



An
Bord
Pleanála

Inspector's Report ABP-311388-21

Development	Retention of 1 cabin type glamping unit, permission for construction of 2 cabin type glamping units, wastewater treatment system to serve the 3 glamping units and all associated site works.
Location	Dooley, Lettermacaward, County Donegal.
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2150953
Applicant(s)	Scarlet Fahy.
Type of Application	Retention permission and permission.
Planning Authority Decision	To grant.
Type of Appeal	Third Party
Appellant(s)	Ethna Doig, Fiona Mercer.
Observer(s)	None.
Date of Site Inspection	9 th February 2022.
Inspector	Deirdre MacGabhann

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1.0 Site Location and Description

- 1.1. The 1.13h ha appeal site lies on the western coast of County Donegal. It is situated north of the county road to the north of Dooley Hill, overlooking Trawenagh Bay, in the townland of Dooley, Lettermacaward. The site is narrow and broadly rectangular in shape falling gently from the county road to the sea. To the north, the width of the site increases, and it accommodates an existing dwelling and, to the south of this, a small timber cabin providing glamping self-catering accommodation. The glamping unit is screened by vegetation immediately south of the cabin. To the west of the site alongside the coast, is the appellant's residential dwelling. Neither the appeal site, its associated structures or appellant's dwelling are particularly visible from the public road to the south of the site due to their elevation, modest height and distance from the road. Along the county road to the south of the site are one off houses.

2.0 Proposed Development

- 2.1. The proposed development, as revised by way of further information submitted on the 28th July 2021, comprises:
- Retention of 1 no. cabin type glamping unit (24.6m²),
 - Permission for construction of 2 no. glamping units (each 24.6m²), and
 - Installation of proprietary wastewater treatment system, to serve 3 glamping units.
- 2.2. The glamping units will each accommodate two persons. The proposed units are situated to the north of the existing cabin. Proposed screen planting with native species is proposed to the south of the two new units. Water supply is proposed from the public mains. Surface water will be disposed of into an existing open drain. Wastewater from the three units will be treated in the proposed proprietary waste water treatment system. Included in the planning application is a Site Suitability Assessment Report.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 19th August 2021 the planning authority decided to grant permission for the development subject to 9 no conditions, including:

- C2 – Requires implementation of landscaping scheme.
- C3 – Prescribes the finish to internal access from laneway to each cabin and precludes public lighting along access road without prior written agreement.
- C6 – Electrical and telephone services to be underground.
- C7 – Potable water to be from public watermains.
- C8 – Sets out standards for wastewater treatment system to great effluent for a population equivalent of 6 persons.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 1st July 2021 – Refers to the submissions made, planning history of the site and policy context. In section 5.0 responds to the issues raised in observations. The report accepts the principle of the development and recommends moving cabin no. 3 outside of the Especially High Scenic Amenity (EHSA) lands. Design and siting are otherwise considered appropriate. Entrance is established and vision lines are as per existing, approved under PA ref. 05/2186. Site assessors report notes suitability of site for wastewater treatment system. Need for AA screened out due to distance of site from European site. The report recommends further information in respect of relocation of two no. proposed cabins, 5m south.
- 10th August 2021 – Considers the FI response is acceptable, two no. cabins moved 5m south. Recommends granting permission subject to conditions.

3.2.2. Other Technical Reports

- None.

3.3. Prescribed Bodies

- None.

3.4. Third Party Observations

3.4.1. There are two third party observations of file, made by the appellants (one to the south of the appeal site and one to the west of the appeal site). These raise the following issues:

- Location of development between public road and short.
- Impact of tourism development on amenity of the area (noise and disturbance).
- Location of dwelling in area of Especially High Scenic Amenity (EHSA) and visual impact.
- Inadequate site access road and junction with the main Dooley road for the volume of traffic likely to be generated.

4.0 Planning History

- PA ref. 05/2186 – Planning permission granted in July 2005, for the refurbishment of existing dwelling and installation of treatment system on the subject site.
- PA ref. 20/51231 – Planning application for single storey detached cabin on the subject site, withdrawn.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Donegal County Development Plan 2018 to 2024 is the statutory development plan for the appeal site. The site lies within a Structurally Weak Rural Area and straddles an area of Especially High Scenic Amenity (EHSA), alongside the coast, and an area of High Scenic amenity (HSA).

