No.2) Act, 1960, as substituted by Section 86 of the Housing Act, 1966 and as further amended by Section 6 and the Second Schedule of the Roads Act 1993, and by Section 222 of the Planning and Development Act 2000 (as amended).
- 1.1.4. The Board should note that on 28<sup>th</sup> January 2020, Greystones Municipal District voted in favour of adopting a Part 8 for the Blacklion to Delgany – Chapel Road Upgrade Scheme. The proposed acquisition is intended to support the delivery of these works, which are divided into two sections.
- 1.1.5. Nine objections were received in respect of the CPO from landowners outlined in Section 5 below. This report considers the issues raised in the objections submitted to the Board and, more generally, the application to acquire lands for the stated purpose.

## **1.2. Purpose of the CPO**

- 1.2.1. According to the documentation submitted with the application, the purpose of the CPO is to acquire the lands required for the Chapel Road Pedestrian and Cyclist Infrastructure Improvement Scheme.
- 1.2.2. WCC state that the compulsory purchase of the plots of lands is necessary for the Scheme as it will have the following beneficial effects:
- It will permit Wicklow County Council to implement the upgrade and improvements works in the knowledge that the lands and all rights in the lands required will be available.
  - It will facilitate the acquisition of all rights in the lands within a reasonable timescale.
  - It will improve north to south traffic flow between Greystones and Bray.
  - It will provide a safer transportation route for pedestrians, cyclists and motorists.
  - It will improve safety for vulnerable road users and promote active mobility and sustainable modes of transportation.
  - It will give effect to and facilitate the implementation of the long-standing objectives in the Wicklow County Development 2016-2022 and the Greystones-Delgany & Kilcoole Local Area Plan 2013-2019 by providing new footpaths and cycleways on existing public roads and promoting the use of sustainable and healthy alternatives to private car use.

## **1.3. Accompanying Documents**

- 1.3.1. The application was accompanied by the following documentation:
- Newspaper Notices
    - Irish times, dated 30<sup>th</sup> June 2021
    - Wicklow People, dated 30<sup>th</sup> June 2021
  - CPO Order signed and sealed
  - CPO Maps signed and sealed

- Site Location Drawing (Drg. 190092-2007)
- Details of lands to be acquired as per drawings no. 190092-DBFL-XX-SX-DR-C-1001 and 190092-DBFL-XX-SX-DR-C-1002.
- Site Notice
- Notification letters sent to the landowners,
- A brief summary of the project.

1.3.2. Details of the Part 8, including the Part 8 design report (with appendices, including drawings), planning report, submissions received, and members' report were also received by the Board on 29<sup>th</sup> September 2021 following a request for same.

1.3.3. In addition to the above WCC also submitted additional information to the Board on 5<sup>th</sup> October 2021 which included the following in relation to the CPO;

1. Proposed Boundary Treatments comprising the following:
  - (a) Drawings issued to landowners;
  - (b) Correspondence issued to all landowners subject to CPO;
2. Scheme drainage layout drawings;
3. General arrangement layout drawings; and
4. Detailed public lighting design details.

#### **1.4. Format of CPO Schedule**

1.4.1. It is stated in the Schedule to the Compulsory Purchase Order that the lands consist of land other than land consisting of a house or houses unfit for human habitation and not capable of being fit for human habitation at reasonable expense.

1.4.2. If confirmed, the Order will authorise the local authority to:

- (a) acquire compulsorily, for the purpose of section 212 of the Planning and Development Act 2000, the Roads Act 1993 to 2015 and the Chapel Road Pedestrian and Cyclist Infrastructure Improvement Scheme permanently, the lands described in Part I of the presented Schedule, which lands are shown outlined in red and coloured grey on Deposit Map Drawing No. 190092-DBFL-XX-SX-DR-C-1001 and on Deposit Map No. 190092-DBFL-XX-SX-DR-C-1002.

(b) acquire temporarily, the land described in Part II of Schedule, which plots are shown outlined in red and hatched orange on Deposit Map Drawing No. 190092-DBFL-XX-SX-DR-C-1001 and on Deposit Map No. 190092-DBFL-XX-SX-DR-C-1002, and

(c) to extinguish the private rights of way described in Part III of the Schedule, as shown between lines A-A and B-B and between the lines C-C and D-D on the Deposit Map Drawing No. 190092-DBFL-XX-SX-DR-C-1001 by order made after the acquisition of the land, extinguish the private rights of way where said private rights of way are over the land so acquired or any part thereof, or over land adjacent to or associated with the land so acquired or any part thereof.

- 1.4.3. All of said lands described in the Schedule are situated in the Townlands of Delgany, Kindlestown Upper and Kindlestown Lower in the Administrative County of Wicklow County Council.

## **2.0 Site Context and Description**

- 2.1. The subject scheme is located c. 2km west of Greystones Town Centre in north County Wicklow. The scheme encompasses two distinct sections, Section 1 – the southern section includes the stretch of the route from Convent Road Roundabout to Chapel Road (c.300m in length) and Section 2 – the Northern section includes from the Chapel Road/Dromont Estate Junction to Blacklion Manor Road (c.335m in length).
- 2.2. Section 1 – The Convent Road roundabout has a wide circulating carriageway, with narrow footpaths surrounding the junction. The road travelling north along Chapel Road is a narrow single lane carriageway, between 5.5 – 6m wide with a gradually increasing gradient as one travels in a northerly direction. This road is residential in nature and is bound on both sides by residential properties, some of which have their individual entrances exiting onto the road. Three separate access roads form T junctions with the Chapel Road, two on the eastern side of the road which access The Poplars and The Nurseries housing estates and one on the western side which provides access to 10 individual residential properties. A grass verge which ranges in width from c.1.5m to 4m runs along part of the western roadside of the southern

portion of this section. The boundaries to residential properties in the area are characterised by mature hedging, earthen bank boundaries, stone walls, fencing and intermittent trees. A narrow footpath c.1m in width currently runs along the eastern side of the road. There are no dedicated cycle facilities along the road.

- 2.3. Section 2 -This section of road begins at the junction with Chapel Road and the Dromont residential estate and continues north until the recently constructed residential estate of Seagreen Park on the Blacklion Manor Road. The gradient of the road slopes upwards as one travels in a northern direction. This section of road comprises a two-way single lane carriageway c. 5.5m to 6m in width and runs in a north south direction. A bend in the road exists to the immediate north of the junction with Dromont, and travels in an eastern direction before straightening again and travelling north. Again, the road in this section is bounded on both sides by residential properties, with one junction to the Beechbrook Park housing estate located c.80m north of the Dormont estate entrance. Several residential properties have individual and combined entrance off this section of Chapel Road. Property boundaries along the road are characterised by hedging, timber fencing, stone/rendered boundary walls and treelines. A footpath ranging in width from c.1 to 1.5m runs along the eastern side of this section of roadway and no cycle facilities currently exist along this section of road. An existing ESB substation is located on the north-eastern side of this section of roadway. St. Laurence's National School is located to the south of Section 2, on the eastern side of Chapel Road. If the CPO is approved the main thoroughfare for traffic purposes will be redirected away from the school and via the new section of roadway delivered separately by D-RES Properties under WCC Planning ref. 18-678.

### **3.0 The Proposal/CPO**

- 3.1. The Compulsory Purchase Order relates to the compulsory acquisition of lands at Chapel Road/Convent Road Roundabout north to Blacklion Manor Road, Delgany by Wicklow County Council.
- 3.2. The overall proposal comprises an upgrade and realignment of two sections of Chapel Road in order to improve vehicular movement along the road as well as to provide an improvement to the pedestrian and cycling infrastructure and experience.

- 3.3. A realignment and upgrade of the road would also allow for a bypass of St. Laurence's National School and provide a local access, leading to reduced congestion and an improvement in vehicular movements. The following is a description of the Scheme for which CPO of lands is sought:

#### Section 1 – Convent Road Roundabout to Chapel Road

- Improvement works to Convent Road Roundabout which include:
  - Reducing the width of the circulating carriageway in order to reduce speeds.
  - An overrun is proposed for larger vehicles to negotiate the roundabout.
  - The provision of a shared pedestrian and cycle path around the roundabout with raised zebra crossings provided on two arms, Chapel Road and Delgany Wood Avenue, with raised priority crossings provided on the Convent Road arm and the local access arm.
- North of the roundabout a 2m wide footpath and 2m wide cycle path are proposed on both side of Chapel Road.
- A toucan crossing is proposed on Section 1, located south of The Poplars residential estate. This crossing will accommodate both pedestrians and cyclists.
- Ramped entry treatment is proposed at all side arms along Chapel Road on both sides of the road fulfilling a traffic calming function as well as providing priority for pedestrians and cyclists using Chapel Road. Dropped kerbs will be provided at all residential accesses.
- This section of the design proposal terminates at the existing 90 degree turn on Chapel Road and will tie in with the new road alignment for Chapel Road, consistent with these design proposals, that is being delivered by D-RES properties as part of a separate approved planning application.

#### Section 2: Chapel Road/Dromont Estate Junction to Blacklion Manor Road

- The proposals for this section include for the 2m footpath and 2m cycle track on both sides of the road with the exception of a short section of footpath located on the southern side of Chapel Road where this reduces down to

1.5m over a short distance due to residential boundary constraints. The cycle track is proposed to be retained here at 2m width.

