



An
Bord
Pleanála

Inspector's Report ABP-321707-25

Question

Whether the construction of 2 no. farm sheds is or is not development and is or is not exempted development.

Location

Moyle Moss, Newtowncunningham,
Co. Donegal.

Declaration

Planning Authority

Donegal County Council

Planning Authority Reg. Ref.

S5 24/95

Applicant for Declaration

Séamus Gibson

Planning Authority Decision

Is not exempted development

Referral

Referred by

Séamus Gibson

Owner/ Occupier

Séamus Gibson

Date of Site Inspection

27th March 2025

Inspector

Alan Di Lucia

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1.0 Site Location and Description

- 1.1. The subject site is located just outside the settlement boundary of Newtowncunningham, Co. Donegal. The subject site is to the north of the National Primary Route N13. Access currently exists directly from the N13 in the form of an agricultural field gate and laneway into a yard. The location is part of a larger site which has been surfaced to form a yard complex. Three buildings/sheds currently occupy the yard, each with a floor area of 180m², giving a total floor area of 540m². The use of these existing sheds is unclear. A row of mature trees exists along the western boundary of the site. A water course is located 40m from the yard along the northern / northern western boundary of the larger site. The site is within Flood Zone A (County Donegal Development Plan 2024-2030 Strategic Flood Risk Assessment).

2.0 The Question

- 2.1. The Section 5 application to the Planning Authority described the proposed development as the 'construction of No. 2 Farm Sheds'. The Planning Authority in their assessment considered the proposed development as farm storage sheds. The Appeal form submitted to the Board describes the development as '2 No. Dry Store Farm Sheds'. Going on the basis of the description provided to An Bord Pleanála, there is no clear basis that this is not correct.
- 2.2. The question before the Board is the following:

- Whether the construction of two dry store farm sheds, is development and if they are development, whether or not they are exempted development.

The question relates to the addition of two dry store farm sheds with a gross floor area of 300m² and 60m² within an existing yard complex in addition to the three existing sheds. The overall height of the sheds is between 6.5m and 6.8m. The design of the sheds consists of steel frames with roof and side walls to be of box profile cladded to match existing structures.

3.0 Planning Authority Declaration

3.1. Declaration

Donegal County Council issued a declaration on the question on the 17th of December 2024 declaring that the construction of two farm sheds constitute development and are not exempted development. In making the declaration, the Planning Authority had regard to Sections 2, 3, 4 and 177U of the Planning and Development Act 2000, as amended and articles 6(1), 9(1) and Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001 as amended.

Planning Authority Reports

3.1.1. Planning Reports

- The planning report notes that *'it is not clear from the application form and submitted plans what the intended purposes of the sheds will be. (storage/animal housing or if effluent storage facilities are proposed)'*. The report notes that the subject site is within Flood Zone A. The report also notes that the proposed development has been described as farm sheds and are considered storage sheds for the purposes of their assessment.
- Consideration was given to the proximity to the Lough Swilly SPA, which is 220m from the site and hydrologically linked via the watercourse along the Northern and Northern eastern boundary. The application is lacking in detail and the Planning Authority was not in a position to carry out an AA Screening Report.
- Planning Report notes two enforcement cases:
 - Reference UD1569
 - New Entrance site works and signage (Case Closed)
 - Reference UD2244
 - (1) Commercial building and Entrance at N13 (Enforcement Notice Served)
- The Planning Report concludes that the proposal would constitute 'works' and 'development' as defined in the Planning Act.

- The Planning Authority also concluded that the proposal complies with the limitations of Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- However, the proposal is considered de-exempt under Article 9, therefore further information will not be requested with respect to (1) an ecological report and (2) evidence of compliance with development management justification test and site-specific flood risk assessment.

3.1.2. Other Technical Reports

None

4.0 Planning History

No Planning Applications noted on subject Site

5.0 Policy Context

5.1. Development Plan

- 5.1.1. County Donegal Development Plan 2024-2030 (CDDP) is the relevant statutory development plan for the area.
- 5.1.2. The subject site is located outside the urban settlement boundary of Newtowncunningham, within an area classified as under strong urban influence. (Map 6.3.1 of the CDDP). The location is within an area of 'High Scenic Amenity' (Map 11.1 of the CDDP). The subject site is located on lands classified as Flood Zone A. (Donegal County Council Strategic Flood Risk Assessment)
- 5.1.3. Areas of High Scenic Amenity (HSA): These are landscapes of significant aesthetic, cultural, heritage and environmental quality that are unique to their locality and form a fundamental element of the landscape and identity of County Donegal. These areas have the capacity to absorb sensitively located development of scale, design and use that will enable assimilation into the receiving landscape and which does not detract from the quality of the landscape, subject to compliance with all other objectives and policies of the plan.

