



An
Bord
Pleanála

Inspector's Report ABP-320625-24

Development	Construction of a slatted agricultural shed and all associated site development works.
Location	Gulladoo, Moville, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2351261
Applicant	Charles O'Donnell
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Conor McDaid
Observers	None
Date of Site Inspection	14 th January 2025
Inspector	Jim Egan

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1.0 Site Location and Description

- 1.1. The site has a stated area of 0.27ha, located on the east side of the L6421 local road, approximately 2km north of the settlement of Moville, Co. Donegal.
- 1.2. The site is part of a larger contiguous agricultural landholding of c. 4.8 hectares.
- 1.3. The area in the vicinity of the site is characterised by farmland with a scattering of rural housing, noting that the public road, L6421, terminates c. 800m north of the site. Adjoining the site to the north are the remnants of a farmyard comprising ruins of a farm shed and other farm related structures.
- 1.4. The site comprises a vehicular entrance, gravel driveway and agricultural shed.

2.0 Proposed Development

- 2.1. Permission is sought to construct a slatted agricultural shed with underground slurry tank and all associated site development works. The shed is set back from the public road by c. 29m, has a stated floor area of 208.415sq.m, a pitched roof height of c. 6.43m and a finished floor level of +113.2m.
- 2.2. The site rises from the road, noting that the proposed location of the shed at a level of c. +113.0m, compared to the road edge at c. +110.6m.
- 2.3. The statutory notices refer to 'all associated site development works' but don't refer to specific details. In the context of the application, I would consider that access, surface water drainage and boundary treatments constitute associated works and thus form part of the application.
- 2.4. The submitted site layout plan shows a proposed new vehicular entrance on the northern end of the roadside boundary. Surface water from the shed will be discharged to an existing roadside drain. Boundary treatment of the site will comprise the planting of native trees.
- 2.5. Further information submitted on the 28th March 2024 included revised drawings indicating the finished floor level of the proposed shed reduced from +113.2m to +112.0m, but otherwise the shed design was unchanged from that initially lodged. The revised drawings also showed the relocation of the proposed entrance from the northern end of the roadside boundary to the southern end.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 17 no. conditions. Condition 2 and 3 relate to sight lines and front boundary setback. Condition 8 requires the submission of a management schedule in respect of the use of the slatted shed to ensure compliance with European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022. Condition 11 relates to the spreading of slurry, referring again to the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022. Condition 15 prohibits surface water from being discharged to the public road.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planner's report dated 6th October 2023 recommended that 5 no. items of further information be sought. These items are summarised below:

1. Documentary evidence in respect of the applicant's farming background, details of other farm holdings and reasons for the need for the shed at this location.
2. Revised site layout plan to indicate finished floor level and ridge height of existing agricultural shed adjoining the site to the north. Applicant advised that the ridgeline of the proposed shed is to be no higher than that of the adjoining shed.
3. Revised plans showing finished floor level reduced to +112m, or less if required by Item 2.
4. Proposals to show how required sightlines are achieved or lesser sightline justified through the submission of a speed survey.
5. Third party consent, if required, for achieving necessary sightlines, with reference to Item 4.

A response to the request for further information was received on the 28th March 2024.

A second planner's report dated 17th April 2024 recommended that clarification of further information be sought on the applicant's farming background and landholdings.

A response to the request for clarification of further information was received on the 9th July 2024.

A third planner's report dated 11th July 2024 recommended a grant of planning permission subject to 17 no. conditions. The report also notes that the application has been assessed against the relevant provisions of the Donegal County Development Plan 2024 – 2030, which came into effect on the 26th June 2024.

3.2.2. Other Technical Reports

- None.

3.2.3. Prescribed Bodies

- None.

3.3. Third Party Observations

The Planning Authority received 2 no. submissions during the statutory notice period, summarised as follows:

Frances and James McDaid

- Reside south-west of the site, on the opposite side of the L6421.
- Minimum separation distance of 100m from another dwelling is not met, and no consent obtained.
- Shed will reduce the value of their house.
- Construction of the shed has potential to contaminate their wildlife pond.
- Their son purchased the former farmyard on the northern side of the site on which he intends building a house. Shed will be c. 15m from this house.

