



Question

Whether a shed is or is not development and is or is not exempted development, whether the placing of a floor and the rebuilding of the exterior wall of said shed is or is not development and is or is not exempted development and whether the storage of goods and plant in the shed for planning permission 21/1218, the placing of hardstanding, the placement of a concrete pad and the storage of fill and hardcore is or is not development and is or is not exempted development.

Location

Commons Road, Dromiskin, Co. Louth

Declaration

Planning Authority

Louth County Council

Planning Authority Reg. Ref.

S52024/79

Applicant for Declaration

Noel and Mary McQuillan

Planning Authority Decision

Is not exempted development

Referral

Referred by

Noel and Mary McQuillan

Owner/ Occupier

MWAC Building Contractors

Observer(s)

None

Date of Site Inspection

26th November 2025

Inspector

Kenneth Moloney

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The referral site is located on the northern periphery of Dromiskin, Co. Louth. The site in question is located to the immediate west of an existing residential property, and there are agricultural fields situated to the immediate south and east of the referral site. The site has access onto the adjoining local road.
- 1.2. The front of the referral site is enclosed with construction hoarding and the site itself comprises of a double height shed located to the rear. The site also contains 3 no. shipping containers, construction material, including concrete blocks, timber, wooden pallets and other construction related items including traffic cones and road barriers.
- 1.3. To the front of the site there is low level block work associated with the layout of two structures.

2.0 The Question

- 2.1. I would consider the questions for consideration in this Section 5 referral are as follows.
 1. Whether the shed is or is not development and is or is not exempted development, and whether the placing of a floor and the rebuilding of the exterior wall of said shed is or is not development and is or is not exempted development, and
 2. Whether the temporary use of the shed for storage of goods, plant or machinery for planning permission 21/1218 (ABP-312591-22), the placing of hardstanding, the placement of a concrete pad and the storage of fill and hardcore is or is not development and is or is not exempted development.

3.0 Planning Authority Declaration

- 3.1. On the 11th of December 2024, a request for a Declaration in accordance with Section 5(1) of the Planning and Development Act, 2000, as amended, was received by Louth County Council from Noel McQuillan.
- 3.2. The Planning Authority issued a declaration on the 10th January 2025, to the effect that the shed, the placing of a concrete floor and the rebuilding of the exterior wall of

said shed, the storage of goods and plant in the shed for planning permission 21/1218, the placing of hardstanding, the placement of a concrete pad and the storage of fill and hardcore constitutes development that is not exempted development. This Declaration has now been referred to the Commission, pursuant to Section 5 of the Act, for review.

3.3. Planning Authority Reports

3.3.1. Planning Reports

3.3.2. The Planner's Report, dated 9th January 2025, can be summarised as follows:

- Planning reference LA Ref. 21/1218 Commencement Notice issued on the 25th of September 2024.
- No real likelihood of significant effects on the environment. EIAR not required.
- Not likely to have significant effects on European Site. Stage 2 AA not required.

The Shed Structure

- The shed structure is 128 sq. m. in area and has a maximum height of 4.64m.
- The shed has a metal roof and metal upper sides. The lower sides comprise of unfaced blockwork.
- The structure is positioned 78m back from the road edge. The nearest property to the shed is 44m to the northwest.
- No planning history relating to the shed structure.
- The construction date of the shed is unknown. Available photography shows the shed on the site in 2009.
- The placing of the shed on the site falls within the statutory interpretation of works and within section 3(1) of the Act which defines development.
- The only relevant exemption is Class 16, Part 1, Schedule 2 of the Regulations.
- In this case the structure is already in place and cannot come within the scope of Class 16.

- Class 16 allows the temporary use of a structure in connection with a development; however, this would not apply to the subject site.
- There is no construction of development permitted under L.A. Ref. 21/1218 taking place, nor evidence that construction is about to take place.
- The storage of goods and plant in the shed for planning permission L.A. Ref. 21/1218 constitutes development which is not exempted development.

