



An
Bord
Pleanála

Inspector's Report

ABP-318034-23

Development

Retention permission for (a) 2 no. glamping pods, 2 no. hot tubs, decking areas, and car parking, (b) change of use of outbuilding to toilets and a shower block, and (c) extension to existing outbuilding for domestic use. Planning permission for (a) decommissioning of existing septic tank, and (b) installation of new wastewater treatment system and percolation area, connection to existing services, and all associated works.

Location

Glack or Bohullion, Inch, Co. Donegal

Planning Authority

Donegal County Council

Planning Authority Reg. Ref.

23/51000

Applicant(s)

Keith & Kelsey Harkin

Type of Application

Retention permission and permission

Planning Authority Decision

Grant, subject to 9 conditions

Type of Appeal	Third Parties -v- Decision
Appellant(s)	Charley McDaid Cathal McDaid
Observer(s)	None
Date of Site Inspection	19 th March 2024
Inspector	Hugh D. Morrison

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The site is located on Inch towards the centre of the northern half of the island. The nearest settlements along the R238 on the Inishowen Peninsula to the east are Fahan, at 2.3km, and Burnfoot, at 6.3km. This site lies within agricultural lands that rise to the west towards Inch Top (222m OD). It is accessed from the north-east off the L-7491-1, the local road that serves the northern half of the island. Within the surrounding area, several one-off dwelling houses lie along this road, and a cluster of farm buildings lie on the opposite side of it from the access point to the laneway leading to the site. To the south-east of the site lie a further cluster of farm-type buildings and dwelling houses. These buildings are the subject of either agricultural uses or agricultural support uses, and one is a pet's crematorium.
- 1.2. The site encompasses a two-storey dwelling house, a yard to the rear, which is enclosed by single storey outbuildings, and surrounding grounds. This site lies at the south-western end of a laneway, and a private right of way from this laneway continues along the northern and south-western boundaries of the site. (Several farm gates lie within these boundaries). It is of irregular shape, and it extends over an area of 0.35 hectares. The site rises generally in a westerly direction at gentle gradients, with a slight rise to the north, too, causing the north-western corner of the site to be its highest point. The site boundaries are enclosed by hedgerows and agricultural fences.

2.0 Proposed Development

- 2.1. The proposal comprises both items for retention permission and items for planning permission, as indicated on the submitted site layout plan.
- The following items are for retention permission:
 - (a) 2 no. glamping pods (17.4 sqm + 19.82 sqm = 37.22 sqm), 2 no. hot tubs (2 sqm x 2 = 4 sqm), decking areas (55 sqm), and car parking,
 - (b) change of use of outbuilding to toilets and a shower block (27.42 sqm), and
 - (c) extension to existing outbuilding (13.3 sqm) for domestic use.

- The following items are for planning permission:
 - (a) decommissioning of existing septic tank, and
 - (b) installation of new wastewater treatment system and percolation area, connection to existing services, and all associated works.

2.2. The floorspace of the pre-existing buildings on the site, i.e., the dwelling house and original outbuildings is 280 sqm. The floorspace of the items delineated above for retention aggregates to 136.94 sqm, i.e., 123.64 sqm commercial and 13.3 sqm domestic.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 9 no. conditions, including the following ones:

- Condition No. 3 requires sightlines at the access point of 2.4m x 70m,
- Condition No. 4 requires that a sign be erected at the top of the laneway stating, "Yield to oncoming traffic."
- Condition No. 6 requires the submissions of details of bicycle shelters, rainwater harvesting for firefighting and hot tubs, and disposal arrangements for water from the hot tubs.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The case planner addresses the previous reasons for refusal. He states that the proposal will be "functionally dependent on the new cycle path Greenway being provided at Inch Island and also on the proximity of the Wild Atlantic Way."

Accordingly, the principle of the proposal is now accepted.

3.2.2. Other Technical Reports

Donegal County Council:

- Fire Officer: Advises that a regularisation certificate needed for each building, and an adequate water supply for firefighting.
- Building Control: Standard advice.