- 5.1.4. F-O-1 states that is it an objective to *‘ensure that development does not give rise to unacceptable new flood risks or does not exacerbate existing flood risk’*

BIO-P-1 states that is it a policy 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. ‘

- 5.1.5. T-O-10 states that it is an objective to *‘safeguard the carrying capacity and safety of: National Roads and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities (DECLG, 2012)’*

5.2. Natural Heritage Designations

- Lough Swilly SPA (004075) 220m to North
- Lough Swilly SAC (002287) 1900m to North

6.0 The Referral

6.1. Referrer’s Case

- As a small farmer, they were made aware that certain farm buildings are exempted from planning permission. The Referrer includes leaflet 9 from the Office of the Planning Regulator *‘Agricultural and Farm Development – The Planning Issues’*.

- They applied to Donegal County Council for a planning exempted development pursuant to Section 5 of the Planning and Development Act 2000, as amended, for two number dry store farm sheds adhering strictly to the above-mentioned guidelines.

6.2. Planning Authority Response

- The Planning Authority relies on the planner's Section 5 referral report dated 13th December 2024 and have nothing further to add.

7.0 Statutory Provisions

7.1. Planning and Development Act, 2000,as amended

7.1.1. Section 2(1)

- “structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and— (a) where the context so admits, includes the land on, in or under which the structure is situate.
- “works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

7.1.2. Section 3(1)

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

7.1.3. Section 4

- (1)(a) development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used, shall be exempted development

- (2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development. The main regulations made under this provision are the Planning and Development Regulations 2001, as amended
- (4) - Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

7.1.4. Section 177U (9)

- “In deciding upon a declaration or referral under Section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.

7.2. Planning and Development Regulations, 2001

7.2.1. Article 6 - Exempted Development

6(3) of the Planning and Development Regulations 2001, as amended, (hereinafter ‘the Regulations’) provide that subject to article 9, development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.

Article 9 – Restrictions on Exemption

Article 9(1)(a)(iii) - Development to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would endanger public safety by reason of traffic hazard or obstruction of road users.

Article 9(1)(a)(viiB) - Development to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

7.2.2. Schedule 2, Part 3 – Exempted Development

CLASS 9: Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

Conditions and limitations

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry but excluding the housing of animals or the storing of effluent.
2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.
3. No such structure shall be situated within 10 metres of any public road.
4. No such structure within 100 metres of any public road shall exceed 8 metres in height.
5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and as may be appropriate, the occupier or person in charge thereof.
6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

7.3. **Spatial Planning and National Roads: Guidelines for Planning Authorities, Jan 2012**

Section 2.5 of the guidelines states that *'With regard to access to national roads, all development plans and any relevant local area plans must implement the policy approaches outlined below:*

*Lands adjoining National Roads to which speed limits greater than 60 kmh apply:
The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh*

apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.'

8.0 Assessment

8.1. Is or is not development

- 8.1.1. The question put forward by the referrer relates to the construction of 2. No. Dry Store Farm Sheds with a stated floor area of 300m² and 60m².
- 8.1.2. The first stage to considered is whether or not the proposal constitutes development under the definitions set out under Section 3(1) of the Planning Act, which defines 'development' as *'the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.'* Section 2 (1) of the Planning Act states – 'works' includes *'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...'*
- 8.1.3. The construction of the two dry store farm sheds would involve the carryout of works and would therefore constitute 'development' in accordance with Section 3(1) of the Planning and Development Act 2000, as amended.