Conor McDaid and Chelsea Carey

- Preparing to submit a planning application for a single dwelling adjacent to the site.
- The proposed shed would be c. 10 metres from the front of their proposed dwelling. This is not acceptable in the context of the applicant having other available land.
- Previous applications for an agricultural shed could not proceed due to impacts of water run off on the Bredaghglen River.

- Impact of the shed on family health by reason of prevailing winds.

4.0 Planning History

4.1. Appeal Site

None.

4.2. Surrounding Area

Adjoining site to the north

P.A. Ref. 2351430 / ABP-318934-24 – refers to June 2024 grant of permission to Conor McDaid and Chelsea Carey for the construction of a dwelling with connection to a new septic tank and percolation area.

P.A. Ref. 2461134 – refers to an October 2024 grant of permission to Conor McDaid and Chelsea Carey for alterations to development previously approved under P.A. Ref. 2351430 / ABP-318934-24.

5.0 Policy Context

5.1. National Planning Framework

National Policy Objective 23

Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

5.2. Northern and Western Regional Assembly - Regional Spatial and Economic Strategy (RSES) 2020

Regional Policy Objective 4.24

To support the growth of the region's agrifood industry, and its SME's. This includes the expansion of the sector where already established in rural areas, as well as in small towns, and villages, where expansion should be supported.

5.3. S.I. No. 113/2022 - European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022

The European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 set parameters for farmyard and nutrient management and the distances for spreading fertiliser from water sources to prevent water pollution.

5.4. Water Framework Directive

The European Union Water Framework Directive aims to improve water quality and applies to all water bodies. The Directive runs in six-year cycles and is currently in its third cycle 2022 to 2027. Member States are required to achieve 'good' status in all waters and must ensure that status does not deteriorate. The Directive has been given effect by the Surface Water and Groundwater Regulations.

5.5. Donegal County Development Plan 2024 – 2030

5.5.1. The operative plan is the Donegal County Development Plan 2024 – 2030, which came into effect on the 26th June 2024.

5.5.2. Chapter 8 relates to Economic Development. Section 7.4.5 states that the County Development Plan supports and promotes the development of traditional sectors such as agriculture. Relevant policies and objectives are as follows:

Objective ED-O-3 To support appropriately scaled and located rural economic development projects where they are functionally related to the countryside.

Objective ED-O-13 To support and facilitate, where appropriate, the further growth and development of the County's economic base through the key sectors identified in this plan. Proposals outside of these sectors shall be open for consideration and assessed against all policies and objectives of this plan, as well as national, regional plans, policies and guidelines.

Policy ED-P-4 Consider proposals for the businesses in rural areas of the nature identified in 'a.', 'b.' and 'c.' below, where such uses would comply with the terms of 'c.' below:

- a. Valuable additions to the local economy and/or tourism offering in an area, such as those relating to food (particularly value-added products such as artisan food), forestry (e.g. wood products), crafts, creative industries, ecotourism and agritourism (e.g. farmhouse accommodation, pet farms, farm holidays, health farms, equestrian activities, bird-watching holidays, painting and photography tuition, angling tourism, field studies cycling and hill-walking); and
- b. Genuine Farm Diversification Schemes where the diversification scheme is to be run in conjunction with the agricultural operations of the farm. The provision of associated short-term let rental accommodation purposes (up to a maximum of five units) may be considered.
- c.
 - i. As far as possible, proposed developments should reuse or adapt existing redundant farm buildings.
 - ii. Any new proposed building must be of a scale, form and design appropriate to the rural area.
 - iii. Compliance with all the relevant criteria of Policy ED-P-10.
 - iv. Where there are deficiencies in water infrastructure and/or where it is not possible to connect to the public systems, the developer will be required to demonstrate that bespoke

development-led solutions can be identified, agreed in writing, implemented, and maintained.