3.3. Prescribed Bodies

N/a

3.4. Third Party Observations

See grounds of appeal.

4.0 Planning History

Site

UD2248: Enforcement enquiry, enforcement notice served.¹

22/51734: Similar retention proposal to the current retention proposal: Refused on the following grounds:

- Under Policy TOU-P-10 of the CDP, the proposal would provide an ad hoc and unsustainable form of development, the provision of which would constitute an accommodation dominant product with no sustainable or tangible connection to an existing or proposed resource related activity-based tourism product, and as such it would be contrary to this Policy.
- Under TOU-P-20 of the CDP, the proposal would fail to achieve a high standard tourism product, and so it would represent a poor precedent. It would, due to noise nuisance, adversely affect residential amenity, and if repeated it would, cumulatively, be detrimental to its scenic landscape.
- Intensification in the use of the access off the local road has arisen without any demonstration of the adequacy of the accompanying sightlines.
- Lack of information with respect to appropriate assessment.

¹ Appellant (a) provides some information on this enforcement notice, which I cite in Paragraph 7.2 of my assessment.

Pre-application consultation was held on 28th April 2023.

To the south of the site

23/50165: Change of use of part of existing farm machinery shed/workshop to create a pet crematorium with incinerator and all associated site development works:

Permitted on 10th May 2023, subsequent third-party appeal (ABP-317081-23) was declared to be invalid.

5.0 Policy Context

5.1. Development Plan

Under Map 7.1.1 of the Donegal County Development Plan 2018 – 2024 (CDP), the site is shown as lying within an area of high scenic amenity. Natural Heritage Policy 7 states that “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.”

Chapter 9 of the CDP addresses tourism. The following objective and policies are of relevance to the current proposal:

TOU-O-14: To facilitate new tourism accommodation in a manner which sustainably protects and harnesses the tourism resource on which it depends.

TOU-P-4: It is a policy of the Council to facilitate the development of ancillary tourism attractions (e.g. restaurants, cafes, bars, and tourist accommodation) in a manner consistent with the brand identity of the Wild Atlantic Way and other similar initiatives and in accordance with the policies of this Plan.

TOU-P-19: It is a policy of the Council to consider development proposals for exclusively camping sites including high quality, low density, ‘Glamping’ type accommodation units in both urban and rural areas excluding areas of Especially High Scenic Amenity where they comply with the following criteria:

♣ The development provides suitable toilet/shower facilities.

♣ The specific criteria set out in the Tourism Development General Criteria Policy (TOU-P-20 refers).

♣ *The location siting and design of the development generally accords with the Caravan and Camping Parks Registration and Renewal of Registration Regulations, 2009 or any subsequent related regulations.*

TOU-P-20: *It is a policy of the Council that all development proposals for the creation of new, or the extension of existing Tourist Developments (including Resource Related/Activity based Tourism Product Developments, Campervan/Motorhomes and Touring Caravan Stopover Sites, Hotels, Guest Houses, Tourism Hostels, Holiday Resorts, Mobile Homes/Static Caravan Parks, Camping Sites, and other Tourist Related Developments) shall comply with the following criteria:*

- a) The location, siting and design of the development (including associated infrastructure and landscaping arrangements) is of a high quality, integrates successfully with, and does not, either individually or in combination with existing and permitted developments, have an adverse impact on; the scenic quality, visual amenity, rural character, streetscape, vernacular character or built environment of the area.*
- b) The development is not located within sensitive/fragile physical environments (e.g. sand dunes, machairs, etc.), and provides adequate means of protection of such environments by means of fencing and the provision of raised/fenced walkways across beach and sand dune areas.*
- c) The development is significantly setback from, and adequately screened from, coastlines, shorelines and riverbanks.*
- d) The development will not detract from the visual setting of the coastline or be visually obtrusive from key points along the coastline.*
- e) Appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;*
- f) It will not have a significant impact on adjacent residential amenities.*
- g) There is an adequate means of water supply.*
- h) There is existing or imminent programmed capacity in the public wastewater infrastructure for developments within urban areas or suitable on-site effluent treatment facilities to EPA standards can be provided in rural areas.*
- i) The development will not cause a traffic hazard, and the existing road network can safely handle any extra vehicular traffic generated by the proposed development.*

