



An
Coimisiún
Pleanála

Inspector's Report

ACP-323371-25

Development	Construction of agricultural building and roofing of existing cattle yard and all other site works.
Location	Edenagor, Ballyshannon, County Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2560575
Applicant(s)	Seamus Delahunty
Type of Application	Permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	Third Party
Appellant(s)	John Boyle and others
Observer(s)	None
Date of Site Inspection	29 Oct 2025
Inspector	Tony Quinn

1. Site Location and Description

- 1.1 The site comprises a cluster of working farm buildings that are adjacent to a rural lane off the N3 in a rural locality/townland known as Edenagor, which is located close to Ballyshannon, County Donegal. The no-through lane serves this site, the applicant's home just south of the site, as well as a number of rural dwellings and agricultural accesses further along its path. The lane is passable to single file traffic only and passing laybys are lacking.

2. Proposed Development

- 2.1 The proposed development consists of a new agricultural building (606 sqm) comprising a dry floor area for hay and straw storage, as well as the erection of a lean-to metal roof (90 sqm) to the existing cattle yard and all other site works. The proposed building is located close to the existing cluster of farm units. It will be 7.73m tall, which will be 1.53m taller than the neighbouring shed. At its highest point, the lean-to mono pitched roof will be 4.26m tall. The site works also consist of creating an internal space between two existing farm buildings for vehicular access and providing all related drainage works to deal with surface water runoff.

3. Planning Authority Decision

Decision

- 3.1 Donegal County Council granted a five year planning permission on the 18th July 2025 subject to 6 standard conditions. The first condition references compliance with the revised drawings that referred to the requirements for guttering and related drainage works. The second condition highlighted the requirement for external finishing that is in keeping with the existing. The third and fourth conditions underlined the necessity to prevent surface water entering the laneway. The fifth planning condition pointed to the need for the retention of existing planting and the sixth pertained to a financial contribution for public infrastructure and facilities.

Planning Authority Reports

Planning Report

- 3.3 The report noted that the site is located within an area of High Scenic Amenity and a Structurally Weak Rural Area. Under Policy L-P-2 of the County Donegal Development Plan 2024-2030 Areas of High Scenic Value are recognised as having the capacity to absorb sensitively located development of a scale, design and use that will enable assimilation into the receiving landscape. The report states that the principle of developing a farm shed and roof in a Structurally Weak Area is considered acceptable.
- 3.4 The report indicates that the site is not located within any designated European Natura 2000 sites, with the nearest European site being Lough Golagh and Breesy Hill SAC, which is located 4.6kms away.

Further information

- 3.5 Further information was requested in relation to proposed drainage arrangements for the proposed shed and roof, as well as site access arrangements for the proposed shed. The applicant submitted gully details for the proposed roof guttering and drainage pipe that connects with a laneway ditch located northeast of the proposed site entrance, which currently exists, and which flows into a drainage ditch network that ultimately feeds into the River Erne.

Area roads Engineer

- 3.6 It was noted that the road abutting the site was not a public road but a private lane. Having regard to the size and location of the proposed shed behind other sheds the Roads Engineer concluded that it does not appear that the shed will adversely impact the users of the lane significantly.
- 3.7 Standard conditions were recommended in relation to the public road, which in this case is the N3. These related to the requirement to keep the public road free from dirt arising during construction and to ensure drainage measures are adopted to

prevent surface water runoff, the latter of which will also help retain the integrity of the lane. Added to these, any material removed from the site should be disposed of to a licenced landfill site.

Prescribed Bodies

- 3.8 No response was received from Uisce Eireann, the only external body consulted.

Third Party Observations

- 3.9 Three third party submissions were made by residents of Edenagor. Three main issues were cited and responded to by the Council in the planners report. They relate to traffic impact/access on this country lane; overdevelopment and impact on residential amenity from dirt on lane and noise from farm buildings. The Council responded by stating that: the roads engineer had no issue with traffic/access arrangements; there is no limit on the number of farm buildings permissible; and a condition will be attached to prevent deposition of materials on lane.

4. Planning History

- 4.1 Three conditional planning permissions pertain to this site by the same applicant. These include:
- 03/675 – Grant of retention permission for erection of cattle shed
- 06/20687 – Grant of planning permission for erection of agricultural building comprising dry floor area and effluent storage tank for cattle.
- 18/50843 - Grant of planning permission for agricultural building

5. Policy Context

Development Plan

- 5.1 Chapter 7 of the County Donegal Development Plan 2024-2030 relates to Economic Development and Section 7.4.5 supports and promotes the development of

traditional sectors such as agriculture. It states a number of economic development objectives that pertain to the proposal. These include:

- 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.

5.2 Under the County Development Plan the site is located within a 'High Scenic Amenity' area, as annotated in Map 11.1. Policy L-P-2 states 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.

5.3 Development Plan policy for Structurally Weak Areas largely pertains to proposals for housing (Chapter 6). As the applicant's dwelling is located close to this farm proposal it resonates with the underlying economic and social thrust of this policy to retain and support populations in these areas, particularly persons working full-time or part-time in farming.

