



An
Bord
Pleanála

Inspector's Report

ABP-314715-22

Development

Demolition of derelict dwelling and outbuildings; construction of 4 houses; 10 no. car parking spaces; cycle parking; landscaping; internal roads and reconfiguration of existing entrances at L5046 and all associated works.

Location

Willow Cottage, Johnstown, Kilpedder, Co. Wicklow

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

22777

Applicant(s)

Dublin Letting and Management Limited.

Type of Application

Planning Permission.

Planning Authority Decision

Refuse Permission.

Type of Appeal

First Party

Appellant(s)

Dublin Letting and Management Limited.

Observer(s)

No Observers.

Date of Site Inspection

30th of November 2023.

Inspector

Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.27ha and is located at the southern extent of the village of Kilpedder in Co. Wicklow, close to the junction of the L5046 and the N11 dual carriageway. It forms part of a larger site with a total area of 0.4664ha, which may be subject to future residential development. The site currently comprises Willow Cottage, a derelict cottage, with outbuildings and some disused and vandalised porta cabins in place to the rear of the site.
- 1.2. To the south, the site is bounded by the Kilpedder Inn and its adjoining car park with sheds and outbuildings to the rear of the Kilpedder Inn backing onto a portion of the southern site boundary. To the west, the site is bounded by agricultural land and to the north is a site containing the the Whistle Stop convenience store facing onto the public road. The shop was closed on the day of the site inspection. Further north, and adjacent to the Whistle Stop shop is a row of two storey houses and single storey cottages that face onto the L5046.
- 1.3. The site is irregular in shape and with the eastern boundary curving around the car parking area for the Kilpedder Inn and the northern boundary extending behind the Whistle Stop shop building. There are currently two access points in the eastern site boundary. The most northerly access may have been the original access to Willow Cottage. This gate matches the building line of the adjoining building to the north. The second access is set further back from the L5046 and opens onto the informal car parking area for the Kilpedder Inn.

2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of a derelict dwelling and outbuildings and the construction of four houses, a new access road, visitor car and bicycle parking, public lighting and all ancillary landscaping and infrastructure works.
- 2.2. The development would comprise the construction of a terrace of 4 houses: 2 x three-bedroom, two-storey houses and 2 x four-bedroom, two-storey with dormer attic houses. All houses would have private back gardens ranging in size from 69-78m² with off-street parking for two cars to the front.

- 2.3. Public open space would be provided in two areas. An area of 540m² would be located at the front of the site, adjacent to the public road, and a second area of 208m² would be located towards the centre of the site and adjacent to the northern boundary.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was refused by the PA for the following two reasons,

1. *Having regard to*

(a) *Location of the proposed development an area considered for a future national road scheme (M11N11, (J4 — J14 improvement scheme)*

(b) *Objective TR18 To support major road improvements by reserving the corridors, as and when these are identified, of any such proposed routes free of development, which would interfere with the provision of such proposals.*

(c) *Objective TR19 To co-operate with TII in the upgrade of existing interchanges on the National Routes and where appropriate and necessary, to restrict development immediately adjacent to interchanges to provide for the future enlargement of interchanges,*

it is considered that to permit the that the proposed development could impact on the ability to upgrade the N11 in the vicinity of the site, would be contrary to the objective of the County Development Plan and therefore the proposed development would be premature at this stage, and would be contrary to proper planning and sustainable development.

2. *Having regard to the location of the site at a gateway/entry point into Kilpedder and the character of the existing development at this point, it is considered that the proposed development would be unsympathetic to, would be inappropriate, and would not reflect the pattern and scale of development at this point. The development would therefore give rise to a negative visual impact and would therefore be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer, (PO), dated the 31st of August 2022 informed the decision of the Planning Authority, (PA), and included the following,

