



An
Bord
Pleanála

Inspector's Report ABP309747-21

Development	Erection of an agricultural dry storage shed with all associated site development works.
Location	Drumenan, Newmills, Letterkenny, County Donegal.
Planning Authority	Donegal County Council.
Planning Authority Reg. Ref.	205023.
Applicant	Gerard Friel.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party -v- Grant.
Appellant	Desmond McDaid.
Observers	None.
Date of Site Inspection	9 th June, 2021.
Inspector	Paul Caprani.

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1.0 Introduction

ABP309747-21 concerns a third party appeal against the decision of Donegal County Council to issue notification to grant planning permission for the erection of an agricultural dry storage shed at Drumenan to the west of Letterkenny, County Donegal. The grounds of appeal argue that the proposal will constitute a traffic hazard, could exacerbate flooding in the area, will impact on the residential amenity of surrounding dwellings and will exacerbate ribbon development.

2.0 Site Location and Description

- 2.1. The appeal site is located on the southern side of the Regional Route R250 which runs westwards from Letterkenny towards Glenties to the south-west. The subject site is located c.12 kilometres to the west of Letterkenny. The site is bounded by mature and semi-mature hedgerows along the east and west boundary of the site. Much of the roadside boundary hedge has been removed. The site is currently undeveloped. Extensive ribbon development exists along this section of the R250 including dwellings to the east and west of the subject site. Lands to the immediate east of the site accommodate a bungalow which is setback from the public road. A stream runs along the western boundary of the site beyond which a small field is located which separates the subject site from the adjoining dwelling to the west. Lands further west accommodate extensive ribbon development with the houses setback from the public road. Lands directly opposite the site on the northern side of the R250 are undeveloped. The stream along the western boundary of the site runs northwards and discharges into the River Swilly to the north. Lands to the north of the site incorporate a notable slope towards the River Swilly.
- 2.2. The site itself does not currently appear to be used for agricultural purposes. It incorporates a gentle downward slope from the rear of the site to the roadway. The site has depth of 95 metres and a width of c.40 metres. The total site area is cited on the planning application form as 0.427 hectares (4,270 square metres).

3.0 Proposed Development

- 3.1. Planning permission is sought for the construction of a dry agricultural shed.
- 3.2. The rectangular structure has a width of just over 10 metres and depth of just less than 10 metres providing a floor area of 97 square metres. It incorporates a mono-pitched roof which rises to a maximum height of 6.375 metres. Two sliding doors are located on the front and rear elevation on the eastern side of the building. The lower part of the building appears to comprise of blockwork with a plaster finish while the upper section of the building and the sliding doors appear to comprise of kingspan/metal cladding.
- 3.3. The original drawings submitted with the application indicated that the shed and associated yard was to be located 21 metres from the front boundary of the site. Additional information submitted set the building back 58 metres from the front boundary.

4.0 Planning Authority's Decision

4.1. Decision

- 4.1.1. Donegal County Council issued notification to grant planning permission for the proposed development subject to 8 standard conditions.

4.2. Planning Authority's Assessment

- 4.2.1. The planning application was received on the 22nd April, 2020.
- 4.2.2. A report from the Chief Fire Officer stated that there was no objection subject to standard conditions.
- 4.2.3. A memorandum from the Building Control Authority of Donegal County Council recommended a grant of planning permission subject to 3 conditions.
- 4.2.4. A report from the Road Planning Executive Engineer states that there was no objection subject to conditions.
- 4.2.5. A letter from the current third-party appellant was submitted the contents of which has been read and noted.

4.3. Additional Information Request

- 4.3.1. The planner's report notes the planning history associated with the site (see below) and notes that the principle of an agricultural shed in a rural location is generally acceptable. However, the subject site is a relatively small rectangular infill plot of land with no evidence of active farming on site. It is also noted that the precise use is not specified. Further information with regard to the applicant's agricultural landholding is recommended. Having regard to the site's location in an area of high scenic amenity, it is reasonable that the proposal be setback a further 20-30 metres and appropriately screened on the subject site. While it is noted that An Bord Pleanála refused previous development (see planning history below) on the site due to the intensification of traffic generation on a Regional Road it is considered that the proposal raises no concerns from the Council's point of view.
- 4.3.2. Concerns are expressed and no details are provided in relation to drainage and flooding.
- 4.3.3. Having regard to the nature of the development and the site's location away from designated Natura 2000 sites it is considered that no appropriate assessment issues arise.
- 4.3.4. On the basis of the above, the Planning Authority requested further information in relation to:
- Further details and the precise nature and justification of an agricultural shed on the subject location.
 - Further details in relation to the location of the applicant's agricultural landholding in the area and the applicant's dwelling, as well as details of all farm leases to be provided.
 - Further details in relation to the management and disposal of stormwater surface waters on site.
 - The applicant is requested to provide an independent flood risk assessment.
 - The applicant is requested to submit a revised design relocating the development further from the road edge and further details of landscaping.

