An Coimisiún Pleanála

Inspector's Report
ACP-324299-26

Development	Proposed N11 Kilpedder 'Rat-Run' Road Safety Improvement Scheme
Location	Kilpedder, Co. Wicklow Olfactory
Planning Authority	Wicklow County Council
Applicant(s)	Residents of Drummin West and other areas
Type of Application	Request for determination, A 250 of the Planning and Development Regulations 2001
Planning Authority Decision	NIS not required
Date of Site Inspection	16/09/26
Inspector	Hugh O'Neill

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1.0 Introduction

1.1. Pursuant to Article 250(3) of the Planning and Development Regulations 2001 as amended by email of 20 May 2026, Tim O'Brien of Wroxham, Drummin West, Delgany, Co Wicklow purporting to be on behalf of 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 Natura Impact Statement (NIS) is required to be prepared in respect of a Wicklow County Council (WCC) proposal to undertake a Road Safety Improvement Scheme at Kilpedder, Co. Wicklow.

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

2.2. In preparation for a Part 8 approval process Wicklow County Council (WCC) commissioned an Appropriate Assessment (AA) screening report from APEM Group Woodrow, trading as Woodrow Sustainable Solutions Ltd. (dated 27 January 2026) which, with the support of other related reports identified no likely significant effects to any European sites. This documentation formed an appendix to a Part 8 planning report, published as part of public consultation under Part XI of the Planning and Development Act 2000 (as amended) and Part 8 of the Planning and Development Regulations, 2001 (as amended).

2.3. The Part 8 planning report dated February 2026 by AtkinsRealis and Wicklow County Council, at section 5.1 stated that; *The Appropriate Assessment Screening Report has concluded that the proposed road safety improvement scheme is not likely to have significant effects on the integrity of any European Sites. Therefore, the Proposed Scheme screened out, and a Stage two Natura Impact Statement is not required.*

2.4. A record of executive business and chief executive orders signed and dated 20/06/2026 and 20/02/24 states:

> *That Wicklow County Council as the Competent Authority having considered the AA Screening Report prepared by APEM Group, Woodrow, Trading and Sustainable Solution Limited, makes a determination that a Stage 2: Appropriate Assessment will not be required to accompany the proposal for the construction of N11 Kilpedder Road safety Improvement Scheme.*

2.5. The part 8 consultation submission closing date is listed on the WCC consultation hub as 12/06/26. The newspaper notice published in the Irish Independent is dated 22/04/2026. This request is recorded as being made 20/05/2026 and was made in parallel with a request concerning the requirement for EIAR for the same project under the provisions of Article 120 of the Planning and Development regulations. This parallel request is under consideration of ACP subject to reg ref: ACP-324297-26.

3.0 Site Location and Description

3.1. The proposed scheme consists of a set of discrete road safety measures at 8 separate parcels of land located on the N11 and L5046 over a distance of circa. 2.5km from south of Kilpedder to the Glenn of the Downs, between junction 10 and junction 11.

3.2. The sites on which works are proposed are entirely within the roadways sited in existing carriageway and in roadway verges.

3.3. Approximately 470 linear meters of Drummin Lane and an equivalent length of the N11 fall within the application boundary and within the Glenn of the Downs SAC 000719. Works are proposed to the carriageway and grass roadside verges

in this location. There is extensive infestation of Winter heliotrope to the road side verges in this area inside the SAC and beyond.

3.4. Works are proposed to an area of managed grass roadside verge on the L1043 at the eastern arm of the roundabout at its junction with the L5046.

3.5. Remaining locations of proposed works are locations of new road side signage or surface marking to existing road surfaces.

3.6. EPA watercourse mapping of the Three Trouts Stream is inconsistent with MapGenieWater ITM data and Version 3.02 Mapping dated 01/10/2019 of Glen of the Downs SAC 000719 in the vicinity of the Drummin Lane junction with the N11.

3.7. EPA online mapping indicates the subject water course running under/within the N11 for a considerable distance. Having examined the matter with access to various digital mapping resources and having inspected the site, I consider the MapGenieWater ITM and the SAC mapping to be a more accurate representation of the location of the Three Trouts Stream.

3.8. MapGenieWater ITM and the SAC mapping both indicate that the Three Trouts stream (IE_EA_10T030580, segment code 10_1795, EPA code 10T03) crosses the N11 from east to west, downstream (south) of the R762 slip onto the N11. This location is circa 200m south of the works proposed inside the SAC. The Three Trouts then runs for circa 240m parallel to and between the N11 and the R762 before crossing the N11 to the east again in the vicinity of the R762 N11 underpass all of which are within the SAC. The stream exits the SAC to the east of the R762 and continues through Delgany and Greystones to the sea.

