



An
Coimisiún
Pleanála

Inspector's Report

ABP-322469-25

Development	RETENTION: Single-storey concrete block agricultural shed, permission to clad it in corrugated metal sheeting, and permission to construct a slurry tank, with associated site works and planting.
Location	Ballycreen Lower, Aughrim, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	2560125
Applicant(s)	Max Strimbu
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Max Strimbu
Observer(s)	None
Date of Site Inspection	11 th August 2025

Inspector

Emma Nevin

1.0 Site Location and Description

- 1.1. The appeal site (1.469ha.) is located in the rural town land of Ballycreen Lower c.5km to the north of Aughrim. The site is accessed via the Local Road (L2140-35). The site is steep and slopes towards the road. The site is in use for agricultural purposes, with two existing agricultural sheds on site.
- 1.2. Surrounding the site on all perimeters are agricultural lands, with an existing dwelling and associated farm on the opposite side of the L2140-35, at a lower site level to that of the appeal site.
- 1.3. The subject site is located in Hierarchy 1: Area of Outstanding Natural Beauty - Mountain Uplands.

2.0 Proposed Development

- 2.1. The development comprises the retention of a single-storey concrete block agricultural shed constructed on site, and permission to clad the structure in corrugated metal sheeting, and to construct a slurry tank, with associated site works and planting.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority refused permission on 10th April 2025 for the following reasons:

“1. Having regard to: (a) the location of the structure within a landscape area designated as an Area of Outstanding Natural Beauty, a Key Development Consideration of which requires permitted developments to have a very high standard of siting, design and landscaping in order to ensure assimilation into the existing landscape. (b) Section 4.3.4 of the Development and Design Standards of the County Development Plan 2022, pertaining to Agricultural Buildings, requires accordance with a set of specific criteria, which includes ‘A building shall be sited and shall be of a height so as to ensure that it is as unobtrusive as possible. Particular attention shall be paid to developments in sensitive landscapes as

identified in this plan'. It is considered that given the size and prominence of the agricultural shed at this location, the proposed development creates an obtrusive feature at the forefront of its surrounding landscape. As such it is considered that, the shed has not been assimilated into its surrounding landscape and is therefore considered at variance with the relevant objectives and the development and design standards of the Wicklow County Development Plan 2022 and would seriously impact on the visual amenities of the area. The development is therefore contrary to proper planning and sustainable development.

2. It is an objective under Objective CPO 9.41 of the Wicklow County Development Plan 2022 to permit the development of new, appropriately located and designed agricultural buildings, which are necessary for the efficient and environmentally sound use of the agricultural practice. New buildings will generally only be permitted in cases where there are no suitable redundant buildings on the farm holding which would accommodate the development and where the Council is satisfied that the proposal is necessary for the efficient operation of the farm. Developments shall be compatible with the protection of rural amenities, and should not create a visual intrusion in the landscape or be the cause of an environmental nuisance. Having regard to Objective CPO 9.41, it is considered that the design of the subject shed, which has a floor area of 233sqm is excessive, inappropriate in terms of overall size and not necessary for the efficient operation of a farm comprising 1.47ha. In addition it is considered that the shed creates a visual intrusion in the surrounding landscape. As such the proposed development is at variance with Objective CPO 9.41 of the Wicklow County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

3. The subject structure is located within an area that has extreme groundwater vulnerability and in the absence of a hydro-geological survey indicating that there is no risk to existing water supplies or to groundwater from the existing shed and the proposed slurry tank, the proposed development, may pose a risk to local groundwater quality, which would be prejudicial to public health and the environment. As such the proposed development is considered to be contrary to Objective CPO 9.40 which requires that any proposals ensure that agricultural developments do not cause increased pollution to watercourses and comply with relevant measures, which operate to protect water quality from pollution by agricultural sources. To

permit the proposed development would therefore be contrary to the proper planning and sustainable development of the area and prejudicial to public health.

4. It is considered that the applicant's proposal is at variance with Objective CPO 9.40 as the applicant has not demonstrated that the proposed spreading of manure arising from the proposed development would not cause environmental pollution. To permit the proposed development would therefore be contrary to the proper planning and sustainable development of the area and prejudicial to public health".

3.2. Planning Authority Reports

- 3.2.1. Planning Reports dated 9th April 2025 have been provided.
- 3.2.2. This planning application was assessed under the Wicklow County Development Plan, 2022 – 2028.
- 3.2.3. The original planners report considered that based on the assessment of the plans and particulars submitted that permission be refused for the reasons outlined in 3.1.1 above.
- 3.2.4. Other Technical Reports:
 - Arklow MDE report dated 3/4/2025: "The entrance shall be installed in such a manner so that the existing profile of the grass verge is maintained and that surface water can continue to flow freely off the public road. Existing drainage inlets from the public road onto the site shall be preserved and any roadside drains interfered with shall be fully re-instated and shall where necessary be culverted with pipes of adequate size and strength. The drain along the front of the site shall be piped for the full width of the proposed entrance in pipes of adequate size and strength, and shall be backfilled and levelled to the satisfaction of the Council. The diameter of pipe shall be 225mm. All Surface Water generated on site shall be disposed of within the site itself. No Surface water is permitted to flow onto the public road. The gradient of the access driveway shall not exceed 1 in 40 for a minimum distance of 6 meters from its junction with the public road".
 - Environment report dated 27/3/2025: "It is recommended that permission be refused for this development. Having regard to the location of the existing

shed on a site that has extreme groundwater vulnerability and in the absence of a hydro-geological survey indicating that there is no risk to existing water supplies or to groundwater from the existing shed and the proposed slurry tank, the development, both existing and proposed may pose a risk to local groundwater quality which would be prejudicial to public health and the environment. It has not been demonstrated that the applicant has sufficient land available to manage the spreading of organic fertiliser in accordance with S.I. No. 113 of 2022 as amended. No pig herd number has been provided and the shed as constructed (together with the proposed slurry tank) does not comply with the requirements of S141 Minimum Specification for New Pig Houses”.