4.4. Additional Information Submitted on behalf of the Applicant

4.4.1. A submission on behalf of the applicant from Michael Friel Architects and Surveyors stated the following:

- The intended use of the shed is to store animal feeds for sheep and hay as well as the storage of farm implements such as trailers etc.
- It is stated that the applicant farms sheep both on the land in question and on his family owned land at Barrack, Newmills and on commonage lands which are used by various farmers in the area. The shed is intended to support and expand the applicant's sheep farming enterprise. The shed is to be located on the subject site as this site is located on a freehold and is easily accessed from the Regional Road.
- Also submitted is a site location map indicating the extent of lands which the applicant leases. The family residence is located on separate lands which are farmed by the applicant approximately 1.6 kilometres to the east of the subject site. The applicant has a lease with the landowner where he proposes to erect the shed and details of a letter of consent was submitted with the original application.
- Stormwater from the shed will be collected in a wavin gutter pipe and transported towards the existing stream adjacent to the site. Surface water from the yard will permeate through the stone and gravel on the yard floor. Surface water at the entrance to the site will enter the proposed roadside drain.
- Also submitted is a flood risk assessment carried out by DSM Consulting Engineers. It concludes that the risk of flooding which could be attributed to the proposed development is negligible.
- Also attached is a revised site layout plan relocating the building 58 metres from the roadway and it is proposed that the western and eastern boundaries of the site will be planted with Hawthorn hedge which is indigenous to the area. The hedge will be interspersed with ash trees, maple trees and hornbean birch which are prevalent to the area. The roadside boundary will also be planted with a Hawthorn hedge.

4.5. Planning Authority Decision

- 4.5.1. The planner's report notes the further information submitted and generally considers this information to be acceptable and on this basis Donegal County Council issued notification to grant planning permission for the proposed development subject to the applicant submitting revised site notices under the provisions of Article 35 of the Planning and Development Regulations 2001.

5.0 Planning History

- 5.1. No appeal files are attached. The planner's report and the An Bord Pleanála GIS Map Viewer makes reference to two applications on the subject site which are detailed below.
- 5.2. Under Reg. Ref. PL05E.244854 An Bord Pleanála in 2015 overturned the decision of Donegal County Council and refused planning permission for a dwellinghouse on the subject site for four reasons relating to:
- Suitability of the subject site for a proprietary wastewater treatment plant.
 - A traffic hazard.
 - Housing need.
 - Visual impact.
- 5.3. Under Reg. Ref. 303159 the Board again overturned Donegal County Council's decision to grant planning permission for a dwellinghouse on the subject site again for four reasons relating to:
- Flood risk concerns and the unsuitability of the site to accommodate a wastewater treatment plant.
 - Traffic issues.
 - Housing need.
 - Exacerbation of undesirable ribbon development.

6.0 Planning Policy

- 6.1. The site is governed by the policies and provisions contained in the Donegal County Development Plan 2018-2024. The site is located in an area which is not covered by any land use zoning designation. In terms of rural housing policy, the subject site is located in an area designated as a stronger rural area.
- 6.2. The site is also located in an area designated as “high scenic amenity” (Map 7.1.1). Policy NH-P-7 states that within areas of high scenic amenity and moderate scenic amenity and subject to other objectives and policies in this plan, it is the policy of the Council to facilitate development of a nature, location and scale that allows the development to integrate within and reflect the character and amenity designation of the landscape.
- 6.3. Policy F-P-2 seeks to ensure that applicants/developers submit where appropriate an independent flood risk assessment in accordance with the flood risk management guidelines or any subsequent publication.
- 6.4. Policy F-P-4 will not permit development where flood or surface water management issues have not been, or cannot be, addressed successfully and/or where the presence of unacceptable residual flood risk remain for the development, its occupants and/or property or public infrastructure elsewhere including, inter alia, up or downstream.
- 6.5. **Natural Heritage Designations**
 - 6.5.1. The subject site is not located within or contiguous to a designated Natura 2000 site. The nearest Natura 2000 sites are the Meentygrannagh Bog SAC which at its closest point is located over 5 kilometres from the subject site and the Leannan River SAC is located c.3.6 kilometres to the north of the subject site.

