



An  
Bord  
Pleanála

## Inspector's Report ABP317861-23

<b>Development</b>	Retention of a 6.1m high by 2.3m diameter painted metal, cylindrical steel framed sheep feed silo at the rear and side of existing sheds and garage and associated site works.
<b>Location</b>	Ballard Townland, Glencolmcille, Co. Donegal.
<b>Planning Authority</b>	Donegal County Council.
<b>Planning Authority Reg. Ref.</b>	2350806.
<b>Applicant(s)</b>	Mr Cathal Haughey.
<b>Type of Application</b>	Full Permission.
<b>Planning Authority Decision</b>	Grant permission subject to conditions.
<b>Type of Appeal</b>	Third Party v Decision
<b>Appellant(s)</b>	Teresa Mulkern, Rita Moriarty, and Geraldine Gaughan.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	9 <sup>th</sup> December 2023.
<b>Inspector</b>	Richard Taylor.

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	4
4.0 Planning History.....	5
5.0 Policy and Context.....	6
5.1. Development Plan.....	6
5.2. Natural Heritage Designations .....	9
5.3. EIA Screening .....	9
6.0 The Appeal .....	9
6.1. Grounds of Appeal .....	9
6.2. Applicant Response .....	11
6.3. Planning Authority Response .....	12
6.4. Observations .....	12
6.5. Further Responses.....	133
7.0 Assessment .....	13
8.0 Recommendation.....	19
9.0 Reasons and Considerations.....	19
10.0 Conditions .....	19

## **1.0 Site Location and Description**

- 1.1. The proposed site is located within the curtilage of an existing detached single storey dwelling. The site is broadly rectangular in shape, and level in relation to topography. The dwelling is located roughly centrally within the site and is finished in render with pitched roof. To the front of the dwelling, and between it and the public road, there is an existing single storey garage with finishes matching the dwelling. The silo, which is already in place, it is located adjacent to the gable of the garage, adjacent to the eastern boundary of the site. Between the dwelling and roadside boundary wall there is a grassed area. There is a further rectangular grassed area adjacent to the eastern boundary, between the boundary and the side gable of the dwelling. To the rear of the dwelling there is a garden area with a hard standing driveway area between the western gable and site boundary further to the west. The eastern boundary comprises a wire and post fence approximately 1.2 metres in height. The front/roadside boundary comprises a rendered wall approximately 1.2 metres in height. The dwelling is accessed via a public road known as the Gallen road, which is narrow in terms of dimensions and a cul-de-sac. A number of dwellings are located off this road. The area is located within a townland known as Ballard. It is located to the northwest of Glencolmcille and occupies an elevated position above this settlement. The general topography increases in height sharply to the north.
- 1.2. To the east of the appeal site there is a further single storey dwelling located a significant distance back from the public road. An access driveway traverses the site adjacent to the boundary with the appeal site and includes a number of mature trees to the east of the access road with the remainder over the site set out in amenity/garden areas. This site is owned by the appellants. A watercourse also traverses through the site largely adjacent to the access driveway. Topography of this site is also broadly level.
- 1.3. The immediate and wider locality is characterised by agricultural lands and used predominantly for grazing of livestock.

## **2.0 Proposed Development**

- 2.1. The proposal seeks the retention of a cylindrical steel framed sheep feed silo, 6.1 metres in height by 2.3 metres diameter located at the side of existing sheds and garage within the curtilage of and to the front/roadside of an existing dwelling.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Donegal County Council issued a notification of grant of permission on 27th July 2023 subject to four conditions summarised as follows:

1. Development to be retained in accordance with lodged plans and details submitted on 7th June 2023.
2. No surface water from the site to discharge to the public road and no public road water discharges into the site to prevent flooding.
3. Landscaping to the eastern site boundary comprising hedgerow of a semi mature species native to the area within the first planting season following commencement of development comprising a mix from a specified list of species, any trees dying within the subsequent three years shall be replaced to preserve the amenity of the area.
4. Contributions under Section 48 of the Planning And Development Act 2000, as amended totalling € 56.88 relating to the agricultural nature of the development, to be paid within three months of the date of final grant of permission.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

A single planning report sets out the recommendation and reasoning for the decision summarised as follows:

The application seeks permission to retain a silo for animal feed, to allow the applicant bulk storage rather than separate bags and facilitate distribution to sheep flocks elsewhere.