- The scheme then terminates at the northern section and will tie in with the recently constructed facilities at the Blacklion Manor Road.

## **4.0 Planning Policy Context**

### **4.1. National Policy and Guidance**

4.1.1. **National Planning Framework (NPF)** – Project Ireland 2040.

4.1.2. **Regional and Economic Spatial Strategy (RSES) for Eastern and Midland Region** – Chapter 4 – People and Place, Chapter 10 – Infrastructure.

4.1.3. **Design Manual for Urban Roads and Streets (DMURS) 2019 - Department of Transport, Tourism and Sport and the Department of Housing, Planning and Local Government**

The DMURS manual references that “*Better street design in urban areas will facilitate the implementation of policy on sustainable living by achieving a better balance between all modes of transport and road users. It will encourage people to choose to walk, cycle or use public transport by making the experience safer and more pleasant.*”

4.1.4. **The National Cycle Manual (NCM) 2011 – National Transport Authority**

This document offers guidance on the integration of the bicycle in the design of urban areas. The Manual embraces the Principles of Sustainable Safety as this offers a safe traffic environment for all road users including cyclists.

### **4.2. Development Plan - Wicklow County Development Plan 2016-2022**

Under Chapter 9 of the Wicklow County Development Plan 2016 – 2022 entitled “Infrastructure”, there are a number of objectives that are supportive of the project, which would be facilitated by the CPO. These are listed as follows:

#### **Section 9.1.3 Cycling and Walking Objectives**

**TR9** To improve existing or provide new foot and cycleways on existing public roads, as funding allows.

**TR10** To require all new regional and local roads to include foot and cycleways, except in cases where shared road space is provided.

**TR11** To facilitate the development of foot and cycleways off road (e.g. through open spaces, along established rights-of-way etc), in order to achieve the most direct route to the principal destination (be that town centre, schools, community facilities or transport nodes), while ensuring that personal safety, particularly at night time, is of the utmost priority.

**TR13** To facilitate the development of a cycling and walking amenity routes throughout the County.

### **General Roads Objectives**

**TR14** To improve public roads in the County as necessary, including associated bridges and other ancillary structures, as funding allows, having due regard to both the transportation needs of the County and the protection of natural habitats.

### **Local Road Objectives**

**TR28** To continue to improve local roads to the appropriate standards (given the location), consistent with predicted traffic flow and in accordance with Government policy and the Roads Programme adopted by the Council.

**TR29** To provide new and improve existing roads in urban areas in accordance with objectives identified in local area, town and settlement plans.

## **4.3. Greystones – Delgany and Kilcoole Local area Plan 2013-2019**

### **Section 8: Transport and service infrastructure**

#### **Table 7.1: Roads Objectives**

**RO2** - Completion of the new road from the R761 at Blacklion to Chapel Road, with an upgraded road continuing southwards to link up with the alignment of road objective RO3.

**RO3** - Realignment of Chapel Road in the vicinity of St. Laurence's School as necessary, to provide a more direct and efficient route to Blacklion from Delgany.

## **4.4. Natural Heritage Designations**

- The Murrough proposed Natural Heritage Area (pNHA)– (Site Code: 000730) – located c.3.3km to the south east.

- The Murrough Wetlands Special area of Conservation (SAC) (Site Code: 002249) – located c.3.8km to the south east.
- Glen of the Downs SAC and pNHA (Site Code: 000719) – located c.1.1km to the south west.
- Bray Head SAC and pNHA (Site Code: 000714) – located c.2.7km to the north east.

#### 4.5. Planning History

- 4.5.1. The majority of recent planning applications along Chapel Road are in connection with small residential developments and minor alterations to existing dwelling houses, however the following application is of note:

Wicklow County Council (WCC) Reg. ref. 18-678 - permission granted in March 2019 for the demolition of the existing two storey dwelling and associated buildings and the construction of 74 no. residential dwellings and c 5,377 sqm of public open space. The development also included the provision of a new link road running for a distance of c330m through the subject lands from 'Dromont' to the north of the subject site where a new junction is proposed, connecting onward to the Chapel Road where a second new junction is proposed and where the existing junction will be upgraded as well as to Chapel Road at 'Melwood' to the south of the subject site, where a third additional junction is proposed. The proposed link road includes a carriageway, footpaths, on road and off road cycle tracks and 3 no new vehicle access points to provide access to the proposed residential development. The proposed development includes for the continued use of an existing access serving the adjoining property to the south west of the subject site (connecting to Chapel Road and the proposed link road), boundary treatments, internal roads, footpaths, a pedestrian crossing, shad surface / home zones, car parking (within the curtilage of the residential units) foul and surface water sewers, landscaping (including removal of pond area) and all associated site development works.

Condition no. 8 of this permission states that no occupation of any of the proposed units occur until the proposed section of the link road is completed and operational unless otherwise agreed in writing with the Planning Authority

## **5.0 Objections to the Compulsory Acquisition of Lands**

5.1. In total 9 no. objections were received to the CPO. These are summarised in the sections that follow.

### **5.2. Objection by Gerard & Deirdre Quigley**

5.2.1. This objection was prepared by Mr Martin O' Donnell of CBRE Surveyors on behalf of the above objectors and refers to plot refs. 23.1, 23.2, 23.1T, 23.2T (of Section 2 of the Scheme), also referenced as A-C on boundary treatment drawing no. 190092-1023 -DBFL (received by Board on 5<sup>th</sup> October 2021). Objection is raised on the following grounds:

- WCC have overburdened Chapel Road with schools (4 schools) which has resulted in significant increase in vehicle traffic. At peak hours it is impossible to gain access onto Chapel Road. New housing development at Dromont has compounded the issue. Accordingly, it is imperative that traffic calming measures are included in the scheme.
- Concerns regarding loss of strip of land/garden to front of property. Also, by constructing a new footpath alongside the objectors' plot referenced A-C of drawing no. 190092-DBFL-1002, this will result in a build-up of rubbish on their property from passing pedestrians.
- Mr Quigley has health issues and this additional stress from the CPO process is affecting him.
- The scheme totally favours motorists and not the existing residents.
- Concerns regarding sightlines for the subject property – this issue should be examined further.
- Formal agreement from WCC sought to ensure that collection of their waste will not be impacted by the scheme.
- The design documents submitted do not highlight the period features at the entrance to the subject property – where impacted these features should be carefully salvaged and replaced at a new agreed location as part of the accommodation works.
- The scheme should be to the satisfaction of the effected property owners.

### **5.3. Objection by Michael & Frances Denny**

5.3.1. This objection was prepared by Suzanne McClure of Brock McClure Planning & Development Consultants on behalf of the above objectors and refers to plot refs. 22, 22T (Section 2 of Scheme) also referenced A-C on boundary treatment drawing no. 190092-1022 -DBFL. Objection is raised on the following grounds:

- They acknowledge that an upgrade of Chapel Road is an objective in the LAP.
- Traffic Safety – new residential development, as well as 4 no. schools in the immediate area have significantly added to traffic volumes.
- The traffic survey data relied upon in the Part 8 report is from January 2017, any scheme going forward should be founded on up-to-date data. The objectors' experience is that trips are greatly in excess of the numbers cited within the 2017 traffic survey. The Board should therefore attach a condition to require WCC to carry out up to date traffic analysis to allow detailed mitigation measures to be put in place.
- No details of Public Lighting & Landscaping have been given – concerns expressed regarding light spill and lux levels on residential amenities.
- Planting plan should also be required as part of final proposal.
- No SUDs measures included – given the increase in hard standing areas along the route these should be outlined.

### **5.4. Objection by Paul and Renee Sutton**

5.4.1. This objection was prepared by Niall Sudway of Sudway & Company Ltd. Chartered Surveyors on behalf of the above objectors and refers to plot refs. 29T, 29.1, 29.2 (Section 2 of Scheme), referenced A-C on boundary treatment drawing no. 190092-1029 - DBFL. Objection is raised on the following grounds:

- No detailed design has been put forward to the Board for their consideration and consequently it is the objectors' view that it would be a fundamental infringement of their property rights in circumstances where WCC have not shown the Board or the landowners what they intend to construct.

- Given the above, it is not possible to make a coherent submission in relation to the impact on their property.
- No response was received on the objector's original submission to WCC on the Part 8 documents.
- The only drawing provided in response to their concerns was received on 6th August and marked 'without prejudice' which can be best described as a sketch and lacks detail as well as any kind of pre consultation with the property owners.
- Request the Board to reject the CPO for reasons outlined above.

### **5.5. Objection by Ronan and Aibhe Brennan**

5.5.1. This objection was prepared by Niall Sudway of Sudway & Company Ltd. Chartered Surveyors on behalf of the above objectors and refers to plot refs. 24T, 24.1, 24.2 (Section 2 of Scheme), referenced on boundary treatment drawing no. 190092-1024 - DBFL. Objection is raised on the following grounds:

- No detailed design has been put forward to the Board for their consideration and consequently it is the objectors' view that it would be a fundamental infringement of their property rights in circumstances where WCC have not shown the Board or the landowners what they intend to construct.
- Given the above it is not possible to make a coherent submission in relation to the impact on their property.
- No response was received on the objector's original submission to WCC on the Part 8 documents.
- The only drawing provided in response to their concerns was received on 6th August and marked 'without prejudice' which can be best described as a sketch and lacks detail as well as any kind of pre consultation with the property owners.
- Request the Board to reject the CPO for reasons outlined above.

