



Comhairle Contae Chill Mhantáin Wicklow County Council

Pleanáil, Forbairt Eachnamaíochta agus Tuaithe
Planning, Economic and Rural Development

Áras An Chontae / County Buildings
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FAO: Ms. Catherine Flynn,
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An Bord Pleanála,
64 Marlborough Street,
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AN BORD PLEANÁLA	
LDG-	_____
ABP-	_____
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25th November 2024

RE: Appeal. ABP 321246-24 S5 Declaration Request, Ballymorris, Aughrim, Co. Wicklow

Dear Ms. Flynn,

I refer to your letter of the 15/11/24 in relation to the above mentioned Appeal. All of the planning considerations of the Planning Authority in reaching its determination on the S5 Request are contained in its planning reports previously forwarded to the Board.

In relation to the submitted Appeal, the Planning Authority would note the following:

No details of the “powder extraction plant” and “powder machinery” were submitted to the Planning Authority with the S5 Request, other than the labelled plans/drawings. Under plan ref. 24/16, which was submitted prior to the S5 Request, the subject structure was identified as “Store”.

The submitted drawings show the construction of a ~3m high retaining wall and significant excavation to create the hard surface and to create the area onto which the “plant and machinery” was placed. Where the Board, consider that the “powder extraction plant” and “powder machinery” structure, is a structure of the nature of plant or machinery and therefore comes within the scope of Class 21 (a) (iii), the Planning Authority would consider that the significant retaining wall and excavation works to facilitate the “powder extraction plant” and “powder machinery” structure, would not be come within the scope of Class 21. Hence, the Planning Authority would consider that Class 21 (a) (iii) does not apply for the “powder extraction plant” and “powder machinery” structure.

Similar considerations to the above bullet point, apply to the provision of the hard surface. Hence, the Planning Authority would consider that Class 21 (b) does not apply for the provision of the hard surface.

It is not evident that the permission granted under plan ref. 78/2735 confers an industrial/commercial status on the existing structures on site, given that the permission

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Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhíse, Pleanáil, Forbairt Eachnamaíochta agus Tuaithe.
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development.





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refers to a fish farm on a much larger site. It is also highlighted that Conditions 1 & 2 attached to the permission restricted any processes on the site, other than fish rearing. The permission granted under plan ref. 85/1187 (which specifically relates to the subject structure), was for a smokehouse. Insufficient information has been submitted to assess if such a permitted use is not materially different to the current use. However, it is noted that the drawings with that application did indicate "gutting" and "processing", as well as "smoking", which would support that the processing of fish was permitted on the site.

No information in relation to compliance with Condition 4 of plan ref. 85/1187 has been submitted. This is relevant to any assessment of the applicability of Article 9 in terms of traffic hazard.

Yours sincerely

Fergal Keogh
Senior Engineer
Planning & Development
Wicklow County Council
0404-20107

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