No responses were received from the area roads engineer or prescribed bodies comprising An Taisce, and DoCHG (wildlife).

Consideration of 3 written submissions received from third parties. The issues raised are replicated in the grounds for appeal.

The principle of the development is acceptable subject to compliance with all relevant development management criteria and guidelines.

Existing buildings on site screen the proposal. It can be accommodated subject to screen planting along a boundary fence within the site. It will not result in runoff.

Residential amenity will not be adversely impacted due to separation distances between the site and adjacent dwellings.

Access facilities will not be impacted by the proposal.

Wastewater treatment or mains water is not required for the development. Surface water flows to the south and local water courses due to gradient. The point of discharge falls within the applicant's control and therefore no consent is required from adjoining landowners.

Due to the nature of the development no issues in relation to appropriate assessment or environmental impact assessment arise.

The site is located within a structurally weak rural area, outside of and removed from any sensitive designations.

#### 3.2.2. Other Technical Reports

No technical reports received from the area roads engineer, An Taisce, or DoCHG (wildlife).

## 4.0 Planning History

Reference 03647: Erection of dwelling house with possible future attic development and septic tank with percolation area. Permission granted 28th July 2003.

No other relevant history within the locality of the site.

## **5.0 Policy and Context**

### **5.1. Development Plan**

The County Donegal Development Plan 2018-2024 is the operative plan for the area. It was formally made by the Elected Members of Donegal County Council on 9th May 2018 and has effect from 5th June 2018. Due to the nature of the development proposed and location of the site, the following aspects of the plan are relevant to the appeal:

1.7 Key Strategic Objectives of the County Development Plan: S-O-6: To protect, enhance and appropriately harness the unique quality and diversity of the environment in the County, through a wide range of measures, supported by proper planning and sustainable development.

Part B: Objectives and Policies of the Plan:

Chapter 4 Economic Development

ED-P-14: It is a policy of the Council that any proposal for economic development use, in addition to other policy provisions of this Plan, will be required to meet all the following criteria;

- (a) It is compatible with surrounding land uses existing or approved;
- (b) It would not be detrimental to the character of any area designated as being of especially high scenic amenity (EHSA);
- (c) It does not harm the amenities of nearby residents;
- (d) There is existing or programmed capacity in the water infrastructure (supply and/or effluent disposal) or suitable developer-led improvements can be identified and delivered;
- (e) The existing road network can safely handle any extra vehicular traffic generated by the proposed development or suitable developer-led improvements are identified and delivered to overcome any road problems;

- (f) Adequate access arrangements, parking, manoeuvring and servicing areas are provided in line with the development and technical standards set out in this plan or as otherwise agreed in writing with the planning authority;
- (g) It does not create a noise nuisance;
- (h) It is capable of dealing satisfactorily with any emission(s);
- (i) It does not adversely affect important features of the built heritage or natural heritage including natura 2000 sites;
- (j) It is not located in an area at flood risk and/or will not cause or exacerbate flooding;
- (k) The site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;
- (l) Appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;
- (m) In the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape;
- (n) It does not compromise water quality nor conflict with the programme of measures contained within the current northwestern river basin management plan.

## Chapter 6: Housing

### 6.2: Urban Housing

UB-P-27: Proposals for extension to a dwelling shall be considered subject to the following criteria:

- (a) The development reflects and respects the scale and character of the dwelling to be extended and its wider settlement;
- (b) Provision is made for an adequate and safe vehicular access and parking; and
- (c) The proposal would not adversely affect the amenity of adjoining properties.

### 6.3 Rural Housing

## Chapter 7: The Natural and Built Heritage

The landscape of the County has been categorised into three layers of value and are illustrated on Map 7.1.1 of the Plan. These 3 Layers of value have been classified as areas of 'Especially High Scenic Amenity', areas of 'High Scenic Amenity' and areas of 'Moderate Scenic Amenity', none of the landscapes of County Donegal have been classified as Low Value. The site is located within an area of 'High Scenic Amenity' defined as follows:

Areas of High Scenic Amenity are landscapes of significant aesthetic, cultural, heritage and environmental quality that are unique to their locality and are a fundamental element of the landscape and identity of County Donegal. These areas have the capacity to absorb sensitively located development of scale, design and use that will enable assimilation into the receiving landscape and which does not detract from the quality of the landscape, subject to compliance with all other objectives and policies of the plan.

