



**Planning and Development Act 2000, as amended**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 23894**

**APPEAL** by Kelly Drain Maintenance Services against the decision made on the 9<sup>th</sup> day of February 2024 by Wicklow County Council to refuse permission for the proposed development.

**Proposed Development:** Change of use of a farmyard complex including open yard for use as a commercial vehicular depot in connection with a drain maintenance business; change of use of an existing farm building (377.7 square metres) for the maintenance of trucks; demolition of existing vacant dilapidated farm building (200 square metres); erection of wooden shiplap fencing of 1.8 metres in height and approximately 80 metres in length along part of the northern boundary of the commercial yard; erection of palisade fencing along the northern and eastern boundaries of the subject site, approximately 355 metres in length and 2.3-2.6 metres in height; extension of the existing open yard for the parking of trucks (approximately 1,140 square metres). The proposed development comprises the: construction of a two number storey office building (446 square metres) to replace the demolished farm building; removal of the four number temporary portable offices, canteen, storage buildings/containers (87.8 square metres); provision of a truck bay wash; resurfacing of yard with a continuous concrete slab; erection of a hit and miss fence with a height of 1.8 metres and approximately 97 metres in

length enclosing the yard along its eastern and southern extents; removal of existing, disused southern gate at the Farrankelly Road (R774) and replacement with fixed, palisade fencing; and associated site development works above and below ground all at a site 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.**

## **Reasons and Considerations**

The proposed development and development proposed to be retained is in proximity to the Murrough Wetlands Special Area of Conservation (Site Code 002249) and the Murrough Special Protection Area (Site Code 004186).

There is an indirect hydrological connection to these sites by way of an unnamed tributary to the Kilcoole Stream along the northern boundary of the land which discharges into the Kilcoole Stream which in turn discharges into the Murrough Wetlands Special Area of Conservation (Site Code: 002249) and the Murrough Special Protection Area (Site Code: 004186). On the basis of the information provided with the application and on the appeal file, the Commission cannot be satisfied that the development would not be likely to have a significant effect on the Murrough Wetlands Special Area of Conservation (Site Code: 002249) and the Murrough Special Protection Area (Site Code: 004186) in view of the respective sites' conservation objectives, by reason of the site context and the stream along the northern boundary of the land that allows for indirect discharge to the Kilcoole Stream and in these circumstances the Commission is precluded from giving further consideration to a grant of planning permission. The proposed development and development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

Furthermore, the Commission is prohibited under section 34(12) of the Planning and Development Act 2000 (as amended) from considering an application to retain unauthorised development that would require an appropriate assessment.



Tom Rabbette  
Planning Commissioner of An Coimisiún Pleanála  
duly authorised to authenticate  
the seal of the Commission.

Dated this 30<sup>th</sup> day of Jan, 2026