7.0 Grounds of Appeal

- 7.1. The decision of Donegal County Council was the subject of a third-party appeal by Desmond McDaid. The appeal states that the appellant is the owner/occupier of the existing house to the immediate east of the subject site. The grounds are outlined below:

- The proposed entrance is located on a heavily trafficked, fast moving section of the regional road where the 80kph applies. There is a continuous white line along this section of the roadway. It is noted that the Regional Road R250 was designated as a strategic road in the Donegal Development Plan to protect the carrying capacity of the road but this was changed by local politicians in Variation No. 1 (July 2013 of the Development Plan). Of particular concern would be the slow moving-type traffic associated with the proposed agricultural development such as tractors and trailers etc.
- It is stated that the subject site is located within an area identified as a flood risk area on the mapping issued by the OPW in 2011. The site is also located in an area identified by the EPA as being both sensitive and at very high risk in relation to pollution. It is noted that the subject site may include onsite storage of chemicals, weedkillers and fertilisers and any mishandling of these substances would have a detrimental impact on surface waters and streams in the vicinity. It is noted that the stream in question discharges into the River Swilly less than 300 metres away. Photographs are attached showing the water-logged nature of the subject site.
- It is considered that the proposed shed and associated works would constitute an undesirable pattern of ribbon development in a rural area. Furthermore, the shed could be better planned near the existing sheds where the applicant is presently feeding his sheep (indicated as X on the map submitted with the grounds of appeal).
- The proposal would be visually mismatched with the existing character of this section of roadway. The proposal would also give rise to overlooking of the appellant's private residential amenity space and would give rise to noise and odours. The proposal would give rise to a loss of natural light especially in the afternoon to the appellant's dwelling.
- The applicant has access to numerous alternative sites which would be more suitable for development in terms of traffic safety.
- Enclosed with the grounds of appeal is an information map detailing the total landholding of the appellant's lands in the vicinity which shows existing sheep handling facilities and buildings including those recently completed. Also

attached are a series of photographs showing the location where the applicant is currently feeding his sheep on an existing farmyard to the south of the site. There are therefore more suitable alternative sites for this development.

8.0 Appeal Responses

8.1. Planning Authority's Response to the Grounds of Appeal

- 8.1.1. The Planning Authority considered that the issues raised have been adequately addressed in the various planner's report prepared in respect of the application. It goes on however to make the following points.
- 8.1.2. The proposed development has been assessed against the current status of the road as a Regional Road in the current adopted development plan. Vision lines of 160 metres are proposed in each direction and this accords with the technical standards set out in Part B of Appendix 3 of the development plan. Despite the regional status of the road, this road serves a rural community which includes rural dwellings and several rural based activities such as agriculture.
- 8.1.3. In relation to flooding, the Planning Authority requested an independent flood risk assessment and it was concluded that a single dry storage shed would have a negligible risk on flooding. The Planning Authority confirms that there has been no recent history of flooding on the site and the nearest recorded event was 6 kilometres away on the River Swilly. Furthermore, the proposed use is categorised as a less vulnerable use in the Flood Risk Management Guidelines. A number of mitigation measures are also set out in the Flood Risk Assessment which include protecting and keeping clear the existing culvert and ensuring that no surface water run-off will occur to the public road. Additional appropriate drainage conditions can also be imposed if necessary.
- 8.1.4. With regard to ribbon development policies contained in the development plan only relate to houses and not agricultural structures.
- 8.1.5. With regard to issues concerning residential amenity, the Board are informed that the site falls within a rural designation where rural based activities and associated uses should be supported. The land remains within a designated rural area where open fields and farming activities would have predated the construction of these houses.