Works to the Shed Structure

- Works include replacing an earthen floor with a concrete floor and rebuilding of the exterior wall with a new exterior wall.
- S. 4(1)(h) of the Act would not apply as the structure does not have planning permission, as such the works to such a structure would constitute unauthorised development.
- The installing of a new floor and new walls constitutes development which is not exempted development.

Placing of hardstanding, the placement of a concrete pad and storage of fill and hardcore

- The placing of hardstanding, placement of a concrete pad and storage of fill and hardcore falls under the definition of development under section 3(1) of the Act.
- Class 16 allows an exemption to such development in the case of enabling works such as site preparation works that might take place prior to work under the main construction contract for PA Ref. 21/1218, and as such Class 16 could be available.
- Planning permission under LA Ref. 21/1218 was to commence on the 25th of September 2024, but to date no construction has taken place and there is no evidence of construction taking place on the site.
- Therefore, placing of hardstanding, placement of a concrete pad and storage of fill and hardcore is development which is not exempted development.

3.3.3. Other Technical Reports

- None

4.0 Planning History

The following relates to the referral site.

- ABP-312591-22 – The Board made a **split decision**, on the 2nd of June 2023, to grant permission, subject to conditions, for the construction of two dwellings along the front of the site, alterations to existing access and all associated works, and refused permission for the retention of the shed and change of use as domestic use associated with dwelling no. 1. It is stated in the reason for refusal that, by reason of its height, bulk and design, the shed would be visually obtrusive to the rear of two proposed detached dwellings and would have a negative visual impact on the surrounding residential area and the retention of the shed would be contrary to the zoning of the site and the proper planning and sustainable development of the area. The PA (L.A. Ref 21/1218) granted permission, subject to conditions, for the development.

5.0 Policy Context

5.1. Louth County Development Plan 2021-2027, as varied.

- 5.1.1. The referral site is located within the settlement boundary of Dromisikin. In accordance with the settlement hierarchy for Co. Louth (Table 2.4 of the CDP) Dromiskin is situated within Tier 4 (Small Towns and Villages) of the settlement hierarchy.
- 5.2. The referral site is zoned 'A1 Existing Residential'. The stated objective of such lands is: *'To protect and enhance the amenity and character of existing residential communities'*.

5.3. Natural Heritage Designations

- Dundalk Bay SAC (site code 000455) – 1.9 km east
- Dundalk Bay SPA (site code 004026) – 1.5 km east
- Dundalk Bay pNHA (site code 000455) – 1.9 km east

6.0 The Referral

6.1. The following is a summary of the referrer's submission to ACP.

- The PA have declared that works to an unauthorised structure is unlawful development, and that the placing of a concrete floor and reconfiguring the wall area in an unauthorised development represents unlawful development.
- Further the PA declared that the hardstanding area around this structure and the placing of concrete pad along the wall is unlawful development.
- The Commission are requested to clarify some issues in respect of whether enforcement action can be taken on the site.
- Clarification is sought in respect of the shed which ABP previously dealt with in ABP-312591-22. The shed is now used for storage of building equipment and material (change of use).
- The Commission are requested to clarify whether the works including placing of a concrete floor and the ongoing use as a builder's store along with the placing of hardstanding to the side of the structure constitutes consolidation of this unauthorised structure.
- It is submitted that landscape drawing from the builder's agent after the appeal process (ABP-312591-22) confirms a definite separation distance of the offending shed area to that of the original planning documents. This is resulting in consolidation to the unauthorised structure.
- It was not possible to appeal this design and needs to be dealt with regarding clarification of the overall design and the consolidation of an unauthorised structure.
- The Commission should recommend that this shed is demolished. The Enforcement Office in LCC are not willing to take action.
- The questions to be clarified include;
 1. Does the work to the shed area constitute consolidation of unauthorised development, to an unauthorised structure, if so, what action should be taken by Enforcement?