### **5.6. Objection by Derek and Sharon Mc Govern**

5.6.1. This objection was prepared by Niall Sudway of Sudway & Company Ltd. Chartered Surveyors on behalf of the above objectors and refers to plot refs. 20T, 20 (Section 2

of Scheme), referenced on boundary treatment drawing no. 190092-1020 -DBFL.

Objection is raised on the following grounds:

- No detailed design has been put forward to the Board for their consideration and consequently it is the objectors' view that it would be a fundamental infringement of their property rights in circumstances where WCC have not shown the Board or the landowners what they intend to construct.
- Given the above it is not possible to make a coherent submission in relation to the impact on their property.
- No response was received on the objector's original submission to WCC on the Part 8 documents.
- The only drawing provided in response to their concerns was received on 6th August and marked 'without prejudice' which can be best described as a sketch and lacks detail as well as any kind of pre consultation with the property owners.
- Request the Board to reject the CPO for reasons outlined above.

#### **5.7. Objection by Rosemary (& William) Hammill**

5.7.1. This objection was prepared by Niall Sudway of Sudway & Company Ltd. Chartered Surveyors on behalf of the above objectors and refers to plot refs. 7T, 7 (Section 1 of Scheme), referenced on boundary treatment drawing no. 190092-1007 -DBFL.

Objection is raised on the following grounds:

- WCC seem to think that they have ownership of the lands between plot 7T and the existing public road, this is incorrect as the lands are included in the objectors' folio. (Note to Board – See Section 6.2 below).
- No detailed design has been put forward to the Board for their consideration and consequently it is the objectors' view that it would be a fundamental infringement of their property rights in circumstances where WCC have not shown the Board or the landowners what they intend to construct.
- Given the above it is not possible to make a coherent submission in relation to the impact on their property.

- No response was received on the objector's original submission to WCC on the Part 8 documents.
- The only drawing provided in response to their concerns was received on 6th August and marked 'without prejudice' which can be best described as a sketch and lacks detail as well as any kind of pre consultation with the property owners.
- Request the Board to reject the CPO for reasons outlined above.

## **5.8. Objection by Bernard and Elizabeth Burke**

5.8.1. This objection was prepared by Niall Sudway of Sudway & Company Ltd. Chartered Surveyors on behalf of the above objectors and refers to plot refs. 4.1, 4.2, 4T (Section 1 of Scheme), referenced on boundary treatment drawing no. 190092-1004 -DBFL. Objection is raised on the following grounds:

- WCC seem to think that they have ownership of the lands between plot 4T and the existing public road, this is incorrect as the lands are included in the objectors' folio. (Note to Board – See section 6.2 below).
- No detailed design has been put forward to the Board for their consideration and consequently it is the objectors' view that it would be a fundamental infringement of their property rights in circumstances where WCC have not shown the Board or the landowners what they intend to construct.
- Given the above it is not possible to make a coherent submission in relation to the impact on their property.
- No response was received on the objector's original submission to WCC on the Part 8 documents.
- The only drawing provided in response to their concerns was received on 6th August and marked 'without prejudice' which can be best described as a sketch and lacks detail as well as any kind of pre consultation with the property owners.
- Request the Board to reject the CPO for reasons outlined above.

## **5.9. Objection by Raymond and Ann Barry**

5.9.1. This objection was prepared by Niall Sudway of Sudway & Company Ltd. Chartered Surveyors on behalf of the above objectors and refers to plot refs. 19.1, 19.2, 19.1T, 19.2T (Section 2 of Scheme), referenced on boundary treatment drawing no. 190092-1019-DBFL. Objection is raised on the following grounds:

- No detailed design has been put forward to the Board for their consideration and consequently it is the objectors' view that it would be a fundamental infringement of their property rights in circumstances where WCC have not shown the Board or the landowners what they intend to construct.
- Given the above it is not possible to make a coherent submission in relation to the impact on their property.
- No response was received on the objector's original submission to WCC on the Part 8 documents.
- The only drawing provided in response to their concerns was received on 6th August and marked 'without prejudice' which can be best described as a sketch and lacks detail as well as any kind of pre consultation with the property owners.
- Request the Board to reject the CPO for reasons outlined above.

## **5.10. Objection by Evelyn (and Michael) Cawley**

5.10.1. This objection was prepared by Niall Sudway of Sudway & Company Ltd. Chartered Surveyors on behalf of the above objectors and refers to plot refs. 31.1, 31.1T, 31.2, 31.2T, 31.3, 31.3T (Section 2 of Scheme), also referenced on boundary treatment drawing no. 190092-1031 -DBFL. Objection is raised on the following grounds:

- No detailed design has been put forward to the Board for their consideration and consequently it is the objectors' view that it would be a fundamental infringement of their property rights in circumstances where WCC have not shown the Board or the landowners what they intend to construct.
- Given the above it is not possible to make a coherent submission in relation to the impact on their property.

- No response was received on the objector's original submission to WCC on the Part 8 documents.
- The only drawing provided in response to their concerns was received on 6th August and marked 'without prejudice' which can be best described as a sketch and lacks detail as well as any kind of pre consultation with the property owners.
- Request the Board to reject the CPO for reasons outline above.

## 6.0 Oral Hearing

6.1. An Oral Hearing was held on Tuesday 19<sup>th</sup> October 2021. All objectors and Wicklow County Council were represented at the hearing and oral submissions were heard by, or on behalf of, all parties. The proceedings of the oral hearing are summarised in Appendix 1 of this report. The entire proceedings were also recorded and are available to the Board.

## 6.2. Modifications

- 6.2.1. Proposed modifications to the CPO and Schedule were submitted by WCC on 18<sup>th</sup> October 2021, the evening prior to the hearing commencing. These modifications concerned Plots 4.1, 4.2, 7 and 7T as follows:
- (i) The area of Plot 4.1, which is in the ownership/reputed ownership of Bernard and Elizabeth Burke is increased from 0.006ha (0.0148 acres) to 0.0527ha (0.1303 acres) by reason that it has been extended to the edge of the public road.
  - (ii) The area of Plot 4.2 which is in the ownership/reputed ownership of Bernard and Elizabeth Burke, remains unchanged.
  - (iii) The area of Plot 7, which is in the ownership of William and Rosemary Hamill is increased and is now described as Plot 7.1 and 7.2 on the revised deposit drawing by reason that it has been extended to the edge of the public road. The area of Plot 7 was 0.028ha (0.0692 acres) and has now increased to a total of 0.051ha (0.1260 acres) made up of Plot 7.1 of 0.028 ha (0.0692 acres) and Plot 7.2 of 0.023ha (0.0568 acres).

(iv) The area of Plot 7T, which is in the ownership/reputed ownership of William and Rosemary Hamill is decreased from 0.022ha (0.0544) to 0.019ha (0.0469acres) by reason of the changes to the permanent acquisition.

(v) By reason of the foregoing the area of Plot 1.2 has been decreased.

6.2.2. The above amendments were presented in response to the objections received by the Board from Sudway & Co Ltd on behalf of Bernard and Elizabeth Burke and Rosemary Hammill.

6.2.3. No further objections were received on the submitted modifications and the Board was requested to accept the submitted modifications as outlined in the submitted amended schedule and Drawing No. 190092-DBFL-XX-SX-DR-C-1001 REV P8\_4.

## **7.0 Assessment**

### **7.1. Overview**

7.1.1. The Scheme is proposed to be carried out over two sections of Chapel Road: The southern section – Section 1 extends from the Chapel Road/Convent Road Roundabout northwards along Chapel Road for approximately c.300 metres and the northern section – Section 2 is c.335m in length and lies between the Chapel Road/Dromont Estate Junction and the Blacklion Manor Road. The mid-section of Chapel Road has been upgraded and realigned under a separate grant of planning permission by DRES Developments Ltd (WCC Ref. 18-678).

7.1.2. The upgrade works include the improvement of the Chapel Road/Convent Road roundabout, the upgrade of footpaths, the provision of cycle track facilities, pedestrian crossings, public lighting, traffic calming measures, new road signs and road markings, road gullies draining to a new stormwater collection system, the provision of a 250mm PE4 Bar main along the extent of Chapel Road and the construction of new boundary treatments, new entrances and landscaping.

7.1.3. To provide for the proposed scheme will require widening of the current road corridor which will necessitate the removal of hedges, boundaries and trees along sections of the route. Trees that are adjacent to the scheme may also require removal / trimming. The proposed road improvement scheme requires CPO for a number of

residential properties with land take necessary. Land take requirements will vary depending on the road alignment; however, it is envisaged that land take will be between 1m - 6m for each property. WCC state that replacement boundary treatment for residential properties impacted by this scheme is to be provided on a 'like for like' basis.

7.1.4. The plots of land subject to the CPO comprise the necessary lands and temporary working areas for the construction of the Scheme and are considered suitable and necessary having regard to the need to provide footpaths and cycle tracks on both sides of the roadway in order to promote sustainable and safer transportation, and the land take is proportional to the Council's requirements.