- 5.5.3. The site is located within the rural area and within an Area of High Scenic Amenity. Relevant policies and objectives under Chapter 8 (Infrastructure) and Chapter 11 (Natural, Built & Archaeological Heritage) are as follows:

Policy L-P-2 To protect areas identified as ‘High Scenic Amenity’ and ‘Moderate Scenic Amenity’ on Map 11.1 ‘Scenic Amenity’. Within these areas, only development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered, subject to compliance with other relevant policies of the Plan.

Objective L-O-1 To protect, manage and conserve the character, quality and value of the Donegal landscape.

Policy L-P-7 To preserve the views and prospects of special amenity value and interest as identified on Map 11.1

Policy L-P-8 To preserve scenic views between public roads and the sea, lakes and rivers. Such developments shall be considered on the basis of the following criteria.

- a. whether the integrity of the view has been affected to-date by development;
- b. whether the development would intrude significantly on the view; and
- c. whether the development would materially alter the view.

In operating this policy, a reasonable and balanced approach shall be implemented so as to ensure that the policy does not act as a blanket ban on developments between the road and the sea, lakes and river but also seeks to maintain existing landscape qualities in the area.

Objective BIO-O-1 To preserve and enhance the biodiversity of the County in accordance with the relevant EU policies and national legislation.

Policy BIO-P-1 To require all developments to comply with the requirements of the EU Habitats Directive and EU Bird Directive, including ensuring that development proposals:

- a. Do not adversely affect the integrity of any European/Natura 2000 site (i.e. Special Areas of Conservation and Special Protection Areas) including effects on ex-situ but functionally linked habitats, and species (e.g. Pearl Mussel) save where a plan must be carried out for imperative reasons of overriding public interest (IROPI).
- b. Provide for the protection of animal and plant species listed in Annex IV of the EU Habitats Directive and the Flora Protection Order.
- c. Protect and enhance features of the landscape (such as rivers, riverbanks, field boundaries, ponds and small woods) which are of major importance for wild fauna and flora and the ecological coherence of the Natura 2000 network.

Policy WW-P-2 Ensure that new developments:

- a. do not have an adverse impact on surface and ground water quality, drinking water supplies, Bathing Waters and aquatic ecology (including Water dependent qualifying interests within Natura 2000 sites); and
- b. do not hinder the achievement of, and are not contrary to:
 - i. The objectives of the EU Water Framework Directive.
 - ii. EU Habitats and Bird Directives.
 - iii. The associated Programme of Measures in the River Basin Management Plan 2022-2027 including any associated Water Protection or Restoration Programmes.
 - iv. Drinking Water Safety Plan.
 - v. The Guidelines on the Protection of Fisheries During Construction Works In and Adjacent To Waters (IFI, 2016)

5.6. Natural Heritage Designations

5.6.1. The site is not located within or adjacent to any designated sites. The closest European Sites are as follows:

- North Inishowen Coast SAC (Site Code: 002012), c. 4.5km northeast of the site,
- Magheradrumman Bog SAC (Site Code 000168), c. 6km west of the site.

5.6.2. The North Inishowen Coast pNHA (Site Code: 002012) is located c. 4.5km northeast of the site while the Magheradrumman Bog pNHA (Site Code 000168) is located c. 6km west of the site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third-party appeal has been received against the decision of the Planning Authority to grant permission. The grounds of appeal can be summarised as follows:

- Location of shed impacts on views towards River Foyle and wider countryside from the appellant's permitted dwelling. Appellant submitted planning application for revisions including re-orientation of his dwelling to maintain views.
- Shed has already been constructed therefore retention permission is required.
- Shed, as constructed, does not conform with the plans as approved by the Local Authority, with respect to ridge level and roof direction.
- Shed does not blend into the receiving landscape, contrary to Development Plan policy on Areas of High Scenic Amenity.
- Condition 14(b) relates to colour of shed cladding. Shed has already been constructed with grey/charcoal coloured cladding.
- Site preparation and construction was not carried out in accordance with Condition 16.

- Surface water run off cannot be discharged to the underground tanks by reason of the floor level of the shed.
- In the context of Condition 8, no confidence that Good Agricultural Practice for Protection of Waters would be adhered to by the applicant.
- Queries the calculation of the development contribution as per Condition 17.

