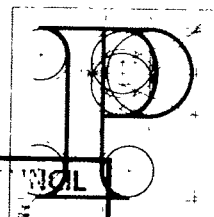
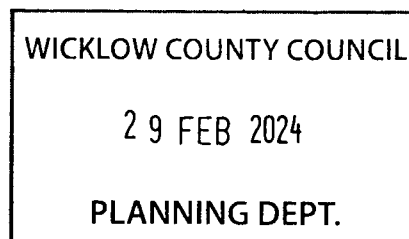
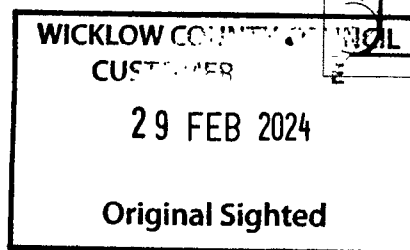


Our Case Number: ABP-319137-24

Planning Authority Reference Number: 2360219



An
Bord
Pleanála



Wicklow County Council
Planning Department
County Buildings
Whitegates
Wicklow Town
Co. Wicklow
A67 FW96

Date: 28 February 2024

Re: Large scale residential development: construction of 220 houses and 132 apartments; provision of new section of Rathnew Inner Relief Road; associated vehicular and pedestrian access, carriageways, paths and junctions; provision of new vehicular entrance and gates along eastern portion of Tinakilly Avenue and all associated site development works. The planning application is accompanied by an Environmental Impact Assessment Report and Natura Impact Statement. Site of c. 16.8 ha at Tinakilly, Rathnew, Co. Wicklow

Dear Sir / Madam,

Enclosed is a copy of a large-scale residential development appeal under the Planning and Development Act, 2000, (as amended). **You are requested to submit these pilot digital planning application documents to An Bord Pleanála electronically. The documents are to be uploaded on our digital portal as agreed with the training from the LGMA.**

Please **upload**, within a period of 2 weeks beginning on the date of this letter, the following documents:-

- (i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,
- (ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,
- (iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,
- (iv) a copy of the notification of decision given to the applicant,

Tel	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

- (v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,
- (vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure.
- (vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,
- (viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority, (ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,
- (x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,
- (xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:-

Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

- a) Certified Manager's Order,
- b) the site location, site layout maps, all plans and
- c) particulars and all internal reports.

Copies of I-plan sheets are not adequate.

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within a **period of 4 weeks** beginning on the date of this letter. Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

Contingency Submission

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a

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permission in accordance with section 48 and/or 49 of the 2000 Planning Act, (as amended), (Development / Supplementary Development Contributions) including any special condition which might be appropriate under section 48(2)(c) of the Act.

Any such contingency submission, in circumstances which your authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

Please quote the above appeal reference number in any further correspondence.

I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP-319137-24) the request at 1 on page 1 of this letter has been forwarded.

Signed: Gerard O'Brien ^{TO THE BEST OF MY KNOWLEDGE}

Print: GERARD O'BRIEN

Date: 01/03/2024

Yours faithfully,

Catherine Flynn

Catherine Flynn
Administrative Assistant
Direct Line: 01-8737143

Digital LRD07

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AN BORD PLEANÁLA	
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ABP-	
26 FEB 2024	
Fee: €	<u>220.00</u> Type: <u>cash</u>
Time: <u>11:54</u>	By: <u>hand</u>

Henry & Aoife Clarke,
Evelyn & Shay Ryan
Tinakilly,
Rathnew,
Co. Wicklow
A67X403

Date Monday 26th Feb, 2024

RE: Wicklow County Council Planning Application 2360219

Regarding Planning Application 2360219 and Wicklow County Council's decision to grant Permission to Keldrum LTD for the construction of a large-scale residential development in Tinakilly, Rathnew, Co Wicklow, we wish to address several significant concerns. As long standing residents of Tinakilly with familial ties spanning over 150 years, we feel compelled to express our objections and observations regarding the conditions attached to this development.