7.1.5. For the Board to confirm the subject CPO, it must be satisfied that, as set out in the judgement of Geoghegan J. in *Clinton v An Bord Pleanála (No. 2) (2007) 4 IR 701*, WCC has demonstrated that the CPO is clearly justified by the "common good". This has been interpreted by legal commentators, as per '*Compulsory Purchase and Compensation in Ireland: Law and Practice, Second Edition, by James Macken, Eamon Galligan, and Michael McGrath (2013)*', as a requirement to satisfy the following four-fold criteria:

- There is a community need that is to be met by the acquisition of the site in question.
- The particular site is suitable to meet the community need.
- Any alternative methods of meeting the community need have been considered but are not demonstrably preferable (taking into account environmental effects, where appropriate), and
- The works to be carried out should accord or at least not be in material contravention of the provisions of the statutory development plan.

7.1.6. Furthermore, as set out by Garrett Simons in '*Planning and Development Law, Second Edition (2007)*', the Board should consider whether the acquisition will have an excessive or disproportionate effect on the interests of the affected persons.

7.1.7. The proposed CPO is now assessed in the context of the above tests prior to addressing the specific issues raised in the objections lodged.

## **7.2. Community Need**

- 7.2.1. I note that WCC and the majority of the objectors are in agreement that the existing Chapel Road would benefit, in principle, from an upgrade in the interest of pedestrian, cyclist and vehicular safety.
- 7.2.2. During my site visit I observed the current condition of the roadway, which is in need of resurfacing in certain areas and also would benefit from the provision of new or widened footpaths and new cyclist facilities. During my time on site over the morning of 7<sup>th</sup> October 2021, I noted frequent use of the Chapel Road by cyclists and also pedestrians along its existing narrow footpath. Vehicular traffic on the roadway was light at this time of the day, though I also noted that my site visit time was outside of school drop off and pick up times.
- 7.2.3. Ms. Harnett in her submission at the oral hearing on behalf of WCC (see Appendix 1 for further details) outlined that the compulsory purchase of the plots of lands outlined is necessary for the Scheme as it will have the following beneficial effects:
- it will permit Wicklow County Council to implement the upgrade and improvements works in the knowledge that the lands and all rights in the lands required will be available.
  - it will facilitate the acquisition of all rights in the lands within a reasonable timescale.
  - It will improve north to south traffic flow between Greystones and Bray
  - It will provide a safer transportation route for pedestrians, cyclists and motorists.
  - It will improve greater safety for vulnerable road users and promote active mobility and sustainable modes of transportation.
- 7.2.4. Having visited the two sections of roadway and noted use of these sections by the various road users, I would agree that the Scheme would be beneficial for the above stated reasons. Ms. Hartnett also outlined that given the deficiencies in the existing road it is in the interests of public safety and improvement of traffic safety that Chapel Road Pedestrian and Cyclist Infrastructure Scheme proceeds and links in with the existing road network in the vicinity. While the widening of the current road corridor will necessitate the removal of some existing boundaries along the sections

of Chapel Road, and some land take from properties in the area, this would be done to achieve improvements for the surrounding community and other road users.

- 7.2.5. At present, the pedestrian environment along Chapel Road is poor, with a footpath located on one side of the road only (eastern side) with a narrow width of c. 1 metre. In addition, I note that there are currently no cycle facilities in place along Chapel Road. The upgrade and improvement of pedestrian and cycle facilities along Chapel Road will provide a safe route for school pupils travelling to and from the various schools along Chapel Road, as well as catering for all other users along the road and may also encourage uptake of more sustainable modes of travel within the area.
- 7.2.6. The existing road provisions to meet the community needs of varying road users are very limited within this area. The community need is also exacerbated given the proximity of several schools in the area, in particular that of St. Laurence's National School which is located between Sections 1 and 2. I therefore conclude on this basis that the CPO meets a community need both in the general sense of the overall improvement works to Chapel Road for vehicular traffic, and specifically in improving these two sections of the roadway for cyclists and pedestrians who would previously not have had such extensive and segregated safe facilities.

### **7.3. Suitability of Lands to Serve Community Need**

- 7.3.1. The lands comprised in the Chapel Road Pedestrian and Cyclist Infrastructure Improvement Scheme, which are the subject of a Part 8 approval, are the same as the lands comprised in the subject CPO. This Improvement Scheme would provide road upgrades, as well as the provision of enhanced pedestrian and cyclist facilities that would meet the identified community.
- 7.3.2. Ms. Carol O' Farrell, Barrister representing WCC at the oral hearing outlined that 1.437ha is proposed to be permanently acquired and that 0.2345ha is proposed to be temporarily acquired. She also outlined the details of the modifications proposed (as outlined under Section 6.2 above) and the plot numbers involved. She stated that the proposed modifications do not fall outside the CPO scheme boundary, therefore no additional lands are required. Having examined the details of the submitted modifications I would concur with same submission.
- 7.3.3. Ms. Hartnett (WCC) outlined in her Statement of Evidence at the oral hearing that given the number of plots and affected parties it is not considered practicable that all

interests will be acquired on a voluntary basis. The CPO is therefore required in order to implement the Scheme within a reasonable time frame and because it is unlikely that all the necessary land will be acquired voluntarily, accordingly, it is respectfully submitted that there is a compelling case in the public interest for the exercise of compulsory purchase powers in this case.

- 7.3.4. While I note the submissions of the objectors, in particular with regard to the removal of existing boundaries, heritage features (wheel bollards) and in the case of plots nos. 31.1, 31.1T, 31.2, 31.2T, 31.3, 31.3T (Section 2 of Scheme) 19 no. mature trees, I do note that WCC have outlined that the works proposed have been identified to minimise the impact on properties along Chapel Road requiring only the necessary land take and removal of boundary treatments, trees etc. where required. WCC have submitted details of proposed boundary replacements, as well as details of lighting, drainage and general arrangement layouts, which were received by the Board on 5<sup>th</sup> October 2021. In addition, WCC stated at several points during the OH that any replacement works to boundaries would be carried out on a 'like for like' basis or where agreed with individual objectors different boundary treatments would be provided (See Appendix 1 for details).
- 7.3.5. The lands required to facilitate this scheme are located immediately adjacent to the existing Chapel Road and require works on both sides of the road to allow for the improvement scheme, including the incorporation of footpaths and segregated cycleways on both sides of the road. I conclude that the lands comprised in the CPO are suitable to meet the identified community need.

#### **7.4. Consideration of Alternatives**

- 7.4.1. The objectors have raised concerns about the extent to which WCC has considered alternative methods of providing improvements to Chapel Road, particularly in light of the impact of the CPO on their constitutional property rights. In this regard I am satisfied that the test threshold required would be as follows: that 'Any alternative methods of meeting the community need have been considered but are not demonstrably preferable (taking into account environmental effects, where appropriate)'.
- 7.4.2. The Chapel Road Pedestrian and Cyclist Infrastructure Improvement Scheme has been approved under the Part 8 process. I have examined the available information

which is contained in the documents forming the Part 8 application, which were received by the Board from WCC on 29<sup>th</sup> September 2021. These did not include any matters pertaining to alternatives considered or the reasons for the selection of the scheme as is now proposed. At the oral hearing I queried as to whether the local authority considered alternatives to the proposed road improvement scheme. Ms. Hartnett's of WCC responded in her submission where she stated that the Options Report of March 2017 examined the design options for the overall upgrade of Chapel Road. Four options were considered and the appraisal of those four options - Option 1 (Online Improvement), Option 2 (Online Improvement), Option 3 (Traffic Management) and Option 4 (Off-line Improvement) - is set out in Section 4 of that Report. She then stated that Option 4 was chosen because it provided the highest rating score in the comparative appraisal and was in line with the objectives of the Greystones-Delgany & Kilcoole Local Area Plan 2013-2019.

- 7.4.3. I noted that during the oral hearing procedures, Mr Sudway (who represented 7 of the objectors – See Appendix 1 attached below), queried whether any alternative involving a reduction in the speed limit from 50kph to 30kph and therefore the provision of a shared road surface to include for cyclists had been considered as an alternative to the proposed scheme? This he outlined would possibly negate the need for land take from the objectors' properties. In response to this Mr Manning (of DBFL Consulting Engineers, acting on behalf of WCC) stated that 50kph is the most appropriate speed for this type of road (link street) and the amount of traffic movements recorded (as per the submitted survey results). A segregated cycleway is recommended in compliance with DMURS for such a 'link road'. He also emphasised that as an additional traffic calming measure the width of the scheme road is now proposed at 6m, and that this is reduced from a 6.5m width maximum which may be provided for such roads as per DMURS. Ms. Harnett (WCC) also responded to this query stating that a reduction to a 30kph speed limit would not normally be considered and that she was not aware of this speed limit at any location in County Wicklow and also that this would not be suitable on this link road.
- 7.4.4. I consider that WCC has demonstrated reasonable consideration of alternatives, those of which were outlined in the Options Report (dated 2017) with the preferred option being carried forward and adopted as the Part 8 scheme. The alternatives examined were again briefly discussed at the oral hearing and justification for the

widening of the road corridor and the subsequent land take to accommodate a 2-metre-wide footpath (with the exception of a short section of footpath located on the southern side of Chapel Road where this reduces down to 1.5m over a short distance due to residential boundary constraints) and 2-metre-wide cycle lane infrastructure on either side of the carriageway. During the oral hearing I also noted that where land take is deemed necessary, and boundaries are to be impacted, WCC has agreed to reasonably accommodate the objectors through the reconstruction of boundaries to their requirements.