- The development was assessed against the policies and objectives of the Wicklow County Development Plan 2016-2022.
- The principle of development is acceptable given the location of the site within the settlement boundary of Kilpedder and the scale of the proposal which is in accordance with the growth controls for the Level 7 Settlement – Large Village.
- The proposed development would be Phase 1 of a larger development which would yield 11 houses on the site.
- In multi-house developments for Level 7 settlements, 50% of the purchaser of any new home must demonstrate compliance with occupancy controls, (i.e. must be a resident in Wicklow for at least three years or in employment in Wicklow for at least three years).
- The PO considers that the density of the scheme is acceptable, but the house design is not sympathetic with the scale of existing development. There is a concern that the development will be a negative visual feature at the entry point to the village.
- Provision of private and public open space is generally acceptable, apart from a lack of passive surveillance adjacent to house No. 1.
- The proposed car parking spaces are adequate, and the required sightlines can be achieved.
- Part of the site is within the constraints study area for the N11/M11 Junction 4 to Junction 14 improvement scheme. Objectives TR18 and TR19 of the Development Plan relate to road improvements.
- TII and the National Roads Office consider that the development is premature pending the delivery of the improvement scheme.

- The PO had no issue with the landscape / boundary treatments, flood risk or ecological impacts.

3.2.2. Other Technical Reports

- Water and Environmental Services – No objection.
- Fire Service – No objection.
- Roads Department – The report notes that the application site is within the N11/M11 Junction 4-14 Improvement Scheme Study Area.

3.3. Prescribed Bodies

- **TII, (Transport Infrastructure Ireland)** – The site of the proposed development is in an area considered for a future national road scheme and could prejudice plans for the design of this scheme. Therefore the application is premature, and a grant of permission would be at variance with the provisions of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012), Section 2.9.
- **Kildare National Roads Office** – The proposed development is within the constraints study area of the N11/M11 Junction 4 to Junction 14 Improvement Scheme. This is generally confined to the eastern edge of the development along western edge of the N11 National Road and the L5046. As such the development is premature at this stage.
- **Uisce Éireann** – No objection.

3.4. Third Party Observations

- No third-party observations.

4.0 Planning History

- No record of any planning history for the site.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is located within the administrative boundary of Wicklow County Council. The operative Development Plan for the area is the Wicklow County Development Plan, (WCDP), 2022-2028, which came into effect on the 23rd of October 2022.
- 5.1.2. The application was initially assessed by Wicklow County Council in accordance with the policies and objectives of the Wicklow County Development Plan 2016-2022, which was the operative Development Plan at the time. The decision of the PA was made under this plan.
- 5.1.3. On review of the contents of both plans and both Plans, I note that there are no material changes between the 2016 County Development Plan and the 2022 County Development Plan as they relate to the appeal site and the current proposal. In this regard I consider the proposal in accordance with the guidance and provisions of the operative Development Plan, namely the 2022-2028 Wicklow County Development Plan, (WCDP).
- 5.1.4. The decision of the PA specifically referenced Objectives TR18 and 19 of the 2016-2022 Development Plan, which aim to support major road improvements and to restrict development which would interfere with the provision of such proposals.
- 5.1.5. These objectives were carried forward into the current Development Plan with specific objectives, CPO 12.35 and CPO 12.37 which relate to the N11/M11 improvements contained in Chapter 12 of the Development Plan. In the interest of clarity the wording of the objectives from both plans are listed below.
- 5.1.6. **Wicklow County Council Development Plan 2016-2022.**
- **Objective TR18** - To support major road improvements by reserving the corridors, as and when these are identified, of any such proposed routes free of development, which would interfere with the provision of such proposals.
 - **Objective TR19** - To co-operate with TII in the upgrade of existing interchanges on the National Routes and where appropriate and necessary, to restrict development immediately adjacent to interchanges to provide for the future enlargement of interchanges.

5.1.7. Wicklow County Council Development Plan 2022-2028.

The following extracts from the Wicklow County Development Plan, (WCDP), are of particular interest to the appeal.

Chapter 3 – Core Strategy –

Strategic Roads – The priority for strategic (national) road improvement is the upgrade of the M/N11 in the north of the County, from the Dublin border as far as Kilpedder.

Chapter 4 – Settlement Strategy -

Kilpedder is part of the Greystones Municipal District and is designated as a Level 7 Settlement – Village (Type 1) in the Settlement Strategy for Wicklow.

