



<b>Development</b>	Construction of 10 houses and all associated site works.
<b>Location</b>	Willow Cottage and L5046 Local Road, Johnstown, Kilpedder, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	2560508
<b>Applicant(s)</b>	Dublin Letting and Management Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party Normal Planning Appeal
<b>Appellant(s)</b>	Dublin Letting and Management Ltd
<b>Observer(s)</b>	Carolyn Bowden
<b>Date of Site Inspection</b>	1 <sup>st</sup> April 2026
<b>Inspector</b>	Elaine Power

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### **Appendix 1: Form 1 EIA Pre-Screening**

### **Appendix 2: Form 2 - EIA Preliminary Examination**

## 1.0 Site Location and Description

- 1.1. The appeal site is located at Willow Cottage, in the southern part of the village of Kilpedder, Co. Wicklow. The village is generally characterised by low density housing. The site is bound to the north by a vacant retail unit and undeveloped lands, to the south by the Kilpedder Inn (public house) and associated sheds and outbuildings. Further south is Mount Kennedy House and Demesne. To the east the site is bound by the L5046 and further east by the N11 (National Road) and to the west it is bound by undeveloped lands.
- 1.2. The site is irregular in shape. The redline boundary of the appeal site has a stated area of 0.4596ha, which includes a section of the public road (c. 332sqm) which is within the ownership of Wicklow County Council. The site is currently overgrown and accommodates a derelict dwelling and outbuildings. There are two existing gated accesses to the site from the L5046.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of existing derelict dwelling (64.7sqm) and outbuildings (145.8sqm) and the construction of 10 no. 4-bed houses with 22 no. car parking spaces and all associated works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was refused for the following reasons.

1. The proposed development would endanger public safety by reason of serious traffic hazard because the development would result in increased traffic movements at a location where
  - i. sightlines are deficient,
  - ii. the northbound lane width is excessively wide, encouraging higher vehicle speeds and increasing crossing distances.
  - iii. Where there is a risk that visitors unfamiliar with the area may inadvertently turn right onto N11
  - iv. pedestrian facilities are inadequate

and it is considered that the identified solutions do not adequately address these deficiencies in pedestrian / traffic safety, and the development would therefore be contrary to proper planning and sustainable development.

2. Having regard to the details submitted with respect to surface water attenuation, it is considered that the proposal would not comply with Objective CPO 14.14 of the County Development Plan 2022-2028, and with the Wicklow County Council Sustainable Drainage Systems (SuDS) Policy and Development Guidance,

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The initial Planners Report dated 22<sup>nd</sup> August 2025 raised some concerns regarding the proposed development and recommended that 6 no. items of further information be sought. These are summarised below.

1. The applicant was requested to confirm their acceptance of an occupancy condition.
2. To address concerns regarding the access and parking arrangement the applicant should submit (a) speed survey data at the L5046 / N11 junction, (b) demonstrate that sightlines and the proposed junction layout can be accommodated and (3) an updated Road Safety Audit.
3. (a) details of any upgrade to the existing public footpaths and (b) a taking in charge map.
4. Justification for the proposed finishes.
5. Proposals to improve surveillance of the area of public open space.
6. Provide a justification for (a) surface water drains and attenuation over nature based solutions and (b) use of precast soakaway units.

Following receipt of further information, the Planners Report considered that a number of concerns remain outstanding. In this regard the access arrangement cannot be endorsed as the RSA identified safety problems which remain substantively unmitigated.

It is noted that it is not proposed to construct a footpath and that the proposed pedestrian infrastructure does not adequately connect to the existing public footpath.

Concerns were also raised regarding the use of red brick finishes which it considered are not in keeping with the traditional character of Kilpedder and considered that a more

appropriate boundary treatment would be a 1.1m high black steel bow top bar railing. It is noted that this concern could be addressed by way of condition.

With regard to the proposed SUDS measures there are concerns that given the scale of the proposed development that all the proposed open space would not be lost to an appropriately sized detention basin.

Overall, the report considered that the proposed development should be refused for non-compliance with the applicant's RSA. Should the application be progressed, there are a number of matters that would need to be addressed. This includes the full implementation of the RSA to be agreed prior in writing with Wicklow County Council, *inter alia*, entrance design, suitable pedestrian facilities, surface water connection, surface water attenuation/SUDS/nature based systems and usable public open space. Other minor issues would also need to be resolved including revised building design finishes and the materials used on boundary fencing.