3.3. Prescribed Bodies

None on record.

3.4. Third Party Observations

3.4.1. No third party observations received.

4.0 Planning History

4.1. Subject Site:

4.1.1. Ref: 24302: Planning permission was refused by the local authority on 27th August 2024 for a single storey agricultural shed and associated site works.

The reasons for refusal included:

“1 Having regard to:

(a) the location of the structure within a designated AONB, a Key Development Consideration for which (as set out in the Landscape Character Assessment for Wicklow) requires permitted developments to have a very high standard of siting, design and landscaping in order to ensure assimilation into the existing landscape.

(b) Section 4.3.4 of the Development and Design Standards, pertaining to Agricultural Buildings, which requires accordance with a set of specific criteria which includes 'A building shall be sited and shall be of a height so as to ensure that it is as unobtrusive as possible. Particular attention shall be paid to developments in sensitive landscapes as identified in this plan' and 'Buildings shall utilise suitable materials and colours which are compatible with the rural area'.

It is considered that given the size, appearance and prominence of the agricultural shed at this location, it creates an obtrusive feature at the forefront of its surrounding landscape. As such it is considered that the shed has not been assimilated into its surrounding landscape and is therefore considered to be at variance with the relevant objectives and the development and design standards of the Wicklow County Development Plan 2022-2028. The development is therefore contrary to the proper planning and sustainable development of the area.

2. It is an objective under CPO9.41 of the Wicklow County Development Plan 2022 - 2028 to permit the development of new, appropriately located and designed agricultural buildings, which are necessary for the efficient and environmentally sound use of the agricultural practice. New buildings will generally only be permitted in cases where there are no suitable redundant buildings on the farm holding which would accommodate the development and where the Council is satisfied that the proposal is necessary for the efficient operation of the farm. Developments shall be compatible with the protection of rural amenities, and should not create a visual intrusion in the landscape or be the cause of an environmental nuisance.

Having regard to CPO9.41, it is considered that the design of the subject shed, which has a floor area of 233sqm is excessive, inappropriate in terms of overall size and not necessary for the efficient operation of a farm comprising 1.47ha. In addition it is considered that the shed creates a visual intrusion in the surrounding landscape. As such the proposed development is at variance with Objective CPO9.41 of the Wicklow County Development Plan 2022-2028 and contrary to the proper planning and sustainable development of the area.

3. Insufficient information has been submitted to show how manure waste arising from livestock within the proposed shed is to be handled, stored and disposed of

and/or land spread so as to protect the environment. To permit the proposed development would therefore be prejudicial to public health and the proper planning and sustainable development of the area.

4. Having regard to (a) the poor aquifer underlying the area which has extreme vulnerability to pollution, (b) the house downhill which is likely to use private well tapped into the same aquifer in close vicinity (50m) of the development, (c) is intended to hold and the provision and capacity of facilities for collection and storage of manure, slurries and soiled water.

It is considered that the applicant has failed to demonstrate that the development would not pose a risk to groundwater quality and public health. To permit the proposed development would therefore be prejudicial to public health and the proper planning and sustainable development of the area”.

- 4.1.2. Ref: 20/189: Permission was granted for by the local authority on 29th May 2020 for 12 sqm agricultural structure shed used for two horses, previously granted for a limited period of ten years under grant of planning permission PRR 09/968 and associated works.
- 4.1.3. PL27.236560 (09/968). Planning permission was granted on appeal to An Coimisiún Pleanála on 29th September 2010 for 12 sqm agricultural structure used as shelter for two horses, along with all associated site and development works.

5.0 Policy Context

5.1. Wicklow County Development Plan 2022 – 2028

- 5.1.1. Settlement Strategy: Level 10 - Rural Area
- 5.1.2. Landscape Category Area - Hierarchy 1: Area of Outstanding Natural Beauty - Mountain Uplands. The central mountain upland area extends from the Dublin border in the north of the County at Kippure towards Aughrim in the south and from east of the Glen of Imaal as far as west of Roundwood Village. A key characteristic of this area is mountainous topography with U-shaped valleys, lakes and glacial topography. This area generally relates to lands immediately surrounding and above the 300+ contour line.

5.1.3. Mountain Uplands KDC's - 1. All developments within the Mountain Uplands AONB landscape area shall be accompanied by a detailed justification of the need for the proposed development at this location.

2. Where development is to be permitted within the Mountain Uplands AONB landscape area a very high standard of siting, design and landscaping will be required in order to ensure that the proposed development will be assimilated into the existing landscape.

3. To ensure that developments on steep slopes (i.e. 10%) will not be conspicuous or have a disproportionate or dominating visual impact on the surrounding environment as seen from relevant scenic routes and settlements.

4. To maintain the favourable conservation status of existing natural habitats including Natura 2000 sites (SACs and SPAs) and Annex I Habitats and Annex II-Animal and Plant species within this Mt. Uplands AONB landscape area. 5. To support and facilitate in co-operation with relevant bodies, the provision of amenity routes within and adjoining the Mountain Uplands AONB landscape area in a manner which does not detract from the scenic nature of the area..

5.1.4. Chapter 9 – Economic Development

- Strategic Objective To encourage the continued operation of farming and its associated uses where it already exists, and to facilitate the diversification of the agricultural economy through the support of appropriate alternative farm enterprise sources.
- CPO 9.37 To facilitate the development of environmentally sustainable agricultural activities, whereby watercourses, wildlife habitats, areas of ecological importance and other environmental assets are protected from the threat of pollution, and where development does not impinge on the visual amenity of the countryside. Developments shall not be detrimental to archaeological and heritage features of importance.
- CPO 9.38 To encourage and facilitate agricultural diversification into suitable agri-businesses. Subject to all other objectives being complied with, the Council will support the alternative use of agricultural land for the following alternative farm enterprises: • Specialist farming practices, e.g. organic

farming, horticulture, specialised animal breeding, deer and goat farming, poultry, flower growing, forestry, equine facilities, allotments, bioenergy production of crops and forestry, organic and speciality foods; and • suitable rural enterprises.

