



An
Coimisiún
Pleanála

Inspector's Report ACP-323679-25

Development	Construction of an agricultural shed to house a milking parlour together with all associated site works at existing farm yard.
Location	Moneymore, Newtowncunningham, Lifford, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2560866
Applicant(s)	Keith Roulston
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	An Taisce
Observer(s)	None
Date of Site Inspection	31 st March 2026
Inspector	Frank O'Donnell

1.0 Site Location and Description

- 1.1. The subject appeal site is located in the rural townland of Moneymore, c. 3.3 km to the southwest of the centre of Newtowncunningham, County Donegal. The subject appeal site comprises an existing farmyard, associated farm buildings, silage pit, hardstanding areas and the Applicants dwelling. The subject appeal site has a stated area of 2.2 hectares (22,000 sqm). The site falls in a general southeast to northwest direction. There is an existing open drainage ditch located within c. 11.5 metres to the northeast of the proposed new Milking Parlour Building which flows in a northwest direction away from the site. Surface water from the majority of the site is shown to discharge to said existing open drain via a piped and channelled network. In addition, at the time of my site inspection, I noted that surface water from the roof or part of the roof of the agricultural building adjacent, to east, of the proposed milking parlour was captured in a dedicated above ground holding tank. This is not indicated on the submitted plans.
- 1.2. The existing buildings on site are stated to measure 7,370 sqm.
- 1.3. In terms of Rural Area type, the site is located within an area of Strong Urban Influence.
- 1.4. The site is also located entirely within an Area of Moderate Scenic Amenity.

2.0 Proposed Development

- 2.1. The proposed development is as follows:
- Permission for the Construction of a Steel-Framed Agricultural Shed to house a new Milking Parlour. The proposed new building comprises an extension to existing farm sheds and has a maximum length of 36.8 metres, a maximum width of 30.5 metres, a maximum height of 7 metres and has a stated floor area of 816 sqm.
 - Proposed ancillary works include a proposed Metal Bin Silo and a proposed Milk Storage Silo.

3.0 Planning Authority Decision

3.1. Decision

- The Local Planning Authority issued a Notification of Decision to GRANT planning permission on 21st August 2025 subject to 6 no. standard conditions.

Condition 3 reads as follows:

3.

- a) *Effluent storage facilities adequate to serve the shed hereby permitted having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.*
- b) *Any rain water harvesting tank shall be adequately covered.*
- c) *Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) shall be in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022.*
- d) *All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to 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.*
- e) *All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains or adequate soakpits and shall not discharge or be allowed to discharge to foul effluent drains, foul effluent and slurry storage tanks or to the public road.*

Reason: *To ensure the satisfactory disposal of waste material, in the*

interest of amenity, public health and safety, and to prevent pollution of watercourses.

Condition 5 reads as follows:

5. *No surface water from site shall be permitted to discharge to public road and applicant shall take steps to ensure that no public road water discharges onto site.*

Reason: *To prevent flooding and ensure the protection of waters.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Local Authority Planner** considered the principle of the proposed development to be established by reason of the existing farm and associated buildings. In addition, the Local Authority Planner considered the proposals to be acceptable in terms of access and in relation to its impact on established residential amenities and natural heritage. Screening for Appropriate Assessment was not deemed necessary due to the scale and nature of the proposed development. It was further considered that An Environmental Impact Assessment Report (EIAR) was not required having regard to the minor nature and scale of the proposed development, its location removed from any sensitive locations or features and the unlikelihood of significant effects on the environment arising as a result of the proposed development. The Local Authority Planner recommended that a Request for Further Information be issued on 1 no. main point relating to the submission of a revised site layout plan(scale 1:500) which identifies all storm /surface water collection, management, and disposal across the site, within all aspects of the proposed development including final point of discharge. The recommendation included an advice note in relation to consent where the Applicant intends to discharge to a local private network for foul and storm water.
- Following receipt of the Response to Further Information, the Local Authority Planner considered that having regard to the location of the subject site within

an Area Under Strong Urban Influence, outside of and removed from any sensitive designations, to the nature and scale of the development and the policies of the current development plan, that subject to compliance with 6 no. conditions, the proposed development would not injure the amenities of the area, would not be prejudicial to public health and would not endanger public safety by reason of a traffic hazard. The Local Authority Planner concluded that the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

3.2.2. Other Technical Reports

- The **Roads Department** raise no objection to the proposed development subject to standard road conditions and a condition that the road be kept clean from construction and farming debris.

3.3. Prescribed Bodies

- **Uisce Eireann:** No Response received.

3.4. Third Party Observations

3.4.1. 1 no. Third Party submission was received from the following

- Dermot McGowan

3.4.2. The main issues raised in the submission can be summarised as follows:

- Objection to the proposed Milking Parlour due to the volume of cow manure left by the Applicants' Cows on the L-5074-1 on a regular basis. Walkers cannot use the road as a result. The proposed Milking Parlour is feared to result in increased Cow numbers using the road, rendering it unwalkable and causing run off to nearby rivers and damage to the environment.