5.4 Policy WW-P-2 (Protection of Surface and Ground Water) and its' reference to the Water Framework Directive and Appropriate Assessment is also material to this proposal.

National Policy

5.5 National Policy Objective 23 of the National Planning Framework is relevant to this proposal. It seeks to "*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.”

Regional Policy

- 5.6 Regional Policy Objective 4.24 of the Northern and Western Regional Assembly Regional Spatial and Economic Strategy 2020-2032 is relevant to the proposal. It aims *“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.”*

Natural Heritage Designations

- 5.7 There are no natural heritage designations on or in the vicinity of the subject site.

6. EIA Screening

- 6.1 This proposed 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. 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 this report.

7. The Appeal

Grounds of Appeal

- 7.1 The third party grounds of appeal are as follows:
- Works for the development of the lean-to roof commenced in 2023, involving erection of steel frames, before the application was submitted in 2025 (App Ref: 2560575). The application description should therefore have been for retention planning.
 - Drawings submitted with the application are inaccurate in that they do not reflect development on the ground. This particularly relates to the southern end of the site, which the drawings suggest is an open concrete apron area, when it is in effect a built-in, roofed shed space adjacent to the laneway.

Moreover, the appellants assert that the sliding door in this shed opens onto the laneway and blocks traffic.

- The lean-to roof over the cattle yard was substantially completed in August 2025 before issue of the final notification of grant. By this time metal sheeting, wooden slat sides and downspouts were added to the steel structures previously erected in 2023.
- While the appellants acknowledge that this is not a public road it is a shared laneway used by other rural residents and traffic safety issues arise with the access arrangements shown on the drawings. The sightlines for the aforementioned southernmost access to the farm buildings are not fully in control of the applicant.

Planning Authority Response

- 7.2 The Council responded to the appeal by stating that the application and concerns of the third parties have been thoroughly assessed in the planners' report. It reiterates that the road is privately owned and its' use is a civil matter. It notes that the proposal is to facilitate agricultural activity and it will not have a detrimental impact on third party amenities.

Applicant's response

- 7.3 There was no first party response to this appeal.

Observations

- 7.4 There were no observations to this appeal.

8. Assessment

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

- Planning Policy
- Procedural issues
- Traffic impact and access
- Layout and design
- Residential amenity

Each of these subject matters is considered below.

Planning policy

- 8.2 The site has a long established use for agriculture. Economic development policy and objectives in the County Donegal Development Plan 2022-2028 are fully supportive of proposals of this type, notably Objectives ED-O-3 and ED-O-13. General policy objectives at the National and Regional level are equally supportive of such proposals, including National Policy Objective 23 and Regional Policy Objective 4.24. Viewed in this context, there is a presumption in favour of facilitating development of this type, subject to satisfaction of all related planning considerations.

Procedural issues

- 8.3 Procedural issues in relation to this application relate to unauthorised development, retention matters and the submission of inaccurate drawings. The appellants have stated that an open part of the farm complex shown on the layout is actually built-up to the laneway and no planning permission would appear to exist for this. This was confirmed by the inspector's site visit. However, as these works do not form part of this application it is considered that this is a matter for the Council to address, if it considers enforcement is warranted. On this point, it is worth highlighting that the planners' report did not refer to retention as an issue to be addressed.

8.4 The site visit by the inspector on the 29th October 2025 indicated that the proposed lean-to roof over the cattle yard is substantially complete and that no work has commenced on the proposed agricultural building (606 sqm). The 90 sqm of roofing consists of a metal sheet roof, concrete base wall on one side, steel beams, vertical wooden slats on two sides and guttering where it abuts the lane. The appellants maintain that the roof was substantially completed in August 2025. Planning was granted on 18th July 2025. The steel beams for this roofing appear to have been in place in 2023, before the application was submitted. The Council's attention was drawn to the erection of the roofing's steel frame in 2023 and an enforcement record of this is included in the planner's report (UD 23/197). In strict and technical terms, therefore, there is some merit to the appellants' contention that the description of the proposed roof should have been for retention planning – certainly for its steel frame component. Furthermore, when it is considered that the proposed roof has now been effectively built before the appeal process has run its course, it is considered that this element of the proposed development should be excluded from determination under this appeal.

8.5 In addition, I agree with the appellants that aspects of the layout drawings appear inaccurate and lack clarity, especially in relation to access arrangements and level of existing built enclosure. However, there was sufficient detail on the drawings, especially those submitted as further information, to enable a proper evaluation of the application. The matter of vehicular access is addressed below.

Traffic impact and access

8.6 Access to the farm buildings is via a rural lane that also facilitates access to a number of residential properties and other field gates. It is passable to single file traffic only and vehicle manoeuvring is noticeably constrained. Entrances to other fields and properties essentially represent the best substitutes for laybys. It is understandable that issues could emerge in relation to traffic blockages on the lane. However, it is considered that the existing/proposed access for this proposed development will not exacerbate this state of affairs. The agricultural access already exists and the visibility splays of over 60m each-way are generous for a laneway of this size, with its limited traffic volumes.