6.2. Applicant Response

6.2.1. The response submitted on behalf of the applicant can be summarised as follows:

- Due to the length of time which had passed since lodgement of the application to the local authority, the applicant decided to construct a slatted agricultural shed on the site in accordance with Class 6 exempted development.
- The planning application for the slatted agricultural shed was lodged to Donegal County Council on 4th August 2023, which was prior to the lodgement by the appellant of a planning application for a dwelling on the adjoining site.

6.3. Planning Authority Response

A response received on the 17th September 2024 makes the following points:

- No development was evident on site at the time the planning officer carried out a site visit (6th September 2023), as such the description of development being that for permission rather than retention permission was accurate.
- Permission granted by the Planning Authority is subject to this appeal, therefore planning permission has not yet been issued for a shed on the site.
- If unauthorised development is present on the site, this is a matter for the Planning Authority to investigate.
- Majority of issues raised by the appellant were addressed in planner's reports, with further observations made as follows:
 - The Planning Authority is satisfied that the shed as per the application drawings would satisfactorily integrate into the receiving landscape.

- The application, as assessed by the Planning Authority, comprises separate collection and management of clean and dirty waters.
- The development contribution has been calculated in accordance with the Donegal Development Contribution Scheme.
- The permission includes the proposed entrance point to the site being at the southern end of the road boundary.

6.4. Observations

- None.

7.0 Assessment

Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, the reports of the planning authority, having inspected the site and having regard to relevant local and national policies and guidance, I consider that the main issues in this appeal to be considered are as follows:

- Procedural Issues
- Principle of Development
- Visual Impact
- Residential Amenity
- Water Management
- Development Contributions

The issue of appropriate assessment screening also needs to be addressed.

7.1. Procedural Issues

- 7.1.1. Grounds of appeal include that an agricultural shed has already been constructed on the site and as such the application should seek retention permission. In this regard the appeal also refers to the construction phase and material finishes of the as-constructed shed.
- 7.1.2. In a response to the appeal, the Planning Authority advised that no shed was constructed at the time of the planning officer's site visit in September 2023, as such

the application for permission rather than retention permission was correct at the time the application was lodged.

- 7.1.3. In a response to the appeal, the applicant states that an agricultural shed has since been constructed on the site under Class 6 exempted development and in accordance with the conditions and limitations of same (refers to Class 6, Part 4, Schedule 2 of Planning and Development Regulations 2001, as amended).
- 7.1.4. On the basis of the above, I am satisfied that the Planning Authority was procedurally correct in processing the submitted application as an application for permission.
- 7.1.5. At the time of inspection, I observed an agricultural shed on the site together with an entrance from the public road and associated driveway, all of which I consider to be of relatively recent construction.
- 7.1.6. In the absence of drawings to indicate the exact location of the as-constructed shed in the context of the location of the proposed shed, and notwithstanding the applicant's response to the appeal with respect to exempted development, the Board may wish to seek clarity on this matter from the relevant parties with respect to the positioning of the as-constructed shed to ensure the proposed development does not represent a second agricultural shed on the site.
- 7.1.7. However, on the basis of observations made during a site inspection, I consider that the shed, as constructed, albeit orientated differently, is positioned in generally the same location as that shown on the submitted drawings.
- 7.1.8. Notwithstanding the above, the assessment of the application is based on the plans and particulars as lodged with the Planning Authority and as amended by further information, and as described in the public notices. As such, any development constructed on the site since the date of lodgement of the application does not form part of my assessment. Any alleged unauthorised development is a matter for the Planning Authority to pursue through the appropriate channels.

7.2. Principle of Development

- 7.2.1. The application relates to the construction of a slatted agricultural shed on land in the rural area. It is an objective at national, regional and local level to support agriculture

and the agri-food sector. As such, I consider the development of an agricultural structure on the site to be acceptable in principle.

7.3. Visual Impact

7.3.1. Grounds of appeal include that the shed, as constructed, does not blend into the receiving landscape. I would again remind the Board that my assessment is based on submitted drawings and not the development as constructed. I would also note that the as-constructed shed, whilst broadly similar to that for which permission is sought and generally positioned in the same location as the proposed shed, is orientated differently on the site with the roof ridge aligned on the north-south axis rather than the east-west as shown on the application drawings. As such, the as-constructed shed, whilst helpful in evaluating visual impact, is not truly reflective of the development for which permission is sought.