7.4.5. I conclude that the acquiring authority has reasonably considered alternative methods of meeting the community needs and having taken account of the above and the responses to the objectors discussed at the oral hearing I conclude that the alternative methods of meeting the community needs that have been considered would not be demonstrably preferable to the method selected.

## **7.5. Compliance with Planning Policy/Development Plan**

7.5.1. The Wicklow County Development Plan (CDP) 2016-2022 is the relevant statutory development plan for the CPO lands. Under this Development Plan, there are a number of general and more specific objectives which either directly or indirectly support the Chapel Road Pedestrian and Cyclist Infrastructure Improvement Scheme, which would be facilitated by the subject CPO. The following Objectives contained in Chapter 9 'Infrastructure' are supportive:

- Cycling and Walking Objective TR9 - seeks "To improve existing or provide new foot and cycleways on existing public roads, as funding allows".
- Cycling and Walking Objective TR13 seeks "To facilitate the development of a cycling and walking amenity routes throughout the County".
- General Road Objective TR14 seeks "To improve public roads in the County as necessary, including associated bridges and other ancillary structures, as funding allows, having due regard to both the transportation needs of the County and the protection of natural habitats".
- Local Road Objective TR28 seeks "To continue to improve local roads to the appropriate standards (given the location), consistent with predicted traffic flow and in accordance with Government policy and the Roads Programme adopted by the Council."

- Local Road Objective TR29 seeks “To provide new and improve existing roads in urban areas in accordance with objectives identified in local area, town and settlement plans”.

7.5.2. In addition to the policies contained in the Development Plan, Section 8 Transport and Service Infrastructure of the Greystones - Delgany and Kilcoole Local Area Plan (LAP) 2013-2019 contains the following objective:

Roads and Transportation Objective TS8: To implement the objectives as set out in Table 7.1, for:

- (i) the development of new roads within the lifetime of the plan (indicated in purple on Map A),
- (ii) the development of new roads beyond the lifetime of the plan (indicated in pink on Map A), and
- (iii) the improvement/upgrading of existing roads, including for example new footpaths/cycleways, public lighting, road realignments/ widening, re-surfacing etc., within the lifetime of the plan (indicated in peach on Map A)

7.5.3. Road's Objective RO3 under Table 7.1 then goes on to refer to the specific project to which the current CPO refers to as follows: “Realignment of Chapel Road in the vicinity of St. Laurence’s School as necessary, to provide a more direct and efficient route to Blacklion from Delgany”.

7.5.4. Objective TS9 also seeks “To facilitate the introduction of traffic management, calming and reduction measures throughout the plan area”.

7.5.5. In her submission to the oral hearing, Lucy Roche, Executive Planner for WCC, outlined the above cited objectives of the CDP and LAP. She concluded that the Chapel Road Pedestrian and Cyclist Infrastructure Improvement Scheme would accord with these objectives and hence the relevant statutory development plan and local area plan. The subject CPO would facilitate this Improvement Scheme. I conclude, too, that the works comprised in Chapel Road Pedestrian and Cyclist Infrastructure Improvement Scheme would accord with the provisions of the relevant statutory development plan and local area plan.

7.5.6. Further to the above, I am also satisfied to conclude that the proposed scheme would be in accordance with the provisions of the National Planning Framework as they relate to making stronger urban places and developing healthy communities. I

consider that it is also in accordance with the provisions of the Regional Economic & Spatial Strategy for the Eastern and Midland Region, specifically in relation to the Strategy's provisions relating to connectivity, sustainable mobility and quality of life.

#### **7.6. Proportionality and Necessity for the Level of Acquisition Proposed**

- 7.6.1. While it is considered that the proposed scheme will benefit all road users in the long run, it is anticipated that the proposed scheme would have the potential to have a negative impact upon the operations of the road network and adjoining properties during the construction phases. Such impacts however would likely be temporary and may be managed through the implementation of appropriate traffic and construction management plans (This is a matter for the Road Authority). A number of third parties also raised concerns regarding the potential impact the proposed scheme may have on the amenities of their respective properties, through loss of privacy, reduced front garden areas, impact of noise and light pollution etc. While the full extent of the works required to facilitate this scheme have not yet been investigated, it is evident from the plans and particulars submitted that the scheme will likely necessitate the removal of existing roadside boundaries, including the removal of existing roadside vegetation and that it will also necessitate land take through compulsory purchase. Much of the concerns raised are matters to be addressed between the Road Authority and respective landowners however it is recommended that careful consideration be given to the design of replacement roadside boundary treatments. This issue was further discussed at the oral hearing (see Appendix 1 below).
- 7.6.2. As part of her submission at the oral hearing Ms. Harnett stated that the Scheme has been designed to minimise interference with the peaceful enjoyment of possessions by affected landowners and occupiers in terms of Article 40.3 and 43 of the Constitution of Ireland and under Article 1 of the First Protocol of the European Convention on Human Rights (ECHR) under which no one is to be deprived of their possessions except in the public interest. The land to be acquired for the Scheme under the CPO has been kept to a minimum. The Council acknowledges that any interference with private property rights has to be provided for by law and must strike a fair balance between the interests of the community and the protection of the rights of property owners. The Council believe that the greater public good is in promoting this Scheme for the benefit of the people of the area and that this outweighs the

harm caused by the use of compulsory purchase powers to acquire third party land for the Scheme

- 7.6.3. In the light of the above assessment, I conclude that WCC has demonstrated that the CPO would meet all the relevant criteria for establishing that it would be clearly justified by the common good.

## **7.7. Additional Issues Raised by the Objectors**

- 7.7.1. It is noted that some objectors have raised concerns that the traffic surveys used to inform the scheme are outdated. In response to this concern, Ms. Jane Hennaghan (of DBFL) responded on behalf of WCC at the oral hearing stating that DBFL have undertaken a recent sensitivity assessment of current planning applications along Chapel Road in order to gauge any up-to-date traffic survey data that may have been available. A residential development along Chapel Road (planning reference 21553) was submitted in 2021. Ms. Hennaghan noted that traffic survey data available within this application was from 2019 and therefore a growth factor was applied to establish 2021 traffic levels. An AADT (Annual Average Daily Traffic) sensitivity assessment was conducted on these traffic volumes. The results of the AADT outlined that the 2021 counts were reflective, and slightly lower, than the 2017 traffic volumes used within this scheme. Taking this information into account I am therefore satisfied that the objectors queries have been adequately addressed.
- 7.7.2. I note that Michael & Frances Denny raised concerns regarding the lack of detail presented regarding SUDs. They stated that given the increase in hard standing areas along the route that these types of measures should have been outlined. As part of the oral hearing Mr. Manning (on behalf of WCC) in his Brief of Evidence outlined that SUDS have been incorporated into the Scheme, where space was available. An underground geo-cellular attenuation system will promote infiltration and groundwater recharge and improvement of run-off water quality by removal of sediments and suspended solids for the northern section. This has been designed in accordance with the SUDS Manual. A Class 2 Petrol Interceptor providing treatment of oils and silts is also provided on the drainage network to improve water quality. Discharges are limited via flow control devices to replicate greenfield run-off rates. He further went on to state that the opportunity to provide other SUDS features e.g. swales, bio-retention areas, wetlands, filter strips, and ponds was investigated but

would have led to the requirement for substantial additional land take. On this basis, to keep the land take to a minimum, further lands for SUDS features were not proposed. Taking account of the above I am satisfied that the objectors queries have been addressed appropriately.

7.7.3. The objectors also raised concerns regarding the lack of detailed design provided by WCC in relation to the Scheme and as to what is to be constructed on the land being acquired, in particular in light of the impact of the CPO on their constitutional property rights. The objectors felt that it was not possible for them to make any coherent submissions in relation to the impact on their properties when no such detail was provided. They also stressed that this is equally true for the Board as it would appear to them that the Board have been asked to assess a Scheme without any detail of that scheme. The objectors state that the drawings provided and received on the 6th of August 2021 can be best described as a SketchUp of the proposed wall treatments with no other details, prepared without any consultation with the objectors or their advisors. Having reviewed the information submitted by WCC, including details of boundary treatments received by the Board on 5th October 2021, which I note were also circulated to the objectors, I feel that adequate information has been submitted for the purposes of the CPO and for the Board to make a determination on same CPO.

7.7.4. I also note the concerns raised by Ms. Hammill in relation to the possible impacts that the scheme may have on her existing wastewater treatment system (outlined in detail under Appendix 1 below). Ms. Hammill had requested that WCC provide a connection to the public foul sewer network along the Chapel Road so that her property may connect to same. Following discussions at the oral hearing WCC responded to this stating that provision for a future connection to the foul sewer would be included as part of the Scheme and that if required it will be connected. Ms. Harnett of WCC stated that the Council are not certain that the percolation area will be affected, however if it is impacted by the scheme Ms. Hammil's house will be connected to the foul sewer. Ms Hartnett acknowledged the concerns raised and stated that it should be written into the record that this situation should be subject to final investigation on the ground. At this juncture I noted the issue discussed and it was made clear to all parties that details of same were to be agreed between WCC and the objector following detailed site investigations.

## 8.0 Conclusion and Recommendations

8.1. Having regard to the above, I conclude that:

- the acquisition of lands under the CPO would serve a community need that advances the common good,
- the particular land is suitable to meet that need,
- alternatives have been considered and that there is no alternative which is demonstrably preferable,
- the proposal does not materially contravene the development plan, and
- the proposed acquisition is proportionate and necessary.