- 8.1.6. The revised location of the storage shed to the rear of the site improves the area in visual amenity terms. A dry storage shed at this location cannot be considered visually obtrusive. The location of the structure will not give rise to any loss of sunlight or daylight or overshadowing having regard to the separation distance between the proposed structure and adjoining structures. Furthermore, given the nature of the use and the infrequent access, it is not considered that any overlooking issues would arise. The proposed development being used as a dry shed will not give rise to any noise or odour issues.
- 8.1.7. With regard to alternative sites, the planner's report adequately sets out the applicant's rationale regarding the use of land and his relationship with the landholding.
- 8.1.8. Accordingly, the Planning Authority request that An Bord Pleanála uphold the decision of Donegal County Council subject to appropriate conditions.

8.2. Response on behalf of Applicant

- 8.2.1. A response was received on behalf of the applicant by Lee Loughrey. The response is outlined below.
- 8.2.2. It is stated that every effort has been made to ensure that the storage shed does not impact on any third parties in the vicinity. The shed will be almost 20 metres from the appellant's boundary and 27 metres from the closest part of the appellant's house. The site is located in an area where sheep farming is the predominant land use. There are many many instances where agricultural storage sheds are dotted throughout the local landscape to allow farmers tend to their flocks.
- 8.2.3. With regard to access and traffic safety, it is estimated that the proposed development will give rise to between 2 and 4 trips per week and there will be a wide entrance which will allow any vehicles to pull off safely on the R250. It is acknowledged that there is a continuous white line in place on the R250, but the applicant will be liaising with the Road Section of Donegal County Council to ascertain if this line can be changed to allow for a broken line. It is also stated that the applicant has good sightlines with good stopping sight distances from his entrance. The Executive Road Engineer stated that he has no objection to the development from a traffic perspective. With regard to the variation in the development plan which deselected the R250 as a protected route, it is stated that

this related to the previous plan and engineers and planners were favourable to the variation. It is noted that since the first planning application on this site was refused by An Bord Pleanála there have been at least 10 applications for development fronting onto the road in the wider area which have been granted planning permission by Donegal County Council and it is noted that the appellant did not object to any of these decisions.

- 8.2.4. With regard to flooding, it is stated that this issue has been thoroughly dealt with in the flood risk assessment submitted with the application which concludes that there is an extremely low likelihood of flooding and that there have been no recorded flood events within 2 kilometres of the site.
- 8.2.5. With regard to issues concerning ribbon development, it is noted that such a proposal does not relate to a house and therefore issues regarding ribbon development does not apply. The site is also an infill site therefore the inference that this could in any way be considered ribbon development is a moot point.
- 8.2.6. With regard to siting, design and residential amenity, every effort has been made to ensure that the development is as unobtrusive as possible and the size and scale of the shed proposed will in no way impact on the appellant's dwelling in terms of loss of light.
- 8.2.7. No foul odours will arise from the development as there will be no housing of livestock or materials which could give rise to odours. Best practice will be put in place to ensure that the shed is kept in a safe manner. The Department of Agriculture monitor such farms and carry out spot checks to ensure adequate compliance.
- 8.2.8. The applicant wishes to start up a farming enterprise independent of his father and therefore should be allowed to erect the said structure away from his father's independent farming practice.
- 8.2.9. The appeal response goes on to revisit the issue of flooding and reference is again made to the independent Flood Risk Assessment that was submitted by way of additional information. It is stated that the proposed finished floor level of the shed is 0.5 metres lower than the nearest property and therefore it is not the case that the proposal will give rise to flooding on adjacent property should a flood event arise. The River Swilly is located 300 metres from the site and is 30 metres lower than the

level of the lowest point on the site. The topography of the site and the surrounding area therefore is not conducive to onsite flooding.

8.2.10. With regard to the regional function of the R250, it is stated that the road in question serves a large number of houses and business including a creche and a school, both of which are located in proximity to the subject site. It is reiterated that traffic movements to and from the site would be minimal as no animals would be housed in the shed. A layby will also be provided to the front of the site which will provide a safe pull-in bay for any vehicles. It is noted that the Executive Road Engineer with Donegal County Council has no objection to the proposed development.

8.2.11. In conclusion, it is stated that the proposal seeks to provide a shed to store goods which are required to facilitate young farmer's agricultural practice. The applicant has made every effort to be reasonable and considerate to all third parties in the vicinity. An Bord Pleanála are urged to see the appeal for what it is, an attempt to block all development in a field which is located next door to the appellant.