- 5.1.2. Chapter 6.3 deals with rural housing. Policy RH-P-4 applies in respect of structurally weak rural areas. It states that proposals for one off houses will be considered from any prospective applicant with a need for a dwelling house (urban or rural generated need), provided they comply with other relevant policies of the plan. Further it states that new holiday home development, will not be permitted in these areas.
- 5.1.3. Section 7.1 sets out policies in respect of Natural Heritage. For EHSA areas and HSC areas, the following policies apply:
- *NH-P-6: It is a policy of the Council to protect areas identified as Especially High Scenic Amenity on Map 7.1.1: 'Scenic Amenity'. Within these areas, only developments assessed to be of strategic importance or developments that are provided for by policy elsewhere in this Plan shall be considered.*
 - *NH-P-7: Within areas of 'High Scenic Amenity' (HSC) and 'Moderate Scenic Amenity' (MSC) as identified on Map 7.1.1: 'Scenic Amenity', and subject to the other objectives and policies of this Plan, it is the policy of the Council to facilitate development of a nature, location and scale that allows the development to integrate within and reflect the character and amenity designation of the landscape.*
- 5.1.4. Under NH-P-17 it is a policy of the PA to preserve views and prospects of special amenity value and interest, in particular, views between the public roads and the sea. In this regard, development proposals situated on lands between the road and the sea will be considered on the following criteria:
- Importance value of the view in question.
 - Whether the integrity of the view has been affected to date by existing development.
 - Whether the development would intrude significantly on the view.
 - Whether the development would materially alter the view.
- 5.1.5. Further, it is stated that the policy will be operated in a reasonable such that it does not act as a blanket ban on developments between the road and the sea.
- 5.1.6. Chapter 9 of the Plan deals with tourism, with the overall aim to *'enable Donegal to compete as a world class tourism destination by protecting key tourism assets and*

supporting the sustainable development of new and existing tourism products and attractions’.

- 5.1.7. Policy TOU-19 and TOU-20 apply. These consider proposals for ‘glamping’ type accommodation in urban and rural areas excluding areas of EHSA, where they can comply with certain criteria, including the provision of suitable toilet/shower facilities and the specific criteria set out in the Tourism Development General Criteria Policy (TOU-P-20 refers).
- 5.1.8. The criteria set out in Policy TOU-P-20 includes protection of visual and environmental amenity, coastlines and absence of significant effect on residential amenity and on water quality (see attachments).

5.2. Natural Heritage Designations

- 5.2.1. The appeal site lies c.3km to the north east of West of Ardara/Mass Road Special Area of Conservation (SAC), site code 000197.

5.3. EIA Screening

- 5.3.1. Having regard to the limited nature and scale of the proposed development there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. There are two third party appeals, made by the observers to the planning application. The following issues are raised:
- Unwarranted additional commercial holiday letting facility in area designated as an area of Especially High Scenic Amenity. Area is already adequately provided with holiday lets.
 - Only three houses originally on shore side of Dooey Road. Impact on cultural heritage, peace and quiet of the area and wildlife. Appellants father occupied

the property. He was a local film maker and friend of Seamus Heaney. Poem by Seamus Heaney inspired by the area (Singer's House). Old bothy beside dwelling renovated in memory of father.

- Current holiday letting availability has led to a large increase in unofficial camping and mobile home parking in the area, to detriment of physical and visual amenity e.g. increase in rubbish, traffic (not supported by local road infrastructure).
- Development will attract large number of visitors to the area with additional rubbish and impacts on biodiversity and ecology. Contrary to character of the area.
- Contamination from sewerage, with potential for 12 guests (current unit on Airbnb, sleeps 4), in addition to those in adjoining house and camper vans already present on busy commercial site.
- Impact on natural heritage and ecology of the area, including curlews, snipe and meadow pipits nesting in surrounding fields, including the land on which the glamping sites are planned, wildflowers and bogland. Area inspired poetry by Seamus Heaney.
- Predisposition to refuse permission for any new structure on sites situated between Dooley road and foreshore. Precedent that the development would set.
- Allowing a new build development on the foreshore at Dooley.
- Allowing a commercial holiday letting development and not an individual family home in an area of EHSA.
- Development does not integrate effectively with the host environment and will be detrimental to visual amenities of the area.

6.2. Applicant Response

6.2.1. The applicant makes the following response to the appeal:

- Development will consist of three small and low profile cabin type glamping units. Proposed units are situated c.330m to 400m from the local road.