3.9. The outfall location for the road drainage a the Drummin lane N11 junction 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.

3.10. 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. Measures proposed to existing junctions are described as:

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. Proposed measures will result in an increase in paved areas of approximately 188 m2 with a net reduction of hard surfaces and 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 AA 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. **The Planning & Development Regulations, 2001, as amended:**

6.2. Under the provisions of article 250(1) of the Planning and Development Regulations, 2001, as amended, where a local authority proposes to carry out a development it is required to carry out a screening of the proposed development to assess if the development individually or in combination with other plans or projects would be likely to have a significant effect on a European site.

6.3. If on the basis of a screening under 250(1), it cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, would have a significant effect on a European site, the local authority is required to determine that appropriate assessment of the proposed development is required and to prepare an NIS and submit the proposed development for approval to the Board (now An Coimisiún) under section 177AE of the Planning and Development Act, 2000, as amended.

6.4. Article 250(3)(b) of the Planning and Development Regulations 2001, as amended, provides that where any person considers a development proposed to be carried out by a local authority would be likely to have a significant effect on a European site, he or she may apply to the Board (now An Coimisiún) for a determination as to whether the development would be likely to have such significant effect.

6.5. Article 250(3)(d) states that “where the Board makes a determination that a development would be likely to have a significant effect on a European site, it shall require the local authority to prepare, or cause to be prepared, a Natura Impact Statement.”

6.6. The EU Habitats Directive (92/43/EEC) deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA). The guidance contained in 'Appropriate Assessment for Plans and Projects in Ireland -Guidelines for Planning Authorities' (DoEHLG 2009) advises that all plans and projects not directly connected to, or, for the management of a Natura 2000 site must be assessed for its potential significant effects on that site before any decision is made to allow that plan or project to proceed. Each plan or project must also be assessed for its possible in-combination effects with other plans or projects. This process is designated 'appropriate assessment' and arises from obligations under Article 6(3) and 6(4) of the Habitats Directive.

6.7. Natural heritage designations within 5km

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. Mr Tim O'Brien purporting act on the behalf of unidentified *residents of Drummin West; Old Downs Road; the Downs; the Willow Grove and surrounding areas not*

in Kilpedder, disagrees with the conclusion of the AA Screening undertaken on behalf of Wicklow County Council on a number of grounds relating to;

1. Three Trouts Stream is likely to be affected by the roads development and contains many protected habitats and species.
2. The area of operation of the scheme is within or adjacent to the Glen of the Downs SAC.
3. Application of the precautionary principle, where there is uncertainty AA and EIAR should be ruled in.

7.2. **Reason 1**

7.3. The request states that the assessment is restricted to that of an AA and overlooks key factors and protections under domestic and European legislation.

7.4. The assessment does not cite the environmental qualifications of those making the ruling.

7.5. By focusing on the protected sites the assessment overlooked the impact of the works on the Three Trouts Stream itself. The request provides reference to the consideration of the Three Trouts Stream in the Greystones Delgany Local Area Plan as evidence of the importance of the Stream.

7.6. **Reason 2**

7.7. Impact on protected Species and habitats in the Three Trouts Stream which is likely to be affected inside the SAC.

7.8. Impact on the SAC if not its curtilage as well. Reference is made to the status of the Glenn of the Downs as a Nature Reserve under the wildlife act 1975 as noted in.S.I. No. 526/2019 - European Union Habitats (Glen of the Downs).

7.9. The area in which the measures are proposed falls within an area described by the requestor as being subject to restrictive planning regulations by virtue of provisions of the County Development Plan making ministerial consent a requirement for activities potentially damaging to the habitat.

7.10. **Reason 3**

7.11. The precautionary principle should apply.

7.12. The request references OPR guidance stating that road projects near or where SPR is established SAC's require screening and where significant effects cannot be excluded that screening in is required.

7.13. The requestor is of the view that the Glen of the downs is a Forestry site and that the DAFM can request a NIS where screened in.

7.14. The request concludes with the case for an alternative road safety scheme which, in the opinion of Mr. O Brien will be less disruptive on residents of certain named areas

7.15. Mr. O'Brien requests an assessment by ACP in accordance with Article 120 of the Planning and Development Regulations 2001.

8.0 Response of Wicklow County Council

8.1. Following receipt of the request correspondence from ACP dated 27 May 2026 to Wicklow County Council, under reference ACP-324297-26 introduced section 50 of the Roads Act 1993 to the process, 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.