- CPO 9.40 To ensure that agricultural developments do not cause increased pollution to watercourses. Developments will be required to adhere to the Nitrates Directive (91/676/EC), the Nitrates National Action Programme and the EC (Good Agricultural Practice for Protection of Waters) Regulations 2009 (as amended), with regard to storage facilities, concerning the protection of waters against pollution caused or induced by nitrates from agricultural sources. Developments will be required to comply with relevant measures, which operate to protect water quality from pollution by agricultural sources. The disposal and storage of agricultural waste shall comply with the standards required by Council.
- CPO 9.41 To permit the development of new, appropriately located and designed agricultural buildings, which are necessary for the efficient and environmentally sound use of the agricultural practice. New buildings will generally only be permitted in cases where there are no suitable redundant buildings on the farm holding which would accommodate the development and where the Council is satisfied that the proposal is necessary for the efficient operation of the farm. Developments shall be compatible with the protection of rural amenities, and should not create a visual intrusion in the landscape or be the cause of an environmental nuisance.

5.1.5. Chapter 17 – Natural Heritage and Biodiversity

- CPO 17.35 All development proposals shall have regard to the County landscape classification hierarchy in particular the key landscape features and characteristics identified in the Wicklow Landscape Assessment (set in Volume 3 of the 2016 County Development Plan) and the 'Key Development Considerations' set out for each landscape area set out in Section 5 of the Wicklow Landscape Assessment.
- CPO 17.36 Any application for permission in the AONB which may have the potential to significantly adversely impact the landscape area shall be

accompanied by a Landscape / Visual Impact Assessment, which shall include, inter alia, an evaluation of visibility and prominence of the proposed development in its immediate environs and in the wider landscape, a series of photos or photomontages of the site / development from clearly identified vantage points, an evaluation of impacts on any listed views / prospects and an assessment of vegetation / land cover type in the area (with particular regard to commercial forestry plantations which may be felled thus altering character / visibility). The Assessment shall demonstrate that landscape impacts have been anticipated and avoided to a level consistent with the sensitivity of the landscape and the nature of the designation.

5.1.6. The following is also of relevance:

- Appendix 1 – Development Design Standards – Section 4.3.4 Agriculture: Location and design of agricultural buildings In assessing planning applications, the Planning Authority will have regard to the recommendations and publications of Teagasc (the agriculture and food development authority). In particular, developments shall be required to accord with the following criteria:
 - A building shall be sited and shall be of a height so as to ensure that it is as unobtrusive as possible. Particular attention shall be paid to developments in sensitive landscapes as identified in this plan; • In so far as is practical, buildings should be of unifying design and should be clustered to form a distinct and unified feature in the landscape;
 - Buildings shall utilise suitable materials and colours, which are compatible with the rural area. Stone and traditional building materials will be particularly encouraged. Where cladding is used on the exterior of farm buildings, dark colours (preferably dark green or grey) with matt finishes will normally be required. Roof areas should be coloured the same or in darker shade of the colour used on the side panels;
 - In order to integrate development into the landscape, buildings shall be screened or shelter belted with principally native species of planting.

5.2. National Policy

- Climate Action Plan
- National Planning Framework First Revision
- Department of Rural and Community Development's Our Rural Future: Rural Development Policy 2021-2025
- Department of Agriculture, Food and the Marine's Food Vision 2030
- Department of Agriculture, Food and the Marine's Ag Climatise A Roadmap towards Climate Neutrality
- Nitrates Action Programme (NAP) 2022-2025

5.3. Other Guidance

- European Commission's 'Farming for Natura 2000, Guidance on how to support Natura 2000 farming systems to achieve conservation objectives, based on Member States good practice experiences (2018)
- S.I. No. 113/2022 - European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022

5.4. Natural Heritage Designations

5.4.1. The subject site is not located within or in close proximity to a designated European Site.

5.4.2. The closes such sites are:

- Wicklow Mountains SPA (C.6.3km)
- Vale of Clara SAC (c.7km).

5.5. EIA Screening

5.5.1. I note the planners report considered that that given the potential for groundwater pollution within an extreme groundwater vulnerability area and the lack of detail with respect to the location of manure spreading the need for environmental impact assessment cannot, be excluded.

- 5.5.2. However, the scope of this application relates to works within the Red Line Boundary and in this regard the Coimisiún should note that the carrying out of land spreading does not form part of this application.
- 5.5.3. I refer the Coimisiún to the completed Form 1 and Form 2 in Appendix A.
- 5.5.4. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1 Grounds of Appeal

- 6.1.1. A first party appeal has been received from the applicant's agent on behalf of the applicant (Max Strimbu). The grounds of appeal are summarised below:

Assimilation into Landscape:

- It is submitted that the shed with the proposed green corrugated metal cladding and existing planting has been assimilated into the surrounding to comply with the relevant objectives of the Development Plan and will not impact on the visual amenities of the area.
- There are no suitable redundant buildings on the farm which would accommodate the development.
- The overhand roof at each end breaks up the volume of the development.
- The use of typically coloured corrugated metal cladding, with concrete blocks below floor level breaks up the volume.
- The existing planting along the road edge comprising hard and soft species between 4 and 10 years old screens the development and will continue to progressively do so.
- The shed is sited near the road and the large farm sheds on the other side of the road and this reduces the effects of the building being spread across the landscape.

- Had the applicant built further away from the road the shed may have been exempt development, but it is submitted that the landscape is better preserved by clustering new agricultural buildings with existing agricultural buildings and leaving wide stretches of landscape undeveloped.

Effluent and Groundwater:

- Reference is made to the report from Teagasc as noted below.
- The farmyard manure and slurry, stored in a covered tank, will be used to fertilise grassland that the applicant owns in Dun Loaghair Rathdown (deed of Transfer attached).
- This development is only for 3 sows and their progeny – the applicant wants to produce meat for Christmas.