4.0 Planning History

4.1. The following is a summary of relevant planning history pertaining to the subject appeal site:

- **10/70244:** Permission for the erection of an agricultural feed storage shed with all associated site works. Permission was GRANTED in July 2010 subject to 4 no. conditions.
- **93/1253:** Permission for the erection of a Calf House. Permission was GRANTED in December 1993.

4.2. The following nearby planning history is also of relevance:

- **23/50686 (Appeal Ref. no. ABP-317749-23):** Applicant: Northwest Energy Park Ltd. Construction and continuous operation of an agricultural biogas renewable energy facility. A Natura Impact Statement (NIS) accompanies this application. Permission was GRANTED in June 2025 subject to 15 no. conditions. This site is located c. 417 metres to the southwest of the subject appeal site.

5.0 Policy Context

- ***Donegal County Development Plan, 2024 to 2030, including Variation No. 1 adopted on 27th July 2026***

5.1. Development Plan

5.1.1. The Donegal County Development Plan, 2024 to 2030 was adopted by Resolution of Members on 16th May 2024 and came into effect on 26th June, 2024. Variation no. 1 to the Development Plan was adopted by the Elected Members on 27th July 2026 and came into effect on the same day, and included for increases in population targets, arising from the National Planning Framework. I have reviewed the Development Plan, as varied, and I have referenced below the Chapters, Sections and Objectives further below which I consider to be of relevance to the assessment of the proposed development.

5.1.2. Chapter 7 relates to Economic Development where Agriculture is recognised as one of a range of sectors which form part of the economic based for the County. The County Development Plan is stated to support and promote the development of traditional sectors such as agriculture.

5.1.3. Chapter 8 relates to Infrastructure and includes the following Policies:

Policies

- **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)*

5.1.4. Chapter 11 relates to Natural, Built, and Archaeological Heritage and includes the following Policies:

Policies

- **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.*
- **BIO-P-2:** *Ensure that all developments seek to conserve/protect the qualifying interests of Ramsar Sites, Nature Reserves, Natural Heritage Areas (NHA), proposed Natural Heritage Areas (pNHA), the Cró na mBroanáin Red Grouse Sanctuary and any species protected under the Wildlife Act save to the extent necessary to provide for strategic infrastructure projects including but not restricted to the TEN-T Priority Route Improvement Project, Donegal, the Bridgend to County border project scheme, the Buncrana Inner Relief Road and Greenways, subject to such projects being in accordance with all relevant statutory and regulatory provisions. Otherwise, where no statutory or regulatory provisions apply this policy will be implemented by the Council in so far as same can be practicably and reasonably achieved within the context of such projects.*
- **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.*

5.1.5. Chapter 16 relates to Technical Standards.

5.2. **European Union, Good Agricultural Practice for the Protection of Waters Regulations, 2025 (S.I. No. 588/2025)**

5.2.1. The European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 set parameters for farmyard and nutrient management and the distances for spreading fertiliser from water sources to prevent water pollution.

5.3. **Natural Heritage Designations**

5.3.1. The site is not located within or adjacent to a Natura 2000 site. The nearest Natura 2000 sites are as follows:

- Lough Swilly SCA (Site Code 002287), c. 2.6 km to the northwest; (c. 5.3 km channel distance to the north)
- Lough Swilly SPA (Site Code 004075), c. 2.4 km to the northwest (c. 3.4 km channel distance to the northeast);

5.4. EIA Screening

- 5.4.1. The 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 (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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The proposed development is the subject of 1 no. Appeal from the following Prescribed Body:

- An Taisce

- 6.1.2. The main Grounds of Appeal can be summarised as follows:

- **Consideration of Planning History in the Local Authority Assessment**
 - The established planning history of the site is given very little consideration in the submitted application documentation or in the Local Authority Planners Assessments.
 - It is unclear what existing sheds are covered by planning reg. ref. no. 93/12153.
 - The legal status of the complex of 7,370 sqm and associated structures (e.g. silage shed referenced in planning reg. ref. no. 10/70244) is unclear.
 - The existing number of cattle on the site and date of establishment of that said number. This information is required to assist in quantifying

and assessing potential impacts, including water quality. This information is not available online documentation.