9.0 Screening for Appropriate Assessment

9.1. Step 1 Description of the project and local site characteristics

9.2. Description of proposed works

9.3. A general description of the proposed development is set out in section 4 of this report and in section 3.2 of the stage 1 AA screening report prepared in support of the Part 8 process.

9.4. Works proposed include:

- Amendments to 5no. existing signs, removal of 17 no. and installation of 8 no. new road signs.
- Removal/replacement and setting out new road markings.
- Relocation of 1 no. bustop including setting back of circa 41 linear metres of footpath responding to the recommendations of the Road Safety Audit.
- Construction of new paved area of circa 188sqm for extension the hard shoulder by up to 1.5m into existing N11 grassed verge, relocation of 7 no. road gullies, and construction of cycle lane separators at the merge of Drummin lane with N11.
- Perforation of pavement at 2.5m centres and covering with 300mm of grassed topsoil at the 2 junctions with the N11 that are to be removed.
- Circa 30 linear meters of infill passive fencing is proposed to the south of the junction of the L5046 and the N11 at the Kilpedder Inn.

9.5. New pavement extending the width of the hard shoulder is proposed to create the cycleway merge with the N11. A 3m wide cycle lane tapering onto the existing N11 hard shoulder over a distance of circa 40m is proposed. In accordance with the recommendation of the Road Safety Assessment a tapered expansion of the width of the existing hard shoulder up to c. 1m at it widest is proposed over c. 53 linear meters, replacing the existing grass verge. I note there is a potential infestation of Winter Heliotrope (*Petasites fragrans*), an invasive species in this location.

9.6. **Description of the Existing Environment**

9.7. The existing environment is described in section 3 of this report. Section 3 and 4 of the Appropriate Assessment Screening document prepared in support of the Part 8 also provides a description of features of the project area and the receiving environment.

9.8. The proposal and the report to inform the AA determination was supported by surveys and reporting that describe the location of the proposal in detail. I have taken each of these reports into account in this assessment.

9.9. By the nature of the proposal, each of the 8 parcels to which the scheme relates are with the roadway and are dominated by road infrastructure, artificial surfaces and ongoing disturbance including noise.

9.10. There is an infestation of Winter Heliotrope (*Petasites fragrans*), an invasive species in the location of the proposed cyclelane extension/merge between Drummin lane and the N11. I note that '*The Management of Invasive Alien Plant Species on National Roads – Technical Guidance GE-ENV-01105*' is a standard practice document for the management of Invasive Alien Plant Species.

9.11. The area to the west of the grassed verge at the Drummin Lane/N11 merge is annotated as (mixed) broadleaved woodland WD1 in the mapping attached to the conservation objectives of the SAC version 1 10 Dec 2020.

9.12. The element of the existing environment of primary concern to screening and to the requestor is the Three Trouts Stream.

9.13. **Step 2 Identification of Natura 2000 Sites using the Source-pathway-receptor model:**

In addition to the approach undertaken in the Wicklow County Council screening the following is a tabular approach to the identification of Natura 2000 sites in accordance with standard ACP practice.

European Site (code)	**Qualifying interests Link to conservation objectives (NPWS, date)**	**Distance from proposed development (km) Approx**	**Potential Ecological connections**	**Consider further in screening Y/N**
Glen of the Downs SAC [000719]	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	**0**	Physical Overlap between works boundary and SAC boundary. However, no overlap with QI. Increased area of road surface	**Y**

			drainage. Relocation of road drainage gullies.	
The Murrough Wetlands SAC [002249]	Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Atlantic salt meadows (*Glauco Puccinellietalia maritimae*) [1330] Mediterranean salt meadows (*Juncetalia maritimi*) [1410] Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae* [7210] Alkaline fens [7230]	**3.9km**	Physical overlap between application boundary and the Kilcoole stream which connects to the Murrough.However no works in proximity. Kilcoole Stream is ruled out as an ecological connection. Potential connection from Three Trouts Stream via Irish Sea to the Murrough SAC and SPA.	**N**
The Murrough SPA [004186]	Red-throated Diver (*Gavia stellata*) [A001] Greylag Goose (*Anser anser*) [A043] Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] Teal (*Anas crecca*) [A052] Black-headed Gull (*Chroicocephalus ridibundus*) [A179] Herring Gull (			

	Larus argentatus) [A184] Wigeon (*Mareca penelope*) [A855] Little Tern (*Sternula albifrons*) [A885] Wetland and Waterbirds [A999]			

Note:
Attributes measures and targets set out in the Conservation Objectives for the Glen of the Downs SAC include stable size, structure, natural regeneration, dead wood native tree cover, and negative indicator species including cherry laurel noted. These are considered relevant to the consideration of SPR and resultant zone of influence of proposed works at the Drummin lane/N11 merge.

