

An  
Coimisiún  
Pleanála

Commission Order

ABP-320549-24

**Planning and Development Act 2000, as amended**

**Planning Authority: Limerick City and County Council**

**Planning Register Reference Number: 2360862**

**Appeal** by Thomas O'Shaughnessy against the decision made on the 7<sup>th</sup> day of June 2024 by Limerick City and County Council to grant, subject to conditions, a permission to Pat Noonan in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of existing single storey rear annex to existing building and decommissioning of existing septic tank system. Change of use of existing domestic house and store incorporating existing former retail area to new use as a shop, cafe and public house. Construction of a single storey rear extension to contain toilets, store rooms and ancillary areas with an outdoor covered space. Undertake internal and external modifications along with elevational changes to existing building. Construction of external spaces and outdoor seating and associated areas, external signage, the installation of an onsite mechanical effluent treatment system with polishing filter system with all associated site development works and site services, at Carrowbane Beg, Loughill, County Limerick.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

### **Reasons and Considerations**

Having regard to the nature and scale of the proposed development and the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would accord with Objectives CGR 017 and CGR 020 of the Limerick County Development Plan which aim to achieve the renewal and revitalisation of village centres, would not seriously injure the amenities of the area or property in the vicinity, and would therefore be in accordance with the proper planning and sustainable development of the area.

The Commissioner's noted that the revised car parking arrangements, proposed by the applicant in the drawings received by the planning authority on the 14<sup>th</sup> day of May 2024 in response to the request for further information, would appear to necessitate the removal of established landscaping and trees along the site boundary with the local road. Having regard to the existing parking arrangements for the facility, the site location in a village centre in a 50km/hour zone, and the quantum of parking required under the Limerick Development Plan 2021-2027 for the proposed development, the Commission considered that the car parking arrangements as originally proposed with the application were satisfactory and would avoid the removal of the trees and attached Condition number 2 accordingly.

### **Appropriate Assessment: Stage 1:**

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that Lower River Shannon Special Area of Conservation (Site Code 002165) and the River Shannon and River Fergus Estuaries Special Protection Area (Site Code 004077) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

### **Appropriate Assessment: Stage 2:**

The Commission considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an Appropriate Assessment of the implications of the proposed development on Lower River Shannon Special Area of Conservation (Site Code 002165) and the River Shannon and River Fergus Estuaries Special Protection Area (Site Code 004077), in view of the sites' conservation objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the conservation objectives of the sites using the best available scientific knowledge in the field.

In completing the assessment, the Commission considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives. In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites in view of their conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 14th day of May 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. (a) The car parking arrangements shall be as set out in Drawing number 03 Proposed Site Layout Plan received by the planning authority on the 23rd day of November 2023.
- (b) One number car parking space shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date.

Revised drawings showing compliance with this condition shall be submitted to the planning authority for agreement prior to the commencement of development.

**Reason:** In the interests of clarity and sustainable transport.

3. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

**Reason:** To protect the integrity of European Sites.

4. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** To safeguard the amenity of property in the vicinity.

5. Prior to the commencement of any development works on the site, including the removal of any building, landscape feature or vegetation, a survey to ascertain the presence of any bat activity on the site for roosting or foraging purposes and an assessment of any potential impact on the species arising from the proposed development shall be undertaken by a suitably qualified ecologist and the findings submitted for written approval of the planning authority. Should the significant presence of bats be established on the site no development shall occur until the necessary permission/ derogation licence has been obtained from the appropriate statutory body.

**Reason:** In the interest of bat protection and to provide for the preservation and conservation of this species.

6. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for mud, dust, noise and vibration, waste management including any asbestos waste arising, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

**Reason:** In the interest of environmental protection, residential amenities, public health and safety and environmental protection.

7. Details of a suitably located, secure and covered bicycle parking area within the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

8. Lighting of the car parking area shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of amenity and public safety.

9. Prior to the commencement of development, a comprehensive landscaping plan, which includes the retention of trees along the site boundary, shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interests of visual amenity and biodiversity.

10. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services, and the developer shall submit details of same, where required, for the written agreement of the planning authority.

**Reason:** In the interests of sustainable drainage.

11. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with the application, as amended by the further details submitted on the 14th day of May 2024, and shall be in accordance with the standards set out in the EPA Wastewater Treatment Manual – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (1999).
- (b) Treated effluent from the wastewater treatment system shall be discharged to a polishing filter which shall be provided in accordance with the standards set out in the EPA Wastewater Treatment Manual – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (1999).
- (c) Within four weeks of the completion of the works, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.
- (d) The existing septic tank on the site shall be emptied and decommissioned.

**Reason:** In the interest of public health and to prevent water pollution.

12. All external shopfronts and signage shall be in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to the provision of such shopfronts and signage. The signage shall be lit by external illumination only.

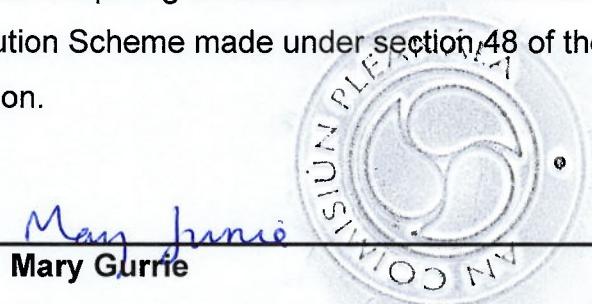
**Reason:** In the interest of visual amenity.

13. No amplified music or other specific entertainment noise emissions shall be permitted within the outdoor seating areas.

**Reason:** To protect the residential amenities of property in the vicinity.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Mary Gurrie  
Mary Gurrie

Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.

Dated this 26 day of January 2026