A growth rate of 5-10% is identified as appropriate for rural villages and open countryside, (i.e. Level 7-10 settlements).

Level 7 Settlements - The Settlement Strategy for Type 1 Villages states that the scale of new residential development should be in proportion to the scale, pattern, and grain of the existing village. Expansion of the village should be commensurate within the existing village structure and should proceed based on a number of well-integrated sites including infill sites within and around the village centre rather than focusing on one very large site. To facilitate commensurate growth, any individual scheme for new housing should not be larger than 10 units.

Regarding Level 6-9 of the Settlement Hierarchy, all of the targeted housing growth can be accommodated within the existing footprint of these settlements.

Chapter 6 – Housing –

Table 6.4 – Density Standards -

- Villages under 400 Population – Any individual scheme for new housing shall not be larger than 10 units.

Section 6.4 – Housing Objectives -

CPO 6.1 - New housing development shall be required to locate on suitably zoned or designated land in settlements and will only be considered in the open countryside

when it is for the provision of a rural dwelling for those with a demonstrable housing social or economic need to live in the open countryside.

CPO 6.2 - The sale of all developments of residential units, whether houses, duplexes or apartments, to commercial institutional investment bodies shall be prohibited.

CPO 6.36 - To implement the following housing occupancy controls for Type 1 Villages (Level 7), as set out in the Settlement Strategy:

Multi-House Development 50% no restriction 50% Applicant / purchaser of any new home must be either:

- resident for at least 3 years duration in County Wicklow or,
- in permanent employment for at least 3 years duration in County Wicklow, of within 30km of the Type 1 village in question prior to making of application / purchase of new house.

Chapter 12 – Sustainable Transportation -

National Road Objectives -

CPO 12.41 - To ensure that all new developments in proximity to National Routes provide suitable protection against traffic noise in compliance with S.I No. 140 of 2006 Environmental Noise Regulations and any subsequent amendments to these regulations.

CPO 12.35 – Objectives for the M/N11 –

- Upgrading of the N11/M11 between the northern County boundary to Junction 14 Coyne's Cross in line with the conclusions of the on-going N11/M11 upgrade study, including enhanced road capacity, ancillary and associated road schemes, provide additional lanes, and safety improvements to the main carriageway and all necessary improvements to associated junctions (including service roads and linkages to cater for local traffic movements).
- Improving the downstream southbound capacity of the N11/M11 south of the M50 to alleviate issues at the M50 / M11 merge.

- Upgrading the N11 interchange at the Glen of the Downs to facilitate the provision of a northern link road from the N11 to Greystones.
- Upgrade Ballyronan Interchange to facilitate improved access to Newtownmountkennedy;
- The provision of a third interchange on the Arklow by-pass, linking the M11 to Vale Road.

CPO 12.37 - To ensure that the N/M11 and N81 route improvement corridors as defined by TII are protected from inappropriate development and ensure that no development is permitted which would interfere with route options identified (as shown on Map 12.01).

CPO 12.41 - To ensure that all new developments in proximity to National Routes provide suitable protection against traffic noise in compliance with S.I No. 140 of 2006 Environmental Noise Regulations and any subsequent amendments to these regulations.

Volume 3 - Appendix 1 – Development and Design Standards

Section 3.0 – Mixed Use & Housing Developments – sets out the development standards for new housing in Wicklow.

5.1.8. National Guidance

Spatial Planning and National Roads – Guidelines for Planning Authorities (January 2012).

Section 2.9 – Protection of Alignments for Future National Road Projects -

A development or local area plan should identify any land required for future national road projects including objectives that:

- retain required lands free from development; and
- ensure that measures are put in place so that any adjacent development of sensitive uses, such as housing, schools, and nursing homes, are compatible with the construction and long-term operation of the road.

Development objectives, including the zoning of land, must not compromise the route selection process, particularly in circumstances where road scheme planning is underway and potential route corridors or upgrades have been identified and brought to the attention of the planning authority.