- The extent of the landholding under the Applicants' control is unclear based on the maps received. It is unclear whether there are other lands in the ownership of the Applicant or other lands under lease or tenure. Such information is required in order to establish the potential for indirect impacts from, for example, land spreading of slurry. Whether or not this was even assessed is unclear.
- **Consideration of Donegal County Council Pollution Investigation Letter and Report of 11th August 2025**
 - A clear internal communication failure has occurred between within the Council. The Planning Department should have been made aware that the operation of the site has been the subject of a pollution complaint to the Council and subsequent investigation which resulted in a Letter and a Report dated August 2025.
 - The said Report confirmed that a pollution event had occurred in the form of discharge of silage effluent.
 - Such an event should have been taken into consideration in screening for Appropriate Assessment.
- **Screening Out of Appropriate Assessment**
 - The application was not accompanied by any Appropriate Assessment (AA) Screening. No information is provided in relation to the planning history of the existing farming operation, including shed construction, existing stocking rates and associated land ownership or land leasing.
 - The Local Authority Planning Assessment failed to address this lack of information in screening out the need for an Appropriate Assessment. Appropriate Assessment Screening was ruled out even though the subject appeal site is located within 3.2 km of the SAC and SPA. The Assessment erroneously ruled out hydrological connection via a network of streams into Lough Swilly SAC and SPA. The Appellant refers to a Report and Letter from the Local Authority, attached as

Enclosure 3 which relate to a pollution event from the site in 2025. The Applicant refers to the same proposed point of discharge for the subject proposal. No regard was had in the Local Authority Planners Assessment to the said environmental complaint/ pollution event.

- A full Stage 2 Appropriate Assessment is required.
- **Water Framework Directive**
 - Neither of the 2 no. Local Authority Planners Reports consider the Water Framework Directive implications of the proposed development. As per the Weser judgement authorisation for a project has to be refused where there may be an adverse impact on the objective of Article 4 of the Water Framework Directive (WFD).
- **Lack of Consideration of Third Party Submission and Internal Report**
 - The first Assessment Report of the Local Authority Planner does not refer to the third party submission received and this does not therefore appear to have been considered.
 - The same report refers to 3 no. internal reports however only 1 no. internal report was received from the Area Roads Engineer.

6.2. Applicant Response

6.2.1. The Applicant submitted a Response to the 1 no. Third Party Appeal, the main points of which can be summarised as follows:

- The proposed development includes a new rotary milking parlour which will assist in making the existing milking process on the farm more efficient and will serve to improve animal welfare. The existing traditional milking parlour system is outdated.
- The farm has been in family ownership since 1917. A dairy herd was first introduced in 1969, and herd numbers have steadily increased until 2014. The number of cows has remained constant since then and stocking density complies with the requirements and guidelines of the Department of Agriculture.

- The validity of the appeal is questioned as it makes no reference to the subject application and is instead focused on the existing long-established family farm and references farm buildings in place for many years.
- In reference to the pollution event of August 2025, the Applicant states this occurred following a period of heavy rain. The leak was identified and stopped immediately. A full inspection was carried out by the Local Authority and they were satisfied that this was a single one off occurrence, that measures had been put in place to deal with it. No other investigations have been required at the farm in its 100 year history.

6.3. Planning Authority Response

6.3.1. The Local Planning Authority submitted a Response to the Third Party Appeal, the main points of which can be summarised as follows:

- *The Planning Authority notes the substance of the appeal and An Taisce being a statutory body and advises that the potential impact to EU Habitats was fully considered in its assessment and that given the distance of 3.2 km from the Lough Swilly SAC/ SPA and no known hydrological links from the site, the Planning Authority concluded that the development would not be likely to have any significant effect on the Natura 2000 sites and that a referral to An Taisce was therefore not required.*

6.4. Observations

- None

6.5. Further Responses

- None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal and the reports of the planning authority and having inspected the site, and having regard to relevant

local/ regional and national policies and guidance, I consider the main issues in this appeal are as follows:

- Principle of the Proposed Development
- Planning Status and Scale of the Existing Farm Development
- Environmental Issues
- Other Matters
 - *Internal Reports*

7.2. Principle of the Proposed Development

7.2.1. Chapter 7 of the Development Plan relates to Economic Development and recognises agriculture as one of a range of sectors which form part of the economic based for the County. The County Development Plan is stated to support and promote the development of traditional sectors such as agriculture.

7.2.2. Having regard to the established context of the subject proposal, adjacent to an existing farm yard and within an agricultural landholding, the existing agricultural practices already carried out on the lands, and as agricultural operations are constantly transforming and adapting, I am satisfied that the principle of the proposed development of facilitating the proposed rotary milking parlour within an agricultural shed at this location would be acceptable, subject to the planning and environmental considerations set out below.

7.3. Planning Status and Scale of the Existing Farm Development

7.3.1. The Appellant has queried the planning status of the existing farm development. I note the Applicant's Appeal Response does not clarify this matter. I note the extent of the subject appeal site which is stated to have a site area of 2.2 hectares and includes existing agricultural buildings with a stated existing gross floor space of 7,370 sqm. There are 2 no. previous planning applications associated with the subject appeal site namely planning reg. ref. no's 10/70244 and 93/1253. Aside from these said applications and the subject planning application, reg. ref. no. 2560866, no other previous planning applications relate to the subject appeal site.