9.0 **Planning Assessment**

I have read the entire contents of the file, visited the subject site and its surroundings and have had particular regard to the issues raised in the grounds of appeal and the applicant's response to the issues raised. I consider the pertinent issues in determining the current application and appeal before the Board are as follows:

- Access and Traffic Safety Issues
- Flooding Concerns
- Impact on Amenity
- Ribbon Development
- Consideration of Alternative Sites

9.1. **Access and Traffic Safety Issues**

9.1.1. The grounds of appeal argue that until 2013 the R250 was designated as a protected route of strategic importance where development along the route would be restricted. The Planning Authority acknowledged that fact and while this may have been the case, no such designation is afforded to the route in the current development plan. I

consider that the Board should assess the proposed development on its merits and have particular regard to the fact that no such protected designation exists in the current development plan which would militate against providing a new access onto the road to serve the proposed agricultural shed. I would agree with the Planning Authority that adequate sightlines are afforded in both directions at the proposed entrance and comply with the standards set out in Appendix 3 of Table 3 of the Development Plan which requires a wide distance of 160 metres at speed limits of 85kph. The applicant in the photographs submitted make reference to a dip in the road on the western approach to the subject site. Having inspected the site I note that there is a slight dip in the road. However, it is possible to see oncoming traffic in a westerly direction notwithstanding the presence of a dip. That is to say that the undulation or dip in the carriageway is not so acute or pronounced so as to conceal on coming traffic.

9.1.2. Also, I would request the Board to note that, notwithstanding the fact that the site fronts onto a Regional Route, the R250 is not particularly busy. During my site inspection, I noted that traffic along the roadway was infrequent and sporadic.

9.1.3. Lastly, in relation to this matter I note that the shed in question is to be used for the storage of feed and equipment. It is not to be used for the housing of animals and therefore it is reasonable to conclude that the shed will be used in an infrequent manner and therefore will not give rise to heavy or extensive trip generation to and from the site. It should also be noted that the lands in which the structure is to be located are unzoned and therefore suitable for agricultural use and the structure is compatible and supportive of such a use. The use therefore is acceptable in principle and will not give rise to any traffic safety issues.

9.2. **Flooding Concerns**

9.2.1. The grounds of appeal express concerns that the proposed development is located in a flood risk area and, if the shed is developed, it could exacerbate potential flooding in the area. It appears that the concerns expressed in the grounds of appeal are primarily predicated on the first reason for refusal issued by An Bord Pleanála in respect to the two previous refusals for a dwellinghouse on site under Reg. Ref. 05E.244854 and ABP303159. The first reason for refusal noted that the subject site is partly located within an area identified as Flood Zone A on the preliminary Flood

Assessment Mapping issued by the Office of Public Works (2007). The reason for refusal also suggested that the subject site is both sensitive and at very high risk in relation to domestic wastewater pollution. The Board express concerns having regard to the (a) unacceptable percolation characteristics of the ground, (b) the high water table (c) the presence of a stream along the western boundary together with (d) the existing concentration of the proprietary wastewater treatment systems in the area which led the Board to conclude that the site is not suitable for the disposal of foul effluent. A critical issue in the case of the current application is the fact that the proposal does not involve the disposal of onsite effluent and therefore the issue of disposal of effluent on the subject site does not arise.

- 9.2.2. The previous Boards reason for refusal also stated that the subject site is located in Flood Zone A on the preliminary Flood Risk Assessment Mapping issued by the OPW in 2011. The Planning Authority identified the risk of flooding as an issue in its additional information request and therefore requested that the applicant undertake a flood risk assessment. More recent flood maps prepared by the OPW in indicate that the site does not lie within any flood zones. It is further noted that there have been no recorded flood events within two kilometres of the site. The nearest flooding events indicated on the flood maps are on the western outskirts of Letterkenny associated with the River Swilly. The subject site is not at risk from tidal or coastal flooding. Nor have any pluvial flooding events been recorded in the vicinity of the subject site. On the basis of the investigations undertaken in the flood risk assessment together with my own consultation of the EPA Flood Hazard Mapping, I consider that it is reasonable to conclude that the flooding of the subject site is extremely low.
- 9.2.3. While the applicant has submitted a number of photographs which suggests surface water ponding on the subject site. Having visited the site I noted that the site accommodated extensive rushes which suggests relatively poorly drained soil but no surface water ponding was apparent (see photographs). Furthermore the lands to the rear of the site where the shed is to be relocated to, is slightly more elevated and appear to be better drained.
- 9.2.4. Finally, in relation to this issue I note what is proposed in this instance is a shed which is to be used for the storage of agricultural materials and feed and as such it constitutes, and is categorised as, 'a less vulnerable use' in the planning system and