Project Ireland 2040 - National Planning Framework (NPF)

The NPF 2040 was adopted on the 29th May 2018 with the overarching policy objective to renew and develop existing settlements rather than the continual sprawl of cities and towns out into the countryside. The NPF sets a target of at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites. It also seeks to tailor the scale and nature of future housing provision to the size and type of settlement.

5.2. Natural Heritage Designations

- No designations apply to the subject site.

5.3. EIA Screening

- 5.3.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal relate to the reasons for refusal and include the following.

- The applicant seeks to clarify the extent of the ‘overlap’ with the preferred corridor for the N11/M11 Junction 4-Junction 14 Improvement Scheme.
- Works comprising ‘signing and lining’ are proposed in the development to improve the existing junction with the L5406. It is also proposed to connect the development to the existing surface water pipeline and watermain on the L5406. These works will marginally overlap with the preferred corridor.
- The proposed houses and their ancillary spaces do not overlap in any way with the preferred corridor. Therefore the applicant contends that the proposed development does not preclude the delivery of the N11/M11 Junction improvement Scheme and is not contrary to Objective TR18 or Objective TR19 of the Wicklow County Development Plan 2016-2022.
- The grounds of appeal state that correspondence from the Improvement Scheme designers, (Arup), asserts that the corridor boundary for the works is not yet defined and is subject to change. The preferred corridor indicates the lands within which the proposed scheme could be developed, the exact details of the land take, earthworks, junction and side road design, and property impacts will be developed during the later stages of the project.
- Based on the status of the roads scheme, it is argued that it is unreasonable and unduly cautious to halt the delivery of much needed housing on lands outside of the Preferred Corridor Boundary, which is not yet defined, due to minor enhancements such as lining and signing on lands that may or may not be required for a roads upgrade in the future.
- As per the latest *N11/M11 Junction 4 – Junction 14 Improvement Scheme Bulletin # 12 – 28th of January 2022*, the project is on hold due to the unavailability of funding. The status of the project is that it does not have statutory approval and is not progressing to Phase 3 (Design and Environmental Evaluation) at this time and any known time in the future.
- Board decision ABP-307805-20, (PA Ref. 20/425), is referenced by the applicant as precedent for granting permission for a development which was in a Constraints Study Area and an Area of Consideration for the N11/M11 Junction 4 – Junction 14 Improvement Scheme.

- The applicant does not agree with the opinion of the PA that the development would give rise to a negative visual impact on the gateway to the village and the wider area.
- It is argued that the scheme has been sensitively designed. The development would be set back from the L506, with the nearest house to the road positioned approximately 40m from the boundary. The two-storey houses would be in keeping with the scale of the existing development in the wider village and the site would have extensive screening and landscaping.
- Although it did not form part of the PA's refusal, the applicant addressed the issue of noise and submitted a Noise Assessment as part of the appeal. The Noise Assessment found that once specific, *'glazing and ventilation elements are fitted, the sound insulation will be sufficient to mitigate any adverse impact, resulting in satisfactory internal noise levels.'*

6.2. Planning Authority Response

- No additional comments received from the PA.

6.3. Observations

- No observations received.

7.0 Assessment

7.1. The grounds of appeal can be addressed under the following headings,

- Principle of Development
- Impact on Roads Network
- Design and Layout
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The subject site is located within the settlement boundary of Kilpedder as shown in Map No. 04.06c of the WCDP. Housing objective CPO 6.1 requires that all new housing is located on suitably zoned or designated land in settlements.
- 7.2.2. I am satisfied that the proposed development to demolish derelict structures on an infill site within a settlement boundary is acceptable in principle subject to the policies and objectives of the WCDP.