2. The placing of hardstanding and concrete pad and dumping and burying of rubble and stone, without permission is unauthorised development and is allowing the site to be used as a builder's yard. This may also constitute consolidation of unauthorised development (builders' yard) as no change of use has been given for this. Clarification is required.
3. Can the unauthorised shed be used for temporary storage of materials or goods during the construction project under Class 17. It is submitted that it is not possible to avail of such exemption if the structure is unauthorised having regard to Article 9(1)(a)(viii) and Article 10 of the Regulations. Clarification is required.
4. Is the latest landscape drawing a deviation from the original planning. The landscape drawing illustrates that the original planning separates the shed from the overall site area and consolidates the unauthorised development which is continually used as a builder's store and yard. Clarification is required.
 - The case was submitted to the Ombudsman's Office. The Enforcement Office of LCC referred to Class 17, Part 1, Schedule 2 of the Regulations.
 - Clarification is required to determine whether LCC Enforcement Office can take action in relation to this unauthorised development.

6.2. Planning Authority Response

- 6.2.1. The PA response submission contends that the referral to ACP does not constitute a valid referral having regard to functions of ACP, in particular sections 5(3)(a), 5(3)(b), 5(4), 5(8), 34(5), 37(5), 37(N), 57(8), 96(5) and 193(2) of the Planning and Development Act, 2000 (as amended).

7.0 Statutory Provisions

7.1. Planning and Development Act, 2000 (as amended)

- 7.1.1. Section 2(1) of the Act states the following:

- ‘development’ has the meaning assigned to it by Section 3;
- ‘works’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal’

7.1.2. Section 3(1) states that:

- ‘development’ means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or over land’.

7.1.3. Section 4(1) of the Act sets out various forms and circumstances in which development is exempted development for the purposes of the Act, including Section 4 (1)(h) providing for the carrying out of works for the maintenance, improvement or alteration of any structure that only affect the interior of the structure, or which do not materially affect the external appearance so as to render it inconsistent with the character of neighbouring structures.

7.1.4. Section 4(2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development.

7.1.5. Section 4(4) provides that development shall not be exempted development if an Environmental Impact Assessment (EIA) or an Appropriate Assessment (AA) of the development is required.

7.2. Planning and Development Regulations, 2001 (as amended)

7.2.1. Article 6(1) of the Planning and Development Regulations 2001, as amended, (hereinafter referred to as ‘the Regulations’) provide that ‘subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1’.

7.2.2. Schedule 2 of Part 1 to the Regulations set out the classes of exempted development, including ‘Class 16’ and ‘Class 17’.

Exempted Development – Classes of Use

Temporary structures and uses

Column 1 Description of Development	Column 2 Conditions and Limitations
<p>Class 16</p> <p>The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development consisting of works (other than mining) is being or is about to be, carried out pursuant to a permission under the Act or as exempted development, of structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out.</p>	<p>Such structures, works, plant or machinery shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by a permission under the Act</p>
<p>Class 17</p> <p>The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development (other than mining) is being, or is about to be carried out, pursuant to any permission, consent, approval or confirmation granted under the Act or any other enactment or as exempted development, of temporary on-site accommodation for persons employed, or otherwise engaged, in connection with the carrying out of the development, during the period in which it is being carried out.</p>	<p>Such accommodation shall be removed at the expiration of the period and the land shall be reinstated save to such an extent as may be authorized or required by the permission, consent, approval or confirmation granted under the Act or any other enactment.</p>

7.2.3. As provided for in Article 9(1)(a), the development to which article 6 relates, shall not be exempted development, under certain circumstances and the restrictions and limitations are outlined in this Article. Of relevant to the referral before the Commission is Article 9(1) (a) (viii) which states as follows:

'consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use'.

7.2.4. Article 10(1)(c) states that development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that development, if carried out would not –

- (a) involve the carrying out of any works other than works which are exempted development,
- (b) contravene a condition attached to a permission
- (c) inconsistent with any use specified in a permission
- (d) involve a use which is not authorised and which is now abandoned.

8.0 Relevant Referrals

8.1.1. ABP-314387-22: The Board determined on the 19th of January 2024 that the placing on land of temporary structures for use as site offices and associated compound is development and is not exempted development. The Board accepted the Inspector's recommendation and the Inspectors report concluded that the temporary structures were removed from the development site and not on land adjoining the development site and therefore would not constitute exempted development under Class 16 and Class 17 of Schedule 2, Part 1 of the Planning Regulations.