- j) Adequate parking provision, access, and manoeuvring arrangements (including for touring coaches and motorhomes), and servicing areas are provided in line with best practice, and the technical standards and policies of this plan.*
- k) The layout of the development provides for a high level of, and prioritises, pedestrian permeability and access.*
- l) The development does not create a noise nuisance and will not cause any significant environmental emissions.*
- m) The development will not have an adverse impact on the built, scenic, or natural heritage of the area including structures on the RPS/NIAH and Natura 2000 sites;*
- n) The development is not located in an area at flood risk and/or will not cause or exacerbate flooding;*
- o) The development will not compromise the water quality of water bodies with River Basin Districts designated under the Water Framework Directive or hinder the programme of measures contained within any associated River Basin Management Plan.*

The case planner also cites the following policy:

TOU-P-10: *It is a policy of the Council to consider development proposals for resource related/activity based tourism product developments (e.g. developments related to walking, cycling, horse riding, fishing/angling, watersports, outdoor pursuits, craft/cultural centres etc) throughout the county except within Areas of Especially High Scenic Amenity, where it is demonstrated that a) the core of the proposal is based on a demonstrable tourism product, b) said product is functionally dependent on the resource which is being harnessed or is activity based and c) the development has wider economic benefits for the community. In considering such proposals the planning authority may permit:*

- ♣ On-site accommodation units which are; retained within the same ownership as, designed as accommodation units for, and rented on a short term basis (1 month maximum) in conjunction with, the tourism business providing the tourism product.*
- ♣ A small retailing element which is ancillary to and functionally dependent on the core tourism product (e.g. gift shop, equipment shop).*
- ♣ A small cafe/restaurant which is ancillary to and functionally dependent on the core tourism product.*

5.2. Natural Heritage Designations

- Lough Swilly SAC (002287)
- Lough Swilly including Big Isle, Blanket Nook and Inch Lake pNHA (000166)
- Lough Swilly SPA (004075)

5.3. EIA Screening

See the EIA pre-screening exercise in the appendix to my report.

6.0 The Appeal

6.1. Grounds of Appeal

(a) Charley McDaid

The application for retention permission fails to adequately address the development that has occurred. This development has changed a farmhouse and outbuildings into an accommodation dominant business, and it has resulted in the following issues:

- Noise and traffic movements adversely affect residential amenity.
- The laneway has no footpath, lighting or passing bays. Vision lines are unachievable, and it needs to be gated to control livestock.
- The site is not connected to the public water mains. Reliance upon a private well is unsatisfactory, as it does not have the capacity to supply the subject commercial use. Rainwater harvesting would be inadequate to supplement this well.
- The limited water supply and the unsuitability of the laneway to accommodate emergency vehicles means that the use poses a fire hazard.
- Insufficient car parking spaces are provided.
- The site is remote from local shops and services.
- The development has resulted in the clearance of trees and hedgerows and so it has eroded wildlife habitat. It also maybe having a significant effect on nearby European Sites.

Photographs and copies of relevant information have been submitted in support of these grounds of appeal.

(b) Cathal McDaid

The application for retention permission fails to adequately address the development that has occurred. This development has changed a farmhouse and outbuildings into commercial tourism accommodation for over 20 people. Additionally, bell tents are available to accommodate larger numbers again. The applicants also advertise the site for events, e.g., weddings and parties. It is neither a tourism product nor related to a tourism product.

