



An
Bord
Pleanála

Inspector's Report ABP-321788-25

Development

RETENTION: Two eco pods, extensions to two outbuildings, change of use of an outbuilding lounge from domestic to guest use, change of use of outbuilding utility room to kitchenette for guest use, covered canopy guest seating area, partial reinstatement of shed roof in domestic yard and all associated works.

Location

Glack or Bohullion, Inch, Lifford PO, Co. Donegal.

Planning Authority

Donegal County Council

Planning Authority Reg. Ref.

2461894

Applicant(s)

Keith & Kelsey Harkin.

Type of Application

Retention Permission and Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Charles Mc Daid

Cathal and Francesca Mc Daid

Observer(s)

None

Date of Site Inspection

27th March 2025.

Inspector

Alan Di Lucia

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1.0 Site Location and Description

- 1.1. The site is located in the townland of Glack or Bohullion on Inch Island Co. Donegal. The nearest settlements are located 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. It is accessed from the north-east off the L-7491-1. 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 the access point to the laneway leading to the site. To the south-east of the site lies a further cluster of farm-type buildings, dwelling houses and a pet crematorium.
- 1.2. The site area is 0.35 hectares and encompasses a two-storey farmhouse, 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. The site rises generally in a westerly direction at gentle gradients, with a slight rise to the north. The site boundaries are enclosed by trees, hedgerows and agricultural fences.

2.0 Proposed Development

- 2.1. The development proposal comprises both items for retention permission and items for planning permission.

The following items are for retention permission:

- 2 no. Eco Pods
- Extension to Outbuilding for a guest toilet and washroom
- Extension to Outbuilding for a domestic tool shed
- Change of use of outbuilding utility room to kitchenette for guest use
- Covered Canopy Guest Seating Area
- Partial reinstatement of shed roof in domestic yard
- Pathway, decking and signage

The following items are for planning permission:

- decommissioning of existing septic tank, and
- installation of new wastewater treatment system and percolation area, connection to existing services, and all associated works.
- Guest parking for three cars
- Bike Shed
- Rainwater harvesting infrastructure and tanks.

2.2. A planning statement included as part of the planning application states that the existing domestic uses on site relate to the farmhouse, which is the principal place of residence of the applicants, two outbuildings, a courtyard and garden. The applicants make the property available for occasional letting when they are not present. These elements are not part of the planning application. The single storey extension to the tool shed and the reinstatement of the roof to an enclosed yard located to rear of farmhouse require planning retention.

2.3. The commercial uses all require planning retention, consisting of a domestic lounge and communal room and the change of use of the utility room to a kitchenette all within outbuilding no. 2. Two eco-pods with floor areas of 17.4m² and 19.82m² offering guest accommodation.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a notification of the decision to grant planning permission subject to eight conditions.

Conditions of note include:

- Cond 2: No extension shall be constructed to the existing house without planning permission.
- Cond 3: sight lines at access point of 2.4m x 70m
- Cond 4: sign to be erected at top of laneway, stating 'Yield to oncoming traffic'

- Condition No. 6 requires the submission of details for the bicycle shelter and rainwater harvesting
- Condition No.8 Donegal County Council Development Contribution Scheme Applies.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report had regard to the following planning issues.

- Principle of Development, assessed against the relevant policies of the County Donegal Development Plan 2024-2030 (CDDP)
- The previous reasons to refuse planning permissions at this location
- Siting and Design
- Access and Traffic Safety
- Public health in terms of wastewater treatment and water supply. Satisfied with proposal design capacity for 8 persons, and conditions that house cannot be extended to ensure capacity is maintained. Notes that the issue of water supply is a civil matter between members of scheme availing of water from the well, and if obligated to use public mains that same shall be available for such purpose.
- Did not consider that Appropriate Assessment was required.

3.2.2. Other Technical Reports

- Building Control Section: No Objection subject to conditions
- Fire Service: No Objection subject to conditions
- Roads Engineer: No Objection subject to standard roads conditions.