8.1.2. ABP-301780-18: The Board determined on the 28th of December 2018 temporary open storage of scaffolding and miscellaneous building materials is development and is not exempted development.

8.1.3. 26.RL3607: The Board determined on the 18th of July 2018 that a construction compound is development and is not exempted development. The Board accepted the Inspector's recommendation and the Inspector's report concluded that the referral site was physically separated from the construction site and would is not on

land adjoining the construction site and therefore would not constitute exempted development under Class 16 of the Planning Regulations.

- 8.1.4. 06SRL3312: The Board determined on the 25th of February 2015 that the erection of one number single storey temporary storage shed and one number portacabin on lands in connection with construction works under planning register reference number SD14A/0072 is development and is not exempted development. The Board accepted the Inspector's recommendation and the Inspector's report concluded that both Class 16 and Class 17 would not apply as the referral site is not adjoining the development site, and the also the development works, for which a permission pertains, has not commenced.

9.0 **Assessment**

9.1. **Introduction**

- 9.2. Section 5(1) of the Planning and Development Act, 2000, as amended, is specific in respect of referrals and in this regard the Act advises that any person may request in writing from the relevant planning authority a declaration as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of the Act. The Declaration can in turn be referred to the Commission, pursuant to Section 5 of the Act, for review.

- 9.2.1. The referral submission requests ACP to clarify whether enforcement action shall be initiated on the referral site. In the interest of clarification, any issues in respect of the initiation of enforcement proceedings are outside the scope of a Section 5 application to ACP. Furthermore, compliance drawings in respect of a permission, such as landscape drawings, is a matter for the local authority to determine in accordance with the provisions of the Act. The purpose of this referral is to determine whether or not the matter in question constitutes development, and if so, falls within the scope of exempted development.

9.3. **Question 1**

- 9.3.1. *Whether the shed is or is not development and is or is not exempted development, and whether the placing of a floor and the rebuilding of the exterior wall of said shed is or is not development and is or is not exempted development.*

9.4. **Is or is not development**

- 9.4.1. Section 3(1)(a) of the Act defines development as the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land and in effect relates to both works and the material change in the use of land or structures.
- 9.4.2. I note from the PA Planner's Report that the shed on the referral site is described as having a floor area of 128 sq. m. and has a maximum height of 4.64m. I noted from my site assessment that the shed is a double height structure and is finished in metal corrugated sheeting at upper level and block wall at lower level.
- 9.4.3. I would also note, following a review of the site planning history as available on www.louthcoco.ie, and the relevant planning permission pertaining to the referral site (ABP-312591-22), that there is no planning consent for the construction of the shed structure.
- 9.4.4. The placing of a structure, such as the shed in question, on the site is an act or operation of construction and constitutes works, which by definition, is development. The construction of the shed is therefore development.
- 9.4.5. Further the placing of a floor and the rebuilding of the exterior wall to the shed would come within the meaning of 'works' and therefore constitutes development within the meaning of the Act and is also development.

9.5. **Is or is not exempted development**

- 9.5.1. Section 4(1) of the Act sets out provisions in relation to exempted development. The construction of a shed does not comply with any of these provisions. In respect of placing of a floor and the rebuilding of the exterior wall to the shed I would note that Section 4(1)(h) of the Act provides an exemption for the carrying out of works for the maintenance, improvement or alteration of any structure that only affect the interior

of the structure, or which do not materially affect the external appearance so as to render it inconsistent with the character of neighbouring structures. It is plausible that Section 4(1)(h) of the Act may provide an exemption for these interior works and external works, however, as the structure itself does not have planning consent I would consider that any such internal and external works to an unauthorised structure, such as the subject shed, would not be exempted development in accordance with Section 4(1)(h) of the Act.

