

An
Coimisiún
Pleanála

Commission Order
ABP-319798-24

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 2430

Appeal by Peter Sweetman on behalf of Wild Ireland Defense CLG, PO Box 13611, Bantry, County Cork against the decision made on the 8th day of May 2024, by Wicklow County Council to grant permission, subject to conditions, to Alan and Steven Kidd for the proposed development.

Proposed Development: Retention of two number cattle sheds and associated works and permission to construct a slatted cattle shed, concrete aprons and all associated site works in the existing farmyard, all at Balisland, Shillelagh, County Wicklow.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the location of the proposed development, within an established farmyard complex, the scale of the development to be retained, and the development proposed, it is considered that, subject to compliance with the conditions as set out below, the proposed development and the development proposed for retention would be an appropriate land use in this predominantly agricultural rural area, would not seriously injure the visual or scenic amenity of the area and would be acceptable in terms of public health and environmental sustainability. The proposed development and the development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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 22nd day of April 2024, 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 or within three months of the date of this Order, where applicable 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 the proposed shed and the sheds to be retained shall be for agricultural purposes only. The buildings shall not be used for human habitation or any commercial purpose other than a purpose incidental to farming, whether or not such use might otherwise constitute exempted development.

Reason: In the interest of orderly development.

3. All storage facilities for farmyard effluent shall:
- (a) be so constructed, maintained, and managed as to prevent run-off or seepage, directly or indirectly, into groundwater or surface water of any effluent produced, and,
 - (b) designed and constructed in accordance with the Department of Agriculture, Food and the Marine specifications as per the European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2022 (S.I. No. 113 of 2022).

Reason: In the interest of environmental protection, pollution control and in the interest of public health and residential amenity.

4. All soiled waters and slurry generated by the proposed development shall be conveyed through properly constructed channels to the slatted effluent tank. No soiled waters or slurry shall discharge or be allowed to discharge to any drainage channel, stream, watercourse or to the public road. Drainage channel details shall be submitted to, and agreed in writing, with the planning authority, prior to commencement of development.

Reason: In the interest of environmental protection and public health.

5. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains or to appropriately sized soakaways. Uncontaminated waters shall not be allowed to discharge to soiled water and/or slurry tanks or to the public road.

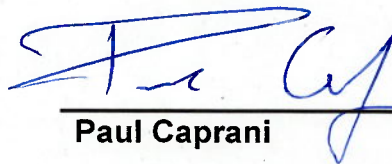
Reason: To ensure that the capacity of soiled water tanks are reserved for their specific purposes.

6. (a) The removal of organic waste material and its spreading on land by the applicant or third parties shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (The Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.
- (b) If slurry or manure is moved to other locations off the farm, the details of such movements shall be notified to the Department of Agriculture, Food and the Marine, in accordance with the above regulations.
- (c) Where a third party removes the slurry or manure, the details of the agreement shall be submitted to the local authority where the waste material is to be disposed to.

Reason: To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of waters.

7. Details of the materials, colours, and textures of all the external finishes for the proposed shed shall be as submitted with the application, unless otherwise 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 Coimisiún Pleanála for determination.

Reason: In the interest of visual amenity.



Paul Caprani

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



Dated this 1st day of July 2025.