The appellant's main concerns are as follows:

- The site is over developed, and its use creates a noise nuisance.
- Difficulties posed for emergency vehicle access.
- The water supply is inadequate.
- Difficulties posed with respect to vehicle access and turning – no disabled facilities.
- Public health and wildlife impacts stemming from habit loss, the discharge of water from hot tubs into watercourses, and the seepage of sewage. The adequacy of the proposed WWTS is questioned.
- Public safety issues arising from the right of way through the site, which is exercised by a local farmer operating machinery or herding livestock.
- A landslide, which adversely affected the property in July 2023, could happen again.

Photographs and copies of relevant information have been submitted in support of these grounds of appeal.

6.2. Applicant Response

The applicants' response was received outside the statutory time period, and so it was returned to them.

6.3. **Planning Authority Response**

The PA considers that the grounds of appeal were addressed by the case planner's report, except for the reference to the use of land as a camping site. Attention is drawn to exempted development rights in this respect, and the view is expressed that the erection of tents "may be more of a rare occurrence as opposed to a regular feature of the site." The Board is invited to attach a prohibitive or limiting condition to any grant of permission.

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. I have reviewed the proposal in the light of the County Donegal Development Plan 2018 – 2024 (CDP), relevant planning history, the submissions of the parties and the observer, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Description of the proposal,
- (ii) Planning history and Development Plan policy,
- (iii) Amenity,
- (iv) Access and parking,
- (v) Water, and
- (vi) Appropriate Assessment.

(i) Description of the proposal

7.2. The description of the proposal and the submitted site layout plan, implicitly and explicitly, make clear that the farmhouse and the original outbuildings are "not part of this application". The appellants state that these buildings, too, are in use for the

provision of commercial tourism accommodation, e.g., one of the outbuildings functions as a “public house” for the use of those staying on the site, and the farmhouse is available for short-term rental.

- Appellant (a) in his letter of objection to the application, which is appended to his grounds of appeal, draws attention to enforcement notice UD2248, which refers to a change of use of outbuildings to a recording studio², a bar, and a kitchen. It also refers to a change of use of lands to a campsite. The appellant draws attention to the absence of these new uses from the current application for retention permission.
- Appellant (b) refers to publicity that offers the site as a venue for weddings and parties, which could use the yard and the outbuildings that enclose it. He also states that additional tent accommodation is available.

The appellants have submitted hard copies of information available on social media sites that support their above cited claims. Where dated, this information is from 2019 and 2020.

- 7.3. The applicants have submitted a document entitled “Glack House”, which sets out the background to their project and their approach. This document only presents the 2 no. glamping pods as the accommodation available on-site for rental. However, an extract from social media embedded in it invites readers to “rent our cabins, the main house or the entire property”. The applicants have also submitted a “Planning Report”, which in response to CDP Policy TOU-P-19(I), states that “No hen or stag parties will be facilitated”, and which refers to the need for patrons to comply with a “Customer Management Plan”. A copy of this document has been submitted. It states, amongst other things, that only registered guests are permitted on the property at any time, and the applicant (Keith’s) father, who resides 2-minutes drivetime away, is available “to assist guests with last minute items or if there are any maintenance issues that arise.”
- 7.4. The case planner’s report refers to the exemption under Article 10(4) of the Planning and Development Regulations, 2001 (as amended), which permits the use of up to four bedrooms as guest accommodation, the implication being that this may be

² The website www.thebarnstudiosireland.com accessed on 28/03/24 is of relevance, as it illustrates the inter-related nature of the recording studio with other facilities on site.

relevant to the farmhouse. At the appeal stage, the PA expresses the view that the use of tents is infrequent, and it invites the Board to address this matter, potentially, by removing the exemption under Class 1 of Part 3 of Schedule 2 to Article 6 of the aforementioned Regulations, which allows for limited camping.