- 9.5.2. Section 4(2) of the Act provides that the Regulations can make provision in respect of exempted development. This is done by Article 6, which provides that development of a class specified in Schedule 2 of the Regulations shall be exempted provided that the conditions and limitations attached to those various classes are met.
- 9.5.3. I would note based on evidence provided by the PA Planner's Report and my site assessment that the subject shed structure is not in use for any ancillary domestic purposes nor any associated agricultural uses. Accordingly, exempted development provisions available in the Regulations in Schedule 2, Part 1 (Development within the curtilage of a house) and Part 3 (Rural) would not apply for the subject shed structure.
- 9.5.4. As noted above in para. 7.0 (Statutory Provisions) exemptions exist for temporary structures and uses under the Regulations under Class 16 and Class 17 of Part 1 of Schedule 2. Both Class 16 and Class 17 relate to temporary structures, plant/machinery and other works that are required to be provided in the context of construction works and are required in connection with those construction works. Question 2 below examines whether the use of the shed as a temporary structure provided in the context of construction works can avail of exemptions Class 16 and Class 17 of the Regulations.
- 9.5.5. Notwithstanding any temporary use of the shed structure, I have reviewed the relevant Part 1 (Exempted Development – General) and Part 3 (Exempted Development – Rural) of Schedule 2 of the Regulations, and I would conclude that there is no available exemption for the construction of the shed and the alterations to an unauthorised shed on the referral site.

9.6. **Restrictions on exempted development**

- 9.6.1. I have noted above that there are no relevant exempted development provisions in respect of Question 1 of the referral before the Commission. Notwithstanding, and should the Commission consider otherwise, I would acknowledge that Article 9 of the Planning and Development Regulations, 2001 (as amended), refers to restrictions on exempted development.
- 9.6.2. In this respect I have assessed the shed structure and the alterations to same and having regard to the relevant Article 9 restrictions, I would conclude Article (1) (a) (viii), which states '*consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use*' would apply in this instance. Accordingly, should any exemption be available, which in my opinion there is not, for the development in respect of Question 1 then Article 9 would de-exempt any exemptions, having regard to the planning status of the subject shed.

9.7. **Question 2**

- 9.7.1. *Whether the temporary use of the shed for storage of goods, plant or machinery for planning permission 21/1218 (ABP-312591-22), the placing of hardstanding, the placement of a concrete pad and the storage of fill and hardcore is or is not development and is or is not exempted development.*

9.8. **Is or is not development**

- 9.8.1. I have concluded in respect of Question 1 above that the shed structure is development having regard to Section 3(1) of the Act and its use for the temporary storage of goods and plant would be a material change of use which in accordance with Section 3(1) of the Act is development. The act of placing of hardstanding, the placement of a concrete pad and the storage of fill and hardcore constitutes the carrying out of works on lands and as such it falls under the definition of development under Section 3(1) of the Act.

9.9. Is or is not exempted development

9.9.1. In respect of the relevant question before the Commission and for clarity I have itemised below the specific issues for determination.

- Whether the temporary use of a shed for storing of goods, plant or machinery for planning permission 21/1218 (ABP-312591-22).
- The placing of hardstanding,
- The placement of a concrete pad
- The storage of fill and hardcore

9.9.2. The applicant's submission to the Planning Authority refers to the referral site as a 'builder's yard / store' and based on the items listed above and my site assessment, I would consider this a reasonable description of the site and could be reasonably considered to resemble a construction compound.

9.9.3. The site itself comprises of a double height shed located to the rear, 3 no. shipping containers, construction material, including concrete blocks, timber and wooden pallets. The site also included other construction related items such as traffic cones, road barriers, scaffolding and machinery. The site also includes an area of hardstanding and storage of fill and hardcore.

9.9.4. It could be argued that the works, plant and structure on the referral site relate to site preparation works or as referred to in the PA Planner's Report, 'enabling works' in respect of development to be undertaken in relation to ABP-312591-22 (permission for two houses on the referral site).

9.9.5. Section 4(1) of the Act sets out provisions in relation to exempted development. The use of the land as described above does not comply with any of these provisions.