### 3.2.2. **Other Technical Reports**

Transportation and Infrastructure Delivery: Report dated 6<sup>th</sup> August 2025 raised concerns regarding the proposed access arrangements and recommended that a speed survey, a technical note addressing sightlines, an updated Road Safety Audit (RSA) be submitted by way of further information a construction management plan and a taking in charge map. The report also states that a condition should be attached to any grant of permission that final drainage layouts be agreed with the Roads Authority.

Report dated 1<sup>st</sup> December 2025 raised concerns that the proposed access designed has not adequately addressed all concerns raised in the revised RSA, with particular regard to wrong-way movements towards the N11, visibility to the right at Kilpedder Inn and excessive land width on the L5046. The Roads Authority cannot endorse an access arrangement where the RSA identified safety problems which remain substantively unmitigated.

Chief Fire Officer: Email dated 14<sup>th</sup> July 2025 raised no concerns subject to standard conditions.

Waste Management Section: Report dated 18<sup>th</sup> July 2025 raised no objection subject to the submission of a Construction and Demolition Waste Management Plan.

Housing Department: Report dated 6<sup>th</sup> August 2025 notes that the applicant has not engaged with the Housing Section and raised concerns regarding the size of the house proposed to be provided in accordance with Part V.

District Engineer: Email dated 9<sup>th</sup> December 2025 recommends that permission be refused for the following reasons: (1) the white lining at the junction and to the footpath is not acceptable, (2) installation of a kerb may affect the neighbouring property and may create safety issues, (3) due to vehicle speed coming off the M11 there is a potential for conflict and (4) the surface water / storm network is proposed to connect to an existing manhole on the road. No survey of the existing network has been undertaken.

### 3.3. **Prescribed Bodies**

The Planning Authority notified relevant prescribed bodies. The following responses were received:

Gas Networks Ireland: Email dated 21<sup>st</sup> July 2025 and attached map provides information on Gas Network Ireland infrastructure in the vicinity of the site.

National Road Network: Report dated 18<sup>th</sup> August 2025 notes that the site is outside of the preferred option corridor boundary for the N11 / M11 Bus Priority Interim Scheme and as such would have no impact. The site is immediately adjacent to the preferred option corridor boundary for the N11/M11 Junction 4 – Junction 14 Improvement Scheme. However, it is not considered to have an impact.

### 3.4. **Third Party Observations**

As noted in the Planners Report there were 7 no. third party submission's, one of which was a duplicate of an original submission. The main planning ground raised related to the capacity of the sewerage and drainage network, road safety and access, residential amenity and negative impact on the character of the village.

## 4.0 **Planning History**

ABP-314715-22, Reg. Ref. 22/777: Permission was granted in 2024 for the construction of 4 no. houses on a portion of the appeal site.

## 5.0 Policy Context

### 5.1. Wicklow County Development Plan 2022 - 2028

The appeal site is within the settlement boundary of Kilpedder.

Section 4.2 County Wicklow Settlement Strategy identifies Kilpedder as a Level 7 Village (Type 1). These settlements are rural villages with a moderate level of existing infrastructural services, both physical and social, and are of such a size as to accommodate a moderate amount of new housing. These settlements generally have a population of less than 500, with many considerably smaller. 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 on the basis of a number of well-integrated sites including infill sites within and around the village centre rather than focusing on one very large site. In order to facilitate commensurate growth, any individual scheme for new housing should not be larger than 10 units.

Housing Occupancy Controls: Multi-house Development:

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

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

The following policies and objectives are considered relevant

**Strategic County Outcome: SCO1: Sustainable Settlement Patterns and Compact Growth:** The delivery of compact growth in all towns and villages by capitalising on the potential for infill and brownfield development, moving away from a reliance on greenfield development and creating places that encourage active lifestyles is essential for the successful delivery of the development plan strategy.

**CPO 4.2:** To secure compact growth through the delivery of at least 30% of all new homes within the built-up footprint of existing settlements by prioritising development on infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.

**CPO 4.3:** Increase the density in existing settlements through a range of measures including bringing vacant properties back into use, reusing existing buildings, infill development schemes, brownfield regeneration, increased building height where appropriate, encouraging living over the shop and securing higher densities for new development.

**CPO 4.13** To require that the design, scale and layout of all new residential development is proportionate to the existing settlement, respects the character, strengthens identity and creates a strong sense of place.

- For Level 7 Villages, any multi-unit housing development should not be larger than 10 units

**CPO 7.46:** To require open space to be provided in tandem with new residential development (in accordance with the standards set out in the Development & Design Standards Appendix).

