

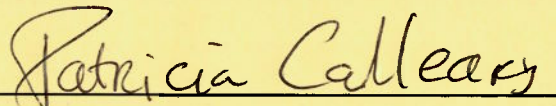
An
Coimisiún
Pleanála

Commission Direction
CD-000246
PL-500236-LK-25

The submissions on this file and the Inspector's report were considered at a meeting held on 09 March 2026.

The Commission decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Planning Commissioner:



Patricia Calleary

Date:

10th day of March 2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

The Commission noted that in order to satisfy the requirements of Table 6.3 of the Environmental Protection Area's Code of Practice for Domestic Waste Water Treatment Systems (PE <10) (EPA 2021) and where it is proposed to install a tertiary treatment system on a site with 0.6m of unsaturated soil and/or subsoil, as is proposed for the subject development, a tertiary treatment system

must demonstrate the capacity to achieve a high level of pathogen removal. In particular the system must be capable of producing treated effluent containing no more than 1,000 cfu/100 ml of E. coli. Based on the information submitted in relation to the performance of the proposed tertiary treatment system proposed, including the Treatment Performance results, no evidence on the pathogen removal efficiency of the proposed treatment system has been provided and the Commission is not satisfied that the system in its entirety can achieve the required effluent quality standard for onsite treatment and disposal of effluent that would be generated from the proposed development on the appeal site. The proposed development would, therefore, be prejudicial to public health and would be contrary to the provisions of Objective EH O16 Septic Tanks and Proprietary Systems and Objective IN O11 Private Waste Water Treatment Limerick Development Plan 2022-2028 (as varied).

The Commission noted the inspector's second recommended refusal reason, largely on the basis that the proposed rural house development would contribute to and exacerbate the existing pattern of ribbon development in the area. Having regard to the criteria set out in Appendix 4 of the Sustainable Rural Housing Guidelines (2005) and the pattern of development on the north of the local road onto which the house would front onto, the Commission concluded that the proposed house would be such as to result in 5 or more houses on one side of a given 250 metres of road frontage and ribbon development as defined in the aforementioned guidelines would not reasonably arise. Furthermore, the Commission noted that the site is located in a rural area designated as 'Rural Areas Elsewhere' within the development plan and having regard to Objective HO O21 for such areas that sets out an objective of the Council that to help stem the

decline and strengthen Rural Areas Elsewhere, in general demand for permanent residential development should be accommodated, subject to meeting normal planning and environmental criteria. Given the proposed house is intended to be a permanent residence for the applicant/appellant, the Commission was satisfied that this recommended reason should not be attached to its decision to refuse permission as it is not supported in policy.

The Commission noted the inspector's third recommended refusal reason, which sets out that the proposed development would endanger public safety by reason of a traffic hazard arising because of the likely traffic generated, the substandard nature of the road and the location of the access at a point where sightlines are restricted in a south easterly direction. The inspector was of the view that in these circumstances a grant of permission would be contrary to road safety policy. The Commission further noted, as set out in the inspector's report, that this matter constitutes a new issue in the context of the appeal. While ordinarily such a matter might warrant the Commission seeking the views of parties to the appeal prior to determining whether it should form a reason for refusal, having regard to the substantive reason for refusal, the Commission decided not to pursue this matter further in its determination of the appeal. Accordingly, the Commission did not include this recommended reason for refusal in its decision.