7.3. Impact on Roads Network

- 7.3.1. In the decision of the PA, the first reason for refusal relates to the potential impact of the development on the proposed upgrade works to the N11 in the vicinity of the site. The decision of the PA specifically relates to the 'N11/M11 Junction 4 to 14 Improvement Scheme', (hereafter referred to as the N11/M11 Scheme). This project was identified in Project Ireland 2040 as one of the priority National Roads to be progressed and relates to a 22km section of the road which extends from the existing M11/M50 junction to the N11/M11 junction at Coyne's Cross, Co. Wicklow. The N11/M11 Scheme is protected under Objectives CPO12.35 and CPO 12.37 of the WCDP.
- 7.3.2. The N11/M11 Main Scheme Preferred Route Corridor is shown on Map No. 12.01 – Strategic Road Objectives, in Chapter 12 of the WCDP. Objective COP 12.37 seeks to ensure that the N/M11 and N81 route improvement corridors as defined by TII are protected from inappropriate development and ensure that no development is permitted which would interfere with route options identified.
- 7.3.3. Updates for the N11/M11 Scheme can be found on the dedicated public website, www.n11m11.ie. I accessed the website on the 18th of December 2023 and viewed the interactive map which shows the Preferred Corridor Boundary. The eastern boundary of the subject site directly adjoins the area which has been designated as the Preferred Corridor Boundary for the N11/M11 Scheme, (see Appendix 3). An advisory note on the map states that,
- 'The preferred corridor boundary may be subject to change and provides a basis upon which further assessments shall be undertaken – it does not represent the final*

extents of the scheme design. The option corridor does not represent a land acquisition or physical scheme boundary, and these will not be developed until Phase 3 of the project (Design and Environmental Evaluation) following further assessments. The preferred corridor indicates the lands within which the proposed scheme could be developed, the exact details of the land take, earthworks, junction and side road design, and property impacts will be developed during Phase 3 of the project'.

- 7.3.4. Phase 2 of the N11/M11 Scheme concluded in 2021 and to date the scheme has not progressed to Stage 3. Bulletin #12 dated the 28th of January 2022, is available on the dedicated website and states that funding is not available to progress the Scheme to the next phase of development. A separate project to deliver bus priority measures on the N11/M11 is progressing in advance of the N11/M11 Scheme. The N11/M11 Bus Priority Interim Scheme does not extend to Kilpedder.
- 7.3.5. The Preferred Corridor Boundary of the N11/M11 Scheme does not extend into the site. However, the development proposal includes some road works which would overlap with the area marked as the corridor boundary. These works include connections to the mains water and surface water pipeline and improvements to the access arrangement from the site to the L5046. To provide adequate sightlines for the development, it is proposed to extend the stop line for exiting vehicles into the public area by approximately 10m. This would bring the stop line forward of the adjoining building line to the north. New road signs and road markings would be provided at the realigned entrance and would include a stop sign, stop lettering and line, hatched island to the south of the entrance and road markings delineating road edge and car parking space to the north of the entrance. All works would be subject to agreement with the PA.
- 7.3.6. The applicant argues that the only works that would overlap with the Preferred Corridor Boundary relate to connections to public services in the L5604 and 'signing and lining' of the public road. It is the applicant's opinion that these works would not preclude the delivery of the N11/M11 Scheme and would not be contrary to the provisions of the WCDP.
- 7.3.7. The Transport Statement submitted with the application notes that the N11/M11 Scheme may principally involve the closure of the northbound slip road and the

realignment of a local access road to the west of the Kilpedder Inn. This design proposal is also contained in Volume A of the Option Selection Report, Fig.A9.1.9, Preferred Corridor & Road Improvement Option Plan Layout – Sheet 9 of 15. (See Appendix 4).