8.2. Is or is not exempted development

- 8.2.1. The use of buildings for agricultural development are classified as exempt development in accordance with the provisions of Section 4(1)(a) of the Act subject to any limitations which the Minister may prescribe by Regulation in accordance with Section 4(2)(a) of the Act. I consider the relevant class to which the development relates to be Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- 8.2.2. Additionally, under Section 4(4) of the Act, no development can be exempted development if it requires an Environmental Impact Assessment (EIA) or an Appropriate Assessment (AA).
- 8.2.3. In relation to EIA, 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. No mandatory requirement for a preliminary examination or screening assessment. (Refer to Form 1 Appended to this report)

- 8.2.4. In relation to Appropriate Assessment, I have undertaken a Stage 1 Appropriate Assessment Screening (Refer to AA Screening Appended to this report). I concluded that based on the location, in close proximity to Lough Swilly SAC and SPA, the flood risk associated with this location and the development proposed and the lack of detail and clarity in relation to the use and activity on site that would result from the addition of two dry store farm sheds, that there is uncertainty at screening stage to determine that there would be no likely significant effects on a Natura 2000 site. Therefore, in accordance with Section 177U of the Planning and Development Act 2000, as amended, and on the basis of the information considered in the AA screening, I consider 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 SPA European Site(s) in view of the sites conservation objectives. Appropriate Assessment is required. Therefore, I consider that the development cannot be considered exempted development having regard to Section 4(4) of the Planning and Development Act 2000, as amended.

Notwithstanding the AA screening conclusion, I will proceed to assess the development against the conditions and limitations set out under Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

- 8.2.5. The referral states that both proposed structures are farm storage sheds with floor areas of 300m² and 60m², the proposed dry store farm sheds do not exceed the maximum gross floor space of 300m² per structure. I therefore consider that the development complies with the Class 9 requirement of having a gross floor space not exceeding 300m².
- 8.2.6. The referral states that the two proposed structures are dry store farm sheds. I consider this use complies with Condition/Limitation 1 of Class 9 in so far as no such structure shall be used for any purpose other than the purpose of agriculture, excluding the housing of animals or storing of effluent.
- 8.2.7. The two-sheds proposed, combined with the existing sheds on site have a total gross floor area of 900m². I therefore consider that the total gross floor space of the proposed structures combined with the existing structures within the same complex or within

100m of the complex does not exceed 900m². I consider the aggregate gross floor area therefore complies with Condition/Limitation 2 of Class 9.

8.2.8. The structures are not situated within 10m of any public road. I consider that the development complies with Condition / Limitation 3 of Class 9.

8.2.9. The proposed dry store farm sheds range between 6.5 and 6.8 metres in height as detailed on the drawings provided with the referral. I consider that the development complies with Condition/ Limitation 4 of Class 9

8.2.10. From my site inspection and utilising the measuring tool on Google Earth, I can confirm that the development complies with the Condition / Limitation 5 of Class 9 relating to the minimum separation of 100m from the nearest house.

8.2.11. The external finish is proposed as dark green metal cladding, I consider that the proposed development complies with Condition / Limitation 6 of Class 9.

8.3. Restrictions on exempted development

I have reviewed the restrictions on exemptions set out in Article 9 of the Planning and Development Regulations 2001, as amended and consider the following to be relevant.

8.3.1. Article 9(1)(a)(iii) states that - Development to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would endanger public safety by reason of traffic hazard or obstruction of road users.

8.3.2. The subject site is accessed from the National Primary Route N13 at a location where the maximum speed limit applies. From my site inspection I note that at this location there is a continuous white line, and no right hand turning lane. I consider that the proposed development at this location would generate additional traffic movements on the N13, which would reduce the carry capacity of the National Primary Route and be contrary to the provisions of the Spatial Planning and National Roads: Guidelines for Planning Authorities, Jan 2012. I conclude that the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users. Therefore, I consider that the works are de-exempted in this regard.

- 8.3.3. Article 9(1)(a)(viiB) states that - Development to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.
- 8.3.4. As assessed in Section 8.2.4 of this report and the Appropriate Assessment Screening report (appended to this report) and in accordance with Section 177U of the Planning and Development Act 2000, as amended, I consider 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 SPA European Site(s) in view of the sites conservation objectives. Appropriate Assessment is required. Therefore, I consider that the works are de-exempted in this regard.

9.0 Recommendation

- 9.1. I recommend that the Board should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether the construction of two dry store farm sheds is or is not development or is or is not exempted development:

AND WHEREAS Seamús Gibson requested a declaration on this question from Donegal County Council and the Council issued a declaration on the 17th day of December 2024 stating that the matter was development and was not exempted development:

AND WHEREAS Seamús Gibson referred this declaration for review to An Bord Pleanála on the 15th day of January 2025:

AND WHEREAS An Bord 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,
- (c) Section 4 and Section 177U (9) of the Planning and Development Act, 2000, as amended,
- (d) article 6(3) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (f) The location of the development along the National Primary Route N13 where the maximum speed limit applies and a continuous white line is present.,
- (g) The proximity of the development to the Lough Swilly SAC and Lough Swilly SPA
- (h) The submission of the parties to the referral

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The construction of the two agricultural sheds constitutes development, being works which come within the scope of section 3(1) of the Planning and Development Act 2000, as amended.
- (b) The development alone or in combination with other plans and projects is likely to give rise to significant effects on Lough Swilly SAC and SPA European Site(s) in view of the site's conservation objectives. Therefore, the development is subject to an Appropriate Assessment and cannot be considered exempted development under Section (4)4 of the Planning and Development Act 2000, as amended.