7.3.2. In terms of landscape value, the County Development Plan sets out the following classifications:

1. Areas of Especially High Scenic Amenity
2. Areas of High Scenic Amenity
3. Areas of Moderate Scenic Amenity

The site is contained within an Area of High Scenic Amenity.

7.3.3. Objective L-O-1 of the County Development Plan seeks to protect, manage and conserve the character, quality and value of the Donegal landscape, whilst Policy L-P-2 relates to the landscape classifications of 'High Scenic Amenity' and 'Moderate Scenic Amenity', stating that within these areas, only development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered, subject to compliance with other relevant policies of the Plan.

7.3.4. Section 11.2.2 of the County Development Plan outlines that Areas of High Scenic Amenity 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.

- 7.3.5. The proposed shed has a floor area of c. 208.4sq.m with external dimensions of c. 14.6m by 14.2m and a shallow pitched roof with a ridge height of c. 6.43m. The shed is set back from the public road by c. 29m and will have a finished floor level of c. +112m (reduced from c. +113.2m at further information stage) compared to the level of the adjoining road at between c. +108m and c. +110.6m. The proposal includes a planting scheme of native trees to all boundaries of the site.
- 7.3.6. I consider that by reason of the height, scale and finished floor level of the shed in conjunction with the proposed boundary treatment, the proposed development will integrate sufficiently within the surrounding landscape. I am therefore satisfied that the development will not result in an adverse impact on the visual or scenic amenity of the area, consistent with Objective L-O-1 and Policy L-P-2 of the County Development Plan and National Policy Objective 23.
- 7.3.7. In addition to the wider classification of 'Areas of High Scenic Amenity', the County Development Plan identifies views and prospects of special amenity value (Map 11.1). Policy L-P-7 seeks to preserve the views and prospects of special amenity value and interest while Policy L-P-8 seeks to preserve scenic views between public roads and the sea, lakes and rivers. The closest protected views and prospects of special amenity value and interest are those views from the uplands of Ballymacarthur northeast of the site towards Lough Foyle c. 3.5km to the south. The view lines do not intersect with the site or immediately surrounding area. By reason of the location of the site outside of the view scape of protected views and prospects, I am satisfied that the development will not result in an adverse impact on any identified views and prospects of special amenity value and interest and is therefore consistent with Policy L-P-7 and Policy L-P-8 of the County Development Plan.
- 7.3.8. I note that while the submitted drawings would suggest a shed of standard construction materials such as corrugated steel sheeting to the roof and upper wall levels and concrete block to lower wall level, the submitted drawings do not provide a schedule of material finishes. Condition 14(b) of the Planning Authority's decision relates to the cladding colour. In order to remove any ambiguity, I recommend that if a grant of permission is forthcoming, this condition be expanded to require material finishes to be agreed in writing with the Planning Authority.

7.4. Residential Amenity

- 7.4.1. The appellant makes reference to the location of the proposed shed in the context of the impact of same on views towards Lough Foyle that would be enjoyed from the permitted dwelling to the north. The initial submission by the appellant to the Planning Authority made further reference to the impact of the agricultural shed on the health of their family by reason of the close proximity of the shed to their proposed dwelling.
- 7.4.2. Having regard to previous section on visual impact, there are no protected views being interfered with by the proposed development. The appellant is not entitled to the preservation of a view in the circumstances.
- 7.4.3. At the time of inspecting the site, construction of the appellant's approved dwelling had not commenced, and I also acknowledge that the application for the agricultural shed was made some 6 weeks prior to the lodgement by the appellant of an application for a new dwelling on the adjoining site to the north.
- 7.4.4. The proposed agricultural shed is set back c. 15.6m from the northern boundary and having regard to the approved plans under the most recent permission granted to the appellant, the shed would be c. 40m from the appellant's dwelling.
- 7.4.5. The observation submitted by the appellant to the Planning Authority refers to the separation distance between the proposed shed and the appellant's proposed dwelling and the amenity impact of same. The first Planner's Report addresses concerns raised in observations received and notes that there is no established separation distance between agricultural sheds and surrounding dwellings and considers that on the basis of previous An Bord Pleanála decisions, a separation distance of 40m is acceptable.
- 7.4.6. By reason of the nature of the shed for agricultural use in a rural area, regulatory requirements in respect of slurry management, the proposed scheme of tree planting to the boundaries and the separation distance to the permitted dwelling, I consider that the proposed development would not have any undue impact on the residential amenity of the appellant's permitted dwelling.