3.3. Prescribed Bodies

- Health Service Executive: Detailed Specifications Relating to Wastewater Treatment System in compliance with EPA Code of Practice

3.4. Third Party Observations

Three third party observations received by the planning authority which related to the following issues:

- Inaccurate information on the application form.
- Site Flooded in 2023
- Issues with water supply from well
- Access
- Fire water supply
- Wastewater Issues.
- Applicants not living at location.

4.0 Planning History

Subject Site

PA Ref: 22/51734

Permission to retain 1) 2 Glamping pods, 2 hot tubs decking areas and car parking, 2) Change use of outbuilding to shower block and toilets, 3) extension to existing outbuilding for domestic use and connection to existing services.

Refused permission for four reasons relating to the following:

- Contrary to County Donegal Development Plan 2018-2024 as it presents an ad-hoc and unsustainable form of development that provides for an accommodation dominant product with no tangible connection to an existing or proposed resource related active based tourism product.
- Fails to achieve a high-quality tourism product that would result in a poor precedent in terms of accommodation offer for tourism, would be injurious to adjoining residential amenities, would create noise nuisance, laneway not adequate for increased traffic, or that the existing services can facilitate such a development and would materially contravene the development plan.

- Intensifies the existing access and traffic arrangements which would endanger public safety by reason of traffic hazard.
- Based on the information submitted the PA not satisfied that the proposed development would not have a significant effect on the integrity of Natura 2000 sites.

PA Reference 23/51000 (ABP Ref: ABP-318034-23)

Permission to retain 1) 2 Glamping pods, 2 hot tubs decking areas and car parking, 2) Change use of outbuilding to shower block and toilets, 3) extension to existing outbuilding for domestic use and connection to existing services. 4) Decommissioning and installing new wastewater treatment system.

PA Granted permission which was refused on appeal by the Board for the following reason:

‘On the basis of the information submitted with the application and appeal and having regard to the Section 132 notice dated 27th day June 2024 sent to the applicant to which no response was received, the Board cannot be satisfied that all established uses and activities on site which do not form part of the application are sufficiently described and documented. The works area are a composite and interrelated to other structures and uses within the single planning unit, it is considered that a full assessment of the commercial use of the application is not possible. In these circumstances, to grant retention permission would be inappropriate, as it would be based on an assessment of only certain aspects of an overall commercial use and which may contain elements, the authorised status of which is not certain. Therefore, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.’

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 within an area designated as ‘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.

- 5.1.3. Policy L-P-2 states that it is the policy to “protect areas identified as ‘High Scenic Amenity’ and “*Moderate Scenic Amenity’ on Map 11.1 ‘Scenic Amenity’*. *Within these areas, only development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered, subject to compliance with other relevant policies of the Plan*”
- 5.1.4. Chapter 10 of the DCCP addresses tourism. The following policies and objectives are of relevance to the appeal.
- 5.1.5. TOU-P-6 states that “a). *the principle of the acceptability or otherwise of proposals for standalone tourism-related accommodation developments shall be determined in accordance with the following table: and b) such developments shall generally only be acceptable where they can demonstrate compliance with the specific requirements identified in the last column of the table below and the detailed criteria set out in Policy TOU-P-8 and other relevant policies of the Plan*

The relevant sections of table 10.2 as they apply to the appeal site:

- Development of accommodation involving refurbishment / renovation of an existing building is acceptable in rural areas.
 - Development of accommodation of new glamping pods are acceptable in rural areas up to an aggregate maximum of 10 units.
 - Glamping defined as “*Glamorous camping in the form of small-scale units (maximum 15 sq.m.) that provide for sleeping and resting, and where wc/showering facilities are provided in on-site communal facilities only.*”
- 5.1.6. TOU-P-8 states “*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. That there are no significant impacts on designated habitats such as Natura 2000 sites and designated Nature Reserves.*
- c. The development does not negatively affect sensitive natural environments.*
- d. The development is significantly set back from, and adequately screened from, coastlines, shorelines and riverbanks.*
- e. The development will not detract from the visual setting of the coastline or be visually obtrusive from key points along the coastline.*
- f. Appropriate boundary treatment, landscaping and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view.*
- g. The development will not significantly impact on existing residential amenities.*
- h. There is an adequate means of water supply.*
- i. There is existing 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.*
- j. 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.*
- k. Adequate parking provision, access and maneuvering arrangements (including for touring coaches and motorhomes), and servicing areas are provided in accordance with road safety standards, and the technical standards and policies of this Plan.*
- l. The layout of the development provides for a high level of, and prioritises, pedestrian permeability and access.*