- (c) The development comes within the scope of Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The development complies with the conditions and limitations of Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (e) The development would endanger public safety by reason of traffic hazard., Therefore, the development comes within the restriction on exemption in Article 9(1)(a)(iii) of the Planning and Development Regulations 2001, as amended.
- (f) The development would require an Appropriate Assessment.
Therefore, the development comes within the restriction on exemption in Article 9(1)(a)(viiB) of the Planning and Development Regulations 2001, as amended:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the construction of two dry store farm sheds 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.

Alan Di Lucia
Senior Planning Inspector

April 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321707-25		
Proposed Development Summary	Construction of two dry store farm sheds in a rural area.		
Development Address	Moyle Moss, Newtowncunningham, Co. Donegal.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	Tick if relevant and proceed to Q2.
		No	No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	Tick/or leave blank	State the Class here.	Proceed to Q3.
No			No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required

No	Tick/or leave blank		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No		Screening determination remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: _____ Date: _____

Screening for Appropriate Assessment
Test for likely significant effects

Step 1: Description of the project and local site characteristics

Brief description of project	Section 5 Referral as to whether the construction of two farm sheds, is development and if they are development, whether or not they are exempted development.
Brief description of development site characteristics and potential impact mechanisms	The subject site is located just outside the settlement framework of Newtowncunningham, Co. Donegal. Subject site is to the north of the National Primary Route N13. Access currently existing directly from the N13 in the form of an agricultural field gate and laneway into a yard. The location is part of a larger site which has been surface to for a yard complex. Three buildings/sheds currently occupy the yard, each with a floor area of 180m², giving a total floor area of 540m². A row of mature trees exists along the western boundary of the site. A water course is located 40m from the yard along the northern / northern western boundary of the larger site. The site is within Flood Zone A (County Donegal Development Plan 2024-2030 Strategic Flood Risk Assessment). • Lough Swilly SPA (004075) 220m to North • Lough Swilly SAC (002287) 1900m to North
Screening report	No
Natura Impact Statement	No

Relevant submissions	Planning Authority considered that proposal may have significant effects on European Site, however insufficient information submitted to make a determination.
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Step 2. Identification of relevant European sites using the Source-pathway-receptor model [List European sites within zone of influence of project in Table and refer to approach taken in the AA Screening Report as relevant- there is no requirement to include long list of irrelevant sites.]

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 SPA (004075)	A005 Great Crested Grebe Podiceps cristatus wintering A028 Grey Heron Ardea cinerea wintering A038 Whooper Swan Cygnus cygnus wintering	0.22km	Yes Hydrological Link	Yes

	A043 Greylag Goose Anser anser wintering A048 Shelduck Tadorna tadorna wintering A050 Wigeon Anas penelope wintering A052 Teal Anas crecca wintering A053 Mallard Anas platyrhynchos wintering A056 Shoveler Anas clypeata wintering A062 Scaup Aythya marila wintering A067 Goldeneye Bucephala clangula wintering A069 Red-breasted Merganser Mergus serrator wintering A125 Coot Fulica atra wintering A130 Oystercatcher Haematopus ostralegus wintering A143 Knot Calidris canutus wintering A149 Dunlin Calidris alpina wintering			
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	A160 Curlew <i>Numenius arquata</i> wintering A162 Redshank <i>Tringa totanus</i> wintering A164 Greenshank <i>Tringa nebularia</i> wintering A179 Black-headed Gull <i>Chroicocephalus ridibundus</i> breeding A182 Common Gull <i>Larus canus</i> wintering A191 Sandwich Tern <i>Sterna sandvicensis</i> breeding A193 Common Tern <i>Sterna hirundo</i> breeding A395 Greenland White-fronted goose <i>Anser albifrons flavirostris</i> wintering A999 Wetlands & Waterbirds			
Lough Swilly SAC (002287)	1130 Estuaries 1150 * Coastal lagoons 1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae) 1355 Otter <i>Lutra lutra</i>	1.9km	Yes Hydrological Link	Yes