#### 7.1.3: Relevant Policies:

NH-P-7: Within areas of 'High Scenic Amenity' (HSC) and 'Moderate Scenic Amenity' (MSC) as identified on Map 7.1.1: 'Scenic Amenity', and subject to the other objectives and policies of 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.

NH-P-9: It is the policy of the Council to manage the local landscape and natural environment, including the seascape, by ensuring any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of the area.

NH-P-13: It is a policy of the Council to protect, conserve and manage landscapes having regard to the nature of the proposed development and the degree to which it can be accommodated into the receiving landscape. In this regard the proposal must be considered in the context of the landscape classifications, and views and prospects contained within this Plan and as illustrated on Map 7.1.1: 'Scenic Amenity'.

Part B; Appendix 3: Development Guidelines and Technical Standards.

## **5.2. Natural Heritage Designations**

The site is not located within or adjacent to any natural heritage designations within the development plan. The site is approximately 222 metres to the nearest Natura 2000 site, located at Slieve Tooley, Tormore Island, Loughrour Beg Bay SAC.

Having regard to the minor nature and scale of the proposed development, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **5.3. EIA Screening**

Having regard to the minor nature and scale of the proposed development, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- The proposal was erected without planning permission and ignored the appropriate guidelines.
- The application states it is 900 millimetres from the boundary. It is less than that and is approximately 1 metre from the actual boundary and decreases as the applicant's property narrows.

- The silo is approximately 48 metres from the appellants front door which is at a lower level than the structure. There is continuous water runoff from their property.
- The immediately adjoining areas are characterised by residential dwellings. The site is located within an area of high scenic amenity and is within a structurally weak rural area. The area does have the ability to absorb new build in character with the area. The silo tank takes away from the aesthetics of the area.
- The applicant's farm is located elsewhere where his flock is kept. The silo should be erected there as opposed to at the applicant's house.
- The appellant had to concrete their driveway due to excessive runoff from the adjoining property.
- The silo is not screened from public viewing as it overshadows the garage and is taller than it. It does not blend into the area and is obvious to those who pass and out of character. It was erected in the location to minimise visual impact for the applicant.
- The proposal and associated dry feed will increase vermin in the area and run off will be caused when transferring the feed to vehicles. It is a health and safety risk.
- The Council concluded that there would be no likelihood of significant effects in relation to environmental impact assessment. There has been no consideration of its impact on the effect on the nearby stream. The silo tank has no protection around it and will not stop feed from blowing over to the appellants property or the stream. The health and safety authority advised about the environmental health impact and the impact if the tank gets too warm there is a risk of combustion. Significant effects cannot be excluded as this is not an agricultural farm property.
- Retention of the silo will result in a material change of use from the residential property to a farm which will have implications for adjoining properties as they are not farmers.

- Planning condition 3 refers to landscaping, stating that the eastern site boundary shall be planted with hedgerow of semi mature species native to the area within the first planting season following commencement of development. This was not implemented, and the applicant concreted to the adjacent driveway therefore there is a gap of approximately 12 feet that cannot be planted and therefore the applicant will be unable to complete.
- The applicant has not complied with three conditions attached to the original planning application for the dwelling under planning register number 03647.
- The applicant made an application in a neighbouring townland ref: 03208 in 2003 and 03647 as this is where the farm is located. This would be the most practical location for the silo as it is the home farm and reduce any health and safety implications related to the farm.

## **6.2. Applicant Response**

- The applicant is a native of Glencolmcille where he inherited the farm from his father, his family having farmed this land for generations. The farm consists of 12 acres of lowland and approximately 100 acres of mountain land farming sheep. The house is his primary residence.
- The appellants dwelling adjoins the applicant's property and is used as a holiday home.
- A silo was erected as a grant was available from the Department of Agriculture for such silos for small farmers. The silos were promoted by the Department as they protect the integrity of animal feed, prevent rodents access to the feed, and are easier for the farmer to manage thereby reducing the health and safety risk of injury from repetitive handling of animal feed bags. This also reduces the amount of travel required to purchase and collect bags of feed. The silo installation removes the requirement for 16 trips to Ardara to collect animal feed bags providing environmental sustainability. The applicant understood that there was no requirement to apply for planning permission as it was an agricultural silo and was advised of this by his agricultural agent. The applicant was advised that a planning application was required following investigation by the enforcement section of the Council.