7.3.2. I have reviewed the available information for planning reg. ref. no. 10/70244 from the online planning portal, and I am satisfied that said permission relates to the existing

building positioned to the immediate northeast of the existing silage pits at the rear east of the site adjacent to the public road (stated gross floor area of 1,141 sqm). The stated development description for planning reg. ref. no. 10/70244 is for the erection of an agricultural feed storage shed with all associated site works.

- 7.3.3. I note planning reg. ref. no. 93/1253 relates to the erection of a calf house and that no specific scanned details of same are provided on the online planning register. Upon request by An Coimisiún Pleanála, the Local Authority has provided further details. As per question 3 b) of the submitted planning application form, the proposed calf house is stated to measure 2,289 square foot which I estimate to equate to c. 213 sqm. In addition, as per the submitted site layout plan, the proposed new calf house is indicated to be located adjacent to the public road to the west of the existing dwelling house. I note there is an existing agricultural building at this location on site which is of comparable floor area. I am satisfied that this is the building to which planning reg. ref. no. 93/1253 relates.
- 7.3.4. I note from available online satellite imagery that the existing farm buildings were extended onto after March 2018. In particular, I note there is an existing large extension positioned to the south of the main farm buildings within c. 33 metres to the southeast of the proposed Milking Parlour. I estimate this said extension to measure c. 958 sqm in area.
- 7.3.5. Based on the information received, I am not satisfied that the Applicant has suitably demonstrated that the existing farm development is fully planning compliant, particularly in relation to the said c. 958 sqm extension. In the absence of any definitive information to the contrary, it is my opinion that said extension would not appear to have the benefit of planning permission and that therefore unauthorised works appear to have taken place.

7.4. Environmental Issues

- *Previous Pollution Event*

- 7.4.1. I note the previous pollution event relating to the subject appeal site. I note this issue is not referenced in either the Local Authority Planning Assessment Reports or in the Appeal Response. The Applicant acknowledges the previous pollution event and submits this occurred after a period of heavy rain, that it was identified and stopped immediately and that a full inspection was carried out by the Local Authority and that

they were satisfied that it was a single one-off occurrence and that measures had been put in place to deal with it. No additional information is provided by the Applicant in this regard.

- 7.4.2. I have considered this previous pollution event further below in Section 8.0 Appropriate Assessment (AA) Screening and Section 9.0 Water Framework Directive (WFD) (See also AA Screening Determination and WFD Impact Assessment attached as Appendices to this Report).

- *Scale of existing Farm Business*

- 7.4.3. The Appellant has queried the scale of the existing farm business, particularly in terms of the size (number of animals) of the existing herd. The Applicant has not provided a specific figure in this regard. This issue, although not of direct relevance to the assessment of the overall proposal from a planning perspective, is in my opinion, indicative of the general lack of supporting information presented by the Applicant.

- *Land Spreading*

- 7.4.4. The issue of land spreading is raised in the Appeal submission. Slurry generated as a result of the proposed development would typically be spread on land. The Appellant considers that the Applicant has not been clear, based on the maps received, as to the extent and nature of the overall landholding. This information, the Appellant submits, is required in order to establish the potential for direct impacts from, for example, the land spreading of slurry. As per Article 22 of the Regulations there is no onus upon the Applicant to provide land spreading maps. I note that in addition to not clearly stating the size of the existing herd that the Applicant has not provided any specific information as to the location, capacity or integrity of any existing or proposed slurry tank to cater for the proposed development. I would again note however that there is no specific requirement or onus upon the Applicant under the Planning Regulations to provide such information.

- 7.4.5. The land spreading of slurry is not a matter for the consideration of the Commission as this process is regulated under the European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2025. The purpose of said Regulations is to prevent water pollution. The said Regulations include specific measures for the protection of surface waters and groundwater from nutrient pollution arising from

agricultural sources. This includes, inter alia, no land spreading within 5 to 10 metres of a watercourse following the opening of the spreading period.

- 7.4.6. The issue of potential in-combination effects of the proposed development with other projects and plans is addressed in Section 8.0 Appropriate Assessment Screening below.

- *Third Party Concerns in relation to Slurry/ Manure on Public Road*

- 7.4.7. I note the concerns of the Third Party as raised in the submission to the planning file. I note and accept that the Local Authority Assessments do not acknowledge or refer to the said submission. The concerns raised mainly relate to the presence and extent of cow manure on the adjacent public road, L-5074-1, which in turn is stated to impact on the usability of the said road for walkers. I note as per available on line street view imagery from July 2021 there is cow manure on the public road adjacent to the public site. The public road is however outside of the extents of the subject appeal site.