m. The development does not create a noise nuisance and will not cause any significant environmental emissions.

n. 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 designated habitats such as Natura 2000 sites and designated Nature Reserves.

o. The development is not located in an area at flood risk and/or will not cause or exacerbate flooding.

p. The development will not compromise the water quality of water bodies within River Basin Districts designated under the Water Framework Directive or hinder the programme of measures contained within any associated River Basin Management Plan.”

5.2. Natural Heritage Designations

The following European Sites are located within the vicinity of the appeal site

| Site Code | Site Name | Distance (Approx.) |
|-----------|--|--------------------|
| 002287 | Lough Swilly SAC | 1.2 km |
| 004075 | Lough Swilly SPA | 1.2 km |
| 000166 | Lough Swilly including Big Isle, Blanket Nook and Inch Lake pNHA | 1.2 km |

5.3. EIA Screening

The subject development does not fall within a class for which EIAR is required. (See Form 1 appended to this report)

6.0 The Appeal

6.1. Grounds of Appeal

(a) Charles Mc Daid

The main points of objection which were made to the Planning Authority are the grounds of appeal and relate to the following:

- Access / Traffic Safety / Pedestrian Safety
- Insufficient Parking Provisions
- Water Supply
- Fire Safety and Access for Emergency Vehicles
- Wastewater Treatment System unfit for purpose
- Farmhouse – dwelling is let out all year round, the applicants do not reside at this property
- Applicants understating the true activities and numbers of guests that book this entire premises.
- A landslide affected this property in 2023, these lands are worked regularly, and the area is prone to this. It was so significant that it flowed through the property, down the lane to main road

The above points are discussed in depth in their submission to Donegal County Council. Included with the appeal are printed pages taken from the Internet advertising the property.

(b) Cathal and Francesca Mc Daid.

Second time to submit an appeal to the Board and feel that a full and proper assessment was not undertaken by the planning authority. The appellants claim that the whole property is available for accommodation and that the existing house is not the primary place of residence of the applicants. The submission includes printed pages taken from the internet showing reviews of the whole property throughout the year.

The Appellants grounds of appeal are as follows:

- It is an inappropriate commercial enterprise seeking to locate in a quiet , highly scenic rural area, with inadequate infrastructure and facilities to cater for guests and is a car dependent venture with no disability facilities.
- The well supplying the domestic water supply is not sufficient for the proposed development, and rainwater harvesting is not considered a suitable alternative.

- The location is not suitable for emergency services accessing and manoeuvring throughout the site and there is no escape route for guests.
- Concerns relating to wildlife in the area, with fires lit on site to burn waste and disposal of waste would be detrimental to the Lough Swilly SAC.
- Activity at the location generates excessive noise.
- No assessment has been undertaken from a flood risk viewpoint in light of the mudslide/landslide in 2023.
- Difficulties posed with respect to access and turning and questions how a condition be imposed for visibility which is not in the control of the applicant to achieve. The submission references the Boards previous report stating that the lane would be sufficient in accommodating the additional traffic generated.
- The adequacy of the proposed Wastewater Treatment System is questioned.

The submission concludes that the applicants have not applied for retention of all activities on site as the uses are interrelated with each other and should be assessed as a single planning unit. There appears to be a downplay of the actual use and prominence of the 'Dwelling' in this overall project. There is no proof on file that the existing dwelling house is the applicant's principal place of residence and concludes that permission should be refused.