9.9.6. Section 4(2) of the Act provides that the Regulations can make provision in respect of exempted development. Article 6 provides that development of a class specified in Schedule 2 of the Regulations shall be exempted provided that the conditions and limitations attached to those various classes are met. I would acknowledge that exemptions exist for temporary structures, works, plant or machinery that are required to be provided in the context of construction works and are required in connection with those construction works and uses under the Planning and

Development Regulations, 2001 (as amended), under Class 16 and Class 17 of Part 1 of Schedule 2 which may be applicable in this case.

- 9.9.7. Class 17 relates solely to the provision of temporary on-site accommodation for those employed or engaged in construction works. Whereas Class 16 relates to the non-accommodation structures, works, plant or machinery.
- 9.9.8. My interpretation of Class 16 and Class 17 is that temporary structures, works, plant or machinery are only exempted if they are needed temporarily in connection with the “development” (i.e. the development that is being or is about to be carried out pursuant to a permission or as exempted development). It therefore follows that in order for the development to fall within these classes, it needs to be established that:
- The structure, works, plant or machinery is needed in connection with the primary use of the site;
 - This need is a temporary one;
 - The primary use either has the benefit of planning permission or is exempted development; and
 - The temporary period is identifiable and connected to the period during which the works are being carried out.
- 9.10. However, and although a Commencement Notice, was issued on 25th of September 2024 for the live permission on the referral site (ABP-312591-22), it was apparent from my site assessment that this permission has not been implemented since the period of the Commencement Notice nor is there any active ongoing construction works on the site which would be associated with the implementation of this permission. Although, and as noted in para. 1.3 above, the front of the site contains low level block work associated with the layout of two structures, there is no evidence that there is current site works associated with the low level block work to the front of the site nor is there any evidence to suggest that the storage shed, hardstanding area, plant and machinery on the site is temporarily connected with the aforementioned low level blockwork.
- 9.10.1. Furthermore, I would note that the shed structure has been in situ for some time prior to the planning permission on the subject site. The Inspector’s report in relation to ABP-312591-22 noted that the subject shed was in situ on the date of the Inspector’s

site assessment, the 25th of August 2022. Further enforcement proceedings had been initiated in respect of this shed prior to the lodgement of this application to the PA on the 27th of September 2021. In addition, I note from correspondence on the file from LCC Enforcement Office (dated 29th September 2023), that the shed structure has been in situ for a period longer than seven years from the date of this correspondence.

- 9.10.2. As such, and having regard to the above considerations, the use of the shed for the storage of goods, plant or machinery, the placing of hardstanding, the placement of a concrete pad and the storage of fill and hardcore, on site is not connected to any development works on the site that would be pursuant to ABP-312591-22 and would not on that basis represent a structure, plant or enabling works needed temporarily in connection with the “development”.
- 9.10.3. On the basis of the above, I would not consider that either Class 16 or Class 17 of Schedule 2 of Part 1 to the Regulations would be applicable to the development the subject of Question 2 before the Commission. I would conclude that the site would not avail of an exemption for the storing of goods and plant in the shed for planning permission 21/1218 (ABP-312591-22), the placing of hardstanding, the placement of a concrete pad and the storage of fill and hardcore.

9.11. **Restrictions on exempted development**

- 9.11.1. I have noted above that there are no relevant exempted development provisions in respect of Question 2 of the referral before the Commission. Notwithstanding, and should the Commission consider otherwise, I would acknowledge that Article 9 of the Planning and Development Regulations 2001 (as amended) refers to restrictions on exempted development.
- 9.11.2. In this regard I have assessed the use of the shed for storage of goods, plant or machinery for planning permission 21/1218 (ABP-312591-22), the placing of hardstanding, the placement of a concrete pad and the storage of fill and hardcore and having regard to the relevant Article 9 restrictions, I would conclude Article (1) (a) (viii), which states *‘consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an*

unauthorised use would apply in this instance. Accordingly, should any exemption be available for the development then Article 9 would de-exempt any exemptions.

10.0 EIA Screening

10.1.1. The development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

11.0 Appropriate Assessment

11.1. I have considered case ABP-321775-25 in light of the requirements S177U of the Planning and Development Act 2000 as amended.