7.5. Water Management

- 7.5.1. Grounds of appeal include that surface water run off cannot be discharged to the underground tanks by reason of the floor level of the shed and that the appellant has no confidence that Good Agricultural Practice for Protection of Waters would be adhered to by the applicant.
- 7.5.2. Policy WW-P-2 of the County Development Plan seeks ensure that new developments do not have an adverse impact on surface and ground water quality.
- 7.5.3. The submitted drawings indicate that surface water run-off will be collected and discharged to the existing roadside drain, while soiled water / slurry from housed livestock will be directed to an underground holding tank via slatted floor.
- 7.5.4. Condition 10 on the Planning Authority's decision requires adequate management of surface water run-off and prohibits surface water from being discharged to the slurry holding tanks or to the public road. Condition 9 prohibits discharge of slurry to any watercourse or public road, whilst Conditions 8 and 11 relate to the storage and spreading of slurry to be in accordance with European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022.
- 7.5.5. Given the nature and extent of works proposed and, I am satisfied that the proposal will not pose a risk to ground or surface waters.
- 7.5.6. On the basis of the above, and in noting to the Board that landspreading does not form part of this application, I am satisfied that subject to suitable conditions on a grant of permission, the proposed development will not have an adverse impact on the quality of surface or groundwater in the vicinity, consistent with Policy WW-P-2 of the County Development Plan.

7.6. Development Contributions

- 7.6.1. Grounds of appeal also refer to the calculation of the development contribution under Condition 17. The Planning Authority's response to the appeal states that the contribution has been calculated in accordance with the Donegal Development Contribution Scheme 2016-2021, being the current scheme in operation. I note that Table 1 of the scheme allows an exemption on the first 200sq.m floor area of a new agricultural building. The proposed agricultural building has a stated floor area of

208.415sq.m, therefore in accordance with the current scheme, a contribution is payable on the floor area above 200sq.m, being 8.415sq.m. I recommend a standard condition requiring payment of development contributions be included on a grant of permission, if the Board is minded to grant permission.

8.0 EIA Screening

Refer to Form 1 in Appendix 1 (EIA Pre-Screening). Having regard to the nature and type of development proposed, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), and as such preliminary examination or an environmental impact assessment is not required.

9.0 Appropriate Assessment Screening

- 9.1.1. Refer to Appendix 2. Objective BIO-O-1 of the County Development Plan seeks to preserve and enhance the biodiversity of the County in accordance with the relevant EU policies and national legislation, whilst Policy BIO-P-1 seeks to require all developments to comply with the requirements of the EU Habitats Directive and EU Bird Directive, ensuring that development proposals do not adversely affect the integrity of any European/Natura 2000 site.
- 9.1.2. Having regard to nature, scale and location of the proposed development and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site, consistent with Policy BIO-P-1 of the County Development Plan.

10.0 Recommendation

Having regard to the foregoing it is recommended that permission be granted for the proposed development, subject to conditions.