6.2. Applicant Response

The representative of the applicant submitted the following in response to the appeal:

- Notes that it is evident from the PA report that a detailed review was undertaken and concluded that the proposal was in accordance with the proper planning and sustainable development of the area.
- Nothing new or relevant arises that has not already been submitted to Donegal County Council/

- Applicants dispute the inaccuracies and misleading claims made by the appellants and request the appellants to refrain from making any accusations and unfounded statements in their submissions to public bodies.
- Points out the existing and ongoing civil dispute between the applicants and appellants, the opposing parties to this dispute share a common boundary and access track which forms part of the planning application.
- They are satisfied that all information necessary to review the planning appeal is available to An Bord Pleanála in the form of submissions made in support of the planning application.
- Respectively request that the decision by Donegal County Council is upheld and planning is confirmed for the appeal site.

6.3. Planning Authority Response

- Donegal County Council wish to rely on the content of the Planner's report dated 6th January 2025 and has no further comment to make.

6.4. Observations

Charles Mc Daid submitted observations in relation to the appeal lodged by Cathal & Francesca Mc Daid States that they confirm applicants do not reside at this location The observations are as follows:

- Agrees with the contents of the submission, and states that applicants do not reside at this location,
- Claims that they own the laneway, and states how can the PA condition aspects not in the control of the applicant.
- The well supplying the property runs dry several times a year since the property was used for commercial activities.
- The Wastewater Treatment System is not fit for purpose or designed with adequate capacity.
- Noise effects residents and wildlife.

7.0 **Assessment**

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

- Project Description
- Principle of Development
- Water Supply
- Wastewater Treatment & Flooding
- Residential Amenity
- Access and Parking.

7.2. **Project Description**

- 7.2.1. The appellants state that this is the second time appealing to the Board and highlights that the development has been hugely understated by the applicants. They claim that the farmhouse is not the applicants primary residence and therefore should not be letting it on Airbnb 12 months a year. The appellant refer to publicity that offers the site for accommodation and as a wedding venue (printouts from internet attached to the appeal documentation).
- 7.2.2. I note that under the previous appeal (Ref. ABP 318034-23) that the Board issued a notice under Section 132 of the Planning and Development Act 2000, as amended requesting the first party applicant to submit information regarding a full description of all established uses on site, which do not form part of the application, including a description of their authorised status. This was considered to enable to Board to determine any interrelationship between the uses subject to the application and other uses/activities on site. The request also included details relating to rainwater harvesting and firefighting capacity. I note that the Board did not receive a response from the applicant and refused permission based on the information submitted with the application and appeal.
- 7.2.3. The applicants submitted a planning statement as part of this planning application, the subject of this appeal, clearly detailing the elements of the site that are domestic

in nature, do not require planning permissions and do not form any part of the planning application. The Planning Statement clearly details the elements both domestic and commercial uses that require retention permission and all other elements of the application that require planning permission.

- 7.2.4. The applicants state that the farmhouse is a domestic four bedroomed dwelling and is their principal place of residence. It is stated that the farmhouse is not used for commercial purposes in a manner requiring planning permission.
- 7.2.5. The applicants state that the use of outbuilding no.1 to the rear of the farmhouse is for storage of personal items and is not accessible to members of the public and is not used for commercial purposes in any manner that would require planning permission.
- 7.2.6. The applicants state that outbuilding no.2 is used as a domestic storeroom, and that this is part of an original and long-established structure that contains three separate rooms. The addition of these rooms are now part of the commercial uses for which planning is required.
- 7.2.7. I am satisfied based on the information provided in the planning statement submitted with the planning application that the farmhouse is the principal place of residence of the applicants and that the outbuilding identified are for domestic use associated with the farmhouse. I consider that planning permission is not required for these elements provided there are no changes to the uses as described in the planning application, that is the farmhouse remains as their principal place of residence and is not used for commercial purposes requiring planning permission and that the outbuildings remain associated with the domestic use of the farmhouse.
- 7.2.8. I am also satisfied based on the information provided that all established uses and activities on site which do form part of the current application, including their authorised status, are sufficiently described and documented in the current application. Therefore, I am of the opinion that the applicants have adequately addressed the previous Board decision to refuse planning permission.