Objection to Curtailing Our Right of Way

Condition number 21 of the granted permission outlines the requirement for the erection of black estate railings alongside proposed bollards on Tinakilly Avenue's western pedestrianised section. This condition aims to prevent unauthorised vehicular access to the western section of the avenue, to enhance safety and amenity. We strongly oppose this condition because it directly threatens our legal right to use vehicles on Tinakilly Avenue to access the R750 at Rathnew. Not only is this restriction legally unsound, but it also lacks foresight. Despite the Planning Department's claim that pedestrian access will remain unaffected, there are existing gates on the lower western section of Tinakilly Avenue, outside of Keldrum Ltd site boundary and ownership. Keldrum Ltd does not have the landowner's consent to keep these gates open, making it impossible for them to guarantee continued access. This puts the entire avenue at risk of closure or development by other parties, jeopardising both its historical significance, and as a local green space. The belief held by the Wicklow County Council's planning department that restricting vehicular access improves pedestrian and cyclist safety is again, simply untrue. It holds no bearing in reality. Instead, it will force pedestrians and cyclists to navigate a new main road and access gates to Tinakilly House Hotel's eastern section, increasing traffic and compromising safety.

It's important to highlight that before our submission, along with others from the community, Wicklow County Council (WCC) had not addressed the pedestrianisation of the western section of Tinakilly Avenue. Initially, they considered it acceptable to completely close off this part of the avenue to residents and the Rathnew community, expecting us to walk over 2 kilometres to reach our village. Only after numerous submissions and discussions with the developer did it become apparent that this lower section should be accessible to the general public, not just the future residents of the newly built estate.

We note that, following our discussions with a representative of Keldrum Ltd, plans were submitted proposing the installation of automated bollards to facilitate residents' right of passage on the western section of Tinakilly Avenue. This gesture indicates a willingness to address our concerns, as reflected in drawing number 426-PD-01.2 dated November 2023. However, in the subsequent grant of permission, WCC removed this option.

We appeal to An Bord Pleanála to safeguard both our vehicular and pedestrian access along the entirety of Tinakilly Avenue to Rathnew as we have enjoyed for more than 150 years. Preserving our access is essential to protecting Rathnew's cultural heritage.

Should the condition restricting our vehicular access be upheld, we will be compelled to pursue legal action to defend our right of way through the judicial system.

Proposed Rathnew Relief Road (RRR)

The planned construction of the Rathnew Relief Road (RRR) presents a grave threat to Tinakilly's historic avenue, effectively erasing a crucial piece of Rathnew's and world history. At a time when sites connected to figures like Captain Robert Halpin are being preserved and celebrated worldwide, Wicklow County Council's decision to allow a road to bisect Tinakilly Avenue is highly concerning. We firmly believe that the RRR is unnecessary and unsuitable for its intended purpose. By slicing through Tinakilly Avenue, this road will sever Rathnew's connection to a vital part of its heritage.

We are particularly concerned about the potential traffic chaos at the northern end of the RRR, especially given the already strained infrastructure near Aldi and Clermont Grove. Neglecting these existing congestion issues while adding a poorly planned (relief) road is both illogical and shortsighted. Alternative routes, such as the R751 and Hawkstown Road, offer more suitable relief options for Rathnew without sacrificing Tinakilly Avenue.

It is also worth pointing out that the main R750 road from Wicklow Town to the N11 serves as a vital artery, offering a direct and efficient route through Rathnew. Given its convenience and directness, it is improbable that commuters would opt to deviate from this main thoroughfare to utilise a relief road cutting through two housing estates, only to reconnect with the busy junction at Aldi on the original R750. Suggesting this as a viable relief road for the R750 doesn't seem sensible. Moreover, the idea of permanently destroying Tinakilly Avenue for an access road for estates appears highly misguided.

We urge An Bord Pleanála to intervene and halt the proposed RRR from dividing Tinakilly Avenue. Since one half of the road has already been constructed, repurposing it as estate access roads only would preserve Tinakilly Avenue's integrity for the enjoyment of Rathnew's residents and visitors alike.

Lack of Community Gain

The absence of an onsite childcare facility within the proposed development is concerning. Instead, the developer suggests using an offsite facility in Broomhall Rathnew, a location that would require families to undertake, per the WCC planning department, a "15-minute journey" which is unrealistic, especially considering the weather and daily commitments that families face.