- 7.5. I note that the applicants have not indicated that anyone resides in the farmhouse who supervises the tourism use of the site, and they have not indicated that anyone else resides in it. The only information before me as to the use of the farmhouse is that it is available for short term rental. I note, too, that the applicants' "Planning Report" is silent on other events that may be held on the site, e.g., weddings and concerts. In these circumstances, the appellants concern that the application for retention permission is insufficiently comprehensive appears justified.
- 7.6. I consider that the planning unit is the site, and so, insofar as there has been a *prima facie* material change of use from a dwelling house and agricultural outbuildings to a commercial use in the existing buildings, i.e., tourist accommodation/venue/recording studio, this needs to be the subject of retention permission, along with the "new build" items that are the subject of the current application. I, therefore, consider that the exclusion of the farmhouse and the original outbuildings from the current application appears to represent project splitting, which fails to recognise that within the planning unit the material change of use that has occurred constitutes a single commercial project. Accordingly, while the current application puts forward the "new build" items for assessment, the impacts arising from these items do not fully represent the overall tourism use of the site. I, therefore, consider that, as an application for retention permission, it is inadequate.
- 7.7. Notwithstanding the foregoing paragraph, I will proceed to assess the application as submitted, so that, if the Board takes a contrary view on this application to the one that I have expressed, it will have before it my advice on the same.
- 7.8. I conclude that the application as submitted is inadequate, as it fails to encompass the entirety of the commercial use that now pertains to the site.

(ii) Planning history and Development Plan policy

- 7.9. The current application was preceded by application 22/51734 for a similar proposal, which was refused retention permission. The first reason for refusal related to the CDP's Policy TOU-P-10 on resource related/activity-based tourism product

developments. It stated that this proposal would provide for “an ad hoc and unsustainable form of development that provides for an accommodation dominant product with no sustainable or tangible connection to an existing or proposed resource related activity-based tourism product.”

- 7.10. Under the current application, the applicants have sought to overcome this reason for refusal. They cite the Greenway Project Cycle Route, which passes Inch, and they envisage cyclists availing of their overnight accommodation. The case planner’s report also refers in this respect to the proximity of the Wild Atlantic Way (WAW).
- 7.11. I note that the cited Greenway Project Cycle Route is listed on Table 9.1 of the CDP as a potential greenway development between Buncrana and Derry. This development would form part of an overall greenway that is envisaged as eventually running around the Inishowen Peninsula. Locally, it would follow a route between Bridgend and Buncrana, which at its nearest point would be c. 3km from the site. I note, too, that at the car park to the Inch Levels to the south of the causeway used by vehicular traffic is a discovery point on the WAW, again c. 3km from the site. Also, a circular public footpath and cycle route runs around Inch Levels, which is a wildfowl sanctuary that forms part of Lough Swilly SPA.
- 7.12. I am not persuaded of the relevance of Policy TOU-P-10, as the proposal is not for a resource related/activity-based tourism product. However, Objective TOU-O-14 does envisage that new tourism accommodation will sustainably protect and harness the tourism resource on which it depends, and Policy TOU-P-4 envisages that ancillary tourism accommodation will be developed “in a manner consistent with the brand identity of the WAW”. I understand the word “ancillary” to refer here to the tourism product, i.e., the WAW.
- 7.13. I consider that the relative proximity of the proposal to the WAW and its future proximity to the proposed Bridgend to Buncrana Greenway would ensure that it has/will have a relationship with these tourism products with respect to the convenient provision of overnight accommodation.
- 7.14. Policy TOU-P-19 explicitly refers to “Glamping” type accommodation units, and it sets out criteria for the assessment of such units, i.e., the provision of suitable toilet/shower facilities, and compliance with both Policy TOU-P-20 and the Caravan and Camping Parks Registration and Renewal of Registration Regulations 2009. The

first criterion is met, and the applicants state in their Planning Report, that the third criterion will be met. The provisions of Policy TOU-P-20 are discussed elsewhere in my report.

7.15. I conclude that there is no policy-derived, in-principle objection to the proposal.

(iii) Amenity

7.16. The pre-development buildings on the site comprised a two-storey farmhouse with a yard to the rear that is enclosed by single storey outbuildings. Under the proposal, these outbuildings have been extended to “fill-in” the area adjacent to the southern gabled side elevation of the farmhouse, a roofed-over deck has been installed on the southern side of the outbuildings, and a further deck has been installed in front of the farmhouse. Two glamping pods and two hot tubs have also been installed. One glamping pod, the “A-frame”, is sited to the west of the outbuildings and the other, the Snug, is sited to the south of the roofed-over deck. One hot tub is sited adjacent to this deck, and the other is sited adjacent to the front deck.