I recommend that the Board **CONFIRM** the Compulsory Purchase Order, with the modifications as submitted by Wicklow County Council on 18<sup>th</sup> October 2021, based on the reasons and considerations set out below.

## 9.0 Reasons and Considerations

9.1. Having considered the written objections made to the Compulsory Purchase Order, the report and recommendation of the Inspector who conducted the oral hearing into the objections, and having regard to the following:

- (a) The purpose of the compulsory acquisition for the Chapel Road Pedestrian and Cyclist Infrastructure Improvement Scheme which has been subject to the provisions of Part XI of the Planning and Development Act 2000, as amended, and approved under Part 8 of the Planning and Development Regulations 2001, as amended,
- (b) The community need, public interest served and overall benefits, especially in terms of traffic management and road safety, to be achieved from the proposed road improvement works,
- (c) The design of the proposed road improvement works constituting a design response that is proportionate to the identified need,

- (d) The policies and objectives of the Wicklow County Development Plan 2016 – 2022 and the Greystones-Delgany & Kilcoole Local Area Plan 2013-2019, which are not materially contravened, and
- (e) The modifications submitted to the Board on 18<sup>th</sup> October 2021,
- (f) The submissions and observations made at the oral hearing held on 19<sup>th</sup> October 2021,
- (g) The report and recommendation of the Inspector,

It is considered that the permanent and temporary compulsory acquisition of the lands and the extinguishment of private rights of way, comprised in the Compulsory Purchase Order for the Chapel Road Pedestrian and Cyclist Infrastructure Improvement Scheme, by the Local Authority are necessary for the purpose stated in the order, schedules and on the deposit maps, are necessary for the purposes stated in the order and that the objection cannot be sustained having regard to this necessity.

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Máire Daly  
Planning Inspector  
14<sup>th</sup> December 2021

## **Appendix 1: Proceedings of the Oral Hearing**

An oral hearing (OH) was held in relation to the proposed compulsory acquisition of lands on Tuesday 19<sup>th</sup> October 2021. It was held remotely at the offices of An Bord Pleanála using Microsoft Teams Software. The following were in attendance and made submissions at the oral hearing.

### **Submissions on behalf of Wicklow County Council (WCC)**

- Ms. Carol O' Farrell, Barrister representing WCC
- Ms. Margaret Hartnett, Senior Executive Engineer, WCC.
- Mr. Brendan Manning (Associate DBFL Consulting Engineers)
- Ms. Jane Hennaghan (Senior Engineer DBFL Consulting Engineers)

### **Submissions on behalf of the Objectors**

- Mr. Martin O' Donnell (on behalf of Gerard and Deirdre Quigley)
- Ms. Suzanne McClure (on behalf of Michael & Frances Denny)
- Mr. Niall Sudway (on behalf of Bernard and Elizabeth Burke, Derrick & Sharon McGovern, Paul & Renee Sutton, Evelyn & Michael Cawley, Raymond & Ann Barry, Ailbhe & Ronan Brennan and Rosemary Hammill) - it should be noted that the modifications submitted to the Board on 18<sup>th</sup> October 2021, concerned the lands of Ms. Rosemary Hammill and Bernard and Elizabeth Burke which included Plots 4.1, 4.2, 7, 7.1, 7.2 and 7T. The Board should also note that concerns raised under the submissions received from Paul and Renee Sutton, Derek and Sharon McGovern, and Raymond and Anne Barry were discussed with WCC prior to the oral hearing and the objectors were satisfied that no further submissions at the OH were necessary.

### **Opening of OH**

The Inspector formally opened the hearing at 10:04 am. Following some introductory remarks, she requested that the acquiring authority make its formal submission. Ms. O' Farrell (barrister acting on behalf of WCC) outlined the background to the scheme, as well as the public consultation on the Part 8 documents and relevant legislation. Ms. O' Farrell also outlined that 1.437ha of land are to be permanently acquired and 0.2345ha of land is to be temporarily acquired.

She also outlined the details of the modifications proposed (as outlined under Section 6.2 above) and the plot numbers involved. She stated that the proposed modifications do not fall outside the CPO scheme boundary, therefore no additional lands are required.

Ms. O' Farrell outlined that four separate submissions would be made by WCC and introduced the expert witnesses who would give oral submissions. These are summarised below:

### **Submission by Ms Harnett (WCC)**

Ms. Margaret Harnett, Senior Executive Engineer, WCC set out the background and description of the proposed works to be facilitated by the CPO. She outlined that Chapel Road has seen a significant increase in residential development in the recent past and also stated that in combination with the growing pupil numbers in the schools located along the road that increased pressure has been put on this local road system. She outlined that WCC has for several years, had an objective to improve Chapel Road and in that time a number of planning permissions were granted along Chapel Road which brought about the improvement of sections of this roadway. While these developments were welcome, it resulted in a lack of continuity between each section that was completed. WCC therefore conducted an Options Study in 2017. The Options Report of March 2017 examined the design options for the overall upgrade of Chapel Road. Four options were considered and the appraisal of those four options - Option 1 (Online Improvement), Option 2 (Online Improvement), Option 3 (Traffic Management) and Option 4 (Off-line Improvement) - is set out in Section 4 of that Report. Option 4 provided the highest rating score in the comparative appraisal and was in line with the objectives of the Greystones-Delgany & Kilcoole Local Area Plan 2013-2019. This option was therefore chosen as the preferred option and involved the upgrade of the existing road to a specified cross section to provide a consistent road envelope which would improve not only vehicular movements but also other sustainable and active modes of transport. The proposed new alignment would provide a safer transport route for locals reliant on this roadway and for those visiting the local amenities within the surrounding area. Following a public consultation period and invitation for submissions in accordance with the relevant legislation, on the 28<sup>th</sup> January 2020 the elected members of

Wicklow County Council approved the carrying out of the proposed works over two sections of Chapel Road in accordance with the procedures provided for in s.179 of the Planning Act 2000 (as amended) and Part 8 of the Planning and Development Regulations, 2001 (as amended).

The plots of land subject to the CPO comprise the necessary lands and temporary working areas for the construction of the above scheme and are considered suitable and necessary having regard to the need to provide footpaths and cycle tracks on both sides of the roadway to promote sustainable and safer transportation and the land take is proportional to the Council's requirements. The compulsory purchase of the plots of land is necessary for the scheme as it will have the following beneficial effects:

- It will permit WCC to implement the upgrade and improvements works in the knowledge that the lands and all rights in the lands required will be available.
- It will facilitate the acquisition of all rights in the lands within a reasonable timescale.
- It will improve north to south traffic flow between Greystones and Bray.
- It will provide a safer transportation route for pedestrians, cyclists and motorists.
- It will improve greater safety for vulnerable road users and promote active mobility and sustainable modes of transportation.
- it will give effect to and facilitate the implementation of the long-standing objectives in the Wicklow County Development 2016-2022 and the Greystones-Delgany & Kilcoole Local Area Plan 2013-2019 by providing new footpaths and cycleways on existing public roads and promoting the use of sustainable and healthy alternatives to private car use.

WCC believe that the scheme will benefit the people of the area and that this outweighs the harm caused by the use of compulsory purchase powers to acquire third party land for same scheme.

### **WCC Response to Objectors' Submissions**

Ms. Hartnett notes that 7 Objectors (represented by Sudway & Company Ltd) state that the Board is being asked to approve a CPO without adequate information of the nature of the works proposed under the Scheme or on the affected plots of land. She notes however that following a request from the Board for additional information, the plans and particulars of the approved Part 8 development were provided to the Board on or about the 28th September 2021 and detailed plans were forwarded to the Board regarding general arrangement drawings, drainage layouts, public lighting design and drawings, proposed boundary treatments and related correspondence received by the Board on 5th October 2021.

The widening of the current road corridor necessitates the removal of some existing boundaries along the two sections of Chapel Road. Where existing boundaries have been identified as requiring removal, a letter and drawing of the proposed boundary treatment along the new boundary line was forwarded to the affected landowners in August 2021. It is proposed that the boundaries of any affected properties will be replaced with similar treatments. However, where that is not possible it is proposed to construct low walls with railings. If, and only if, the scheme works' impact upon the existing private wastewater treatment facilities the County Council will facilitate the connection of the property to the main sewage system.

Ms. Hartnett outlined that the Board has no function in determining disputes as to title to land or in monitoring or determining the adequacy of accommodation works which the acquiring authority may commit to carrying out. The land and rights in the plots of land required for delivery of the Scheme cannot be obtained by voluntary negotiation within a reasonable timescale and, accordingly, it is respectfully submitted that there is a compelling case in the public interest for the exercise of compulsory purchase powers in this case.