**CPO 14.14:** Underground tanks and storage systems shall be permitted as a last resort only where it can be demonstrated the other more sustainable SuDS infrastructure measures are not feasible. In any case underground tanks and storage systems shall not be permitted under public open space, unless there is no other feasible alternative.

Chapter 2: Overall Strategy, Chapter 3: Core Strategy, Chapter 4: Settlement Strategy, Chapter 6: Housing, Chapter 13: Water Services and Appendix 1: Development and Design Standards.

## 5.2. **Natural Heritage Designations**

There are no designated sites within or immediately adjacent to the appeal site.

## 6.0 **EIA Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment, refer to Appendix 1 and 2 of this report. Having regard to the characteristics and urban location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

The first party appeal generally relates to the two reasons for refusal and includes a standalone Technical Engineering Note.

#### Principle of Development

- The Planning Authority raised no concerns regarding the principle of the development.
- The Commission previously granted permission for a residential development (4 no. houses) at the stie (ABP. 314715-22). The current reasons for refusal were not raised in this previous application / appeal. The access and SUDs proposals are materially the same as those previously granted.

#### Impact on the N11

- The National Roads Office has confirmed that the proposed development would prejudice / compromise the future upgrade of the N11, and no concerns were raised by the Planning Authority in this regard.

#### Design Approach

- The Planning Authority raised no concerns regarding the proposed density and considered the development to be respectful to the character of Kilpedder Village.
- The Planning Authority raised no concerns regarding a negative impact on residential amenities in terms of overlooking, overshadowing or overbearing impact.

#### Junction and Access – Frist Reason for Refusal

- The access and junction arrangements were previously approved by the Commission, and the Planning Authority raised no concerns in this regard during the previous application.
- The appeal refers to the standalone technical note, which states that the speed survey submitted by way of further information recorded a median speed limit of c. 34-36km/h and an 85<sup>th</sup> percentile c. 39-42 km/h. This is significantly below the theoretical speeds of 85 – 100 km/h cited by the Planning Authority. The speed limits are attributed to the existing chicane-type geometry at the N11 slip.

- The criticism of the c. 60m visibility under a straight line reading does not reflect the curvilinear path methodology mandated in DMURS and used in practice by the design team. The further information response notes an actual stopping distance of c. 75m.
- Many of the alterations required and mentioned in the reasons for refusal are related to works on the public road, outside of the applicants control. These concerns could be addressed by way of condition to be agreed with the Roads Authority.

#### Surface Water – Second Reason for Refusal.

- The surface water management and SUDS arrangements were previously approved by the Commission.
- SUDS measures incorporated into the scheme include individual house soakaways, permeable paving, swales and bioretention tree pits. These will deliver interception, storage and treatment.
- The proposed attenuation tanks are only for volume storage to achieve Qbar control and are not relied upon for treatment.
- The appeal refers to the standalone technical note which explains why a detention basin cannot be substituted as an alternative to the attenuation tanks.
- The surface water and drainage strategy is pragmatic, practicable and in alignment with the principles which underscore Objective CPO 14.14 of the Development Plan and the Councils Sustainable Drainage Systems Policy and Development Guidance (2025).

#### **7.2. Planning Authority Response**

None

#### **7.3. Observations**

The observation from Carolyn Bowden raised concerns regarding the capacity of the Kilpedder Wastewater Treatment Plant (WWTP), potential traffic hazard due to traffic volumes at this location and the proposed development is not in keeping with the character of the village.

## 8.0 **Assessment**

8.1. Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, the report of the local authority and inspected the site, and having regard to relevant policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Design Approach
- Access – First Reason for Refusal
- Surface Water Management – Second Reason for Refusal
- Wastewater

### 8.2. ***Principle of Development***

8.2.1. The proposed scheme comprises the construction of 10 no. houses on a 0.4596ha brownfield site at the southern end of Kilpedder village. The appeal site is not zoned. However, it is located within the settlement boundary for Kilpedder as indicated on Map No. 04.06c of the Development Plan. Therefore, the principle of residential development on the site is considered acceptable and in accordance with the provisions of the Objective COP 4.6 to require new development to locate on designated lands within the boundary of settlements.