	91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles			

¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/
air/ use of habitats by mobile species

³if no connections: N

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

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Lough Swilly SPA (004075) QI list A005 Great Crested Grebe Podiceps cristatus wintering	Due to the lack of information submitted with the referral, it is unclear as to the activity involved within the Dry Farm Sheds, will they be used for the storage of machinery, chemicals, fuel or any other materials, in a location that is prone to flooding which could have	Due to the lack of information submitted with the referral, it is unclear as to the activity involved within the Dry Farm Sheds, will they be used for the storage of

A028 Grey Heron Ardea cinerea wintering A038 Whooper Swan Cygnus cygnus wintering A043 Greylag Goose Anser anser wintering A048 Shelduck Tadorna tadorna wintering A050 Wigeon Anas penelope wintering A052 Teal Anas crecca wintering A053 Mallard Anas platyrhynchos wintering A056 Shoveler Anas clypeata wintering A062 Scaup Aythya marila wintering A067 Goldeneye Bucephala clangula wintering A069 Red-breasted Merganser Mergus serrator wintering	likely significant effects on the qualifying interests of the Lough Swilly SPA and therefore it is not possible to determine any potential impacts on the Lough Swilly SPA	machinery, chemicals, fuel or any other materials, in a location that is prone to flooding which could have likely significant effects on the qualifying interests of the Lough Swilly SPA and therefore it is not possible to determine any potential impacts on the Lough Swilly SPA As there is uncertainty the possibility of significant effects cannot be ruled out without further analysis and assessment
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A125 Coot <i>Fulica atra</i> wintering A130 Oystercatcher <i>Haematopus ostralegus</i> wintering A143 Knot <i>Calidris canutus</i> wintering A149 Dunlin <i>Calidris alpina</i> wintering A160 Curlew <i>Numenius arquata</i> wintering A162 Redshank <i>Tringa totanus</i> wintering A164 Greenshank <i>Tringa nebularia</i> wintering A179 Black-headed Gull <i>Chroicocephalus ridibundus</i> breeding A182 Common Gull <i>Larus canus</i> wintering A191 Sandwich Tern <i>Sterna sandvicensis</i> breeding A193 Common Tern <i>Sterna hirundo</i> breeding		
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A395 Greenland White-fronted goose <i>Anser albifrons</i> <i>flavirostris</i> wintering A999 Wetlands & Waterbirds		
Uncertain	Likelihood of significant effects from proposed development (alone):	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Uncertain	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Lough Swilly SAC (002287) QI list 1130 Estuaries 1150 * Coastal lagoons 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) 1355 Otter <i>Lutra lutra</i> 91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles	Due to the lack of information submitted with the referral, it is unclear as to the activity involved within the Dry Farm Sheds, will they be used for the storage of machinery, chemicals, fuel or any other materials, in a location that is prone to flooding which could have likely significant effects on the qualifying interests of the Lough Swilly SPA and therefore it is not possible to determine any potential impacts on the Lough Swilly SAC	Due to the lack of information submitted with the referral, it is unclear as to the activity involved within the Dry Farm Sheds, will they be used for the storage of machinery, chemicals, fuel or any other materials, in a location that is prone to flooding which could have likely significant effects on the qualifying

		interests of the Lough Swilly SPA and therefore it is not possible to determine any potential impacts on the Lough Swilly SAC As there is uncertainty the possibility of significant effects cannot be ruled out without further analysis and assessment. Further analysis and assessment cannot be carried out due to lack of information provided.
Uncertain	Likelihood of significant effects from proposed development (alone)	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
The referral application submitted relates to the construction of 2 Dry Farm Storage Sheds, the location is within an area that is subject to flooding, with a watercourse along the boundary that hydrologically links to Lough Swilly, which is designated as both an SAC and SPA. No details as to the activity or the use of the sheds have been submitted, in relation to materials to be stored, machinery fuel chemicals		

with the application and no appropriate assessment screening was submitted. Therefore, there is uncertainty as to the potential effects on the Natura 2000 sites, therefore, it is not possible to exclude that the proposed development alone would result in significant effects on the Natura 2000 sites.

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 SPA from effects associated with the farm sheds.

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.

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 SPA European Site(s) in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- Lack of clarity on use of shed and materials stored/
- location and proximity to Natura 2000 Sites
- Hydrological Link to Natura 2000 Sites

- Flood Risk associated with the location.