- The appellant has indicated that the boundary line is incorrect in a number of locations along the eastern boundary of the site. The indicated boundary line was taken from the folio mapping for the applicant's property. If the appellant considers the boundary line to be incorrect, this should be directed to the property registration authority and Land Registry.
- The applicant has confirmed there is adequate access for oil tankers and the bulk feed lorry over his own driveway.
- There is no loss of privacy, overlooking, and no loss of residential amenity by the silo. It is painted green as a requirement of the Department of Agriculture to blend in and not be obtrusive.
- A petition signed by 19 neighbours of the applicant is included, confirming the signatories have no objection to the silo.

### **6.3. Planning Authority Response**

- The planning authority response confirms that the content of the third-party appeal has been noted.
- The details of the application have been thoroughly assessed and a site inspection undertaken. The retention of the silo is a sustainable and appropriate use in the rural area. It appears that disputes between the parties over boundaries has been ongoing, but this is outside the remit of the Planning Act. The applicant has demonstrated sufficient legal interest in the subject site to permit development. Planting of the boundary is a requirement of the permission but within the first planting season following the grant of retention. This has not yet commenced. Other matters raised through the Department of Agriculture are not pertinent to assessment of the application. Any further matters are addressed in the planning report of 14th of July 2023, endorsed on 24th July 2023.

### **6.4. Observations**

- None received.

## 6.5. Further Responses

- None received.

## 7.0 Assessment

7.1. Having examined all the application and appeal documentation on file and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. Appropriate Assessment (AA) also needs to be considered. The main issues, therefore, are as follows:

- (a) Principle of Development.
- (b) Visual impacts, residential amenity, and landscaping.
- (c) Boundary proximity and impacts.
- (d) Other issues.
- (e) Appropriate Assessment (AA).

Each of these issues are considered in turn below.

### **(a) Principle of Development**

7.2. The proposal comprises the retention of an agricultural silo, which constitutes minor agricultural infrastructure. The structure and associated use relate to agriculture, which I consider to be economic development. This is supported in broad terms in the plan within Chapter 4, however agriculture is not a form of development or activity that is discussed in detail within this chapter, other than referring to agriculture supporting rural areas and opportunities for farm diversification. The plan is silent in relation to the development proposed within this context, and I have not been directed to any policy specific to the development by any party.

7.3. The proposal is located within the curtilage of a residential dwelling. In principle ancillary structures and buildings can be facilitated where associated with residential uses as evidenced through exempted development, subject to certain stipulations as set out in the relevant sections of the Planning Act and associated legislation. Within the residential development sections of the plan, the policy sets out differing requirements for urban and rural housing. I note that policy stipulates requirements

for ancillary residential development within an urban context. However, these requirements are not included or repeated within the rural housing section.

- 7.4. I consider that ancillary residential development within rural areas must therefore be assessed on their own merits and taking account of the visual and amenity impacts on the locality of the site. The site is located within an area of high scenic value, and accordingly policies NH-P-7, NH-P-9, and NH-P-13 are key considerations. NH-P-7 does not preclude development, rather it states that the Council will seek 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”. Rural housing also benefits from exempted development rights and therefore I consider that ancillary structures and buildings are acceptable in principle on this basis, subject to detailed considerations including design, visual, and amenity impacts.

(b) Visual impacts, residential amenity, and landscaping.