7.3. Principle Of Development.

- 7.3.1. The subject site is located within an area designated as 'High Scenic Amenity' (HSA). Policy L-P-2 states that it is the policy to "protect areas identified as 'High

Scenic Amenity' and "*Moderate Scenic Amenity' on Map 11.1 'Scenic Amenity'.* Within these areas, only development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered, subject to compliance with other relevant policies of the Plan". I am satisfied based on my site inspection that the development proposal which utilises the existing farmyard complex and is set back from the main road and screened by existing trees and hedgerows integrates with the character and amenity of the landscape at this location and therefore, I conclude the development proposal complies with Policy L-P-1 of the CDDP subject to the policies set out in Chapter 10 of the County Development Plan as outlined in Section 5.1 of this report.

7.3.2. Policy TOU-P-6 sets out sets out the principle of acceptability of proposals for tourism related development in accordance with the following criteria:

- Development of accommodation involving refurbishment / renovation of an existing building is acceptable in rural areas.
- Development of accommodation of new glamping pods are acceptable in rural areas up to an aggregate maximum of 10 units.
- Glamping defined as "*Glamorous camping in the form of small-scale units (maximum 15 sq.m.) that provide for sleeping and resting, and where wc/showering facilities are provided in on-site communal facilities only.*"

7.3.3. I am satisfied based on my site inspection that the development proposal involves the refurbishment / renovation of the existing outbuildings associated with the farmhouse for a use associated with guest accommodation which provides both cooking and wc/showering facilities. The development proposal includes the use of to 2 No. glamping pods with floor areas of 17.4m² and 19.82m² which is slightly over the maximum floor area of 15m² specified in Policy T-OU-P 6 of the CDDP, with wc/showering facilities provided in onsite communal facilities. I am satisfied, as there is only two glamping pods nestled into the existing farmyard complex and refurbishing existing buildings for communal facilities, that the overall proposal complies with the requirements of Policy TOU-P-6 of the CDDP, which is also subject to the detailed criteria set out in Policy TOU-P-8 of the CDDP.

7.3.4. Policy TOU-P-8 of the CDDP, sets out the criteria for the assessment of all tourism related projects.

- 7.3.5. TOU-P-8 (a) seeks to ensure that any such tourism accommodation does not have an adverse impact on the scenic quality, visual amenity and rural character of the area. From my site inspection, the development is nestled within the existing farmyard complex, which is set back 200m from the public road network and adequately screened by existing boundary trees and hedgerows. The two glamping pods are sited and located within the cluster of the farmyard complex and are not intrusive on the landscape at this location. Therefore, I conclude that the development proposal would not have an adverse impact on the scenic quality, visual amenity and rural character of the area.
- 7.3.6. TOU-P-8 (b) & (n) seeks to ensure that there are no significant effects on Natura 2000 sites. I carried out an Appropriate Assessment Stage 1 Screening (See Section 8.0 of this report and screening assessment appended to this report) and concluded that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any named European Sites in view of the conservation objectives of these sites.
- 7.3.7. TOU-P-8 (c) seeks to ensure that the development proposal does not negatively affect sensitive natural environments. The Lough Swilly including Big Isle, Blanket Nook and Inch Lake pNHA is 1.2km from the development site. I am satisfied that the separation distance between the subject site and the lack of any ecological connection to the pNHA that the development proposal will not negatively affect this sensitive natural environment.
- 7.3.8. TOU-P-8 (d) & (e) seeks to ensure that the development proposal will not detract from shorelines, coastlines or riverbanks. Based on my site inspection, I am satisfied that the development proposal, which is set back 200m from the public road and not along any coastline, shoreline or river bank, and is adequately screened along all boundaries by mature trees and hedgerows, will not detract from the visual setting of the area or from any coastline vantage points.
- 7.3.9. TOU-P-8 (f) seeks to ensure that the development proposal is adequately screened from public views. Based on my site inspection, I am satisfied that the development proposal, which is set back 200m from the public road and is adequately screened from public view by mature trees and hedgerows.
- 7.3.10. TOU-P-8 (g) to (p) will be assessed in Sections 7.4 to 7.7 of this report

7.3.11. In conclusion, based the above assessment and a site inspection, I am satisfied that the development proposal is acceptable in principle subject to the assessments below.

