Inspector's Report

ACP-324297-26

Development	EIA Determination Request - Proposed N11 Kilpedder 'Rat-Run' Road Safety Improvement Scheme.
Location	Kilpedder, Co. Wicklow
Planning Authority	Wicklow County Council
Applicant(s)	Residents of Drummin West and other areas
Type of Application	EIA direction
Planning Authority Decision	EIAR not required
Date of Site Inspection	16/09/26
Inspector	Hugh O'Neill

Contents

1.0 Introduction 3

2.0 Background 4

3.0 Site Location and Description 4

4.0 Proposed Development 5

5.0 Planning History 6

6.0 Legislative & Policy Context 6

7.0 Request for a Determination 9

8.0 Response of Wicklow County Council 10

9.0 Assessment 11

10.0 Conclusion 12

11.0 Recommendation 13

12.0 Reasons and Considerations 13

1.0 Introduction

1.1. Pursuant to Article 120(3)b of the Planning and Development Regulations 2001 as amended by email dated 15 May 2026 Tim O'Brien of Wroxham, Drummin West, Delgany, Co Wicklow for unidentified *residents of Drummin West; Old Downs Road; the Downs; the Willow Grove and surrounding areas not in Kilpedder* sought a determination from An Coimisiún Pleanála as to whether or not a proposed development by Wicklow County Council would be likely to give rise to significant effects on the environment, and thereby require the preparation of an Environmental Impact Assessment Report ("EIAR") in respect of its proposal to undertake Proposed N11 Kilpedder 'Rat-Run' Road Safety Improvement Scheme at Kilpedder, Co. Wicklow.

1.2. The proposal is a local authority development, and approval is being sought under Part XI of the Planning and Development Act 2000 (as amended) and Part 8 of the Planning and Development Regulations, 2001 (as amended).

1.3. For the purpose of public consultation Part 8 documentation was hosted on the Wicklow consultation hub Part 8 - Notice of Proposed Development - N11 Kilpedder 'Rat-Run' Road Safety Improvement Scheme.

1.4. Submission closing date is listed as 12/06/26. The newspaper notice published in the Irish Independent dated 22/04/2026.

1.5. Wicklow County Council formed the opinion that the works do not require an EIAR and initiated the process set out in Part XI of the Act and Part 8 of the Regulations

1.6. The decision regarding the requirement for EIAR was made with the support of a report titled Kilpedder Road Safety Improvement Scheme, Co. Wicklow – Environmental Impact Assessment (EIA) Screening Report by APEM dated January 2026. This report is attached at appendix D of Part 8 Report prepared by AtkinsRealis and Wicklow County Council dated February 2026 which formed part of the public consultation.

2.0 Background

2.1. Collision data shows a pattern of rear end straight collisions which along with anecdotal safety concerns have given rise to this scheme the safety objectives of which are to:

- Reduce non-local traffic in Kilpedder residential roads in order to stop a potential "Rat Run";
- Enhance pedestrian and cyclist safety;
- Rationalise the number of access / junctions on the N11 to reduce the risk of rear shunt (or other) collisions as a result of merging and diverging traffic in the general study area

3.0 Site Location and Description

3.1. The proposed scheme consists of a set of discrete road safety measures at locations defined for the purpose of the Part 8 process as 8 parcels of land each located on the N11 and on L5046 over a distance of circa. 2.5km. The works are located from the south of Kilpedder to the Glenn of the Downs between junction 10 and junction 11.

3.2. The sites on which works are proposed consist of existing roadway, roadway verges and signage in the verges of the roadways.

3.3. Approximately 470m of Drummin Lane and an equivalent length of the N11 fall within the application boundary and the Boundary of the Glenn of the Downs SAC 000719. Works in this area are proposed to existing road surfaces and extending within the managed grass roadside verge with the SAC.

3.4. The site also includes an area of managed grass roadside verge on the L1043 at the eastern arm of the roundabout.

3.5. The remaining site locations are confined to existing or new road side signage and existing road surfaces.

3.6. Three Trouts Stream is in the vicinity of the Drummin Lane junction with the N11 to which works are proposed. Having examined the matter with access to various digital mapping resources and having inspected the site, I have confirmed that at its

closest discernible location the stream is circa 200m south of the Drummin Lane Exit.