### 8.2.2. ***Design Approach***

8.2.3. The proposed development comprises the demolition of an existing derelict house and outbuildings and the construction of 10 no. 4-bed semi-detached houses on an irregular shaped site with a net developable area of 4,264sqm. It is noted that permission was previously granted on the eastern portion of the appeal site for 4 no. houses and 2 no. areas of public open space (ABP-314715-22). The previously approved houses are in a similar position to proposed houses no. 1-4 and that the areas of public open space and access arrangements are also in a similar position.

8.2.4. Permission was also previously granted for the demolition of the existing structures. The existing buildings do not have any features of architectural merit, and I have no objection to the demolition of the structures to accommodate the proposed development.

- 8.2.5. Chapter 4 of the Development Plan sets out the Settlement Strategy for the County. Kilpedder is identified as a Level 7 Village (Type 1). Objective CPO 4.13 requires that the *design, scale and layout of all new residential development is proportionate to the existing settlement, respects the character, strengthens identity and creates a strong sense of place. For Level 7 Villages, any multi-unit housing development should not be larger than 10 units.* Therefore, the quantum of development is in accordance with the provisions of Objective CPO 4.13.
- 8.2.6. The Compact Settlement Guidelines sets out key priorities for compact growth in rural towns and villages which include opportunities for infill and backland development. Table 3.7 of the Guidelines further states that the density of development at such locations should respond in a positive way to the established context. Based on the net developable site area the proposed development has a density of c. 23.5 uph. I have no objection to the proposed density and consider it appropriate at this village location.
- 8.2.7. The proposed houses are laid out in a row on the southern side of the site, with the access road to the north. The layout of the site is informed by the location of an existing foul sewer under the eastern portion of the site. The houses are located away from the infrastructure, c. 30m from the site's eastern boundary with the L4650. The scheme incorporates two areas of public open space. In this regard a 540sqm area of public open space at the site's eastern boundary over the foul sewer and adjacent to the L5046 and a 208sqm area of public open space on the northern portion of the site. Having regard to the irregular shape of the site and the existing Uisce Eireann infrastructure under the site I have no objection to the proposed layout.
- 8.2.8. The proposed houses have a contemporary design approach, they are 2-storeys in height with an attic / dormer window to the front, with a height of c. 9.5m. They have a gross floor area of 163sqm each, with off-street car parking to the front and rear private open space. The scheme comprises two house types, House Type A (9 no.) and House Type B (1 no.). The only variation between the house types is that House Type B is dual fronted to provide passive overlooking of the proposed public open space at the eastern portion of the site. The layout of the houses reaches and exceeds the minimum standards set out in the Quality Housing for Sustainable Communities Guidelines.

- 8.2.9. The front elevation of the proposed houses, and the side elevation of the dual aspect House No. 1 (House Type B) would be predominantly finished in red brick with a zinc clad dormer window. The rear and side elevations would be predominantly render. The Planning Authority considered the red brick finish to be out of character with the village. It is noted that the existing residential properties in Kilpedder vary in design approach and generally have a render finish. In response to the request for further information the applicant notes that the red brick is broken up by light coloured mortar, banding and windowsill detailing and notes that brick is a high-quality material. The use of high-quality finishes, such as brick, is welcomed. However, having regard Objective CPO 4.13 which requires that new residential developments in Level 7 villages respect the character and strengthen the identity of the settlement, it is my opinion that the use of red brick is not appropriate in this instance. If permission is to be contemplated it is recommended that a condition be attached that the brick finish be a neutral tone to be agreed with the Planning Authority. It should be noted that render is not considered a high-quality finish.
- 8.2.10. The Planning Authority also raised concerns regarding the proposed boundary treatment in the northwestern portion of the site, which comprises a 1.8m high steel post and mesh fence with a green finish and considered that a more appropriate boundary treatment would be a 1.1m high black steel bow top bar railing. I am satisfied that the final details of all boundary treatments could be addressed by way of condition.
- 8.2.11. The Observer raised concerns that the proposed development is not in keeping with the character of the village. The appeal site is not located within a designated area and there are no protected views or prospects within the vicinity of the site. It is acknowledged that the proposed contemporary design of the houses has a different character to the adjacent commercial and residential properties. However, given the high-quality design approach and the c. 30m set back from the public road and I am satisfied that, subject to the external materials being agreed by way of condition, that the proposed development would not have a negative impact on the character of the village.
- 8.2.12. The rear elevations of the proposed houses are located a minimum of 8m from the site's southern boundary with sheds and outbuildings associated with the Kilpedder Inn. The Compact Settlement Guidelines require a minimum separation distance of 16m between opposing windows serving habitable rooms. Given the minimum separation distance, I am

satisfied that the proposed development would not impede the future development of the undeveloped lands adjoining the site.