7.4. Water Supply.

7.4.1. The applicants state that water is supplied via a private well and that water usage will not be increased any more that a standard home use. Rainwater harvesting systems will be in place to facilitate additional water usage at the property. It is stated that rainwater harvesting will reduce water consumption, reduce reliance of water usage generally, and reduce reliance on water from the well. This storage of water can be used as required, including use as fire safety reserve.

7.4.2. The PA report notes that the Applicants are proposing to install rainwater harvesting to reduce water consumption and on that basis, the issue of water supply is considered to be a civil matter between the members of the scheme availing of a water supply from the well. The PA report notes that there is a public water supply main available to the applicants.

7.4.3. I note that the location of the well from which the water supply is taken from is not indicated on the maps submitted with the application. The appellants claim that the location is on their lands. I concur the PA in terms of the principle of providing a water supply from the well is a civil matter, however I am not satisfied based on the information provided that in the event that the that the applicant cannot utilise the well as a water supply that a public water supply would be available at this location.

7.4.4. I also note that there are no details regarding the quantity of water available for the overall development from the existing well. The applicants are proposing two number rainwater harvesting tanks to the rear of ECO Pod No. 2. There is no detail submitted as to the expected quantity that such a supply will provide or if this is sufficient to address any shortfalls in the water supply from the well. I note that a report on file from the Chief Fire Officer requires sufficient water supply in terms of firefighting.

7.4.5. Therefore, based on the above analysis, I am not satisfied that the applicants have provided sufficient detail demonstrating that an adequate water supply is available at this location to accommodate the commercial venture proposed arising from the potential increase visitor numbers to the farmyard. Therefore, I consider that the

development proposal is contrary to Policy TOU-P-8 (h) of the CDDP and I recommend that permission should be refused based on the adequacy of the water supply available.

7.5. Wastewater Treatment & Flooding

7.5.1. 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 DWWTSS 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.

7.5.2. 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.

7.5.3. The WWTS is designed for 8 PE, i.e., 3 PE arising from the 2 no. glamping pods, and 5 PE arising from the farmhouse. I conclude that, on the basis of the submitted application only, the development proposal would be served by a WWTS of an appropriate specification and functionality and as such will not compromise the water quality of water bodies in the area,

- 7.5.4. 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 open drains, which accompanies the northern boundary submitted under Appendix 1 to the Site Suitability Assessment Report)..
- 7.5.5. Regarding flooding 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.
- 7.5.6. I conclude that, on the basis of the submitted application only that the development proposal complies with the requirements of TOU-P-8 (i) wastewater suitability requirements (o) potential flood risk and (p) the water quality of water bodies, of the CDDP.

7.6. Residential Amenity

- 7.6.1. The existing farmhouse and eco pods are located within the existing farmyard complex, the eco pods are designed to fit into the landscape at this location and well screened and set back 200m from the public road. The nearest residential property is located approximately 150m to the north, with other residential properties located 200m to the east and south. Therefore, I am satisfied based on my site inspection that the development proposal will not have an adverse visual impact on the surround landscape or existing residential properties.
- 7.6.2. The potential for noise nuisance could arise from guests staying in the glamping pods, using the outdoor areas for social gathering. I am satisfied that based on the separation distances to adjoining residential properties, that any noise generating activity of site would be minimal, however time restrictions for the use of the communal outdoor amenity areas should be considered and conditioned.