3.7. The location of the outfall for the road drainage within the SAC is not provided within the Part 8 materials. However, there is no proposal for alteration to road drainage beyond that of relocating gullies out of the area of the proposed cycle lane.

3.8. The existing horizontal and vertical alignment and crossfall in the location of each safety measure is described in detail in section 4 of the Part 8 report.

4.0 Proposed Development

4.1. The development subject to this request is a road safety improvement scheme entailing measures to existing junctions as follows:

A. L5046 Johnstown entrance will be closed for vehicular traffic except buses. This will entail replacement and provision of new signage, new road markings and an infill of passive fencing

B. L5046 Willow Grove Link Road will be closed to vehicles wishing to exit to the N11. This will entail removal, replacement and new signage and road markings, the erection of a barrier and perforation of the road surface with topsoil and seeding over. New passive fencing is also proposed.

C. The Drummin Lane exit from the N11 will be closed to vehicular traffic and retained as active travel route. This will entail removal, replacement and new signage and road markings, the erection of cycle lane separator. New kerbing and relocation of gulleys. Passive fencing is also proposed.

D. Existing Bus Stop 4237 to be closed and relocated to the eastern arm of Kilpedder Road/Killickabawn Road roundabout.

4.2. The part 8 report states that no land acquisition is proposed, and that no horizontal or vertical alignment changes are required, no lighting is proposed and there are no deviations from standard design reported.

4.3. Construction is estimated to take approximately one to two months to complete and will progress in stages by section in order to maintain road access along the L5046 and N11

4.4. Application details states that the proposed measures will result in an increase in paved areas of approximately 188 m2, a net reduction of hard surfaces arises as a result of an increase in grassed areas of approximately 443 m2.

4.5. As public consultation phase of the project had not concluded at the time of receipt of the subject application no planning report has been prepared by WCC, however technical inputs describing the proposal which contributed to the EIA screening report and determination by the competent authority are as follows:

- Design Drawings
- Road Safety Audit
- AA screening report
- EIA screening

5.0 Planning History

5.1. There is no planning history affecting or relevant to the request affecting the subject site.

6.0 Legislative & Policy Context

6.1. Planning and Development Act, 2000, as amended

6.2. Section 179 of the Act relates to local authority own development. Under subsection (b), where a local authority proposes to carry out a development, it shall comply with this section and any regulations under this section.

6.3. Section 179 (6)(d) of the Act shall not apply to proposed development which is for development in respect of which an environmental impact assessment report is required under Section 175 or under any other enactment.

6.4. Planning and Development Regulations, 2001, as amended

Article 120

6.5. Article 120(3)(b) of the Planning and Development Regulations, 2001, as amended states that, where any person considers that a development proposed to be carried

out by a local authority would be likely to have significant effects on the environment, they may, at any time before the expiration of 4 weeks beginning on the date of publication of the notice referred to in Article 81(2), apply to the Board (now An Coimisiún) for a screening determination as to whether the development would be likely to have such effects.

6.6. Subsection (c) states that an application for screening determination under the above shall state the reasons why the development would be likely to have significant effects on the environment and shall indicate the class in Schedule 5 within which in the view of the requestor the development falls.

6.7. Subsection (ca) requires the local authority to submit to the Board (now An Coimisiún) the information specified in Schedule 7A for the purposes of the screening determination.

6.8. Subsection (cb) states this information shall be accompanied by any other relevant information and assessments on the characteristics of the proposed development and its likely significant effects on the environment, including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account, and the description of any features of the proposal and measures to avoid or prevent significant adverse effects.

6.9. Subsection (cc) requires the Board (now An Coimisiún) to carry out an examination of, at least, the nature, size or location of the development and shall make a screening determination. If the determination is that there is no real likelihood of significant effects on the environment arising from the proposed development, it shall determine that an EIA is not required. If there would be likely effects, it shall serve notice on the local authority to prepare an EIAR in respect of the proposed development.

Article 93 / Schedule 5

6.10. Article 93 of the Planning and Development Regulations 2001 (as amended) references the prescribed classes of development for the purpose of section 176 of the Act wherein provision is made for classes and thresholds referring to Schedule 5 which reflects Annex I and II of the EIA Directive.