Report from Teagasc:

- The plans have been discussed – each year the applicant will produce 24-30 pigs for sale from 3 sows producing 8 – 10 pigs each year. The live weight will be 105-110kg.
- The shed will accommodate 3 sows and the pigs they produce each year. It will also accommodate straw to bed the pigs and equipment that will be used to clean the shed periodically.
- The applicant wants to produce pig meat for a niche market.
- In this system the pigs will be housed in the pig building at all times and will be given a generous bedding of straw.
- Any liquid seepage will be collected and diverted to the covered storage tank as shown on the site layout plan which measures 10 meters by 5 meters by 2meters deep giving a maximum storage capacity of 90 meters cubed with a 200mm freeboard.
- The storage is more than sufficient for this S system and gives in excess of 52 weeks. This is more than double the requirement of 26 week slurry storage as required by the EU Good Agricultural Practice for Production of Waters Regulations (SI 113 of 2022).

Statement by the applicant:

- The land was bought for farming purposes.
- There was an existing shed on the site, which was demolished and rebuilt at the request of the Council.
- The applicant was requested by the Council to get signatures from adjoining neighbours in relation to the location of the shed which is 100 metres from their houses.
- The adjoining neighbour has sheds for animals.
- The shed is required to house the tractor.

6.2. Planning Authority Response

No response on file.

6.3. Observations

None received.

7.0 Assessment

7.1. Having inspected the site and considered the contents of the appeal, I consider the main issues which arise in relation to this appeal are as follows:

- I. Principle of Development
- II. Landscape and Visual Impact
- III. Ground water and Land spreading
- IV. Other Matters.
- V. Water Framework Directive, and
- VI. Appropriate Assessment.

7.2. Principle of Development

7.2.1. The application seeks the retention of an agricultural building on site, which was constructed for use as animal housing and to store an agricultural tractor. Given the location of the appeal site within a rural area, with adjoining agricultural buildings, I

am satisfied that the principle of development is generally accepted in a rural area subject to accordance with the relevant policies and objectives pertaining to the specific area. I also note the following Strategic Objective pertaining to Agriculture *“To encourage the continued operation of farming and its associated uses where it already exists, and to facilitate the diversification of the agricultural economy through the support of appropriate alternative farm enterprise sources”*.

- 7.2.2. Notwithstanding, the Planning Authority raised concerns in the refusal in relation to the size, appearance, and design of the structure to be retained relative to the operation of the landholding. In response to the reason for refusal the appeal submission indicated that the shed had been assimilated into its surrounding landscape, and that there are no suitable redundant buildings on the farm which would accommodate the development. The applicant states that the shed will be used to accommodate a tractor.
- 7.2.3. In terms of agricultural development, CPO 9.41 states it is an objective of the Council *“To permit the development of new, appropriately located and designed agricultural buildings, which are necessary for the efficient and environmentally sound use of the agricultural practice. New buildings will generally only be permitted in cases where there are no suitable redundant buildings on the farm holding which would accommodate the development and where the Council is satisfied that the proposal is necessary for the efficient operation of the farm. Developments shall be compatible with the protection of rural amenities and should not create a visual intrusion in the landscape or be the cause of an environmental nuisance”*.
- 7.2.4. The Planning Authority consider that the floor area of the agricultural building is excessive, inappropriate and not necessary for the efficient running of a 1.47ha farm.
- 7.2.5. Following my site visit, I concur with the appellant that there were no suitable existing structures on site, the existing shed, which was rebuilt, is small in scale and is currently housing chickens on site. However, I do have concerns in respect of the size of the structure to be retained at 233 sq. m., and its appearance in the landscape at this location. Moreover, I am not convinced that the scale of the structure to be retained is necessary for the efficient operation of the farm, relative to the extent farmland within the applicants landholding. The applicant states that the structure will house 3 sows and their progeny, (i.e. 24-30 pigs each year), and will

house a tractor. However, I am not satisfied that the scale of the structure to be retained with a floor area of 233 sq. m. is necessary in this instance given its location within an area of outstanding natural beauty, which will be discussed further below. In this regard, I recommend that permission be refused in respect to the scale of the development to be retained.

7.2.6. Landscape and Visual Impact

7.2.7. The planners report notes *“the location of the structure within a designated AONB a Key Development Consideration requires permitted developments to have a very high standard of siting, design and landscaping in order to ensure assimilation into the existing landscape”*, and considered *“that it is the size and prominence of the structure at this roadside location that creates an obtrusive feature at the forefront of the surrounding landscape”*, as referenced in the local authority refusal reasons.

7.2.8. The appeal site is located within the An Area of Outstanding Natural beauty – Mountain Uplands as specified in Table 17.1 (Wicklow Landscape Categories) of the current County Development Plan. In terms of landscape classification, Policy CPO 17.35 of the current Plan states seeks *‘All development proposals shall have regard to the County landscape classification hierarchy in particular the key landscape features and characteristics identified in the Wicklow Landscape Assessment (set in Volume 3 of the 2016 County Development Plan) and the ‘Key Development Considerations’ set out for each landscape area set out in Section 5 of the Wicklow Landscape Assessment’*.

7.2.9. I note that the current Development Plan states that *“the landscape assessment that was undertaken for the previous County Development Plan in 2016 has not been updated for the purposes on this plan, and is considered to remain a robust and up to date reflection of the landscape character zones of the County. This detailed Landscape Character Assessment identified 15 distinctive landscape categories, which were placed within a landscape hierarchy detailed below and as shown on Map 17.09A-E of this plan and remain as described as set out in the Landscape Character Assessment appendix of the 2016 plan, which is herewith subsumed and carried forward into this plan”*.

7.2.10. Accordingly, the following Key Development Considerations (continued from the 2016 Plan) are relevant to this appeal *“2. Where development is to be permitted*

within the Mountain Uplands AONB landscape area a very high standard of siting, design and landscaping will be required in order to ensure that the proposed development will be assimilated into the existing landscape”, and “3. To ensure that developments on steep slopes (i.e. 10%) will not be conspicuous or have a disproportionate or dominating visual impact on the surrounding environment as seen from relevant scenic routes and settlements”.