7.6.3. I conclude that, on the basis of my site inspection and the information provided with the application and the implementation of appropriate mitigation measures, that the development proposal will not have a negative impact on the residential amenities of the area. I am satisfied that the development proposal complies with TOU-P-8 (g) residential amenity and (m) noise of the CDDP.

7.7. Access and Parking

7.7.1. Access to the site is by means of a lane, which is accessed off the L-7491-1, 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 public road.

7.7.2. From my inspection of the site, I noted that sight visibility at the access location is in excess of 70m in a Southerly direction and 70m in a northerly direct, which I consider appropriate for a speed limit of 60kmh. Therefore, I am satisfied that sufficient sight visibility can be achieved at the proposed site access.

7.7.3. I note from my site inspection that the width of the access road from the public road to the farmhouse is limited, such that two vehicles cannot pass with no option to providing passing bays. The applicants have provided clarity regarding the traffic associated with the development proposal and consider that the traffic generated would not be significant and be consistent with the traffic generated by a domestic dwelling.

7.7.4. However, this does not account for vehicles meeting along the access road and having to either wait on or reverse onto the public road as required. The widening of this lane does not appear to be an option at present due to issues regarding ownership. I note from the PA report that the erection of a sign placed at the top of the laneway stating to 'Yield to Oncoming Traffic' is considered a satisfactory solution so that vehicles can pass each other at the top of the laneway at the house where there is full view of the entire laneway and enough space available for cars to pass each other, therefore not causing a traffic hazard. From my site inspection, I note that it is not possible to see along the entire length of the laneway and therefore I am not satisfied that the erection of such a sign will alleviate the inability for vehicles to pass each other along the lane, resulting in a scenario where vehicles

may have to wait along the public road or reverse onto the public road to allow vehicles to leave development proposal.

- 7.7.5. In addition, from my site inspect and the information provided with the planning application, I am not satisfied, based in the width, alignment and surface condition, that the access road can adequately accommodate access for emergency vehicles. However, I note that a report from the Chief Fire Office did not raise this as an issue.
- 7.7.6. In relation to pedestrian access and permeability, I am satisfied that due to the surface condition of the laneway that the design speed for vehicles using it is low, therefore providing safe access and egress for pedestrian movements throughout the site. Therefore, I am satisfied that the development proposal complies with TOU-P-8 (l) of the CDDP.
- 7.7.7. I note that the development proposal provides for guest parking bays. I am satisfied based on site inspection and the information provided that adequate parking is provided for the development proposal and is therefore in accordance with TOU-P-8 (k) of the CDDP.
- 7.7.8. In conclusion, the applicant has not established that the laneway would be capable of accommodating the additional traffic generated by the development proposal by adding to the traffic hazard posed by the historic use of this lane, resulting in the possibility of vehicles waiting along or reversing onto the public road, due to unavailability of passing bays along the laneway. I consider that the development proposal will result in a traffic hazard as the existing laneway cannot safely control the extra traffic generated, therefore I conclude that the development proposal would result in a traffic hazard and be contrary to TOU-P-8 (j) of the CDDP.

8.0 AA Screening

- 8.1.1. I carried out an Appropriate Assessment Stage 1 Screening (Appended to this report and concluded that 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 the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any named European Sites in view of the conservation objectives of these

sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature of the work involved.
- The sites' location and distance from the nearest European Site and the lack of any connections

9.0 Recommendation

Having considered the contents of the application, the provisions the County Donegal Development Plan 2024-2030, the grounds of appeal, my site inspection, and my assessment of the planning issues. I recommend that planning permission be refused for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. The applicant has not established that an adequate water supply is available to accommodate the development proposal in terms of quantity, Therefore, it is considered that the development proposal would be prejudicial to public health and be contrary to the provisions of policy TOU-P-8(h) of the County Donegal Development Plan 2024-2030.
2. Having regard to development proposal located along an unsurfaced minor laneway which is inadequate in width, alignment and structural condition. It is considered that the additional traffic generated by the development proposal would result in oncoming vehicles waiting along or reversing onto the public road which would endanger public safety by reason of traffic hazard.