7.17. The new outbuilding follows the form, design, and finishes of the row of pre-development outbuildings to which it is attached. The decks, glamping pods, and hot tubs are of timber or timber and corrugated sheeting finishes. They are all ancillary in scale to the pre-development buildings, and of either sympathetic or novel design. No adverse landscape impact or visual amenity issues arise.

7.18. The appellants cite noise nuisance as an amenity issue for local residents. This arises from the over-development of the site, and traffic generation. The applicants have submitted a “Glack House Customer Management” statement, which sets out “house rules” for the site. Several of these would have a bearing on noise nuisance, e.g., the outdoor speaker system is fixed at a low dB level, and use of the communal bar and outdoor barbeque area is restricted to before 10pm. (I understand the communal bar to be in one of the existing outbuildings, which is specifically excluded from the current application, and I understand the communal barbeque area to be the roofed-over deck). The rules also relate to outdoor lighting, which is activated by sensors and controlled by timers. They further restrict use of the site to registered guests, and, while there is no on-site supervision, the applicant’s (Keith’s) father resides 2 minutes drivetime away and is on call to assist guests and deal with any maintenance issues.

- 7.19. Under the submitted application, the potential for noise nuisance would arise from guests staying in the glamping pods, i.e., in and around 4 no. guests. Given the rules set out in the above cited statement, a basis exists for curtailing noise nuisance at anti-social hours. While their enforcement would benefit from on-site supervision, the numbers of guests involved would be unlikely to create a noise nuisance. Likewise, traffic generation would be limited.
- 7.20. I conclude that, on the basis of the submitted application only, the proposal would be compatible with the visual and residential amenities of the area.

(iv) Access and parking

- 7.21. The access to the site is by means of a lane, which is accessed off the L-7491-1, the local road that serves the northern half of Inch. This lane meets this road at a diagonal, and so it forms acute and obtuse angles with the same. A farm gate exists across it in a recessed position with respect to the local road. The lane is unsurfaced, of single car width, and without passing places. In plan-view it is of dog-leg alignment, and so it is not possible to see along its length from its top, adjacent to the farmhouse, or its bottom, adjoining the local road.
- 7.22. The applicants have not submitted a plan showing the available sightlines at the egress point to the local road. They have not submitted a traffic survey to ascertain vehicular speeds. During my site visit, I observed that, due to a bend in the road, the north-western sightline is of restricted length. The case planner states that a “y” distance of 70m is available and is satisfactory. Under Table 3 of Appendix 3 to the CDP, this length would correspond to a speed of 50 kmph. Given the 80 kmph speed limit on the local road and in the absence of evidence to the contrary, a speed of 50 kmph may be unrealistically low. The south-eastern sightline would be satisfactory, provided the roadside verge is kept trimmed.
- 7.23. The above cited description of the lane militates against its safe use, i.e., if two vehicles meet heading in opposite directions then a reversing manoeuvre is necessitated. Condition No. 4 attached to the PA’s permission requires that a sign be erected at the top of the laneway stating, “Yield to oncoming traffic.” Such a sign would establish priorities, but it would not overcome the issue of visibility.
- 7.24. Under application 22/51734, the third reason for refusal of retention permission, stated that an intensification of use of the access point to the lane was occurring,

and so, in the absence of information on appropriate sightlines, such usage posed a traffic hazard. Under the current application, the case planner contends that the 2 no. glamping pods have not necessarily led to an intensification of use. He refers to the historic traffic generated by the farmhouse, and how the exemption afforded under Article 10(4) of the Planning and Development Regulations, 2001 (as amended), could have been used to provide up to 4 no. guest bedrooms.