- 7.2.11. Further to this, Policy CPO 17.36 states *‘Any application for permission in the AONB which may have the potential to significantly adversely impact the landscape area shall be accompanied by a Landscape / Visual Impact Assessment, which shall include, inter alia, an evaluation of visibility and prominence of the proposed development in its immediate environs and in the wider landscape, a series of photos or photomontages of the site / development from clearly identified vantage points, an evaluation of impacts on any listed views / prospects and an assessment of vegetation / land cover type in the area (with particular regard to commercial forestry plantations which may be felled thus altering character / visibility). The Assessment shall demonstrate that landscape impacts have been anticipated and avoided to a level consistent with the sensitivity of the landscape and the nature of the designation’.*
- 7.2.12. Section 4.3.4 of Appendix 1 Development and Design Standards provides guidance in respect pertaining to Agricultural Buildings, which requires accordance with specific criteria including, *“A building shall be sited and shall be of a height so as to ensure that it is as unobtrusive as possible. Particular attention shall be paid to developments in sensitive landscapes as identified in this plan;”, and “Buildings shall utilise suitable materials and colours, which are compatible with the rural area. Stone and traditional building materials will be particularly encouraged. Where cladding is used on the exterior of farm buildings, dark colours (preferably dark green or grey) with matt finishes will normally be required. Roof areas should be coloured the same or in darker shade of the colour used on the side panels”.*
- 7.2.13. In response to the reason for refusal the appeal submission considers that the use of green corrugated metal cladding and existing planting ensures that the building has been assimilated into its submitted landscape. Moreover, the appellant considers that the use of overhanging roof and finishes (i.e. use of corrugated metal and concrete blocks) breaks up the volume of the building. The planting screens the

development and will continue to do so as time passes. It is submitted that the landscape is better preserved by clustering new agricultural buildings with existing agricultural buildings and leaving wide stretches of landscape undeveloped.

7.2.14. The structure has a floor area of 233 sq. m. with an overall height of 6.6 metres.

Given the elevated position of the site, which extends upward from the road in an easterly direction, and proximity of the structure to and its visibility from the adjoining public road, with minimal setback, I consider that the structure to be retained by virtue of its size, scale and sighting would be visually obtrusive at this location and would be detrimental to the visual amenities of the area. I note proposed finishes of the structure and the planting to the adjoining road, however, given the scale and height of the structure, on this elevated site, I consider that the finishes and planting provides minimal screening of this structure as currently viewed.

7.2.15. As noted in Section 7.2.11 of this report, it is an objective (Policy CPO 17.36) of the Development Plan to prepare a Landscape / Visual Impact Assessment for development which may have a significant impact on landscape character areas, such as this one. A design strategy report accompanied the planning application and a sketch view of the structure from the north and south accompanies the appeal submission, however this is not considered to present a justified visual impact assessment of the development.

7.2.16. Having regard to the elevated nature of the appeal site, which commands extensive views, the scale, height and form of the structure to be retained, the lack of sufficient boundary setbacks to the adjoining road, I am not satisfied that the structure as constructed does not have a detrimental impact on its receiving landscape which is identified as being an Area of Outstanding Natural Beauty - Mountain Uplands.

7.2.17. For these reasons, the development is considered to be contrary to the aforementioned policies and objectives of the current County Development Plan, and I therefore recommend that permission be refused for the development.

7.3. Groundwater Quality and Land spreading

7.3.1. Reasons for refusal 3 and 4 relate to the handling of waste arising from the proposed development and the poor underlying aquifer which has extreme vulnerability to pollution and the potential risk to groundwater quality and public health as a result of the development. Reference is also made to land spreading.

- 7.3.2. At the outset, for the purposes of clarity in relation to the concerns raised in the planners' report and as part of reason for refusal 3 regarding land spreading, the Coimisiún should note that land spreading does not form part of this application and such process is regulated under the European Union (Good Agricultural Practice for Protection of Waters) Regulations, as amended.
- 7.3.3. As part of the appeal the applicant states that the farmyard manure and slurry will be stored in a storage tank on site and used to fertilise grassland within the applicant's ownership in Ballybrack, in of Dun Laoghaire-Rathdown, a copy of the deed of transfer for proof of ownership accompanies the appeal documentation.
- 7.3.4. Notwithstanding, the Coimisiún should note that the scope of this application relates to works within the red line boundary and in this regard land spreading does not form part of this application. As noted above land spreading is regulated under the European Union (Good Agricultural Practice for Protection of Waters) Regulations, as amended. The regulations contain specific measures to protect surface waters and groundwater from nutrient pollution arising from agricultural sources. This includes, inter alia, no land spreading within 5-10 metres of a watercourse following the opening of the spreading period. As such land spreading is assessed under a different Code of Practice and as this does not form part of the proposed development this is not a matter for the Coimisiún in the assessment of this appeal.
- 7.3.5. I reference Objective CPO 9.40 of the Development Plan, which requires "that agricultural developments do not cause increased pollution to watercourses. Developments will be required to adhere to the Nitrates Directive (91/676/EC), the Nitrates National Action Programme and the EC (Good Agricultural Practice for Protection of Waters) Regulations 2009 (as amended), with regard to storage facilities, concerning the protection of waters against pollution caused or induced by nitrates from agricultural sources. Developments will be required to comply with relevant measures, which operate to protect water quality from pollution by agricultural sources. The disposal and storage of agricultural waste shall comply with the standards required by Council".
- 7.3.6. In respect to the storage of effluent on site, a new storage tank is proposed to the northeastern site boundary, which will be connected to the shed with 203mm waste pipe and will measure 10metrees, by 5 metres by 2 metres and will have a maximum

storage capacity of 90m³. The appellant considers that the proposed system is more than sufficient for the proposed sow system and gives in excess of 52 weeks storage, which is more than double the requirement of 26 weeks slurry storage as required in the EU Good Agricultural Practice for Protection of Waters Regulation (SI 113 of 2022). While I noted other animals on site at time of my inspection, namely sheep grazing on the land, goat(s), pig(s) and chickens, it is confirmed by the applicant that the structure to be retained will accommodate 3 sows and their progeny for pig production.