Existing cabin is not visible in landscape due to location, topography and screening vegetation. Proposed units will be set at a lower elevation and once landscaping is completed, will not be visible at all. The houses are set back from the working environment of Trawenagh Bay and will be sited behind the existing house.

- The development complies with policy TOU-P-19 and TOU-P-20 of the County Development Plan.
 - Each unit has a private toilet/shower.
 - The development will not be visible from the public road and largely invisible in the landscape.
 - The houses are set back from the working environment of Trawenagh Bay. The applicant's house and intervening landscape restrict views of the site from the coastline/shore. Units will not be visible from coastline.
 - The development is removed from existing houses and will be screened by vegetation and topography. The development will not create any noise nuisance other than occasional traffic movements and will not cause any significant environmental emissions.
 - Site assessment report confirms that it is suitable for wastewater treatment system
 - The area is sparsely populated, and the local road network has the capacity to accommodate the development.
 - Each cabin has its own on-site parking.
- Cabin no. 3 has been relocated outside of the EHSA area. Wastewater treatment plan is in EHSA but will have no impact on the objective for which the land is designated.
- Impact of unofficial camping and mobile holiday parking – Not relevant to the appeal.
- The development is removed from any built, scenic or natural heritage of the area.

- From the N56 from Lettermacaward to the site, there are many houses built on the sea side of the road. Well sited and designed houses can be integrated into the landscape. The development does not interfere with any designated view or prospect. There is no pre-disposition to refuse permission on the sea side of the road at this location.
- Trawenagh Bay has been a base for fish related industry for many years and is currently home to several oyster farms which are visible at low tide. The Irish countryside is a living and lived in landscape (National Planning Framework). The development of three small cabins is more sustainable than larger holiday homes.
- Appellant may have carried out unauthorised development (bothy).
- Development is not located in a European site. Biodiversity of the site is unsubstantiated.
- Appellants do not live in the area. Applicant's intention is for low impact sustainable tourism. Visitors are typically respectful of natural habitat, peace and quiet and beautiful environment. Occupants bring much needed business to area.

6.3. Planning Authority Response

6.3.1. The planning authority make the following comments on the appeal:

- The County Development Plan accepts the principle of 'low density glamping' under policy TOU-P-19. The glamping units are not located on EHSA lands. The tourism sector is noted as an important contributor to the local economy in the county, hence inclusion of TOU-P-19 to facilitate developments of this nature in rural areas, where appropriate in terms of siting.
- In their assessment, PA noted the presence of an existing permitted lengthy laneway serving the site (no additional excavation required) and inoffensive scale and design of units in low lying landscape.
- Existing unit is not openly visible, and it does not impact on existing views at this location toward the bay. Proposed units, due to their siting and scale, will

be inoffensive in the receiving environment. A similar development has been permitted to the east of the site under PA ref. 19/52007.

- Level of traffic associated with 3 no. units is not significant and will not impact on third party lands.
- No predisposition to refuse any new structure on sites between Dooley Road and the sea. Onus is on PA to assess each application on its merits and in accordance with Policy NH-P-17. Low impact of proposal will not intrude upon or materially alter existing views at the location between the public road and the sea.

6.4. Observations/Further Responses

- None.

7.0 Assessment

7.1. Having inspected the appeal site, examined the application details and all other documentation on file and having regard to relevant local and national policies and guidance, I consider that the main issues in this appeal can be confined to the matters raised by parties, namely:

- Need for the development.
- Visual impact.
- Impact on amenity.
- Impact on natural heritage.
- Impact on water quality.

7.2. Need for the Development

7.2.1. The National Planning Framework recognises the contribution that tourism plays in the rural economy and National Policy Objective 22 facilitates tourism development. Policies of the current Donegal County Development Plan also support the development of tourism in the County and Policy TOU-P-19 specifically provides

proposals for glamping type accommodation, subject to compliance with certain criteria.

- 7.2.2. The proposed small scale development provides 'glamping style' tourist accommodation. The type of accommodation proposed is for short term lets and not for holiday home development, which is specifically excluded under Policy RH-P-4 in structurally weak areas. Whilst the appellant asserts that there is adequate holiday accommodation in the area, the County Development Plan does not identify this as an issue in this area. I consider therefore, that there is no demonstrable over provision of accommodation in the area and that the applicant is entitled to bring forward an application for the development.