Flood Risk Management Guidelines for Planning Authorities. Therefore, even in the situation where the site would be prone to flooding the use proposed would represent a passive use which is less vulnerable than a dwellinghouse which was the subject of two previous refusals on the subject site.

- 9.2.5. In conclusion therefore I would respectfully suggest that (a) the Board's concerns in relation to the unsuitability of the site to accommodate a proprietary wastewater treatment system does not apply in this instance, (b) that more up-to-date OPW flooding maps suggests that the subject site is less susceptible to flooding than was previously considered and (c) the proposed use in this instance is categorised as 'a less vulnerable use' than that associated with a domestic dwellinghouse. For the above reasons I consider that the Board's concerns in respect of flooding can be allayed.

9.3. **Impact on Amenity**

- 9.3.1. Concerns are expressed in the grounds of appeal that the proposed development could have an unacceptable impact on surrounding residential amenity primarily through overlooking, overshadowing and odour emissions.
- 9.3.2. In relation to overlooking, having inspected the site I noted that the appellant's property incorporates a sunroom facing westwards towards the subject site. However, a mature hedgerow runs along the common boundary between the two sites which will screen the proposed development from the appellant's dwelling. Furthermore, the development in question does not relate to a domestic dwelling. It relates to an agricultural shed which will be used occasionally for the storage of agricultural feed and equipment. As the storage facility will only be used more rarely than a domestic dwelling, it significantly reduces the potential for overlooking of adjoining premises. I am satisfied therefore that overlooking is not a pertinent issue in determining the current application.
- 9.3.3. With regard to overshadowing, I would likewise conclude having regard to the separation distance between the appellant's dwelling and the proposed agricultural building at c.27 metres and the fact that the agricultural building rises to a height of just over 6 metres that no overshadowing issues will arise. Furthermore, I reiterate that dense mature hedging along the common boundary of the site is more likely to

result in overshadowing of the appellant's property than the proposed agricultural building.

- 9.3.4. In relation to odour, I note that the building in question is not proposed to hold animals and therefore will not result in any effluent generation on site. The dry agricultural shed is to be used for the storage of animal feed and agricultural equipment. These two uses do not generate significant odours. Furthermore, the appellant's dwelling is located within an agricultural area surrounding by agricultural use including a farmyard to the south of the subject site. It is likely therefore that ambient odours will arise from time to time as a result of the agricultural land use surrounding the area.

9.4. Ribbon Development

- 9.4.1. The issue of ribbon development as stipulated in both the development plan, and the Rural Housing Guidelines (DOEHLG 2005) are clear and unambiguous that the issue of ribbon development relates to housing and not agricultural structures. Furthermore it could be reasonably argued having regard to the extensive development already along the road, that the agricultural structure would constitute an infill development.

9.5. Consideration of Alternative Sites

- 9.5.1. As already stated, the subject site is a site where agricultural activity is permitted in principle being located in a rural area outside any land use zoning designation. There should be a reasonable expectation that the applicant would be able to build an agricultural storage shed on lands that are compatible with the provision of such a structure in land use terms subject to appropriate qualitative safeguards. I have argued above that the development of a shed and agricultural yard at this location is suitable for a rural agricultural area, will not give rise to any adverse impacts on residential amenity and is generally acceptable in terms of traffic safety and convenience. It is not incumbent upon the applicant to find the most suitable location within his landholdings in order to construct an agricultural shed. The onus is on the applicant merely to demonstrate that the subject site is suitable for such a development. I am satisfied that the subject site is a suitable site for the construction of a dry agricultural storage shed having regard to its location within a rural area and the applicant's agricultural landholdings in the vicinity of the site.