- 7.4.8. The matter of cow manure on public roads is controlled under the Roads Act 1993, as amended. As this is a separate legal code, the issue of compliance with the Roads Act will be evaluated under a separate legal code and thus need not concern the Commission for the purposes of this appeal.

7.5. Other Matters

- *Internal Reports*

- 7.5.1. The planning application was the subject of 1 no. internal Report from the Roads Department as summarised above in Section 3.2 of this Report. It is accepted that this said Report is not referenced in the Local Authority Planners Reports. The recommendation contained in the Roads Department Report is for standard conditions and that the road be kept clean from construction and farming debris. I note condition no. 5 of the Notification of Decision to Grant permission states '*no surface water from site shall be permitted to discharge to public road and applicant shall take steps that no public road water discharges onto site.*'
- 7.5.2. The Commission may wish to consider the attachment of appropriate Roads Conditions in the event of a Grant of Permission being issued, however, having

regard to the other more substantive reasons for refusal it may not be necessary to do so.

8.0 Appropriate Assessment (AA) Screening

8.1. Screening Determination

Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone, or in combination with other plans and projects (including land spreading) will give rise to significant effects on Lough Swilly SAC and Lough Swilly SPA in view of a number of Qualifying Interests features of those sites.

Appropriate Assessment is required.

- 8.2. The Commission could decide to seek further information in relation to this matter however, having regard to the other substantive issues arising, it may not be necessary to do so.

9.0 Water Framework Directive

- 9.1. The subject appeal site is located in the rural townland of Moneymore.
- 9.2. The proposed development comprises the construction of a new agricultural building extension to an existing agricultural building to provide a new rotary milking parlour and proposed ancillary works to include a proposed Metal Bin Silo and a proposed Milk Storage Silo. It is proposed to discharge of surface water from the proposed development to an existing adjoining outfall to an open drainage channel watercourse at the northwest of the site. The Drumbartnet Stream_010 (IE_NW_39D030600) is located c. 1 km (channel distance) to the north of the subject appeal site and has a 'Poor' WFD status and is 'At Risk' of not achieving its WFD Objective. Lough Swilly Groundwater Body (Code: IE_SE_G_119) which underlies the site is indicated to have a 'Good' WFD status and is 'Not At Risk' of not achieving its WFD Objective.

- 9.3. The issue of assessment for compliance with the Water Framework Directive is raised as part of the Appeal submission.
- 9.4. I have assessed the proposed agricultural development and I 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 cannot be eliminated from further assessment because there is a potential qualitative risk to the surface water body.
- 9.5. The reason for this conclusion is as follows:
- The previously reported pollution event referenced by the Appellant.
 - The size, scale and nature of the proposed development in an un-serviced rural area outside any defined settlement boundary.
 - The location of the subject appeal site, distance to the nearest water bodies and potential for indirect hydrological connections.
- 9.6. I conclude that, on the basis of objective information, the proposed development could potentially result in a risk of deterioration on nearby and underlying water bodies either qualitatively or quantitatively on a permanent basis which could serve to jeopardise said waterbodies in reaching their WFD objectives and consequently, the proposed development, as presented, warrants further assessment, as per the Water Framework Directive.
- 9.7. The Commission could decide to seek further information in relation to this matter however, having regard to the other substantive issues arising, it may not be necessary to do so.

10.0 Recommendation

- 10.1. I recommend that permission be REFUSED for the proposed development based on the reasons and considerations set out hereunder.

11.0 Reasons and Considerations

1. On the basis of the submissions made in connection with the planning application and appeal, it appears to the Commission that the proposed development site includes a building/structure of considerable size and scale (extension to existing farm buildings) located to the south of the main agricultural block, which does not appear to have the benefit of planning permission and is therefore unauthorised. This existing building extension is estimated to be within c. 33 metres to the southeast of the proposed agricultural shed (milking parlour). Accordingly, it is considered that it would be inappropriate for the Commission to consider the grant of a permission for the proposed development in such circumstances.
2. On the basis of the information provided with the application and appeal, and in the absence of a Natura Impact Statement, the Commission cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of Lough Swilly SAC (Site Code: 002287) and Lough Swilly SPA (Site Code: 004075), in view of the Conservation Objectives of those sites. Significant effects in relation to impacts on water quality cannot be ruled out. A Natura Impact Statement has not been submitted with the application and, consequently, scientific doubt remains as to the absence of adverse effects on these European Sites arising from the proposed development. In such circumstances the Commission is precluded from granting permission under the provisions of Article 6 (3) of the Habitats Directive (92/43/EEC).
3. Having regard to the nature, scale, and location of the proposed development, and, in particular, its existing hydrological connection to the Drumbartnet Stream_010 (IE_NW_39D030600), which has a 'Poor' WFD status and is 'At Risk' of not achieving its WFD Objective under the Water Framework Directive, the Commission is not satisfied that the proposed development would not give rise to a risk of deterioration in the ecological and/or chemical status of the said water body, the proposed development would therefore be contrary to the requirements of Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed into Irish law by the European Communities

(Water Policy) Regulations 2003 (S.I. No. 722 of 2003), as amended, and would be inconsistent with the objectives of the Water Action Plan 2024 and the proper planning and sustainable development of the area.