7.3. Visual Impact

- 7.3.1. Policies of the County Development Plan permit development in areas of EHSA where the development is assessed to be of strategic importance or developments that are provided for by policy elsewhere in the Plan. Within HSAs the plan facilitates development, of a nature, location and scale that allows the development to integrate with and reflect the character and amenity designation of the landscape.
- 7.3.2. The appeal site is located in a coastal environment. It straddles land designated as areas of EHSA and HSA. The proposed cabins are removed from the coast and are situated in the area designated as High Scenic Amenity. The proposed wastewater treatment system is situated in the EHSA area.
- 7.3.3. The proposed cabins are modest in scale. When viewed from the public road, the existing cabin, to be retained, is not overly visible, due to its scale, set back from the public road and landscaping to the south of the unit. The proposed units are also small scale, will be removed from the public road and will have native species planted to their southern side. I would accept, therefore, that the cabins will not be highly visible.
- 7.3.4. The appellants raise concerns regarding the effect of the development on landscape character, having regard to the historic pattern of development in the area and its cultural associations.
- 7.3.5. The appeal site lies in a wider coastal landscape that is largely devoid of development. It is overlooked by people travelling on the public road and from

dwellings on the southern side of the public road. The proposed cabins are a modest intrusion in this landscape and will not detract from the open views across the topography to the sea. I do not consider, therefore, that the development will adversely affect the character of the landscape in the area or, therefore, its cultural associations.

- 7.3.6. Policy NH-P-17 seeks to preserve the views and prospects of special amenity value and interest, in particular, views between the public roads and the sea.

Development proposals on land between the road and the sea are considered on the basis of the following criteria: importance of view in question, impact on integrity of view, significance of intrusion on view and material effect on view.

- 7.3.7. Views from the public road to the south of the appeal site are not identified in the Plan as a protected view. Further, for the reasons stated above, I do not consider that the development would detract from the integrity of views from the public road to the south of the site, significantly intrude on the view or materially affect it.

7.4. Impact on Amenity

- 7.4.1. The appellant refers to the impact of the existing holiday house and camper vans already present on the commercial site, and to the likely effects of additional disturbance with the proposed development.

- 7.4.2. The appeal site is situated in a rural area, removed from residential development. The existing dwelling on the appeal site is c.100m to the east of the appellant's property. Proposed glamping units are c.110m, 120m and 170m to the south east of the appellant's property. Whilst I would accept that the proposed development has potential to increase noise and activity in the area of the site, having regard to the likely seasonal use of the proposed units, the modest scale of the proposed development, the distance of the glamping units from the appellants dwelling and the independent arrangements for access to the site, significant effects on the amenity of the property to the west of the site (and in the wider area) are unlikely.

- 7.4.3. Use of the existing dwelling and the associated lands as a 'commercial site', is a matter for the planning authority.

7.5. Impact on Natural Heritage

- 7.5.1. The appellant's refer to the abundance of wildlife in the area and to the adverse effects of the development on natural heritage.
- 7.5.2. As stated above, the appeal site lies in an undeveloped coastal landscape. Neither the area in which the site lies or the site itself is identified as a site of natural heritage or conservation interest. The footprint and scale (visitors that can be accommodated) of the development is modest. No barriers are proposed to prevent movement of species across the site, planting proposals provide for additional native trees and there is no substantial change in the habitats on site, outside the footprint of the footprint of the development.
- 7.5.3. Having regard to the foregoing, I am satisfied that the proposed development will not adversely impact on the natural heritage of the area (issues in respect of appropriate assessment are considered below).

7.6. Impact on Water Quality

- 7.6.1. The applicant proposes discharging wastewater from the three cabins to a proprietary wastewater treatment system, situated to the south of the existing dwelling and north of the proposed cabins. The proprietary treatment system comprises a septic tank, mechanical aeration system and soil polishing filter. The waste water treatment system is sized for a population of 5.5 p.e., based on 3 no. 2 person units. I note that the Airbnb website for the existing cabin states that it accommodates 2 persons, however, it also indicates that 1 double bedroom is provided with a sofa bed in the common space. The proposed waste water treatment system may, therefore, be undersized.
- 7.6.2. The applicant refers to the EPAs Wastewater Treatment Manuals, Treatment Systems for Small Communities, Business, Leisure Centres and Hotels. The application documents include a Site Suitability Assessment Report follows the format of the EPAs site characterisation form which forms part of the 2021 Code of Practice for Domestic Wastewater Treatment Systems.
- 7.6.3. The site slopes gently towards the sea. Potential targets for pollution are:
- The sea, which lies c.55m to the north of the proposed percolation area.