- 7.3.8. Based on the most recent update on the N11/M11 Scheme, the scheme is on hold with no timeline for its delivery or progression to Phase 3 – detailed design. The extended stop-line would project forward of the site boundary and would correspond with the alignment of the public footpath and grass verge abutting the public road further to the north. Whilst the development would have some overlap with the Preferred Route Corridor, the works would relate to the provision of signing and lining on the L5604 only and would therefore not preclude the delivery of the project.
- 7.3.9. Given the nature of the works proposed within the Preferred Corridor, the ambiguity regarding the detailed design of the scheme at this location as well as the projected timeline, it would be unreasonable to restrict development on the site. Furthermore, the preferred corridor, as shown, contains a proviso that the corridor boundary could be subject to change with all design details, including land takes, to be decided. Based on the nature and scale of the proposed works I am satisfied that they would not preclude the delivery of the N11/M11 Scheme. Furthermore, I am satisfied that the proposal would not materially contravene Objective COP 12.37 as the proposed development would not interfere with the route options identified and would not impede the delivery of the stated objective.
- 7.3.10. A Stage 1 Road Safety Assessment, (RSA), was submitted with the application. It identified potential hazards that related to the speed at which some vehicles existed the N11 onto the slip road. The RSA noted that the visibility splay at the entrance assumes a speed of 50km/hr, which is the statutory speed limit for the L5046. However some vehicles were observed exiting the N11 at speeds higher than 50km/hr. The recommendations in the RSA included the provision of a visibility splay based on the actual N11 diverge speeds. Drawings submitted with the application show a visibility splay of 60m to the south and towards the N11. The Transport Statement submitted with the application states that the signing and lining at the access was reviewed and agreed via the RSA process but does not specifically refer to how compliance is achieved regarding the visibility splay. The PA did not comment on the access and egress arrangement for the development, but all works

in the public road will be subject to their agreement. I am satisfied that the developer has considered the potential hazards identified in the Stage 1 RSA. However, should the Board be minded to grant permission for the development, I recommend that a Stage 2 Road Safety Assessment be carried out and submitted to the PA for agreement.

7.4. Design and Layout

- 7.4.1. The second reason for refusal relates to the visual impact of the proposal when entering the village from the N11. The PA considered that the proposed development would be unsympathetic, inappropriate, and would not reflect the pattern and scale of development at the entrance to the village. In the grounds of appeal the applicant argues that the proposed development has been designed to reflect the prevailing height and pattern of development in the area, which is generally two storeys. The applicant also states that the development would have a significant set-back from the L5046, with the nearest house to the road, (House No. 1), positioned approximately 40m from the carriageway.
- 7.4.2. Chapter 4 of the WCDP sets out the settlement strategy for Type 1 Villages and requires that new residential development should be in proportion to the scale, pattern and grain of the existing village and that development should focus on the well-integrated, infill sites around the village centre. Importance is also placed on the design of the development and its appropriateness within the rural setting. Multi-house developments would also be subject to occupancy controls.
- 7.4.3. As noted in Section 7.2 of this report, the subject site is suitable for development as it is an underutilised, infill site within the settlement boundary of the village. There are no protected structures on or near the site and the village has no special designations that relate to visual amenity or architectural heritage. The proposed houses would have a traditional two-storey built form with contemporary finishes and details. All four houses are of the same height but the two houses closest of the entrance, (House Types A1 and A), would have an attic bedroom with a dormer window on the front elevation. To accommodate the additional bedroom at attic level the ridge height of the houses would be 9.8m.

- 7.4.4. There are two-storey buildings to the north and south of the subject site. To the south the Kilpedder Inn is a traditional two-storey building and to the north the upper storey of the building has low eaves and three projecting roof lights to match the character of the traditional dormer cottages further north. This building has a ridge height of approximately 7.8m. Although the proposed houses would be noticeably taller than existing developments in plan form, this would not translate directly into the streetscape given the site context. An area of open space would directly adjoin the L5046 and would provide a set-back of approximately 40m from the site boundary to the closest house, (House No. 1). The new houses would also be positioned behind the Kilpedder Inn and would be screened from view by a mature treeline along the southern boundary. This screening would be enhanced by additional planting of specimen and semi-mature trees to the front of the site and along the site boundary.
- 7.4.5. Photomontages submitted with the appeal give a visual representation of the development from viewpoints to the north and south of the development. As the site is set back from the public road, the development would not be visible on the approach from the north. Therefore the most significant viewpoint is the view from the south which is also from the slip-road from the N11. This image shows that the development would not be clearly visible when viewed from the south due to the position of the houses which are set back from the public road and the landscaping proposals which include the planting of several specimen and semi-mature trees.
- 7.4.6. Whilst I accept that the proposed houses would be different in character to the existing buildings in proximity, I am satisfied that the proposed development would not result in a significant and negative visual impact on the character of the village. The houses would be set back from the public road and would be screened from view by existing and proposed planting and trees. Therefore, the development would not have a prominent appearance in the existing streetscape and would not result in a dominant urban form at the southern entrance to the village.
- 7.4.7. The grounds of appeal also refer to the potential impact from noise from the N11, which was raised in the report of the PO. To address this issue the applicant submitted an Acoustic Design Statement. The statement was prepared by carrying out a baseline noise assessment, which found that the development should be classified as having a 'medium risk for adverse impact' and consideration should be