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.

Frank O'Donnell
Planning Inspector

16th September 2026

Form 1 - EIA Pre-Screening

Case Reference	ACP-323679-25
Proposed Development Summary	Construction of a agricultural shed to house a milking parlour together with all associated site works at existing farm yard.
Development Address	Moneymore, Newtowncunningham, Lifford, County 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)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ 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)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ 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?	
☒ 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.	The 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 (or Part V of the 1994 Roads Regulations).
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. ~~EIA is Mandatory. No Screening Required~~	
☐ 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 ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Template 2: Standard AA Screening Determination Template

Test for likely significant effects

(For use in all cases beyond de minimis criteria)

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Normal Planning Appeal Construction of an agricultural shed to house a milking parlour together with all associated site works at existing farm yard.
Brief description of site characteristics and potential impact mechanisms	The subject appeal site comprises an existing farmyard which includes existing farm buildings, silage pit, hardstanding areas and adjacent undeveloped grasslands. The subject appeal site has a stated area of 2.2 hectares. Lough Swilly SAC (Site Code 002287), lies c. 2.6 km to the northwest; (c. 5.3 km channel distance to the north) and Lough Swilly SPA (Site Code 004075), lies c. 2.4 km to the northwest (c. 3.4 km channel distance to the northeast). The site is hydrologically connected to the Drumbartnet Stream_010 which in turn is hydrologically connected to the above European Sites.
Screening report	No Donegal County Council screened out the need for Appropriate Assessment (AA).
Natura Impact Statement	No
Relevant submissions	1 no. Third Party Submission was received by the Local Authority in opposition to the proposed development. The Objector fears that the proposed Milking Parlour will result in increased cow numbers using the public road and that this will render the road unwalkable due to the extent of cow manure. This will lead to run off to nearby rivers and damage to the environment.

	The issue of Appropriate Assessment is raised in the 1 no. Third Party Appeal from An Taisce. The Local Authority Appeal Response notes the substance of the appeal and An Taisce being a statutory body and advises that the potential impact to EU Habitats was fully considered in its assessment and that given the distance of 3.2 km from the Lough Swilly SAC/ SPA and no known hydrological links from the site, the Planning Authority concluded that the development would not be likely to have any significant effect on the Natura 2000 sites and that a referral to An Taisce was therefore not required.
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Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Lough Swilly SAC (Site Code 002287),	<u>Qualifying Interests</u> <u>(Source: NPWS Website, September 2026):</u> Estuaries [1130], Coastal lagoons [1150], Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330], Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0], Phocoena phocoena	c. 2.6 km to the northwest; (c. 5.3 km channel distance to the north).	Yes. Indirect hydrological connection via surface water run-off.	Yes

	(Harbour Porpoise) [1351], Lutra lutra (Otter) [1355]. <u>See National Parks and Wildlife Service - Conservation Objectives – Lough Swilly SAC (002287) and Lough Swilly SPA (004075) (Version 1.0, 19th July 2011 (Source: NPWS Website, September 2026).</u>			
Lough Swilly SPA (Site Code 004075),	<u>Qualifying Interests (Source: NPWS Website, September 2026):</u> Great Crested Grebe (Podiceps cristatus) [A005] Grey Heron (Ardea cinerea) [A028] Whooper Swan (Cygnus cygnus) [A038] Greylag Goose (Anser anser) [A043] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Mallard (Anas platyrhynchos) [A053] Scaup (Aythya marila) [A062]	c. 2.4 km to the northwest (c. 3.4 km channel distance to the northeast).	Yes. Indirect hydrological connection via surface water run-off.	Yes

Goldeneye (Bucephala clangula) [A067]			
Red-breasted Merganser (Mergus serrator) [A069]			
Coot (Fulica atra) [A125]			
Oystercatcher (Haematopus ostralegus) [A130]			
Knot (Calidris canutus) [A143]			
Dunlin (Calidris alpina) [A149]			
Curlew (Numenius arquata) [A160]			
Redshank (Tringa totanus) [A162]			
Greenshank (Tringa nebularia) [A164]			
Black-headed Gull (Chroicocephalus ridibundus) [A179]			
Common Gull (Larus canus) [A182]			
Common Tern (Sterna hirundo) [A193]			
Greenland Whitefronted Goose (Anser albifrons flavirostris) [A395]			
Wigeon (Mareca			

	penelope) [A855] Shoveler (Spatula clypeata) [A857] Sandwich Tern (Thalasseus sandvicensis) [A863] Wetland and Waterbirds [A999] <u>See National Parks and Wildlife Service - Conservation Objectives – Lough Swilly SAC (002287) and Lough Swilly SPA (004075) (Version 1.0, 19th July 2011 (Source: NPWS Website, September 2026).</u>			
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Further Commentary/ Discussion

The proposed development is not located within a designated European Site but is proximate to Lough Swilly SAC (Site Code: 002287) and Lough Swilly SPA (Site Code 004075) identified in Step 2 above.