- A sheough (stream) which runs along the eastern boundary of the site (c.5.5m to the east of the percolation area) and then crosses the site (in pipe) to discharge into the sea.
- Groundwater.

7.6.4. At the time of site inspection ground conditions in the area of the percolation drains were wet underfoot, with water ponding and rushes present across most of the site.

7.6.5. The Site Suitability Assessment Report identifies the site as lying within a Poor Aquifer (Pu) i.e. where bedrock is generally unproductive. Ground water vulnerability is stated to be Moderate. However, data from GSI would indicate that in the appeal site is situated within a Poor Aquifer (PI) where bedrock is generally unproductive except for local zones and that in area of the proposed effluent treatment system, groundwater vulnerability is Extreme (see attachments). It is stated that the site is within 1km of the Dooey Public/Group Scheme Water Supply, in a GSI Groundwater Protection Scheme (Inner our Outer location is unclear, both stated).

7.6.6. The Site Suitability Assessment Report states that the Groundwater Protection Response would be R1. However, taking the above information, the appropriate groundwater protection response would be R2¹ i.e. a wastewater treatment system is acceptable subject to normal good practice.

7.6.7. The Site Assessment indicates a depth to bedrock of 1.8m, with peat soils above. It is accepted that the peat soils are not considered suitable for the treatment of wastewater. The Site Assessment is carried out in an area of the site where the peat soil was removed down to bedrock and replaced with suitable soils, comprising 1.8m imported gravels above bedrock (see photograph 11). This depth of soil is consistent with the minimum requirements of for polishing filters following secondary systems in GWPR R2¹ (see attachments).

7.6.8. Percolation tests were carried out at 1.2m-1.6m below ground, 0.6m-1.0m below ground and 0-0.4m below ground. I note that the Site Assessment does not refer to any pre-soaking of test holes. Test results were on average 87.67 minutes for the water in the test holes to fall by 100mm. My understanding of the EPAs guidelines on site assessment is that if T₁₀₀ is less than or equal to 201 minutes, Step 4 of the assessment should be carried out to provide a sub-surface percolation value of soils. In this instance, the applicant has indicated a percolation T test value of 21.92 for

imported soils (see Step 4 of Site Suitability Assessment Report). This is within the range of percolation values set out in Table 6.4 of the EPAs guidance on Domestic Waste Water Treatment Systems for secondary treatment systems and soil polishing filter with gravity discharge. However, it is not clear how the figure of 21.92 has been derived or how it relates to percolation tests which are not shown in Step 4 of the Assessment.

- 7.6.9. Notwithstanding the foregoing, it is evident from the applicant's Site Assessment and my inspection of the site that the existing peat soils on site are not capable of accommodating a wastewater treatment system. Consequently the applicant proposes removing a 1.8m of peat over an area of c.180m² and installing 60m of distribution pipes in a constructed percolation area with imported free draining soils.
- 7.6.10. Whilst this constructed area may provide sufficient depth of soils to allow wastewater discharged from the mechanical aeration system to be degraded, the distribution area is constructed in a peat bog context. Consequently, there is a risk of impeded outflows from the distribution area, with the tertiary treatment system acting like 'bath tub', and providing an ineffective mechanism for the discharge of effluent. It may be more appropriate in this instance to consider an alternative system with licenced discharge to surface water. However, this matter would require further site investigations and re-design of the wastewater treatment system and may be outside the scope of this appeal.
- 7.6.11. Having regard to the foregoing, and mindful of the requirements placed on the Board as competent authority under the Water Framework Directive, I am not satisfied that the applicant has adequately demonstrated that the effluent from the development can be satisfactorily treated and disposed of on site.

8.0 Appropriate Assessment

- 8.1. Having regard to the modest nature of the proposed development, the location of development more than 3km from the nearest European site (Ardara/Mass Road Special Area of Conservation, site code 000197), the substantial scale of this European site which includes coastal waters, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a

significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

9.1. I recommend that permission for the development be refused.

10.0 Reasons and Considerations

Having regard to the soil conditions on site, including the peat soils surrounding the proposed percolation area, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated or disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.

Deirdre MacGabhann

Planning Inspector

28th February 2022