### **Submission by Ms. Lucy Roche, Executive Planner (WCC)**

The second presenter Ms. Roche outlined how the proposed scheme, which would be facilitated by the CPO, would comply with the policies and objectives of the Wicklow County Development Plan 2016-2022 and the Greystones, Delgany and Kilcoole Local Area Plan 2013-2019. In particular she highlighted the following objectives of the operative CDP, Objective TR9 which seeks to improve existing or

provide new foot and cycleways on existing public roads, as funding allows, Objective TR13 which seeks to facilitate the development of a cycling and walking amenity routes throughout the County, Objective TR14 which seeks to improve public roads in the County as necessary, as funding allows, having due regard to both the transportation needs of the County and the protection of natural habitats. Objective TR28 also supports the proposed scheme as it seeks to continue to improve local roads to the appropriate standards (given the location), consistent with predicted traffic flow and in accordance with Government policy and the Roads Programme adopted by the Council and Objective TR29 seeks to provide new and improved existing roads in urban areas in accordance with objectives identified in local area, town and settlement plans. In support of TR29 Road Objective, Objective R03 of the LAP supports the scheme, outlining an objective for the realignment of Chapel Road in the vicinity of St. Laurence's School as necessary, to provide a more direct and efficient route to Blacklion from Delgany.

**Submission by Mr. Brendan Manning Associate with DBFL Consulting Engineers (on behalf of WCC)**

Thirdly Mr. Manning presented his brief of evidence. He firstly outlined his qualifications and role as designer and lead engineer for the detailed design of the project and production of CPO drawings/schedule. He then outlined the study methodology and design of the proposed facilities and the existing road network which he stated is categorised by a narrow carriageway with a single narrow footpath, within a 50kph speed limit. St Lawrence's National School is along the existing road. He stated that the Chapel Road Pedestrian and Cycle Infrastructure Improvement Scheme has primarily been designed based on DMURS which is designed to have a 50kph speed limit which is appropriate for this class of road.

**Traffic Calming and Road Safety**

Mr Manning outlined that the scheme is designed to control vehicle speeds via a combination of traffic calming measures including for example narrow overall road cross-section, narrow road carriageway widths, horizontal deflection and geometry, raised crossing and modifications to the roundabout at the junction of Chapel Road / Delgany Wood Avenue / Convent Road and raised table/entry at junctions. A controlled / signalised crossing is proposed on the southern section at Delgany

Wood Avenue which will provide traffic calming. Raised uncontrolled crossings are also provided on all side streets which are directly accessed off the newly configured Link Street. This also gives priority to the pedestrian and cyclist and provides a safe means of road crossing. The Scheme was also subject to an independent Stage 1 Road Safety Audit prepared by Bruton Consulting Engineers in November 2019. The recommendations of same were incorporated into the scheme. In relation to sightlines, 49m clear sightlines at a set-back of minimum 2.4m have been provided for the Scheme in accordance with DMURS.

#### Drainage Design and Stormwater Attenuation

The stormwater drainage comprises 4 separate networks as follows:

- (a) Northern section - the vast majority of the stormwater discharges to the existing surface water system in Beechbrook Park.
- (b) Blacklion tie in / northern section - discharges to the existing surface water network constructed in the existing Blacklion bypass road.
- (c) Southern Section – discharges to the existing stream at the roundabout as is currently the case
- (d) Southern Section Roundabout – Discharges to existing surface water drainage system at the roundabout as is currently the case.

The new drainage network for the northern section includes an underground attenuation and storage system within the open space area at Beechbrook Park (in the control of WCC). The design is in accordance with the recommendations of the GDSDS and Greater Dublin Code of Practice for Drainage Works. SUDS have been incorporated into the scheme and where space was available the Scheme includes for an underground geo-cellular attenuation system. A 225mm diameter foul sewer is proposed in the southern section of the Scheme which connects to the existing foul sewer at the junction of Chapel Road and The Nurseries. There is an existing 225mm diameter foul sewer in the northern section of the scheme. 150mm foul spurs are also proposed to the property boundary of any properties affected by the scheme, where levels allow.

### Boundary treatment

Where permanent land take is required, it is proposed to provide new property boundaries on a like for like basis. Permanent boundaries proposed will revert back to the property owner. The CPO maps issued to the homeowners cover the extent of permanent (private and public) and temporary land required. Any temporary land required will be given back to the homeowner. Boundary treatments will typically be as per TII Standard Construction Details. Where like for like is not possible, a low stone-faced wall and railing with planting behind is proposed.

### Public Lighting

Public Lighting is designed in accordance with EN13201-2:2015 Category P2 / BS5489-1 Category P2 which is an appropriate lighting category for the class of road. Lighting configuration has been carefully selected to achieve recommended illuminance levels whilst minimising light spill. Should a homeowner be unsatisfied with the amount of light spill to the rear of the luminaire then it is an option to install a rear shield to reduce this.

### Landscaping

The provision of landscaping along the new street was investigated as part of the scheme design development but it was decided that based on minimising land take for the homeowners that additional widths for a landscaped verge or to plant new trees within the road corridor could not be justified. Any landscaping along the scheme will be mainly confined to boundary treatments / accommodation works within private lands to replace existing.

### **Submission by Ms. Jane Hennaghan, Senior Engineer with DBFL (on behalf of WCC)**

And lastly Ms. Hennaghan presented her Brief of Evidence which addressed the specific concerns raised by a number of objectors concerning the traffic volumes on the Chapel Road. She started by outlining her qualifications and role on the proposed project which was to prepare the Part 8 Report as well as the Preliminary Design Drawings for the Scheme. Design for the overall Scheme was developed in accordance with The Design Manual for Urban Roads and Streets (DMURS) (2019) and the National Cycle Manual (NCM) (2011).

## Traffic

Ms. Hennaghan stated that the baseline traffic surveys for the scheme were undertaken in 2017 as part of the “Chapel Road Delgany Options Report” that was prepared by Atkins. These surveys were used in the development of the Chapel Road Pedestrian and Cyclist Infrastructure Scheme in order to determine the current AADT (Annual Average Daily Traffic) along the road. The survey data was deemed to accurately reflect the traffic levels on the road. The road has been designed as a ‘Link Street’ as per DMURS guidance.

In response to concerns raised by some objectors in relation to the reliability of the surveys, given that they may be outdated, DBFL have undertaken a recent sensitivity assessment of current planning applications along Chapel Road in order to include any up to date traffic survey data available. A residential development along Chapel Road (planning reference 21-553) was submitted in 2021. Traffic survey data available within this application was from 2019 which was growth'd to 2021 traffic levels. The results of the AADT sensitivity assessment conducted on these traffic volumes outlined that the 2021 counts were reflective, and slightly lower, than the 2017 traffic volumes used within this scheme.

## Pedestrian Environment

At present, the pedestrian environment along Chapel Road is poor, with narrow footpath widths and footpaths located on one side of the road only. In accordance with DMURS footpaths have been provided on both sides of Chapel Road and have been designed for a 2m width on both sides. The appropriate width of the footpath is achieved over the majority of the route. Localised reductions in width are allowable in the design, e.g. for street furniture.

## Cycle Environment

At present, there are no cycle facilities in place along Chapel Road. To improve cycle facilities along Chapel Road, it is proposed to provide a cycle path on both sides of the road. This is in line with the preferred option that emerged from the 2017 Options Report which is designed in accordance with the National Cycle Manual and was based on vehicle speeds and AADT.

The upgrade and improvement of pedestrian and cycle facilities along Chapel Road will provide a safe route for school pupils travelling to and from the various schools along Chapel Road.

### **Inspectors Questions**

The Inspector asked Ms. Hennaghan to clarify what the width of the cycle lanes/regime proposed would be on either side of the road. Ms. Hennaghan confirmed that the cycle lane would be 0.75m in width and that including for measurement A (inside edge 0.25m), C (outside edge 0.75m) and D (additional buffer of 0.25m given proximity of schools and uphill gradient) it would bring it up to a total of 2m in width.

The Inspector queried if the alternatives discussed by Ms. Harnett in relation to the previously discussed Options Report (2017) were publicly available? Ms. Harnett stated that these were not currently on public display and would have formed a background document to the Part 8 documents.

The Inspector also asked for conformation of the lengths of both Sections 1 and 2 of the proposed Scheme and the design speeds. Mr. Manning stated that Section 1 is 300m and Section 2 is 335m in length, with design speeds of 50kph throughout.

The Inspector also asked for confirmation of the exact location of public lighting fixtures along the scheme and were they available on any of the drawings submitted? Mr. Manning stated that these were not available on the original Part 8 planning drawings, but details of the public lighting were submitted to the Board.

### **Submissions from Objectors**

The Inspector then called for submissions from the objectors. First called was Gerard & Deirdre Quigley represented by Mr Martin O' Donnell of CBRE Surveyors. Mr O' Donnell referred to the objector's submission which had already been submitted to the Board and stated that same stood. He then asked the following questions of WCC:

- Mr and Mrs Quigley would like assurances that the traffic calming measures in place are appropriate for the road given the level of usage and the number of schools in the area?
- Are the sightlines that pertain to his clients' property adequate?

- The objectors' property has the benefit of some period wheel bollards to the front of the property, if at all possible the objectors would like assurance from WCC that they will reinstate same bollards after works are completed?

The Inspector acknowledged that WCC had previously issued replies to the objectors above queries but asked that WCC restate to the objectors how they intended to address same or anything additional to add. In response to this Mr Manning responded on behalf of WCC in relation to the sightlines and traffic calming measures. He stated that the road width and alignment and speed limit of 50kph would be appropriate and in line with DMURS. A narrower carriage width was applied at 6m (typically up to 6.5m width could be allowed) and other measures such as signalised junctions and raised tables. All are designed in accordance with DMURS.

In relation to the sightlines, all properties will now have improved sightlines, a minimum setback of 4 metres will now be provided on either side of the road (to include footpath and cycleways) and 49m sightlines at a 2.4m vehicular entrance setback are now to be provided.