Schedule 7 and Annex III of EIA Directive

6.11. Schedule 7 of the Planning and Development Regulations, 2001 (as amended), and Annex III of the EIA Directive as referenced in the Roads Act sets out criteria for determining whether a project should be subject to environmental impact assessment. These are as follows:

1. The characteristics of the proposed development.

2. Location of the proposed development.

3. Types and characteristic of potential impacts.

Schedule 7A

6.12. Schedule 7A of the Planning and Development Regulations, 2001 (as amended), sets out the information to be provided by the applicant or developer for the purpose of describing the sub threshold development to determine, using the criteria in Schedule 7 if the project should be subject to EIA. The prescribed information is summarised as follows:

1. A description of the proposed development
2. A description of the aspects of the environment likely to be significantly affected by the proposed development
3. A description of any likely significant effects

The compilation of the information shall take into account, the criteria set out in Schedule 7.

6.13. **Roads Act 1993 and Roads Regulations 1994.**

Section 50 (1) (a) of the Roads Act 1993 as amended (SI 279/2019)

Section 50 (1) (a) of the Roads Act 1993, lists forms of road development in respect of which there is a mandatory requirement to carry out EIA. These are, construction of a motorway, a busway, a service area; or any type of road development prescribed in Article 8 of the Roads Regulations, 1994. Article 8 prescribes construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four lanes. Where the new road would exceed 8km in length in a rural area or 500m in an urban area, or a tunnel.

6.14. **Natural Heritage Designations**

Name	Approx distance from scheme Km
Glen Of The Downs pNHA	0
Glen of the Downs SAC	0
Carriggower Bog pNHA	3.7
Carriggower Bog SAC	3.7
The Murrough pNHA	3.7
The Murrough Wetlands SAC	3.8
The Murrough cSPA	3.9
Great Sugar Loaf pNHA	4.3
Kilmacanoge Marsh pNHA	4.7

7.0 Request for a Determination

7.1. A request was received by email dated 15 May 2026 from Mr Tim O'Brien purporting to act on behalf of unidentified *residents of Drummin West; Old Downs Road; the Downs; the Willow Grove and surrounding areas not in Kilpedder* for a screening determination as to whether the development would be likely to have such environmental effects so as to require an EIAR. Mr O'Brien raises several concerns which I have summarised as follows:

- Assessment restricted itself to AA. In dismissing potential impacts on SAC's due to the hydraulic distance in the Three Trouts Stream to downstream European sites the EIAR screening failed to adequately consider the impacts on the stream. The request provides a list of species and habitats reported to be in the Stream.
- The request states that the site of the proposal encroaches the Glen o'the Downs SAC which the requestor states should automatically trigger a requirement for an EIAR.

- The precautionary principle should apply where there is any uncertainty about the need for an EIAR. The request provides reference and links to a number of sources of statutory provisions and guidance.

8.0 Response of Wicklow County Council

8.1. Correspondence from ACP dated 27 May 2026 to Wicklow County Council, under reference ACP-324297-26 (EIAR screening) on file ACP-234299-26 (AA screening) requested details of the proposed development and invited submissions.

8.2. Wicklow County Council responded by letter dated 04 June 2026 under ref ACP-324299-26 enclosing the Part 8 documentation, reiterating the conclusion of its screening, that Stage 2 Appropriate Assessment is not required for the subject development. The submission did not engage with the detail of the request.

8.3. **Consideration of Class (Schedule 5) /Type (S50 of Roads Act) of development**

8.4. Section 6.1 and 6.2 of the submitted EIA screening considers the potential for the proposal to fall within the definition of types of development for the purpose of Section 50 of the Roads act and/or Classes of development listed in Schedule 5 of the Planning and Development Regulations 2001. The screening failed to identify any class into which the proposal could fall.

8.5. **Submitted Schedule 7A Information**

8.6. In the course of undertaking its screening assessment Wicklow County Council took full account and described in its screening the information required in Schedule 7A of the Planning and Development Regulations 20001 as amended.

8.7. This information was presented in the screening report published as part of the Part 8 public consultation and was made available to An Coimisiún for the purpose of its consideration.