- 7.5. In summary, the appellant states that the silo is not screened from public views as it overshadows the existing shed and is taller than it. It does not blend into the area, and out of character. The applicant states that there is no loss of privacy, overlooking, and no loss of residential amenity by the silo. It is painted green as a requirement of the Department of Agriculture to blend in and not be obtrusive. The Council also consider the visual impact to be acceptable and that the silo will not adversely impact on amenity.
- 7.6. The appellant has stated that the silo was not screened from public view but has not specified which viewpoints from which the impact would be unacceptable. I have therefore undertaken my own assessment when visiting the site and locality. Based on this assessment, public views of the silo are largely limited to the public road adjacent to the site frontage, and in particular around the vehicle entrance lane to the appellant’s dwelling from which the entirety of the silo structure is visible. The bottom portion of the supporting element of the silo and associated concrete foundation base is largely obscured from public view by the front site boundary wall of the applicant’s property. Views of the silo are restricted by intervening vegetation and buildings from the west and east of the site. There are a number of mature trees within the front garden area of the appellants’ site which totally obscure approach views from the east. These trees are outside the control of the applicant. The

existing garage within the applicant's property largely obscures views from the west, save for the top element of the silo which protrudes above the ridgeline of the adjacent garage. Assessment of distance views from the principle public road approach to the access lane to which both sites access, indicates that the silo structure is not readily visible due to the undulating and rising topography of the area and intervening vegetation and buildings. Visual assessment from within Glencolmcille settlement also indicates that the structure is not readily visible or apparent from long distance views provided from the public road network. I note that the structure is readily visible from the appellants property, however this is not a public viewpoint, or specifically identified within the plan as a view subject to policy protection. Based on my site observations I conclude that views of the silo are limited to a small stretch of the public road network adjacent to the frontage of the site. I therefore conclude is not readily visible to the extent that the structure adversely impacts on visual amenity or the scenic qualities of the area that the policy seeks to protect.

- 7.7. In relation to residential amenity, the structure and associated foundations are located approximately 51m to the northwest from the appellant's dwelling. Accordingly, I do not consider that the proposal would adversely impact in terms of overshadowing due to the aspect of the site and the significant separation distance. Privacy issues do not arise due to the nature of the development. I therefore consider that the only impacts relate to visual amenity which have been considered above and I have concluded that the impact is acceptable.

#### Landscaping

- 7.8. The Council consider that the proposal can be accommodated subject to screen planting along a boundary fence within the site and have include a planning condition to secure delivery, establishment and retention. In summary, the appellant considers this unacceptable and insufficient due to foundation structures precluding vegetation adjacent to this part of the boundary. The applicant has not provided any comments in relation to the proposed condition.
- 7.9. The condition referred to is number 3 on the schedule attached to the Council's Chief Executives Order dated 27th July 2023. It states the following:

*The eastern site boundary shall be planted with hedgerow of semi mature species native to the area within the first planting season following commencement of development. The trees to be planted shall be a mix selected from the following list of species (unless otherwise agreed in writing with the planning authority). A list of 13 suitable species of trees is quoted. Any trees dying within the subsequent 3 years shall be replaced. Reason: to preserve the amenities of the area.*

- 7.10. I would agree with the Council that additional landscaping could assist in the mitigation of visual impacts on the area. Provision of such landscaping would also largely remove the reliance on features and vegetation on land outside the applicants control for screening purposes. However, I consider that the condition as drafted to be deficient. The condition requires planting within the first planting season following commencement of development. However, the development is already in place. I also consider that the three-year replacement time scale to be insufficient, and that a five-year replacement would be more appropriate to ensure successful establishment given prevailing weather conditions in the locality. I also consider that additional planting should be provided within the soft landscaping area between the dwelling on the eastern boundary to the rear of the silo, which would mitigate visual impacts on the appellants property. I further consider that it is necessary that the details of the landscaping scheme are agreed prior to implementation and such landscaping should be provided as soon as practicable and no later than the expiration of the first planting season of any granted permission. A revised landscaping condition is set out below for consideration by the Bord, in the event that permission is granted.

Boundary Issues:

- 7.11. The appellant asserts that the applicant has altered the boundary of the site, removed landscaping within their ownership, part of the development falls outside the ownership of the applicant, and the boundary details illustrated on the plans do not reflect the development as now constructed. These issues are disputed by the applicant, who have confirmed the supporting information is accurate. The Council consider these to be civil matters between the parties.
- 7.12. On inspection of the site and in relation to the submitted details I am satisfied that the supporting information is sufficiently accurate and that the development falls

within lands owned by the applicant. I concur with the Council that issues relating to the boundary position and any related alterations and removal of vegetation are a civil matter between the parties, and outside the scope of this appeal and planning legislation.