Layout and design

- 8.7 This is an extension of a working farm and not a dwelling in the countryside. The proposed development will effectively form part of the existing cluster of farm buildings, which will help to promote its rural integration. While the proposed shed will be taller than other sheds in the complex, by 1.5m, its integration credentials are affirmed by its proposed location next to the existing cluster of farm buildings. In addition the location of the application site on falling ground from the N3, together with the existence of planting on the laneway, helps to promote its integration in the countryside. The materials used for construction include metal, wood, concrete base walling and pvc piping and are standard for such structures.
- 8.8 At the site visit it was noted that the PVC downspout for the already developed cattle yard roofing differed from that shown on the drawings. It was adjusted to avoid the removal of a boundary slate wall. It is doubtful whether the extent of this modification represents a key material difference to the proposed development as a whole. This notwithstanding, and as indicated above, it is recommended that this lean-to roofing component of the application, which is effectively built, be excluded from the appeal decision.

Residential amenity

- 8.9 In their objections to the planning application the third parties stated that their amenity is adversely affected by noise and dirt from the farm. These grounds of objection were not reiterated as grounds of appeal. The separation distance of the farm from the nearest residential dwelling is approximately 150m and this is considered more than adequate to attenuate noise levels. Given the nature of the agricultural business, farm dirt on the laneway is difficult to completely avoid.

9. AA Screening

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

- 9.2 The subject site is located approximately 4.9 kms from the nearest European Site that has a feint hydrological connection with the site, namely Donegal Bay SPA. Drainage ditches on the site connect to the River Erne, which is located 300m north of it and which eventually flows into Donegal Bay SPA.
- 9.3 The proposed development comprises the erection of an agricultural shed and lean-to roof to a cattle yard. The agricultural shed will consist of a dry floor area for hay and straw storage. It will not accommodate animals nor cater for slurry storage.
- 9.4 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 the small scale and nature of the development; together with its distance from the nearest European site.
- 9.5 I conclude that, on the basis of objective information, the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 is not required.

10. Water Framework Directive

- 10.1 The subject site is located approximately 300m from the River Erne north of it.
- 10.2 The proposed development comprises the erection of an agricultural shed and lean-to roof over a cattle yard.
- 10.3 No water deterioration concerns were raised in the planning appeal.
- 10.4 I have assessed the proposed erection of an agricultural shed and lean-to roof to a cattle yard 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 & 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 project, 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 small scale and nature of the development; and
- The distance from nearest water bodies.

10.5 I conclude that on the basis of objective information, that the proposed 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.

11. Recommendation

There are two elements to this proposed development – (1) a roof for the existing cattle yard and (2) a new agricultural building. Having regard to the foregoing, it is recommended that the proposed cattle yard roof element of this proposed development be excluded from the appeal decision due to the fact that its development is substantially complete. It is advised that an application for retention permission should be made to the Council for this component of the proposed development. It is therefore recommended that planning permission be granted for the second element of the proposed development, namely the proposed agricultural building, for the reasons and considerations outlined below.

12. Reasons and Considerations

12.1 Having regard to the principle of this proposed agricultural building, together with its location, scale and nature, it is considered that, subject to compliance with the conditions set out below, the proposed erection of the agricultural building would not pose a traffic hazard, would not seriously injure the amenity of the area and would be acceptable in terms of public health and environmental sustainability. In this regard, it is consistent with Objective ED-O-3 (Rural Economic Development) of the County Donegal Development Plan 2024-2030, as supported by National Policy Objective 23 (Rural Economy) and Regional Policy Objective 4.24 (Agrifood Industry). It is also consistent with Policy L-P-2 (Areas of High Scenic Amenity) and Policy WW-P-2 (Protection of Surface and Ground Water) of the County Donegal Development Plan 2024-2030. The proposed development of the agricultural building would, therefore, be in accordance with the proper planning and sustainable development of the area.

13. Conditions

1. The development of the agricultural building shall be carried out and completed in accordance with the plans and particulars lodged with the application, as supplemented by the further plans and particulars submitted on the 3rd 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.

Reason: In the interest of clarity

2. All external finishes of the proposed agricultural building shall be consistent with those of the existing agricultural buildings with regard to colour and materials used.

Reason: In the interest of visual amenity.

3. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

4. The existing front boundary hedge shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.

Reason: In the interest of visual amenity.

5. 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. 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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.

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.



Tony Quinn
Planning Inspector

12th November 2025

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	ACP-323371-25
Proposed Development Summary	Erection of agricultural building and lean-to roof over cattle yard
Development Address	Edenagor, Ballyshannon, Co. Donegal
	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.	State the Class here
<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	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>State the Class and state the relevant threshold</p>

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

Inspector:  Date: 12th November 2025