8.8. **Submitted Schedule 7 Criteria Assessment**

8.9. Assessment of the characteristics of the proposed development are set out the Wicklow County Council Environmental Impact Assessment (EIA) Screening Report.

No real likelihood of significant effects on the environment arising from the proposed development as a result of the characteristics of the proposal or its location were identified.

8.10. Having considered the proposal in the context of each of the above referenced criteria the EIA screening report concluded and determined that there is no real likelihood of significant effects on the environment arising from the proposed development.

9.0 Assessment

9.1. Specific reference to the contents of or omissions from the EIA screening have not been provided by the requestor. Reasons as to why the requestor considers the screening to be flawed are set out above and are general in nature, I have addressed the requestor concerns within the following assessment.

Article 120 Planning and Development Regulations

9.2. Article 120(3)(c) of the Planning and Development Regulations state that an application for a screening determination shall,

- state the reasons for the forming of the view that the development would be likely to have significant effects on the environment

  and

- shall indicate the class in Schedule 5 within which the development is considered to fall.

9.3. The class in schedule 5 which the requestor considers applicable has not been provided in the request.

9.4. The following matters are considered relevant in the EIA screening assessment requested:

- Development prescribed under Section 50 of the Roads Act as amended and Article 8 of Roads Regulations 1994
- Project type/class of development under Schedule 5 of the Regulations,

9.5. **Development prescribed under Section 50 of the Roads Act and Article 8 of Roads Regulations 1994**

9.6. The proposed scheme does not entail the construction of a motorway, busway, service area or consist of works to build or realign/widen a road providing 4 lanes.

9.7. The subject development does not fall within any development type described in or prescribed by Section 50 (1)(a) of the Roads Act 1993 or Article 8 of Roads Regulations 1994.

9.8. **Schedule 5 Part 1 Planning and Development Regulations 2001 as amended**

9.9. The proposed scheme does not fall within any class prescribed in Schedule 5 Part 1.

9.10. **Schedule 5 Part 2 Planning and Development Regulations 2001 as amended**

9.11. Class 10 (b) (vi) prescribes Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

9.12. *Interpretation of definitions of project categories of annex I and II of the EIA Directive 2024* states that an urban development project should be seen as a project that is urban in nature regardless of its location. The judgement of a development being urban is a judgment pertaining to the development and not the location. Taking account of the nature of the proposal, I consider the project not to be urban development for the purpose of Class 10(b)(vi).

9.13. The proposal does not fall into any class of development prescribed for the purpose of Schedule 5 part 2 of the Planning and Development Regulations 2001.

10.0 Conclusion

The proposed N11 Kilpedder 'Rat-Run' Road Safety Improvement Scheme is not a type of development prescribed in section 50 of the Roads Act or of a Class of Development for the purpose of Schedule 5 of the Planning and Development

regulations, there is no real likelihood that the N11 Kilpedder 'Rat-Run' Road Safety Improvement will give rise to significant effects on the environment, and accordingly, an Environmental Impact Assessment is not required.

11.0 Recommendation

It is therefore recommended that Wicklow County Council be advised that the preparation of an Environmental Impact Assessment Report is not required in respect of the proposal to undertake Proposed N11 Kilpedder 'Rat-Run' Road Safety Improvement Scheme at Kilpedder, Co. Wicklow for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to the following:

a) The provisions of Section 179 of the Planning and Development Act, 2000, as amended and Article 120 (3)(b) of the Planning and Development Regulations, 2001 (as amended),

b) The nature and scale of the proposal not falling within any class of development for the purpose of Part 10 as set out in Schedule 5 of the Planning and Development Regulations 2001 as amended,

c) The nature and scale of the proposal not falling with the definitions set out in Section 50 of the Roads Act and/or Article 8 of the Roads Regulations, 1994,

d) The submission made as part of the request for a determination,

e) The documentation including the Environmental Impact Assessment Screening Report prepared by the Local Authority to support the Part 8 Approval process,

f) The report and recommendation of the Planning Inspector,

It is considered that the proposed development would not be likely to have significant effects on the environment and accordingly, that the preparation and submission of an Environmental Impact Assessment Report is therefore, not required.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Hugh O'Neill
Planning Inspector
29 September 2026