As per the planner's report, **"It's worth noting that the childcare facility, currently under construction, will be situated approximately 350m to 1km away from the permitted and proposed dwellings in Tinakilly"** However, we must correct the misconception presented in this statement. The walk from the closest house in the estate under construction to the childcare facility would realistically take a minimum of 10 minutes for a family to exit the large estate, and walk the steep hill. Furthermore, for the proposed houses in Tinakilly Demesne, the distance is significantly greater, with the farthest house requiring a minimum 30-minute walk to reach the facility. It's evident that this notion of a general 15-minute trip is unfounded.

This shortsighted approach will inevitably increase traffic congestion around Broomhall, already burdened by various amenities and schools. There are 2 primary schools located here, and this road services a large secondary school. Located at the top of this road, is the local Rathnew commercial centre. The roads are already at capacity in the mornings and evenings. WCC are simply adding to the chaos here, with the impending influx of extra traffic filing into this childcare facility.

The proposed allocation of green and open spaces within the proposed development is inadequate, particularly considering their placement on flood and drainage plains. These areas, saturated with groundwater for much of the year, as witnessed by our family for decades, will likely render the spaces unusable for residents and the public. The paving and drainage plans exacerbate this issue, ensuring continued flooding and environmental damage.

We implore An Bord Pleanála to recognise that this development not only fails to provide community benefits but actively harms Rathnew as a whole.

The Murrough (Special Area of Conservation)

We want to highlight the close proximity of the proposed development to the Murrough Special Area of Conservation (MSPAC). The Murrough Wetlands are the largest wetland area on the east coast of Ireland and hold EU designations as a Special Area of Conservation and Special Protection Area. Approving a development of this scale next to such a vital conservation area, especially in a time when climate issues are increasingly pressing, is a serious oversight by the WCC planning department. This invaluable area, the largest of its kind on the east coast, now faces an uncertain future just as governments worldwide are working to preserve ecological treasures for future generations.

The developers own environmental report states that this development will have an impact on this priceless ecological treasure we have on our doorstep. There will be storm water runoff into the streams and outflows that all feed into the MSPAC. There are various species that will be under threat now from both the development's construction phase and its operational phase. Unfortunately, we have already observed a noticeable change in wildlife behaviour in this area since the development at Tinakilly Park.

Keldrum Ltd have attenuation ponds and apparent adequate drainage systems in the plans to alleviate pollution issues. Across the country now we are seeing many flooding events in areas that have no history of flooding. The surrounding fields around this site that Keldrum Ltd proposes to build this LRD are well documented flood plains. These fields flood on an annual basis and feed directly into the MSPAC. We can only assume that the current climate crisis we are experiencing is going to make these flooding events more extreme and more widespread. It's not outside the realms of possibility that we could have permanent wetlands extended right up to the boundary of the development in the not too distant future. The construction and maintenance of the drains and attenuation ponds planned are of the utmost importance to the welfare of the MSPAC.

It's important to highlight a letter dated October 11, 2023, from Inland Fisheries Ireland to WCC planning regarding the proposed development. The letter emphasises the significant impact the development will have on the MSPAC and offers several recommendations. We feel these recommendations should be given utmost consideration and priority.

We request that An Bord Pleanála address the proximity of this proposed development to the Murrough Special Area of Conservation with due regard to the future proofing of systems to remove the dangers of pollution in this area.

Fairy Tree

Nestled within the heart of the site for development by Keldrum Ltd stands a tree revered for its cultural significance to Rathnew's locals for nearly a century. Many longtime residents recall fond childhood memories of playing in the fields surrounding Rathnew, particularly around this fairy tree. Despite this sentimental attachment, the developers have compiled a report arguing against the tree's preservation. They cite a lack of mention in historical records, specifically the "schools collection" from duchas.ie dating back to 1930.