8.2.13. Chapter 4 Settlement Strategy of the Development Plan sets out occupancy controls. With regard to Multi-House Developments in Level 7 (Type 1) Villages there is a requirement that 50% of the units must be reserved for persons either (a) resident for at least 3 years duration in County Wicklow or (b) in permanent employment for at least 3 years duration in County Wicklow and within 30km of the village. This requirement is reflected in Objective CPO 6.37. If permission is being completed it is recommended that a condition be attached in this regard. It is noted that the applicant raised no objection to this restriction.

### 8.3. **Access – First Reason for Refusal**

8.3.1. The Planning Authority's first reason for refusal considered that the proposed development would endanger public safety by reason of serious traffic hazard as the development would result in increased traffic movements at a location where sightlines are deficient, the northbound lane width is excessively wide, encouraging higher vehicle speeds and increasing crossing distances, there is a risk that visitors unfamiliar with the area may inadvertently turn right onto N11 and pedestrian facilities are inadequate. It was considered that the solutions identified by the applicant did not adequately address these deficiencies in pedestrian and traffic safety.

8.3.2. The Observer also raised concerns of a potential traffic hazard due to the traffic volumes at this location.

8.3.3. Access to the site is proposed from the site's eastern boundary with the L5046. It is noted that there are 2 no. existing vehicle access points to the site from the L5046, which would have previously served the existing derelict dwelling. In the appeal the applicant notes that permission was previously granted for 4 no. houses on the site and that no concerns were raised regarding the access arrangements.

8.3.4. The L5046 is a local road that runs in a north south direction through the village of Kilpedder. It terminates to the south of the appeal site, at the car park of the Kilpedder Inn. Due to the exit only slip road from the N11, there is a stop sign and associated road markings on the L5046, to the east of the appeal site and north of the Kilpedder Inn car park, to ensure priority is given to vehicles existing the N11. Currently vehicles are permitted to cross the slip lane to access the Kilpedder Inn and the appeal site.

- 8.3.5. The Planning Authority's reason for refusal noted that the northbound lane of the L5046 is excessively wide, which it considered would encourage higher vehicle speeds and increase crossing distances. The L5046, immediately adjacent to the appeal site, is irregular in shape, with a maximum width of c. 18m. It is acknowledged that the northbound lane is excessively wide. However, to facilitate the proposed access to the site it is proposed to regularise the layout of the road by constructing a build out into the public road, which would reduce the width to c. 11m at the junction with the proposed new access road. This build out would have no impact on the existing slip road from the N11, the existing stop sign and road markings on the L5046 or the access to the Kilpedder Inn car park. It is also proposed to provide a formal car parking space and footpath along the eastern boundary of the adjacent vacant retail shop, which would reduce the width of the road. To facilitate the works the applicant has included a section of the public road within the red line boundary of the site. The information submitted with the application indicates that Wicklow County Council do not provide letters of consent for works on the public road and it is noted that Wicklow County Council raised no objection in principle to works being carried out to the public road. I have no objection in principle to the works on the public road, to reduce the lane width and provide a footpath.
- 8.3.6. The 100km/h speed limit on the N11 reduces to 50km/h at the slip road for Kilpedder. In response to the concerns raised by the Planning Authority regarding speeds higher than 50km/h on the slip road, the applicant refers to the speed survey data submitted by way of further information and submitted with the appeal. The response to the further information request states that an automatic traffic count was carried out on Wednesday the 10<sup>th</sup> September 2025. The data indicates that there were 692 no. vehicular movements in the AM peak (07.00 – 08.00) and 62 no. vehicular movements in the PM peak (16.30-17.30) recorded on the N11 slip road adjacent to the site. The speed of vehicles using the slip road were within the 50km/h speed limit, with the recorded median speed limit of c. 34-36km/h and an 85<sup>th</sup> percentile c. 39-42 km/h. It is noted that this is significantly below the 50km/h speed limit. The applicant considers that the speed limits are attributed to the existing chicane-type geometry at the N11 slip. Having carried out a site visit on the 1<sup>st</sup> April 2026 I agree with the applicants findings that that the reduced speed on the N11 slip is likely to be attributed to the geometry of the road, in combination with the additional exit off the N11, c. 65m prior to the exit for Kilpedder and the proximity of the Kilpedder Inn and 3 no. residential properties to the N11. Having regard to the information submitted by the applicant, which

is evidence based, and having carried out a site visit, I am satisfied that speeding on the N11 slip road is unlikely.

