

An
Coimisiún
Pleanála

**Commission Order
PL-500106-LK**

Planning and Development Act 2000, as amended

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 2560306

Appeal by Siobhan Reidy against the decision made on the 24th day of September 2025, by Limerick City and County Council to grant, subject to conditions, outline permission to Jerry Casey Junior in accordance with plans and particulars lodged with the said Council.

Proposed Development: Outline permission for the construction of a dwelling house, wastewater treatment system, percolation area, bored well, entrance and all ancillary site works, at Ballinscaula, Kilmallock, County Limerick as amended by the further public notices received by the planning authority on the 29th day of August 2025.

Decision

GRANT outline 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 of development which relates to outline permission for a dwelling, the provisions of the Limerick Development Plan 2022-2028 as they pertain to the site, the Sustainable Rural Housing Guidelines for Planning Authorities, 2005, the characteristics of the site including the details in the Site Characterisation Report for the treatment of wastewater on-site, and of the road in the vicinity of the site, (namely the narrow, straight nature of the road with acute bends at each end, which limits potential for overtaking and traffic speed), it is considered that, subject to compliance with the conditions set out below, the proposed development would not result in a traffic hazard and would, therefore, be in accordance with the proper planning and sustainable development of the area. The Commission noted the submission from the Development Applications Unit and considered that the issue of tree felling could be addressed in the detailed landscaping plan which is required to be submitted with the permission consequent to this grant of outline permission.

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 on the 1st day of August 2025, the 18th day of August 2025, and further plans and particulars received in response to the appeal on the 18th day of November 2025, 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. This outline permission relates solely to the principle of the development on this site, and it shall not be construed as giving consent to the following matters:
 - (i) The position within the site of the wastewater treatment plant.

Reason: In the interest of clarity.

3. The house permitted in principle by this permission shall be designed and located on the site so as to minimise its overall impact on the landscape and shall align with the building line of the dwelling granted permission on the adjacent site to the north (planning register reference 24/61077 relates).

Plans and particulars to be lodged for permission consequent to this grant of outline permission shall include:

- (i) A detailed landscaping plan for the entire site including a comprehensive site survey, to a scale of not less than 1:500, including contours at intervals of 0.5 metres, showing all existing trees, boundaries and other features,
- (ii) a site layout plan to a scale of not less than 1:500 showing the layout of the house, driveways and wastewater treatment system,
- (iii) the finished ground floor level of the house by reference to existing site levels and road level at the proposed entrance,
- (iv) details of external finishes,
- (v) drawings and details of sightlines and stopping distances, and

- (vi) revised Site Characterisation Report to take account of relocation of wastewater treatment system within the site.

Reason: In the interest of clarity and to define the subject matter for consideration at permission consequent stage.

4. (a) The proposed dwelling, when completed, (subsequent to a permission consequent to this permission in principle) shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

5. No lighting shall be permitted within the curtilage of the site at the roadside entrance or on the gate piers.

Reason: In the interest of traffic safety and to prevent light pollution in the rural area.

6. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

7. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.

(b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.

- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ 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.

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

8. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

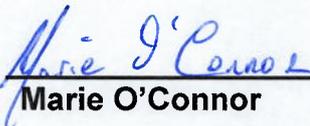
Reason: In the interest of visual amenity.

9. An external wall of the dwelling shall have appropriate ducting so as to be capable of accommodating a future electric charging point for electrically operated vehicles.

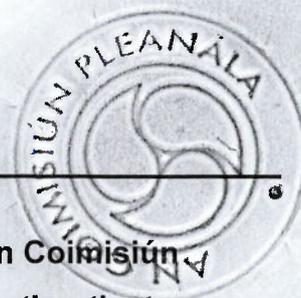
Reason: In the interest of climate change, energy efficiency and the proper planning and sustainable development of the area.

10. The developer shall pay to the planning authority a financial contribution of 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. The amount of the contribution shall, be at the rate applicable when the decision to grant is made on the permission consequent to this outline permission.

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.


Marie O'Connor

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



Dated this 03 day of March 2026