The planning application/ appeal was not accompanied by an Appropriate Assessment Screening Report.

There is an indirect hydrological connection to the above European Sites via an open drain which connects to the Drumbartnet Stream_010 which in turn connects to said European sites.

A pollution event occurred at the subject appeal site in 2025 as noted in the supporting documents attached to the appeal and as discussed further above in Section 7.4 of this Report. The pollution event is stated by the Senior Executive Scientist of the Local Authority to have been as a result of the discharge of polluting matter (including silage effluent) from the subject farmyard. The Applicant submits the pollution event occurred following a period of heavy rain and that the leak was identified and stopped immediately. The Applicant further submits that a full inspection was carried out by the Local Authority and they were satisfied that this was a single one off occurrence, that measures had been put in place to deal with it. The Applicant finally states that no other investigations have been required at the farm in its 100 year history.

The Applicant does not specify what specific measures have been put in place to deal with the risk of future pollution.

The Local Planning Authority screened out the need for Appropriate Assessment.

In my view it is possible for significant effects on the above European sites to occur in view of the respective conservation objectives alone and in combination with other plans and projects.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

During the construction phase of the proposed development negative indirect (temporary) impacts on surface water/ water quality could potentially take place as a result of increased sedimentation and construction related pollution. Standard Construction Mitigation measures, as set out in a Construction and Environmental Management Plan (CEMP), could be implemented to reduce the risk of impacts to surface water. It is noted there was a previous pollution event at the site. It is unclear what measures have been introduced to address said pollution.

During the operational phase of the proposed development negative indirect impacts on surface water/ water quality could potentially take place as a result of potential future water pollution via run-off discharge. Land spreading is also an operational impact arising from the need to empty stores of organic waste.

In relation to land spreading, I refer to the GAP Regulations, 2025. These said Regulations are intended to prevent pollution of surface waters and groundwater from agricultural sources and to protect and improve water quality. The extent of lands proposed to be used by the Applicant for land spreading is unknown. However, having regard to the legal requirement to spread organic fertilizer in accordance with GAP regulations, I am satisfied that no water pollution would occur from the land spreading and that therefore the integrity of the European Site/s would not be effected. No in-combination/ cumulative effects arise as all lands to be used for land spreading are governed by the GAP Regulations.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Lough Swilly SAC (Site Code 002287), <u>See QI List above</u>	<u>Direct:</u> None <u>Indirect:</u> Negative impacts (temporary) on surface water/ water quality due to construction related emissions including increased sedimentation and construction related pollution.	For the remaining QI the following Potential for Significant Effects has been identified: • Potential Habitat Degradation due to a deterioration in Water Quality.

	Water pollution at operational stage via run-off discharge. Land spreading is an operational impact arising from the need to empty stores of organic waste. The slurry would be spread on land as fertilizer. This is normal practice. <i>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] has been identified as not having an effect pathway for Likely Significant Effect as it is not hydrologically linked or groundwater dependent.</i>	Possibility of significant effects cannot be ruled out without further analysis and assessment. No significant effects are anticipated as a result of land spreading due to compliance with the GAP Regulations 2025.
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? I refer to the GAP Regulations which will serve to prevent in-combination/ cumulative effects arising from land-spreading. It should be noted that this is not a mitigation measure, as it is governed by regulation and applies to all lands where the activity of land spreading takes place.	
	Impacts	Effects
Site 2: Lough Swilly SPA (Site Code 004075), <u>See QI List above</u>	<u>Direct:</u> None <u>Indirect:</u> Negative impacts (temporary) on surface water/ water quality due to construction related emissions including increased sedimentation and construction related pollution. Water pollution at operational stage via run-off discharge. Land spreading is an operational impact arising from the need to empty stores of organic waste. The slurry would be spread on land as fertilizer. This is normal practice.	Potential Habitat Degradation due to a deterioration in Water Quality. Possibility of significant effects cannot be ruled out without further analysis and assessment. No significant effects are anticipated as a result of land spreading due to compliance with the GAP Regulations 2025.
	Likelihood of significant effects from proposed development (alone): Yes	

	If No, is there likelihood of significant effects occurring in combination with other plans or projects?
Further Commentary / discussion (only where necessary) A total of 4 no. of the Qualifying Interests (Q/I) for Lough Swilly SAC (Site Code 002287) have a conservation objective to '<i>restore the favourable conservation condition</i>', including Coastal lagoons [1150], Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330], Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] and <i>Lutra lutra</i> (Otter) [1355]. The proposed development has the potential to compromise the objective of restoration or make the restoration more difficult.	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site	
It is not possible to exclude the possibility that proposed development alone would result significant effects on Lough Swilly SAC and Lough Swilly SPA from effects associated with potential habitat degradation due to a deterioration in Water Quality. An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage. Proceed to Appropriate Assessment.	