The potential for impacts on the water quality of the Three Trouts Stream and for this to impact on the Glen of the Downs SAC was highlighted as a central concern of the requestor in this case.

9.14. **Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites**

AA Screening matrix

Qualifying interests (QI's) /Special Conservation Interests (SCI's)	**Possibility of significant effects (alone) in view of the conservation objectives of the site***	
	Impacts	**Effects**
Site 1: Glen of the Downs SAC [000719]) CO to restore the favourable conservation	Clearance of grass roadside verge vegetation resulting in reduction in habitat. Importing topsoil and establishing grassland	No effect as QI habitat or supporting habitats could not extend into the subject location due to its location within a roadway. Imported soil will be in accordance with established and standard practice to prevent spreading of

condition of Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	in the location of redundant pavement. Construction phase water run off to Three Trouts stream, via existing gullies or overland. Relocation of road gullies resulting in changes to volume or nature of flows. Construction phase dust.	invasives spp. the grassed area will be established and maintained in accordance with adjacent areas, no effects are anticipated. Surface water control during construction will be in accordance with standard practice and easily controllable within the constructed road drainage. Overland drainage routes to the Three Trouts stream from the location of the proposed works at the Drummin lane junction with the N11 are at a distance (c. 190m) such that no effect is anticipated. No additional gullies or alteration to their discharge is proposed. Taking account of the compensatory nature of abandonment of pavement as well as the scale of the 138sqm of new pavement relative to that of the area of pavement drainage the potential for effects are negligible and for that reason insignificant. Taking account of the extent and duration of dust generating construction proposed the impact will not affect the CO of the SAC.
	Likelihood of significant effects from proposed development (alone): N	
In combination effects:	A consideration of in combination effects was undertaken by Woodrow at section 7 of the Stage 1 AA screening report	

	and presented a comprehensive list of plans and projects considered. Having reviewed that list and considered the planning history of the surrounding area and the potential plans, I am satisfied that the that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European sites and therefore no further assessment is required for the project.

9.15. In addition to points made in the request that are addressed in the table above the requestor specifically questioned the absence of details of qualifications of those making the decision in relation to this matter. The requestor has provided no detail of any specific concern relevant in this regard. Details of expert input to the process is evident in the reporting. No concerns in this regard have been raised as part of the Part 8 consultation made available or in the request for a determination by ACP. No specific contradiction of a technical or procedural nature is made in the request. No further expert consideration is presented. There is no deficiency in the expertise engaged in the process.

9.16. **Step 4 Conclude if the proposed development could result in likely significant effects on a European site**

I conclude that the proposed development (alone) would not result in likely significant effects on

- Glen of the Downs SAC [000719]
- The Murrough Wetlands SAC [002249]
- The Murrough SPA [004186]

The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s).

No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

10.0 Conclusion on AA Screening – Screening Determination

Finding of no likely significant effects.

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the development of the Proposed N11 Kilpedder 'Rat-Run' Road Safety Improvement Scheme individually or in combination with other plans or projects would not be likely to give rise to significant effects on

- Glen of the Downs SAC [000719]
- The Murrough Wetlands SAC [002249]
- The Murrough SPA [004186]

in view of the conservation objectives of these sites and is therefore excluded from further consideration.

Appropriate Assessment is not required.

This determination is based on:

- Objective information presented in the Stage 1 Screening Report by Woodrow.
- The limited extent of works proposed.
- The limited zone of influence of potential impacts.
- The location of the site within existing roadways.
- The absence of any significant downstream surface water connection to any Qualifying Influence European site.
- The absence of any connection to a Groundwater Dependent European site.
- The absence of any significant ecological connection to any European site.

11.0 Recommendation

I recommend that the applicant for the determination and Wicklow County Council be advised that the preparation of a Natura Impact Statement in respect of the Proposed N11 Kilpedder 'Rat-Run' Road Safety Improvement Scheme is not required for the reasons and considerations set out below.

12.0 **Reasons and Considerations**

- The limited zone of influence of potential impacts
- The location of the site within existing roadways.
- The absence of any significant surface water connection to any European site.
- The absence of any connection to a Groundwater Dependent European site.
- The absence of any significant ecological connection to any European site.

It is considered reasonable to conclude that on the basis of the information available, which is considered adequate to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the identified European sites, in view of the conservation objectives of these sites and that a Stage 2 AA and the submission of a NIS for the proposed development is 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