given to the acoustic design of the houses. Details for the acoustic design are set out in the assessment and include the installation of enhanced acoustic glazing, (design specifications provided in the report), to all habitable rooms as well as acoustic ventilation. The assessment concluded that once these measures are implemented, the internal noise levels will be sufficiently low to allow for reasonable resting and sleeping conditions. Regarding the external areas, it was demonstrated that the boundary wall of the back gardens will provide adequate acoustic screening.

- 7.4.8. I have reviewed the layout of the proposed houses and am satisfied that they have been designed in accordance with the standards and specifications of the WCDP in terms of overall floor area, private open space, and public open space. I am therefore satisfied that they would provide a satisfactory level of accommodation for future residents. The development would be subject to Housing Occupancy Controls, as per Objective CPO 6.36, and should the Board be minded to grant permission for the development, I recommend that a planning condition is attached to reflect this requirement.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

- 8.1. I recommend that planning permission is granted for the development.

9.0 **Reasons and Considerations**

- 9.1. Having regard to the nature and scale of the proposed development for four houses located within the settlement boundary of Kilpedder, it is considered that the proposal would be in accordance with the Wicklow County Development Plan 2022-

2028, and subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

| | |
|----|---|
| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 12th day of July 2022, and by the further plans and particulars received by An Board Pleanála on the 29th day of September 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p> |
| 2. | <p>The use of two (2) of the proposed dwellings shall be restricted to persons who comply with the Settlement Strategy for a Level 7 – Village (Type 1) as set out in the Wicklow County development Plan 2022-2028 and as the Planning Authority agrees to in writing. This requirement shall be embodied by a legal undertaking by the occupant of every dwelling restricted by this condition and shall be registered as a burden against the title of the land in the Land Registry or Registry of Deeds and shall be of seven years duration from the date of first occupation. Evidence of this registration shall be submitted to the Planning Authority within six months of the occupation of the dwelling.</p> <p>No development shall commence on the houses until the sites to be restricted in accordance with this condition have been confirmed in writing with the Planning Authority.</p> |

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| | <p>No occupation of any dwelling shall occur until confirmation from a solicitor with professional indemnity insurance that the dwellings have been sold in accordance with this condition.</p> <p>Within two months of the occupation of any dwelling restricted by this condition the occupier shall submit to the planning authority, a written statement of confirmation of the date of occupation of the dwelling.</p> <p>Reason: To ensure that the proposed houses are suitably restricted to meet the local growth needs as opposed to regional needs and in the interests of sustainable development.</p> |
| 3. | <p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity</p> |
| 4. | <p>Proposals for an estate / house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p>Reason: In the interests of urban legibility and to ensure the use of locally appropriate placenames.</p> |
| 5. | <p>The developer shall engage with Uisce Éireann prior to the commencement of development and shall comply with their requirements regarding the proposed development.</p> <p>Reason: To ensure a proper standard of development.</p> |
| 6. | <p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the</p> |

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| | <p>planning authority for such works and services and shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p> |
| 7. | <p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development.</p> <p>Reason: In the interest of amenity and public safety.</p> |
| 8. | <p>The landscaping scheme, as submitted to the planning authority on the 12th day of July 2022, shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>Hedges and trees shall not be removed during the nesting season, (i.e. March 1st to August 31st).</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p> |
| 9. | <p>The areas shown as public open space on the lodged plans shall be reserved for such use. The public open space shall be completed and fully landscaped before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer.</p> <p>Reason: In the interest of the amenities of the occupants of the proposed housing</p> |
| 10. | <p>Prior to the commencement of development the developer shall have a Stage 2 Road Safety Assessment, (RSA), carried out by an independent, approved, Road Safety Auditor and submitted to the Planning Authority for written agreement.</p> |