7.3.7. The planning authority note that the appeal site is located within an area that has extreme groundwater vulnerability and in the absence of a hydro-geological survey indicating that there is no risk to existing water supplies or to groundwater from the existing shed and the proposed slurry tank, the development, both existing and proposed may pose a risk to local groundwater quality which would be prejudicial to public health and the environment. This concern has been reflected in the reason for refusal.

7.3.8. Notwithstanding the location of the site, within an area of extreme groundwater vulnerability, it has been established that the proposal does not include land spreading, and as such the main concern pertaining to this development is the storage of the effluent on site. With regards to the proposed effluent tank, I note that this will be designed and sealed in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations, as amended, which will ensure the proper implementation and best management practices for the storage of the manure resulting from the farm and would therefore not cause environmental pollution as a result of the existing groundwater. Furthermore, given the excess storage capacity of the effluent tank proposed and noting the other animals on site, I am generally satisfied that the proposed slurry tank could accommodate the farm in this regard.

7.3.9. In the event of a grant of permission I would recommend the inclusion of conditions in respect of the proper installation and management of the proposed slurry tank on site.

7.4. Other Matters

Herd Number

7.5. Within their assessment of the application, the Planning Authority noted that no pig herd number was provided and as such it was considered that the subject farming operation does not accord with proper agricultural practice and is therefore at odds with Objective CPO9.37. I note that a herd number is not a specific requirement of this policy objective and while animals such as chickens, roosters, goat(s) and pig(s) were present in the structure at time of my site inspection, the report from Teagasc specifies the number of pigs to be housed in the structure. Notwithstanding, pig herd numbers is regulated by a different Code of Practice and is not a matter for the Coimisiún in the assessment of this appeal.

Site Access

- 7.5.1. Within their assessment of the application, the Planning Authority noted that the access has been in place since 2009 and appears to have been widened in the intervening period, however no planning history was located in this regard.
- 7.5.2. No details had been submitted with regard to visibility splays to demonstrate safe access and egress from the site, or details regarding the nature of the vehicles using the site.
- 7.5.3. In the Applicant's appeal submission, it is confirmed that the lands and sheds are currently in agricultural use. Following my site inspection, I am satisfied that there are ample sight lines in both directions to allow for safe entry and exit from the site, I also note that the entrance is set back from the local road to allow a vehicle safely to pull in off the road for the gates to open. I accept that the site is served by an existing agricultural entrance, and I do not consider that this would result in an intensification of the existing entrance and would not endanger public safety by reason of a traffic hazard.

Impact on residential amenity

- 7.5.4. I note that no third-party observations have been received from nearby residents. Aside from my concerns in respect to the impact on the visual amenity of the area, I do not consider that any residential amenity issues arise from the development.

8.0 Water Framework Directive

- 8.1.1. The Ballycreen Brook Stream is located some 128.7 metres from the site to the west. The Ballycreen Brook_10 is within the Avoca-Vartry catchment.
- 8.1.2. The proposed development comprises the retention of a single-storey concrete block agricultural shed, and permission to clad it in corrugated metal sheeting, and permission to construct a slurry tank, with associated site works and planting on lands at Ballycreen Lower, Aughrim, Co. Wicklow.
- 8.1.3. I have assessed the residential development on Ballycreen Lower, Aughrim, Co. Wicklow 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 & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 8.1.4. I have undertaken a WFD Impact Assessment Stage 1: Screening and which is included in Appendix C of my report. This assessment considered the impact of the development on the:
- Ballycreen Brook
 - Groundwater
- 8.1.5. The impact from the development was considered in terms of the construction and operational phases. Through the use of best practice and implement of a CEMP at the construction phase and through the use of SuDS and effluent tank on site (to comply with standard regulations), during the operation phase, all potential impacts can be screened out.
- 8.1.6. Given the nature and extent of works proposed and in noting to the Coimisiún that landspreading does not form part of this application and given the proposals to direct all soiled waters to a storage tank, I am satisfied that the proposal will not pose a risk to ground or surface waters.
- 8.1.7. 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.

9.0 Appropriate Assessment

- 9.1.1. See Appendix B of this report for Appropriate Assessment Determination.
- 9.1.2. 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 Wicklow Mountains SPA– Site Code 004040 and Vale of Clara SAC - Site Code 000733 in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.
- 9.1.3. This determination is based on:
- The nature and scale of the development proposed,
 - Distance from and indirect connections to the European sites,
 - Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.
- 9.1.4. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

10.0 Recommendation

- 10.1. I recommend that planning permission should be refused for the following reasons and considerations.

11.0 Reasons and Considerations

- 11.1. Having regard to the elevated nature of the appeal site, within a designated Area of Natural Beauty – the Mountain Uplands and the Development Design Standards pertaining to Agricultural Budling, the scale, height, form and prominence of the structure to be retained, and the lack of sufficient roadside boundary setbacks, the Coimisiún considers that the development appears visually obtrusive and

overbearing at this location, has not been assimilated into the existing landscape, and as such, is detrimental to the visual amenities of this scenic area. Furthermore, the floor area of the structure to be retained is considered excessive in scale relative to the efficient operation of the farm and the overall landholding. The development is, therefore, considered to be contrary to Section 4.3.4 Appendix 1 and Objectives CPO 9.41, CPO 17.35 and CPO 17.36 of the Wicklow County Development Plan, 2022-2028, would seriously interfere with the character of the mountain uplands, would seriously injure the visual amenities of the area, and would set an undesirable precedent for similar future developments in the rural area. In this regard, the development would be contrary to the proper planning and sustainable development of the area.