11.2. The closest European Site, part of the Natura 2000 Network, is the Dundalk Bay SPA (site code 004026) situated 1.5 km to the east of the referral site. Dundalk Bay SAC (site code 000455) is located 1.9km to the east of the subject site.

11.3. Having considered the nature, scale and location of the development, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

11.4. The reason for this conclusion is as follows:

- The minor nature and scale of the development.
- Location-distance from nearest European Sites and the absence of any direct hydrological connection to European Sites.

11.5. I conclude, on the basis of objective information, that the use would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

11.6. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

12.0 Water Framework Directive

12.1.1. I have individually assessed the subject residential use and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the subject use, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows.

- The minor nature and scale of the development.
- The absence of any hydrological connections.

12.1.2. I conclude that on the basis of objective information, that the subject development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

13.0 Recommendation

13.1. I recommend that the Commission should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether the shed is or is not development and is or is not exempted development, and whether the placing of a floor and the rebuilding of the exterior wall of said shed is or is not development and is or is not exempted development, and

Whether the temporary storage of goods and plant in the shed for planning permission 21/1218 (ABP-312591-22), the placing of hardstanding, the placement of a concrete pad and the storage of fill and hardcore at

Commons Road, Dromiskin, Co. Louth is or is not development and is or is not exempted development.

AND WHEREAS Noel McQuillan requested a declaration on this question from Louth County Council and the Council issued a declaration on the 10th day of January 2025 stating that the matter was development and was not exempted development:

AND WHEREAS Noel and Mary McQuillan referred this declaration for review to An Coimisiún Pleanála on the 28th day of January 2025:

AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000, as amended,
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) Section 4(2) of the Planning and Development Act, 2000, as amended,
- (e) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (f) Parts 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (g) Previous referrals to the Commission, including 06S.RL.3312,
- (h) the planning history of the site,

- (i) The documentation on the file, including submissions on behalf of the referrer Noel and Mary McQuillan, and Louth County Council
- (j) the pattern of development in the area:

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) The placing on land of shed structure and alterations the shed structure constitutes development, as it involves the carrying out of 'works',
- (b) The temporary storage of goods, plant or machinery in the shed for planning permission 21/1218 (ABP-312591-22), the placing of hardstanding, the placement of a concrete pad and the storage of fill and hardcore constitutes development, as it involves the carrying out of 'works',
- (c) the lands which are in use for said structure and works are located at Commons Road, Dromiskin, Co. Louth, and does not constitute land adjoining which development is being, or is about to be carried out pursuant to a permission,
- (d) accordingly, the temporary structures and associated works do not come within the exempted development provisions of Class 16 or Class 17, Schedule 2, Part 1 of the Planning and Development Regulations 2001, (as amended), and
- (e) does not come within any of the other exempted development provisions of the Act or Regulations.
- (f) In any event, the restriction on exemption provided for in article 9 (1) (a) (viii) of the Planning and Development Regulations 2001, (as amended), applies as the existing shed structure and associated works of the site is unauthorised.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that

the shed is development and is not exempted development, and also that the placing of a floor and the rebuilding of the exterior wall of said shed is development and is not exempted development, and further that the temporary storage of goods, plant or machinery in the shed for planning permission 21/1218 (ABP-312591-22), the placing of hardstanding, the placement of a concrete pad and the storage of fill and hardcore is development and is not exempted development.

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.

Kenneth Moloney
Senior Planning Inspector

4th December 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-321775-25
Proposed Development Summary	Whether a shed is or is not development and is or is not exempted development, whether the placing of a floor and the rebuilding of the exterior wall of said shed is or is not development and is or is not exempted development and whether the temporary storage of goods, plant or machinery in the shed for planning permission 21/1218 (ABP-312591-22), the placing of hardstanding, the placement of a concrete pad and the storage of fill and hardcore is or is not development and is or is not exempted development.
Development Address	Commons Road, Dromiskin, Co. Louth.
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?

<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?

Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____