- 8.3.7. The reason for refusal also raised concerns regarding deficient sightlines. The applicant notes that the junction has been designed in accordance with DMURS Stopping Sight Distance (SSD) along a curved vehicle path. Table 4.2 of DMURS recommends a SSD standard of 45m forward visibility (sightline) for roads with a design speed of 50km/h. Drawing 3135-MHT-XX-ZZ-DR-T-011 submitted by way of further information illustrates an SSD of 75m, which is in excess of the standards of both DMURS and TII DN-GEO-03060 for a 50km/h environment. It is acknowledged that these sightings could potentially be obstructed by vehicles parking on the public road, adjacent to the Kilpedder Inn. To prevent obstruction of the available sightlines the applicant has suggested that the Wicklow County Council implement measures to prevent haphazard parking on the public road, outside of the Kilpedder Inn. Having regard to the unrestricted car park associated with the Kilpedder Inn and additional unrestricted car parking provided along the L4650 to the north of the appeal site, I am satisfied that the introduction of bollards, double yellow lines or other appropriate restrictive measures to prevent haphazard parking and ensure appropriate sightlines for the development would not negatively impact on the operation of the commercial premises.
- 8.3.8. The Planning Authority also considered that there is a risk that visitors unfamiliar with the area may inadvertently turn right out of the development and onto N11. Vehicles existing the site could potentially turn right. However, this right turn does not directly lead to the N11 slip road. It would provide access onto the L5046 and potentially the car park for Kilpedder Inn. Notwithstanding this in the appeal the applicant has proposed that a raised splitter island enforcing a left turn only egress together with No Right Turn signage and directional arrows be provided. Having regard to the concerns raised by the Planning Authority this is considered a reasonable approach to ensuring vehicles do not turn right when existing the development. I am satisfied that this could be addressed by way of condition.
- 8.3.9. The reason for refusal also considered that the pedestrian facilities proposed are inadequate. There is an existing footpath on the L4650 c. 20m north of the appeal site. The site is separated from the footpath by a vacant retail unit. There are bollards outside the vacant premises which provides an inductive pedestrian route. The wide width of the north bound carriageway of the L4650 allows for vehicles to park in a haphazard manner along

the western side of the L4650. To ensure safe pedestrian movements between the appeal site and the existing footpath is proposed to provide a pedestrian route and designated car parking space outside of the vacant retail unit. The sites red line boundary includes this area of the public road which would allow for a footpath to be provided between the appeal site and the existing footpath on the western side of the L4650. The Road Report states that the white lining is not acceptable from a safety point of view. It also noted that the installation of a kerb may affect the neighbouring property and may create further safety issues. This appears to relate to the fact that the entrance to the retail unit is level with the ground, and the introduction of a raised kerb could negatively impact on access to the existing premises. Having regard to the significant (18m) width of the L4650 and the existing indicative pedestrian route segregated by bollards, I am satisfied that pedestrian connectivity can be provided within the public domain, between the appeal site and the existing footpath on the L4650. It is noted that the applicant raised no objection to the final details of pedestrian connectivity to be agreed by way of condition.

8.3.10. Overall, having regard to the proposed junction layout, the existing access and egress arrangements on the L4650, the speed limit and the recorded speeds on the N11 slip road, the available sightlines, the previous grant of permission for 4 no. houses on the appeal site and the relatively limited number of vehicles movements likely to be generated by the proposed development I am satisfied that the proposed access arrangements are unlikely to result in a traffic hazard. If permission is being contemplated it is recommended that a condition be attached that the final details of all works within the public road, including the build outs, footpath and introduction of double yellow lines, if necessary, to be agreed in writing with the Planning Authority prior to commencement of development.

#### 8.4. ***Surface Water Management – Second Reason for Refusal***

8.4.1. The proposed scheme incorporates SUDS measures, including individual house soakaways to manage impermeable roof runoff, permeable paving and dry swales along the road network to intercept runoff from impermeable road surfaces. An Aquacell storage system is proposed within the area of public open space in the eastern portion of the site, to provide the required attenuation volume. It is proposed to drain the surface water generated within the site to the existing sewer under the public road. The proposed measures would ensure that the surface water generated within the site discharges to the public network at a greenfield run off rate.