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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Emma Nevin
Planning Inspector

21st August 2025

Appendix A - Form 1 - EIA Pre-Screening

Case Reference	ABP-322463-25
Proposed Development Summary	Alterations to previously approved PI.Reg Ref. 17/706 for: 1. New clubhouse design. 2. New Effluent treatment system design. 3. New carparking layout. 4. Repositioning of Pitch no. 02 together with all associated ancillary works
Development Address	Ballyfree West , Glenealy , Co Wicklow
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (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)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1.	Schedule 5 Part 1 Class 17. Installations for the intensive rearing of poultry or pigs with more than- (b) 3,000 places for production pigs (over 30 kilograms), or (c) 900 places for sows. Class 22. Any change to or extension of projects listed in this Annex where such a change or extension in itself meets the thresholds, if any, set out in this Annex Schedule 5 Part 2 Class 1. Agriculture, Silviculture and aquaculture Installations for intensive rearing of pigs not included in Part 1 of this Schedule which would have more than 2,000 places for production pigs (over 30 kilograms) in a finishing unit, more than 400 places

	<p>for sows in a breeding unit or more than 200 places for sows in an integrated unit.</p> <p>Class 13(a)</p> <p>Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-</p> <p>(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and (ii) result in an increase in size greater than – - 25 per cent, or - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater</p>
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
<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. No Screening required.	<p>N/A</p>
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	<p>N/A</p>
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	<p>The proposed development will include the rearing of pigs for sale/consumption. However, the development will include an estimated total of 24-30 pigs on site (by yearend) and, therefore, is below the relevant threshold as noted above.</p>

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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)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Appendix A - Form 2 - EIA Preliminary Examination

Case Reference	ABP-322469-25
Proposed Development Summary	RETENTION: Single-storey concrete block agricultural shed, permission to clad it in corrugated metal sheeting, and permission to construct a slurry tank, with associated site works and planting.
Development Address	Ballycreen Lower, Aughrim, Co. Wicklow
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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>The development involves the retention of single-storey concrete block agricultural shed, permission to clad it in corrugated metal sheeting, and permission to construct a slurry tank, with associated site works and planting all on land located in a rural area.</p> <p>During the construction phase, the proposed development would generate waste during excavation and construction.</p> <p>However, I do not consider that the level of waste generated would be significant in the local, regional, or national context.</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature	<p>The site is not located in or immediately adjacent to any European site.</p>

reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	
Types and characteristics of potential impacts (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>Localised construction impacts will be temporary. The proposed development would not give rise to waste, pollution or nuisances beyond what would normally be deemed acceptable.</p> <p>Furthermore, standard pollution controls would be employed for this type of development, regardless of proximity to a European site and effectiveness of same.</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA <i>[Delete if not relevant]</i>
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	N/A
There is a real likelihood of significant effects on the environment.	N/A

Appendix B: Screening for Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	The retention of a single-storey concrete block agricultural shed, and permission to clad it in corrugated metal sheeting, and permission to construct a slurry tank, with associated site works and planting
Brief description of development site characteristics and potential impact mechanisms	[include size, scale, land take, proximity to European site, duration of works, measures integral to design – any key issues, e.g. emissions, disturbance,]
Screening report	No
Natura Impact Statement	No
Relevant submissions	None
<p>Additional Information: A screening report for Appropriate Assessment was not submitted with this planning appeal case. However, as part of the Local Authority assessment of the proposed development, the planner considered that <i>“having regard to the nature, scale of the proposed development, the location of the development in proximity to watercourses, the details submitted and the reports received it is considered that given the potential for groundwater pollution within an extreme groundwater vulnerability area and the lack of detail with respect to the location of manure spreading, it is not possible to assess the extent of adverse impacts if any on the qualifying interests and conservation objectives of Natura 2000 sites, the nearest of which are Wicklow Mountains SPA (C.6.3km) and the Vale of Clara SAC (c.7km). As such the proposed development is not to be permitted”</i>, and Appropriate Assessment was not carried out.</p> <p>As noted in my assessment above, the scope of this application relates to works within the red line boundary and in this regard land spreading does not form part of this application.</p>	

However, having regard to the location of the site in the rural area, existing ground water conditions, proximity to water body, and the nature of the development, I consider it necessary to carry out a Screening for Appropriate Assessment.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

The European sites potentially within a zone of influence of the proposed development are listed in the table below.

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Wicklow Mountains SPA (Site Code - 004040)	ConservationObjectives.rdl	6.3 km	The Ballycreen Brook Stream to located some 128.7 metres from the site downhill to the west. The Ballycreen Brook forms part of the Avoca-Vartry catchment.	Yes
Vale of Clara SAC (Site Code – 000733)	ConservationObjectives.rdl	7 km	The Ballycreen Brook Stream to located some 128.7 metres from the site downhill to the west. The Ballycreen Brook forms part of the Avoca-Vartry catchment.	Yes

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix		
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Site 1: Wicklow Mountains SPA (Site Code 004040)</p> <p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with Erica tetralix [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the Violetalia calaminariae [6130]</p> <p>Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p>	<p>Direct: None</p> <p>Indirect:</p> <p>Localised, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction.</p>	<p>During construction works of the proposed agricultural building, possible impact mechanisms of a temporary nature include generation of noise, dust, and construction related emissions to surface water.</p> <p>The scale and nature of the development and the contained nature of the site and distance from receiving features, along with the use of standard best practice construction techniques make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.</p> <p>The separation distance and existing built form between the proposed building works and water course to the west of the site offers a considerable buffer area to ensure the water quality will not be impacted upon during the proposed construction works.</p> <p>At operational stage, I note that the development seeks to dispose of roof water to a soakpit system within the site. All effluent from the shed will be disposed of into a proposed slurry tank on site. With regards to the effluent tank, I note that this will be designed and sealed in</p>