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| | <p>Reason: In the interests of orderly development and public safety.</p> |
| 11. | <p>The site access arrangements and the internal road network serving the proposed development, including turning bays, junctions, sightlines, parking areas, footpaths and kerbs, shall be in accordance with the detailed requirements of the planning authority for such works. All residential parking spaces shall be constructed so as to be capable of accommodating future electric vehicle charging points with a minimum 10% of spaces to be fitted with functional electric vehicle charging points.</p> <p>Reason: In the interests of amenity and of pedestrian and traffic safety.</p> |
| 12. | <p>The internal noise levels, when measured at the windows of all habitable rooms within the proposed development, shall not exceed:</p> <p>(a) 35 dB(A) LAeq during the period 0700 to 2300 hours, and (b) 30 dB(A) LAeq at any other time.</p> <p>A scheme of noise mitigation measures, in order to achieve these levels, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed measures shall be implemented before the proposed dwellings are made available for occupation.</p> <p>Reason: In the interest of residential amenity.</p> |
| 13. | <p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables crossing or bounding the site shall be relocated underground as part of the site development works, at the developer's expense.</p> <p>Reason: In the interests of visual and residential amenity.</p> |
| 14. | <p>Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an</p> |

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| | <p>agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p> |
| 15. | <p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p> |
| 16. | <p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p> |

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| 17. | <p>The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p> |
| 18. | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p> |
| 19. | <p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the</p> |

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| | <p>developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p> |
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Elaine Sullivan
Planning Inspector

8th January 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

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| An Bord Pleanála Case Reference | ABP-314715-22 | | |
| Proposed Development Summary | Demolition of derelict dwelling and outbuildings and the construction of 4 houses, 10 car parking spaces, cycle parking, landscaping, internal roads and reconfiguration of existing entrances. | | |
| Development Address | Willow Cottage, Johnstown, Kilpedder, Co. Wicklow | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small> | | Yes | X |
| | | No | |
| 2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class? | | | |
| Yes | | | EIA Mandatory EIAR required |
| No | X | | Proceed to Q.3 |
| 3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]? | | | |
| | | Threshold | Comment (if relevant) |
| | | | Conclusion |
| No | | N/A | |
| | | | No EIAR or Preliminary Examination required |
| Yes | X | Class 10(b)(i) – 500 residential units | |
| | | | Proceed to Q.4 |

4. Has Schedule 7A information been submitted?

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| No | X | Preliminary Examination required |
| Yes | | Screening Determination required |

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

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| An Bord Pleanála Case Reference | ABP-314715-22 |
| Proposed Development Summary | Demolition of derelict dwelling and outbuildings and the construction of 4 houses, 10 car parking spaces, cycle parking, landscaping, internal roads and reconfiguration of existing entrances. |
| Development Address | Willow Cottage, Johnstown, Kilpedder, Co. Wicklow. |

The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.

| | Examination | Yes/No/ Uncertain |
|--|---|------------------------------|
| <p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p> | <p>The development is for 4 houses on a derelict site in Kilpedder village.</p> | No |
| | | No |
| <p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative</p> | | No |
| | | No |

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| <p>considerations having regard to other existing and/or permitted projects?</p> | | |
| <p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p> | | <p>No</p> <p>No</p> |
| <p>Conclusion</p> | | |
| <p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p> | <p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> | <p>There is a real likelihood of significant effects on the environment.</p> |

Inspector: _____

Date: _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3 -

Extract from Interactive Map on the N11/M11 Improvement Scheme Website

Accessed on the 4th of December 2023,

[Publications - Junction 4 to Junction 14 Improvement Scheme \(n11m11.ie\)](http://n11m11.ie).



Appendix 4 –

Preferred Corridor & Road Improvement Option Plan Layout – Sheet 9 of 15 (Extract), Volume A of the Option Selection Report, Fig.A9.1.9.