However, the age requirement for a tree to qualify as a part of local cultural heritage remains unclear. This particular tree has been integral to the childhoods of every member of the Rathnew community, including individuals aged 85 to 90, who have grown up around it, played beneath its branches, and tended to the land nearby. Such communal care and reverence are what imbue landmarks like this with cultural significance. Dismissing the tree's worthiness based solely on its age seems arbitrary, especially considering its substantial presence over nearly a century. Removing it now for profit-driven purposes would be devastating to the local community. If it did not hold reverence amongst the community, why hasn't any former farmer/landowner removed it? This lends to our collective assertion of its importance within the community of Rathnew.

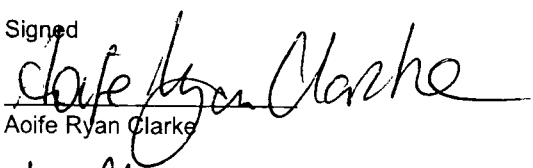
While Keldrum Ltd has mentioned in response to a request from WCC that they will attempt to relocate the fairy tree to another part of the site, the wording of "attempt to move it" raises concerns about the tree's survival. Although their consideration is appreciated, there is apprehension regarding their commitment to preserving the tree.

We urge An Bord Pleanála to prioritise the protection of the fairy tree, recognising its immense cultural value to the Rathnew community. Its destruction would not only be a loss to the community's heritage but also hinder the integration of new developments into our cherished local identity.

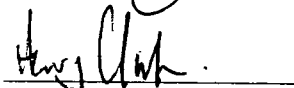
In conclusion, we oppose Planning Application 2360219 due to several significant concerns that jeopardise our quality of life and the well-being and heritage of Rathnew. Firstly, the restriction on vehicular access along Tinakilly Avenue threatens our longstanding right of way and community cohesion. Secondly, the proposed Rathnew Relief Road poses a grave threat to Tinakilly's historic avenue and the local heritage it represents. Thirdly, the lack of community gain, including the inadequate provision of childcare facilities and inadequate placing of green spaces. Additionally, the proximity of the development to the Murrough Special Area of Conservation raises serious environmental concerns, particularly regarding pollution and flooding. Finally, the proposed removal of a culturally significant fairy tree further undermines the community's connection to its heritage. We urge An Bord Pleanála to carefully consider these issues and take appropriate action to protect our interests, Rathnew's interests and our heritage.

And on behalf of: Caroline O' Neill, David O' Neill, Seamus & Evelyn Ryan at Tinakilly Rathnew Co Wicklow A67X403

Signed



Aoife Ryan Clarke



Henry Clarke



Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaoil
Planning Development and Environment

Áras An Chontae - County Buildings
Cill Mhantáin / Wicklow
Dubháil / Tel: (0404) 20148
Faxes / Fax: (0404) 69462
Rphost / Email: plansdev@wicklowcoco.ie
Suaimh / Website: www.wicklow.ie

13/12/2023

Henry & Aoife Clarke Evelyn & Shay Ryan
C/O Armstrong Planning
12 Clarinda Park North
Dun Laoghaire, Co. Dublin
A67 X403

ACKNOWLEDGEMENT of RECEIPT of SUBMISSION or OBSERVATION on a
PLANNING APPLICATION

THIS IS AN IMPORTANT DOCUMENT

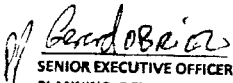
KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANÁLA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE ONLY FORM OF EVIDENCE THAT WILL BE ACCEPTED BY AN BORD PLEANÁLA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

PLANNING AUTHORITY NAME Wicklow County Council

PLANNING APPLICATION REFERENCE No.2360219

A further submission/observation in writing, has been received from Henry & Aoife Clarke Evelyn & Shay Ryan on 13/12/2023 in relation to the above planning application.

The submission/ observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001(as amended) and will be taken into account by the planning authority in its determination of the planning application


SENIOR EXECUTIVE OFFICER

PLANNING, DEVELOPMENT AND ENVIRONMENT

Planning Authority Stamp

Date 13/12/2023

Wicklow County Council
13 DEC 2023
PLANNING DEPT.

To an dreamad seo ar fáil: bhformáil eile ar iarratas
This document is available in alternative formats on request
Be chosr geall comhairle agus a shaoiladh clárú ar Stairbhí Seibhéal, Forbairt Pleanála agus Comhshaoil.
All correspondence should be addressed to the Director of Services, Planning Development & Environment.