10.0 Appropriate Assessment

- 10.1. The subject site is not located within or contiguous to any Natura 2000 site in the vicinity. The nearest Natura 2000 site is the Leannan River SAC (Site Code: 002176) which is located 3.7 kilometres north of the subject site. The Meentygranagh Bog SAC (Site Code: 000173) is located c.5.6 kilometres south-west of the subject site. A small stream runs adjacent to part of the western boundary of the site and this discharges water to the River Swilly to the north. The River Swilly forms part of a separate catchment area which discharges into the Lough Swilly SPA (Site Code: 004075) and the Lough Swilly SAC (Site Code: 002287) to the west of Letterkenny. As the crow flies this SAC is approximately 11.3 kilometres to the east of the subject site. However, hydrologically the SAC is c.16 kilometres from the subject site.
- 10.2. There is no hydrological or other connection between the subject site and the River Leannan SAC to the north or the Meentygranagh Bog SAC to the south-west. With regard to the Lough Swilly SAC to the east the site, it is designated for a number of habitats listed in Annex I of the EU Habitats Directive (including estuaries, lagoons, Atlantic salt meadows, Molina meadows, old oakwoods) and also for the otter. A wide number of species of conservation interest are associated with the SPA.
- 10.3. The proposed construction of an agricultural shed will have no impact on the habitats associated with the SAC, due to the separation distances involved. With regard to potential impacts on the otter, having regard to the separation distance between the appeal site and the Lough Swilly SAC it is considered that there is no potential for direct impacts. The only potential adverse impact would be indirect and could potentially arise from increased levels of sedimentation during the construction phase or a potential spillage or leak from the shed during the operational phase.
- 10.4. However, having regard to the minor nature of the construction activities to take place on site and the nature of the materials being stored on site together with any potential dilution and dispersion effects which would occur during the transport of potential sediment/pollutants to the Natura 2000 sites in question, it is not considered that the proposed development either alone or in combination with other plans and projects would be likely to have a significant effect on the European sites in question in view of the site's conservation objectives and therefore a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not required.

10.5. Finally, in relation to the issue of Appropriate Assessment, I would note that the Board concluded in relation to two other developments on the subject site, both of which related to more substantial developments relating to a residential dwelling and an onsite wastewater treatment system which would in my view have a greater potential to impact on the Natura 2000 sites, that no significant or material impact would arise. The Board in assessing the previous developments concluded in both instances that the developments in question would not be likely to have significant effects on European sites. I invite the Board to reach a similar conclusion in the case of the current application.

11.0 **Conclusions and Recommendation**

Arising from my assessment above I consider the Board should uphold the decision of the Planning Authority and grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

12.0 **Reasons and Considerations**

Having regard to the predominantly rural nature of the surrounding environment and the nature of the proposed development comprising of a dry agricultural storage shed it is considered that the proposed shed subject to conditions set out below would not seriously injure the visual or residential amenities of the area, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 **Conditions**

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the planning authority on the 15th day of January, 2021, 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements including the attenuation of any surface water and measures to ensure that no water discharges from the site onto the public road shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

3. The shed shall be used only for the purposes of storage associated with agricultural machinery and other agricultural equipment and plant and for animal feed. The building under no circumstances shall be used for the housing of animals or the storage of effluent.

Reason: To preserve the amenities of the area.

4. Prior to the commencement of development, permanent vision splays of 160 metres in each direction to the nearside of the road edge at a point 2.4 metres back from the road edge at the location of the vehicular entrance. All vision splays shall be calculated as per the technical standards set out in Appendix 3 of Part B of the County Donegal Development Plan.

Reason: In the interest of traffic safety.

5. The finished floor level of the shed shall be 101.5 metres above Ordnance Datum as indicated in the drawings submitted to the planning authority on 22nd April, 2020.

Reason: To preserve the visual amenities of the area.

6. Areas in the vicinity of the proposed agricultural shed shall be graded with topsoil and seeded with grass. Details of these areas shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: To preserve the amenities of the area.

7. Prior to the commencement of development details of a landscaping plan including boundary treatments shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works.

Any plants which die, are removed for become seriously damaged or diseased, within a period of 5 years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development in the interest of visual amenity.

8. Details of the internal access serving the shed shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

9. The mitigation measures outlined in the submitted Flood Risk Assessment submitted to the planning authority on the 15th day of January, 2021 shall be complied with in full.

Reason: To prevent flooding.

Paul Caprani,
Senior Planning Inspector

16th June, 2021.