11.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenity of the area and would be acceptable in terms of public health and environmental sustainability, consistent with Objective L-O-1 (Landscape Value), Policy L-P-2 (Areas of High Scenic Amenity) and Policy WW-P-2 (Protection of Surface and Ground Water) of the Donegal County Development Plan 2024-2030, and supported by National Policy Objective 23 (Rural Economy), Regional Policy Objective 4.24 (Agrifood Industry) and Objective ED-O-3 (Rural Economic Development) of the Donegal County Development Plan 2024-2030. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 25th August 2023 as amended by the further plans and particulars submitted on the 28th March 2024 and 9th July 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed agricultural shed shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>a) Prior to the commencement of development, details of the proposed boundary to the western (roadside) frontage and access point shall be submitted to for agreement in writing with the Planning Authority.</p>

	<p>b) Site access arrangements, and the provision and maintenance of visibility splays, shall comply with the requirements of the planning authority for such works.</p> <p>Reason: In the interests of road safety.</p>
4.	<p>The slatted shed shall be used only in strict accordance with a management schedule which shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The management schedule shall be in accordance with the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2022, as amended, and shall provide at least for the following:</p> <ul style="list-style-type: none"> a) Details of the number and types of animals to be housed. b) The arrangements for the collection and storage of slurry. c) Arrangements for the cleansing of the buildings and structures (including the public road, where relevant). <p>Reason: In order to avoid pollution.</p>
5.	<ul style="list-style-type: none"> a) The removal of organic waste material and its spreading on land by the applicant or third parties shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (The Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources. b) If slurry or manure is moved to other locations off the farm, the details of such movements shall be notified to the Department of Agriculture, Food and Marine, in accordance with the above Regulations. c) Where a third party removes the slurry or manure, the details of the agreement shall be submitted to the local authority where the waste material is to be disposed to. <p>Reason: To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of waters.</p>
6.	<p>Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-</p>

	<p>a) uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways</p> <p>b) all soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022, as amended, or to a slatted tank. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.</p> <p>c) all separation distances for potable water supplies as outlined in the European Union (Good Agricultural Practice for the Protection of Waters)(Amendment) Regulations 2022, as amended shall be strictly adhered to.</p> <p>Reason: In the interest of environmental protection and public health.</p>
7.	<p>All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.</p> <p>Reason: In the interest of public health.</p>
8.	<p>The landscaping scheme shown on drawing number 0823-2228-02B-FI as submitted to the planning authority on the 28th day of March 2024 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of seven years from the completion of the development 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 the interest of residential and visual amenity.</p>
9.	<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</p>

	<p>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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.</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>
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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.

Jim Egan
Planning Inspector

20th February 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320625-24		
Proposed Development Summary	Construction of a slatted agricultural shed and all associated site development works.		
Development Address	Gulladoo, Moville, Co. Donegal		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	√		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	√		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			
5. Has Schedule 7A information been submitted?			
No			
Yes			

Inspector: _____

Date: _____

Appendix 2

AA Screening

I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.

The site is not located within or immediately adjacent to any European Sites. The closest European Sites, part of the Natura 2000 Network, are the North Inishowen Coast SAC (Site Code: 002012), c. 4.5km northeast of the site and the Magheradrumman Bog SAC (Site Code 000168), c. 6km west of the site.

The development comprises the construction of a slatted shed with underground slurry and all associated works. The site rises gently from the road edge to the rear / east, with lands in the wider area sloping downwards in a southern direction from the uplands north of the site to Lough Foyle to the south. The submitted plans indicate the presence of a road drain on the boundary of the site. I noted this drain during a site inspection. This drain connects with a wider network of streams in the wider area, discharging to the Bredagh River c. 1km southwest of the site, which in turn has a route south through the town of Moville before discharging to Lough Foyle. There are no direct hydrological connections between the development proposed and any European Sites.

In terms of in-combination effects, there is an extant permission for a dwelling on land immediately adjoining the site to the north (P.A. Ref. 2351430 / ABP-318934-24). Appropriate Assessment was screened out by the Planning Authority and subsequently by the Board by reason of the nature of the development and distance to European Sites. The permission issued by the Board includes conditions to ensure suitable management of water runoff and wastewater.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Having regard to the absence of any direct hydrological connection from the subject site to any European Site.

- Given the topography of the site and surrounding agricultural lands which slope downwards in a southerly direction towards Lough Foyle, coupled with the location and separation distance from the European Sites.
- Having regard to the distance of the site from the European Sites regarding any other potential ecological pathways.
- Having regard to the screening report and determination of the Planning Authority.

On the basis of the above, I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.