- 7.25. I consider that the case planner's citation of Article 10(4) is mis-placed. The baseline use of the farmhouse is that of a single dwelling. As discussed under the first heading of my assessment, this farmhouse may be being used to provide guest accommodation, only the applicants have been unforthcoming about this in the description of their proposal. Thus, under the narrow focus of the current application, the baseline is that of a single dwelling. Consequently, the inclusion on the site of 2 no. glamping pods does generate additional vehicular traffic, as well as, potentially, bicycle traffic, and so an intensification of use is occurring.
- 7.26. The submitted site plan shows a parking area largely on the northern sides of the farmhouse and rear yard. This area is gravelled "on the ground". The plan shows scope for parking 4 no. cars, while ensuring that they are capable of being manoeuvred independently of one another. It also shows the parking arrangements as being clear of the private right of way along the corresponding northern boundary of the site.
- 7.27. Beyond vehicular use, the lane would be inherently hazardous to pedestrians, as it would be without a footpath and, where grass verges are flat, they are narrow. Under the proposal, an existing open-fronted shed in the north-western corner of the yard is identified for use as a bicycle shelter. Details of how this shed would be reconfigured for such usage have not been submitted, but, if the Board is minded to grant, they could be conditioned.
- 7.28. I conclude that the applicant has not established that either the access point to the lane or the lane itself would be capable of accommodating the additional traffic generated by the 2 no. glamping pods without adding to the traffic hazard posed by the historic use of this access point and lane.

(v) Water

- 7.29. The applicants state that water would be supplied from a private well, and “water usage will not be increased any more than a standard home use.” The appellants state that the private well in question is located on appellant (a)’s land and it serves 5 no. dwellings. They report that, since the commercial use of the site commenced, this well has been under “huge strain”. They also state that there is connection to the site from the public water mains, and they express incomprehension over why it is not used. Irish Water was consulted, but no response was received by the PA.
- 7.30. The applicants propose to install rainwater harvesting barrels beside each of the glamping pods and at the northern end of the western row of outbuildings. The rainwater thus harvested would be used in the hot tubs and for gardening, thereby easing pressure on water demand from the well.
- 7.31. Under criterion (g) of the CDP’s Policy TOU-P-20, tourism developments are required to be served by “an adequate means of water supply.” The PA considered that essentially the question of supply from the private well was a civil matter, and it noted the availability of an alternative supply from the public water mains and the applicants’ rainwater harvesting proposal.
- 7.32. Insofar as the current application simply addresses water usage arising from the 2 no. glamping pods and the 2 no. hot tubs, I consider that the applicants’ contention that this would resemble that of a “standard home” is plausible.
- 7.33. Apart from the aforementioned rainwater harvesting arrangements cited above, the applicants also propose to augment the existing stormwater drainage arrangements on the site by installing both an interceptor drain around the proposed new percolation area in the front garden to the farmhouse and a drain from the northern elevation of the farmhouse. Both of these drains would discharge to the existing sheugh, which accompanies the northern boundary to the site (cf. drawing no. PCE4223/001 submitted under Appendix 1 to the Site Suitability Assessment Report). A further sheugh accompanies the southern boundary to the site.
- 7.34. While the OPW’s flood maps do not show the site as being the subject of any formally identified flood risk, the appellants draw attention to a landslide that adversely affected the site in July 2023. Given the site’s location on a hillside and the weather pattern of increasingly heavy downpours, I recognise the inherent risk of

further landslides in the future. I consider that the proposal itself does not heighten this risk, but, insofar as it attracts guests onto the site, they would be exposed to this risk.

7.35. Under the proposal, the existing septic tank on the site would be replaced with a new wastewater treatment system (WWTS), which would be sited in the front garden to the farmhouse. The applicants have submitted a Site Suitability Assessment Report for their proposed WWTS. I will draw upon this Report in my assessment of the site below.