In relation to the treatment of the boundary and period features Ms. Hartnett confirmed that WCC will certainly commit to reinstating them. The Inspector then queried if Mr O' Donnell was satisfied with the responses given and Mr O' Donnell confirmed that he was.

Following this the Inspector called for a break in proceedings for a comfort break at 11:14am. Proceedings resumed at 11:30am.

### **Objectors Submissions continued**

The next Objectors on the OH agenda were Michael and Frances Denny, represented by Suzanne McClure of Brock McClure. The submission concerned Plot 22 and 22T. Ms McClure stated that they did not intend to be objectors to the scheme and that any concerns they had previously raised had been addressed as part of the discussions already held with WCC. The only issue raised again was in the context of the period features. The Denny's share the same entrance with the Quigleys' off the public road and have asked WCC that where boundaries are to be altered and 'a like for like' boundary replacement has been proposed by the Council, that they would be mindful of the heritage character of the existing entrance and

boundary and that this is replicated in the new entrance and boundary arrangements.

The inspector then invited any additional comments on this matter from WCC. Ms. Hartnett responded stating that this would be considered as part of detailed design and that the Council's department has previously spoken to the objectors on this matter.

The inspector then invited Mr Niall Sudway who represented the remainder of the objectors to begin his submissions. He stated that three of the objectors, the Suttons, McGovern's and Barry's had nothing additional to raise as following discussions with WCC they stated their concerns had been met.

Mr Sudway proceeded then to query if consideration had been given to reducing the speed limit down to 30kph? A shared surface could then be allowed for on the road to incorporate a cycle lane and this would negate the need for additional land take perhaps. Mr Sudway also noted that WCC have already narrowed the road at certain points when going onto the bypass near Delgany and that this could be an approach to take.

Objector Bernard & Elizabeth Burke – Mr Sudway stated that landownership issues raised had been addressed by WCC on the morning of the OH and are no longer an issue. However, Mr and Mrs Burke still have one outstanding issue and are concerned that WCC propose to remove a section of their front boundary wall and following works replace it, and therefore there will be two different types of boundary wall finishes visible, in addition part of this wall is a retaining wall, and the objectors' garden is higher than the embankment which supports this wall. The objector therefore has concerns in relation to the retaining wall and stability of their garden.

Ms. Harnett responded to these concerns and stated that these issues would be further investigated at detailed design stage when WCC get permission to go onto the objectors' lands and conduct investigations. WCC will ensure that there will be no risk to embankments as a result of works. In addition, she stated that if possible WCC will seek to reuse the materials from the existing wall to rebuild the new section, however if it transpires that this is not possible then WCC will endeavour to take down the entire length of the old wall and redo as part of the new wall. This issue is still up for discussion.

The Inspector highlighted that details of the retaining walls had been circulated to the objectors prior to the OH and that on foot of onsite investigations further details will be agreed. Mr Sudway stated that the detailed design should have been agreed prior to this stage but that the objectors will have to rely on the Council in good faith.

Objector Rosemary Hammil – greatest concern raised as part of the Part 8 submissions and the submission to the Board was with regard her wastewater percolation area and the impacts that the proposed works may have on same. The objector wanted it clearly stated that her house will now be connected to the public foul sewer.

WCC responded to this stating that provision for a future connection to the foul sewer has been included as part of the Scheme and that if required it will be connected. Mr Sudway stated that Ms. Hammil was looking for a guarantee that this would be connected as her percolation area will be impacted. Ms Harnett stated that WCC are not certain that the percolation area will be affected, however if it is impacted by the scheme Ms Hammil's house will be connected to the foul sewer. Ms Hartnett acknowledged Mr Sudway's concerns and stated that it should be written into the record that the situation should be subject to final investigation on the ground. Mr Sudway stated that this still is not sufficient as his client requires peace of mind and wants commitment from the Council. Ms Hartnett then stated that it would not be fair to give this commitment given that other landowners may now be at a disadvantage. The inspector stated that this point had now been noted and that it was now on the record and that details of same were to be agreed between WCC and the objector following detailed site investigations.

Objectors Ronan and Aibhe Brennan– Mr Sudway referred to the Part 8 drawings and stated that his clients house had not been shown on same and therefore was reluctant to refer to drawings as detailed design. An existing laurel hedge runs along the front boundary of the property which requires removal as part of the works. The objectors' privacy will therefore be impacted and Mr Sudway asked that if the hedge is removed and his clients privacy is impacted i.e. where replacement with 'like for like' is not possible given that any newly planted hedge will not be sufficiently developed, then a new boundary wall should be constructed and clarification of same should be provided by the Council.

Ms Harnett responded on behalf of WCC and stated that the Council wishes to review same and then respond later in the OH. The Inspector agreed to this.

Objector Evelyn Cawley – Mr Sudway stated that the objector wished to make her own personal submission. He raised concerns with regard to removal of the mature trees along his clients' boundary and restated that it is his belief that if the road speeds proposed were reduced and a shared road surface allowed for then no separate cycle lane would be required and therefore no land take would be required. He questioned the appraisal of other options. He did however acknowledge the Council's commitment to addressing other concerns raised by the objector.

Ms Cawley of Creeslough House then made her submission. She outlined her concerns regarding the removal of the trees from her front boundary and also highlighted that the road design from Lidl to her property boundary was designed on a greenfield site. She stated that the amendments proposed to the existing road are in a rural area and no cognisance had been taken of this and the impact it will have on wildlife. No mitigating features have been submitted as part of the report and no landscaping has been proposed as part of the scheme to soften the appearance of the scheme in this rural area. The objectors will lose 19 no. trees from their property, which will have an impact on the other trees on the site. Again, she stated that this is not an urban area and while the objector noted that an improved road is required given the number of developments permitted in the area, the narrowing of the road is not in the objector's opinion appropriate, and that there will be no room for manoeuvre on this narrower road if obstructions occur e.g. trees falling. She believes that a separate cycle lane is an over specification for this type of road, and it could be shared with bicycles as there are very few cyclists on this road. She also queried as to why there is a difference in figures between the figures submitted by Ms Hennaghan between 2017 and 2019.

The Inspector asked WCC to address Mrs Cawley's concerns. Firstly Ms Hennaghan responded on the query regarding traffic volumes stating that given the drop in traffic numbers during the Covid 19 Pandemic, the 2017 and 2019 figures (taken from another planning application) were used as these were thought to be more reflective of normal traffic volumes. In addition, a sensitivity assessment was carried out very recently (Sept/Oct) in 2021 to see if these traffic flows were reflective. It is not clear why the ADDT figures for 2017 are higher than the 2021 figures, however she noted

that there is not that great of a difference. The Inspector stated that this response was considered sufficient.

Mr Manning then addressed the issue regarding the 50kmph speed limit, stating that 50kph is the most appropriate speed for this type of road (link street) and the amount of traffic movements recorded. A segregated road is recommended in compliance with DMURS. The 6m wide road also promotes traffic calming, this is reduced from the 6.5m max.

The Inspector then asked if a reduction in speed limit and use of a shared vehicular and cycle friendly surface on the road had been considered as part of the original options report?

Ms Harnett stated that a reduction to 30kph speed limit would not normally be considered and that she was not aware of this speed limit at any location in County Wicklow and that this would not be suitable on this link road.

The inspector then requested that the query in relation to the rural nature of the area and also the loss of biodiversity as raised by Mrs Cawley be addressed.

Ms Harnett responded stating that while it would have originally been classed as a rural area, as time passed the area has been developed and it is now considered urban in nature. The Council is open to doing further landscaping on Mrs Cawley's lands and can negotiate this. The inspector welcomed further comments from Mrs Cawley.

Mrs Cawley stated that she understood the need for the scheme but felt that in the case of the proposed development that the loss of the rural and organic nature of the area was regrettable. She stated that the area is very popular with walkers given the rural nature of it, and the urban design does not include a playground, park or any other aspects to provide for the population of the area, these should be provided in the new housing estates. Mrs Cawley would like to see some of the wood from the trees that are to be removed reused for e.g. playground equipment etc.

Mr Sudway then re-raised the concerns expressed in the Brennan's submission regarding the boundary wall. Mrs Harnett responded stating that the Council would be open to providing a replacement wall along the full front boundary instead of a fence (as is existing) if the landowner would prefer. The Council will commit to that.

## **Closing Statements**

The Inspector then asked if there was anything else to be added.

Mr Sudway stated that he hoped that all the concerns and measures agreed on today would be taken into consideration by the Board and that the Board would consider indeed if the Scheme is actually required.

The Inspector also noted for the record that no oral submissions, further to the written submissions already received, were to be heard from three of the objectors for whom Mr Sudway represented, these were Paul and Renee Sutton, Derek and Sharon McGovern, and Raymond and Anne Barry, and that these objectors were satisfied with the terms and agreements already discussed with the Council prior to the commencement of the OH.

Ms Harnett stated that she had nothing to add from WCC.

## **Inspectors Closing Questions**

The Inspector then queried WCC if there were any plans to extend the cycleway towards Delgany Village. Ms Hartnett responded stating that the road corridor in this area would most likely be too narrow to provide a segregated cycleway and that there were currently no plans for this.

## **Closing**

The Inspector then welcomed any closing comments. No additional comments were made.

The Inspector then closed the OH at 12:20pm.