(d) Other Issues

- 7.13. **Run Off:** the appellant states that there is an issue with runoff all surface water from the application site to the appellants property. I consider that this is a matter that is outside of this appeal, and issues must relate to the development as framed within the planning application and associated supplementary information. The extent of development associated foundation structures are small in extent and therefore I consider any surface water runoff will be very limited in scale.
- 7.14. **Structurally Weak Rural Area:** the appellant refers to the area being structurally weak which is discussed within the Council report. This reference relates to the provision of housing and associated policy and designation. Given the nature of the proposal, I do not consider that this designation and related policy is of material relevance to the appeal. Accordingly, permission cannot be withheld on this basis.
- 7.15. **Silo should be relocated to lands elsewhere:** The appellant states that the applicant's farm is located elsewhere where his flock is kept, and the silo should be erected there instead of the application site. Whilst the applicant may indeed be an ownership of other lands and property, the application as submitted must be assessed against all relevant material considerations and policy. There is no requirement within the relevant policy to consider alternatives. Accordingly, I must limit the assessment to the merits of the proposal as submitted which is set out above.
- 7.16. **Health and safety:** The appellant states that the proposal will result in increased vermin and a health and safety risk, and run-off will be caused when transferring the feed to vehicles. I consider that this is a matter for management of the site and structure for the applicant. I have not been provided with any evidence to support the assertion that vermin will be increased. This is a matter for other legislation and relevant organisations to ensure that matters of public health are not adversely impacted by this issue. I also do not consider that run off from feed transfer would be significant and that it is in the financial interests of the applicant to ensure that any

wastage of feed is kept to a minimum. Accordingly, permission cannot be withheld on this basis.

- 7.17. **Environmental Impact Assessment:** The appellant states that there has been no consideration of impact on the effect on the nearby stream and likely significant effects. I have considered the likely environmental impact of the proposal earlier in the report. In considering these impacts it is necessary to consider, *inter alia*, their significance taking account of the proposal, the characteristics of the site and its locality. As stated above, the proposal does not involve significant development and it is therefore considered that the impacts will be negligible. I note the appellant's comments in relation to the stream adjacent to the site but do not consider the nature of the development or associated operations would likely result in any significant impacts.
- 7.18. **Material Change of Use:** The appellant considers that retention of the silo will result in a material change of use from the residential property to a farm which will have implications for adjoining properties. The retention of the silo would not materially impact on the current planning function of the site as a dwelling. The applicant has confirmed that the site is their place of residence, and the application does not include a change of use as part of the proposal. The silo is an ancillary structure to the current residential use. The application therefore must be assessed on this basis. For clarity, any change of use would require a further planning application for consideration and assessment by the Council and the merits of that proposal would be subject to appropriate consideration as part of that process.
- 7.19. **Applicant Compliance with three conditions attached to the original planning under planning register number 03647:** This matter is outside the remit of this appeal and associated consideration by the Bord. Any alleged breaches of planning control are a matter for consideration and appropriate assessment by the Council.
- (e) Appropriate Assessment
- 7.20. Having regard to the nature and scale of the proposed development no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

8.1. I recommend a grant of retention permission, subject to conditions.

## 9.0 Reasons and Considerations

Having regard to the current Donegal County Development Plan, 2021-2027 and all material considerations, it is considered that, subject to compliance with the conditions set out below, the development would be in accordance with the zoning objective for the site, would not detract from the visual amenity of the area, would not seriously injure the residential amenity of surrounding properties, and would not endanger public safety or convenience by reason of traffic generation, or otherwise. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	The development shall be retained strictly in accordance with the lodged plans and details submitted on 7th June 2023 save as hereinafter otherwise required.  Reason: To define the permission.
2.	Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.  Reason: In the interest of public health.
3.	(a) A scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority within three months of this decision. This boundary treatment scheme shall provide a screen along the eastern and northern boundaries, consisting predominantly of trees, shrubs and hedging of indigenous species. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the grant of this permission.  (b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the

	<p>landscaping scheme shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In order to screen the development, in the interest of visual amenity.</p>
4.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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.

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Richard Taylor  
Planning Inspector

26<sup>th</sup> January 2024