- The aquifer is poor and of extreme vulnerability. The groundwater protection response is R21. Appendix E of the EPA's CoP DWWTs states that this response is "Acceptable subject to normal good practice."
- Local groundwater is assumed to flow in a north-easterly direction.
- The trial hole was dug to a depth of 2.1m in mid-May 2023. Between ground level and a depth of 0.5m gravelly sandy silt/clay was encountered. Between 0.5m and 2.1m further gravelly sandy silt/clay was encountered. The water table was detected at a depth of 1.1m.
- The "T" (sub-surface/depth of 900mm) tests yielded a result of 38.92 min/25mm. "P" tests were not undertaken. This "T" test result indicates that the site would be suitable for a secondary or a tertiary WWTS, the site assessor concludes that only the latter should be considered.

7.36. In Appendix 1 to the Site Suitability Assessment Report, a site section through the proposed WWTS (drawing no. PCE4223/002) shows the design of the tertiary treatment system as entailing the installation of the infiltration layer above a 600mm depth of imported soil with a "T" value between 3 and 20, which in turn would be above a 200mm depth of pea gravel.

7.37. The WWTS is designed for 8 PE, i.e., 3 PE arising from the 2 no. glamping pods, and 5 PE arising from the three-bed farmhouse. As discussed under the first heading of my assessment, the proposal does not otherwise relate to the farmhouse.

7.38. In the light of my discussion of the current application under the first heading of my assessment, and, also, in the light of the above discussion of the proposed WWTS, I have considered whether to recommend a split decision. While I recognise the

benefit that would ensue from this WWTS rather than the retention of the existing septic tank system, I have decided, on balance, against recommending that it be permitted, on the basis that until the full extent of the commercial use of the site is disclosed and assessed, it is not possible to know if its specification would be adequate. To permit it now would risk the installation of a WWTS which may not be of sufficient size.

- 7.39. I conclude that, on the basis of the submitted application only, the proposal would be served by an adequate water supply, and it would be served by a WWTS of an appropriate specification and functionality. Stormwater on the site would be handled satisfactorily.

(vi) Appropriate Assessment

- 7.40. The site is located on Inch Island. The waters around this Island are designated as European Sites, i.e., Lough Swilly SAC (002287) and Lough Swilly (004075). At the nearest point, these European Sites are c. 1.1km away from the application site.
- 7.41. The proposal seeks retention permission for (a) 2 no. glamping pods, 2 no. hot tubs, decking areas, and car parking, (b) change of use of outbuilding to toilets and a shower block, and (c) extension to existing outbuilding for domestic use, and planning permission for (a) decommissioning of existing septic tank, and (b) installation of new wastewater treatment system and percolation area, connection to existing services, and all associated works.
- 7.42. I am not aware of any hydrological link between the site and the cited European Sites. Given the scale of the proposal, as submitted, I do not consider that any appropriate assessment issues would arise.
- 7.43. Having regard to the nature, scale, and location of the proposal, the nature of the receiving environment, and the proximity to the nearest European Site, it is concluded that no appropriate assessment issues arise as the proposal would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

That permission be refused.

9.0 Reasons and Considerations

It is considered that the applicants have failed to apply for retention permission for every aspect of the commercial use within the site. As this use is a composite and inter-related use within the single planning unit of the site, the application thus submitted represents “project splitting”, which effectively prevents a full assessment of the commercial use. In these circumstances, to grant retention permission to the application as submitted would be premature, as it would be based on an assessment of only certain aspects of the overall commercial use. Such retention permission would be contrary to 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.

Hugh D. Morrison
Planning Inspector

3rd April 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318034-23			
Proposed Development Summary	Retention permission for (a) 2 no. glamping pods, 2 no. hot tubs, decking areas, and car parking, (b) change of use of outbuilding to toilets and a shower block, and (c) extension to existing outbuilding for domestic use. Planning permission for (a) decommissioning of existing septic tank, and (b) installation of new wastewater treatment system and percolation area, connection to existing services, and all associated works.			
Development Address	Glack or Bohullion, Inch, 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		
		No	x	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class.....	EIA Mandatory EIAR required	
No			Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes		Class/Threshold.....		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____