Screening Determination

Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone, or in combination with other plans and projects will give rise to significant effects on Lough Swilly SAC and Lough Swilly SPA in view of a number of Qualifying Interests features of those sites.

Appropriate Assessment is required.

WATER FRAMEWORK DIRECTIVE IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	ACP-323679-25	Townland, address	Moneymore, Newtowncunningham, Lifford, County Donegal
Description of project		Permission for the construction of an agricultural shed to house a milking parlour together with all associated site works at existing farmyard.	
Brief site description, relevant to WFD Screening,		The subject appeal site is elevated above the surrounding lands to the west and northwest. There is an existing surface water drainage ditch from the site which flows in a northeast direction and connects to a watercourse c. 1 km to the north (Drumbarnet Stream_10) (WFD Status is Poor, WFD Objective is At Risk). The Local Authority, on foot of a complaint, responded to and reported upon a previous pollution event (discharge of farm effluent (including silage effluent)) from the site to the said watercourse. The Applicant was instructed to carry out corrective actions to address said pollution. The appeal site lies above Lough Swilly Groundwater Body (WFD Status is Good, WFD Objective is At Risk), which comprises poorly draining clay soils which offer protection to groundwaters.	
Proposed surface water details		Surface water from parts of the farmyard currently discharge to an adjacent watercourse via an existing drainage gullies, channels and pipework. The Applicant's Response to Further Information shows the current and proposed surface water drainage system on a revised Site Location & Site Layout Drawing no. D250203/P1/01A.	

Proposed water supply source & available capacity			Existing private well. Location of existing private well is not indicated. No capacity issues referenced or raised.			
Proposed wastewater treatment system & available capacity, other issues			N/a			
Others?			N/a			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	c. 1 km (channel distance)	Drumbartnet Stream_010 (IE_NW_39D030 600)	Poor	At risk	Hydro Morphological, Agricultural	Yes - drainage ditch hydrologically connected to watercourse.
Groundwater Waterbody	Underlying site	Lough Swilly IEGBNI_NW_G_059	Good	Not at risk	No pressures	No – poorly draining clay soils offer protection to groundwaters

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Drumbarnet Stream_010 (IE_NW_39D03 0600)	Existing drainage ditch, watercourse. Proposed new surface water connection to existing drainage ditch. watercourse. No further details provided. It is unclear how remainder of surface water on the remainder of the overall site is currently	Potential for farm effluent discharges (including possible silage effluent) resulting in possible future low pH to watercourse, Hydrocarbon Spillages, Concrete Spillages impacting pH	No specific mitigation measures proposed but standard construction practices anticipated.	Yes – existing piped surface water drainage system is connected to watercourse. Previous pollution event recorded. Lack of specific details or proposals.	Screened in

			addressed/ proposed to be addressed.				
2.	Ground	Lough Swilly (IEGBNI_NW_G_059)	Pathway exists but poor drainage characteristics	Spillages, Farm effluent	As above	No	Screened out
OPERATIONAL PHASE							
3.	Surface	Drumbarnet Stream_ 010 (IE_NW_39D03 0600)	Existing drainage ditches, watercourse	Potential existing and future farm effluent discharges (including possible silage effluent) resulting in possible future low pH to watercourse	No specific mitigation measures proposed but standard construction practices anticipated.	Yes – existing piped surface water drainage system is connected to watercourse. Previous pollution event recorded. Lack of specific details or proposals.	Screened in
4.	Ground	Lough Swilly (IEGBNI_NW_G_059)	Pathway exists but poor drainage characteristics	Spillages, Farm effluent	None specified or proposed	No	Screened out

DECOMMISSIONING PHASE						
5.	N/A					
STAGE 2: ASSESSMENT						
Details of Mitigation Required to Comply with WFD Objectives – Template						
Surface Water						
Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<u>Objective 1:Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2:Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3:Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	<u>Objective 4: Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)	
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:		
Stormwater Drainage	Suitably designed surface water management to prevent and control run-off to prevent pollution.	Suitably designed surface water management to prevent and control run-off to prevent pollution.	See Objectives 1 & 2	See Objectives 1, 2 & 3	No	

Details of Mitigation Required to Comply with WFD Objectives – Template				
Groundwater				
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2 : Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<u>Objective 3:Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	
Development Activity 1 :	N/A	N/A	N/A	N/A
Development Activity 2	N/A	N/A	N/A	N/A