



---

**Planning and Development Acts 2000 to 2017**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 17/464**

**APPEAL** by Kelly Drain Maintenance Service Limited care of PD Lane Associates of 1 Church Road, Greystones, County Wicklow against the decision made on the 13<sup>th</sup> day of November, 2017 by Wicklow County Council to refuse permission.

**Proposed Development:** Development comprising (1) proposed relocation of gates on northern boundary of lands, two-storey office building (446 square metres), change of use of an existing farm building (377.7 square metres) for the maintenance of trucks, extension of existing open yard for the parking of trucks (710 square metres) and ancillary site development works including truck wash-bay, bored well/water storage, surface water drainage, package sewage treatment system including soil polishing filter in accordance with EPA 2009 standards with proposed upgraded access, and (2) retention of four number temporary portable offices, canteen, storage buildings/containers (total 87.8 square metres) (to be removed on completion of the proposed development), boundary fencing and the material change of use of a farmyard complex including open yard for use as a commercial vehicular depot in connection with a drain maintenance business at Drummin East and Kilpedder East, Delgany, County Wicklow.

## **Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

The development as proposed would involve the blocking of a mass path which is of historical and amenity significance to the local area. Objective NH46, as set out in the Wicklow County Development Plan, 2016–2022, sets out to protect this historical walking route and also to maintain it as a public right of way in accordance with P.R.O.W. 7 of Table 10.3 of the County Development Plan. Furthermore, condition number 27 attached to the permission granted by the planning authority under Planning Register Reference number 07/2592 sets out that the public right of way through the appeal site shall be maintained. The proposed development would, therefore, contravene condition number 27 attached to the said planning permission, would contravene objective NH46 of the Development Plan and would be contrary to the proper planning and sustainable development of the area.

---

**Paul Hyde**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2018.**