<p>Lutra lutra (Otter) [1355]</p>		<p>accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations, as amended.</p> <p>Furthermore, I note that the application of fertilisers is regulated under the European Union (Good Agricultural Practice for Protection of Waters) Regulations, as amended. The regulations contain specific measures to protect surface waters and groundwater from nutrient pollution arising from agricultural sources. This includes, inter alia, no land spreading within 5- 10 metres of a watercourse following the opening of the spreading period. I note that an Appropriate Assessment was completed as part of Ireland's fifth Nitrates Action Programme (NAP) 2022-2025, which is given effect by the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 and concluded that the programme would not adversely affect the integrity of any European Site.</p> <p>Notwithstanding this, the Coimisiún should note that the carrying out of land spreading does not form part of this application.</p> <p>The EPA classified the ecological status of the Ballycreen Brook River as 'good status'. The EPA status/value indicates that the operation of the farm is</p>
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		<p>having no negative impact upon the water quality.</p> <p>Based on the proposals submitted, I do not consider the proposal would cause a deterioration of water quality within water bodies adjacent to the development, nor would the proposal result in a change to the existing 'good status'.</p>
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
<p>Site 2: Vale of Clara SAC (Site Code 000733)</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p>	<p>Direct: None</p> <p>Indirect:</p> <p>Localised, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction.</p>	<p>During construction works of the proposed agricultural building, possible impact mechanisms of a temporary nature include generation of noise, dust, and construction related emissions to surface water.</p> <p>The scale and nature of the development and the contained nature of the site and distance from receiving features, along with the use of standard best practice construction techniques make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.</p> <p>The separation distance and existing built form between the proposed building works and water course to the west of the site offers a considerable buffer area to ensure the water quality will not be impacted upon during</p>

		<p>the proposed construction works.</p> <p>At operational stage, I note that the development seeks to dispose of roof water to a soakpit system within the site. All effluent from the shed will be disposed of into a proposed slurry tank on site. With regards to the effluent tank, I note that this will be designed and sealed in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations, as amended.</p> <p>Furthermore, I note that the application of fertilisers is regulated under the European Union (Good Agricultural Practice for Protection of Waters) Regulations, as amended. The regulations contain specific measures to protect surface waters and groundwater from nutrient pollution arising from agricultural sources. This includes, inter alia, no land spreading within 5- 10 metres of a watercourse following the opening of the spreading period. I note that an Appropriate Assessment was completed as part of Ireland's fifth Nitrates Action Programme (NAP) 2022-2025, which is given effect by the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 and concluded that the programme would not adversely affect the integrity of any European Site.</p>
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		<p>Notwithstanding this, the Coimisiún should note that the carrying out of land spreading does not form part of this application.</p> <p>The EPA classified the ecological status of the Ballycreen Brook River as 'good status'. The EPA status/value indicates that the operation of the farm is having no negative impact upon the water quality.</p> <p>Based on the proposals submitted, I do not consider the proposal would cause a deterioration of water quality within water bodies adjacent to the development, nor would the proposal result in a change to the existing 'good status'.</p>
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>I conclude that the proposed development alone would not result in likely significant effects on Wicklow Mountains SPA– Site Code 004040 and Vale of Clara SAC - Site Code 000733. The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project.</p> <p>No mitigation measures are required to come to these conclusions.</p>		
Screening Determination		
Finding of no likely significant effects		
<p>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 Wicklow Mountains SPA– Site Code 004040 and Vale of Clara SAC</p>		

- Site Code 000733 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 nature and scale of the development proposed,
- Distance from and indirect connections to the European sites,
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.

Appendix C: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	ABP-322469-25	Townland, address	Ballycreen Lower, Aughrim, Co. Wicklow
Description of project		RETENTION: Single-storey concrete block agricultural shed, permission to clad it in corrugated metal sheeting, and permission to construct a slurry tank, with associated site works and planting.	
Brief site description, relevant to WFD Screening,		The site with is located in the rural town land of Ballycreen Lower c.5km to the north of Aughrim. The site is accessed via the Local Road (L2140-35). The appeal site is located in an AONB designated area. The site is steep and slopes towards the road with the block agricultural shed and small shed located on site.	
Proposed surface water details		It is proposed to drain the surface water from the agricultural budling to a soakpit.	
Proposed water supply source & available capacity		There is an existing private well on site.	

Proposed wastewater treatment system & available capacity, other issues		N/A				
Others?		Proposed new slurry tank on site to cater for effluent from agricultural building.				
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
e.g. lake, river, transitional and coastal waters, groundwater body, artificial (e.g. canal) or heavily modified body.	128.7M - To the eastern boundary of the site	Ballycreen Brook_10 (IE_EA_10B020400)	Good	Not At Risk	N/A	Ground and Surface water run-off
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						

CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Site clearance & Construction	Ballycreen Brook_10 (IE_EA_10B02 0400)	Indirect impact via Potential hydrological pathway	Water Pollution	Use of Standard Construction Practice and CEMP	No	Screen out at this stage.
3.	Foul Drainage during construction phase of the on site slurry tank	Ballycreen Brook_10 (IE_EA_10B02 0400)	Indirect impact via Potential hydrological pathway	Water Pollution	Installation of appropriate tank to cater for the proposed development which will be subject to European Union (Good Agricultural	No	Screen out at this stage.

					Practice for Protection of Waters) (SI 113 of 2022		
OPERATIONAL PHASE							
1.	Surface Water Run-off	Ballycreen Brook_10 (IE_EA_10B02 0400)	Indirect impact via Potential hydrological pathway	Water Pollution	SuDS soakaway proposed.	No	Screen out at this stage.
2.	Foul Drainage	Ballycreen Brook_10 (IE_EA_10B02 0400)	Indirect impact via Potential hydrological pathway	Water Pollution	Proposals to direct all soiled waters to a storage tank, I am satisfied that the proposal will not pose a risk to ground or surface waters. Surry tank will be		

					subject to European Union (Good Agricultural Practice for Protection of Waters) (SI 113 of 2022).		
DECOMMISSIONING PHASE							
1.	N/A	N/A	N/A	N/A	N/A	N/A	N/A