- 8.4.2. The Planning Authority's second reason for refusal considered that the surface water attenuation proposal would not comply with Objective CPO 14.14 of the County Development Plan 2022-2028, and with the Wicklow County Council Sustainable Drainage Systems (SuDS) Policy and Development Guidance. Objective CPO 14.14 states that underground tanks and storage systems shall be permitted as a last resort only where it can be demonstrated the other more sustainable SuDS infrastructure measures are not feasible. In any case underground tanks and storage systems shall not be permitted under public open space, unless there is no other feasible alternative. The Sustainable Drainage Systems (SuDS) Policy and Development Guidance is available on the Planning Authority's website ([www.wicklowcoco.ie](http://www.wicklowcoco.ie)) which I accessed on the 31<sup>st</sup> March 2026, provides guidance on SUDS standards required for all proposed developments. It notes that storage tanks do not have any inherent biodiversity value and should be avoided within the design if possible.
- 8.4.3. The response to the request for further information, which is submitted as part of the appeal, states that an assessment was carried out to consider if a detention basin could be provided instead of an underground attenuation tank. This assessment found that the size of the detention basin required to ensure there was no flood risk (1 in 100 year storm event, plus 20% allowance for climate change) would cover the entire area of open space. The earthworks required would also pose a health and safety risk to children and would require a perimeter fence around the area of open space, which would result in the open space being unusable. Given the relatively limited size of the site, I agree that this is not a reasonable approach.
- 8.4.4. Objective CPO 14.14 also states that underground tanks and storage systems shall not be permitted under public open space, unless there is no other feasible alternative. The appeal notes that the lowest level of the manhole at the proposed outfall is less than 1m. Therefore, there is insufficient depth under the road to accommodate the attenuation tank under the road. The applicant notes that an infiltration basin above the proposed attenuation tank was also considered. However, due to the restricted levels in the area, it is not possible to include a basin and achieve the minimum required cover above the tank.
- 8.4.5. Having regard to the information provided and the levels within the appeal site and the levels of the manhole on the public road I am satisfied that the applicant has adequately demonstrated that other measures are not feasible at this location and that the attenuation

tank is appropriate in this instance. The applicant notes that the proposed surface water management and SUDS arrangements were previously approved by the Commission.

## 8.5. **Wastewater**

- 8.5.1. Concerns are raised by the observer regarding the capacity of the Kilpedder Wastewater Treatment Plant (WWTP) to accommodate the proposed development. Appendix F of the applicants Infrastructure Report submitted with the application contains a Confirmation of Feasibility from Uisce Eireann (formerly Irish Water) from 2020 which states that there is capacity within the public network to accommodate the proposed development. Therefore, I am satisfied that there is sufficient capacity within the network to accommodate the proposed 10 no. houses.

## 9.0 **AA Screening**

- 9.1. 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 proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European sites 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:

- The small scale and nature of the scheme,
- The urban location of the site,
- The separation distance from nearest European site, and
- The lack of a direct or indirect pathway to any designated site.

## 10.0 **Water Framework Directive**

- 10.1.1. The appeal site is located within the settlement boundary of Kilpedder, Co. Wicklow. The nearest watercourse is Kilcoole Stream \_010 (IE\_EA\_10K010580) located c. 700m north of the appeal site. This waterbody has a Moderate Status and is At Risk. The groundwater body underlying the site is Kilcoole Gravels (IE\_SH\_G\_244). The groundwater has a Good Status and is At Risk.

10.1.2. The proposed development comprises the demolition of a derelict dwelling and associated outbuildings and the construction of a 10 no. houses. No water deterioration concerns were raised by the Planning Authority or the third parties.

10.1.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and / or groundwater water bodies either qualitatively or quantitatively.

10.1.4. The reason for this conclusion is as follows

- The small scale and nature of the development
- Location-distance from nearest water bodies
- Lack of hydrological connections

10.1.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 11.0 Recommendation

Having regard to the above assessment, and based on the following reasons and considerations, it is recommended that permission be granted subject to conditions.

## 12.0 Reasons and Considerations

Having regard to the sites location within the settlement boundary of Kilpedder, which is designated as a Level 7 (Type 1) Village in the Wicklow County Development Plan 2022-2028 and to the existing pattern of development in the area it is considered that subject to compliance with the conditions set out below, the proposed quantum of development is

acceptable, the design, layout, scale and height of the proposed scheme would be proportionate to the existing settlement, would not seriously injure the residential or visual amenities of the area or of property / land in the vicinity and would that the development would be consistent with the relevant provisions of the Development Plan. The proposed development would be acceptable in terms of pedestrian and traffic safety, having regard to the design of the proposed scheme. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 19<sup>th</sup> day of November 2025, 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.