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

7th May 2025

Form 1

EIA Pre-Screening

| | | | |
|--|---|-----------------------|-------------------------------------|
| An Bord Pleanála | ABP-321788-25 | | |
| Case Reference | | | |
| Proposed Development Summary | <p>The proposal comprises both items for retention permission and items for planning permission, as indicated on the submitted site layout plan.</p> <p>The following items are for retention permission:</p> <ul style="list-style-type: none"> • 2 no. Eco Pods • Extension to Outbuilding for a guest toilet and washroom • Extension to Outbuilding for a domestic tool shed • Change of use of outbuilding utility room to kitchenette for guest use • Covered Canopy Guest Seating Area • Partial reinstatement of shed roof in domestic yard • Pathway, decking and signage <p>The following items are for planning permission:</p> <ul style="list-style-type: none"> • decommissioning of existing septic tank, and • installation of new wastewater treatment system and percolation area, connection to existing services, and all associated works. • Guest parking for three cars • Bike Shed • Rainwater harvesting infrastructure and tanks. | | |
| Development Address | Glack or Bohullion, Inch, Lifford, 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 | √ |
| 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 | Tick/or leave blank | Pre-screening determination conclusion 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

| | |
|---|---|
| <p>Brief description of project</p> | <p>The proposal comprises both items for retention permission and items for planning permission, as indicated on the submitted site layout plan.</p> <p>The following items are for retention permission:</p> <ul style="list-style-type: none"> • 2 no. Eco Pods • Extension to Outbuilding for a guest toilet and washroom • Extension to Outbuilding for a domestic tool shed • Change of use of outbuilding utility room to kitchenette for guest use • Covered Canopy Guest Seating Area • Partial reinstatement of shed roof in domestic yard • Pathway, decking and signage <p>The following items are for planning permission:</p> <ul style="list-style-type: none"> • decommissioning of existing septic tank, and • installation of new wastewater treatment system and percolation area, connection to existing services, and all associated works. • Guest parking for three cars • Bike Shed • Rainwater harvesting infrastructure and tanks. |
| <p>Brief description of development site characteristics and potential impact mechanisms</p> | <p>The site area is 0.35 hectares and 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. 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.</p> |

| | |
|-------------------------|---|
| | <ul style="list-style-type: none"> Lough Swilly SPA (004075) 1.1km Lough Swilly SAC (002287) 1.1km |
| Screening report | No |
| Natura Impact Statement | No |
| Relevant submissions | The subject site is not located <i>within</i> a Natura 2000 site however the site is located 1.1km from Lough Swilly SAC & Lough Swilly SPA. The site is neither within, nor proximal to, nor directly linked with any Natura 2000 site and the proposed development is minor in nature. On that basis it is considered that there is no need to screen the proposed development for the need for Appropriate Assessment as it can be excluded beyond reasonable scientific doubt that the proposed development would have a significant effect on any Natura 2000 site.. |

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 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 | 1.1km | No | No |

| | | | | |
|---------------------------|---|-------|----|----|
| | A056 Shoveler <i>Anas clypeata</i> wintering A062 Scaup <i>Aythya marila</i> wintering A067 Goldeneye <i>Bucephala clangula</i> wintering A069 Red-breasted Merganser <i>Mergus serrator</i> wintering 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 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> | 1.1km | No | No |

| | | | | |
|--|--|--|--|--|
| | 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 ³ if no connections: N | | | | |
| Step 3 Conclude if the proposed development could result in likely significant effects on a European site. | | | | |
| <p>I conclude that the proposed development (alone) would not result in likely significant effects on the Lough Swilly SAC and SPA. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.</p> <p>No mitigation measures are required to come to these conclusions.</p> | | | | |

Screening Determination

Finding of no likely significant effects

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 the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any named European Sites in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature of the work involved.
- The sites' location and distance from the nearest European Site and the lack of any connections