**Reason:** In the interest of clarity.

2. The use of five (5) 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.

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.

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. 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.

**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.

3. A schedule of all materials to be used in the external treatment of the houses, to include high-quality finishes, such as brick and stone, in a neutral tone, shall be submitted to and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

4. Prior to commencement of development the applicant shall submit and agree in writing all boundary treatments with the planning authority.

**Reason:** In the interest of residential and visual amenity and to secure the integrity of the proposed development

5. Prior to commencement of development, the location, design / construction and specification of the build out and footpath within the public road shall be agreed in writing with the Planning Authority. All alterations to the public road shall be constructed in accordance with the requirements of the planning authority, and shall comply, in all respects, with the standards set out in the Design Manual for Urban Roads and Streets (DMURS). All works shall be at the applicant's expense.

**Reason:** In the interests of pedestrian and traffic safety

6. The internal road network serving the proposed development, including the turning area, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works, and shall comply, in all respects, with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

7. The landscaping scheme shall be carried out within the first planting season following substantial completion of external construction works.

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.

**Reason:** In the interest of residential and visual amenity.

8. Proposals for an estate/street name, 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. 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.

**Reason:** In the interest of urban legibility.

9. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces. Such lighting shall be provided prior to the making available for occupation of any residential unit.

**Reason:** In the interest of amenity and public safety.

10. 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.

**Reason:** In the interests of visual and residential amenity.

11. The developer shall enter into water and wastewater connection agreement with Uisce Eireann, prior to commencement of development.

**Reason:** In the interest of public health.

12. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of public health and surface water management.

13. The two visitor parking spaces shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

14. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity

15. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall

include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of proper planning and sustainable development

16. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the satisfactory completion and maintenance of this development.

17. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority, such agreement must specify the number and location of each house, pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units 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.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall

confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

**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.

18. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

19. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

20. 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.

**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.

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.

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Elaine Power  
Senior Planning Inspector

2<sup>nd</sup> April 2026

**Appendix 1: Form 1 EIA Pre-Screening**

<b>Case Reference</b>	PL-500598-WW-26
<b>Proposed Development Summary</b>	Demolition of existing derelict house and outbuildings and the construction of 10 no. houses.
<b>Development Address</b>	Site at Willow Cottage and the L5046, Johnstown, Kilpedder, Co. Wicklow.
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	

<p><b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b></p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p><b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b></p>	
<p><input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. <b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. <b>Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>10 (b)(i): Construction of more than 500 dwelling units.</p> <p>10 (b)(iv): 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.</p> <p>15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be</p>

	likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.
<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2: Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	PL-500598-WW-26
<b>Proposed Development Summary</b>	Demolition of existing derelict house and outbuildings and the construction of 10 no. houses.
<b>Development Address</b>	Site at Willow Cottage and the L5046, Johnstown, Kilpedder, Co. Wicklow.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development comprises the demolition of a derelict house and outbuildings and the construction of 101 no. houses on a 0.4596ha site within the settlement boundary of Kilpedder.</p> <p>The proposed development is not regarded as being significantly at odds with the surrounding pattern of development.</p> <p>Having regard to the nature and scale of the proposed development I am satisfied that it would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents.</p> <p>The site is not at risk of flooding.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural</p>	<p>The appeal site is located on a brownfield site within the settlement boundary of Kilpedder. The site is currently overgrown and contains a derelict house and associated outbuildings. It does not host any species of conservation interest. This site is not located on, in or adjacent to any ecologically sensitive site and does not have the potential to impact any such sites.</p>

<p>resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>There are no protected landscapes, sites of historic, cultural or archaeological significance within or immediately adjacent to the site.</p> <p>Having regard to the location of the site and the nature and scale of the development there is no potential to significantly affect environmental sensitives in the area, including protected structures.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p><b>Conclusion</b></p>	
<p><b>Likelihood of Significant Effects</b></p>	<p><b>Conclusion in respect of EIA</b></p>
<p><b>There is no real likelihood of significant effects on the environment.</b></p>	<p>EIA is not required.</p>
<p><b>There is significant and realistic doubt</b></p>	

<p><b>regarding the likelihood of significant effects on the environment.</b></p>	
<p><b>There is a real likelihood of significant effects on the environment.</b></p>	

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)