



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323490-25

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<b>Development</b>	Construction of a dwelling with all associated site works.
<b>Location</b>	Lotteragh Upper, Bruree, Co. Limerick
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	2560531
<b>Applicant(s)</b>	Jennifer Geary
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Pat Broderick
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	03 <sup>rd</sup> November 2025
<b>Inspector</b>	Bernadette Quinn

## 1.0 Site Location and Description

1.1. The appeal site, with a stated area of 0.360 ha, is located on the southern side of the R518 Regional Road approximately 1km east of Bruree village. The site is covered in grass and surrounded by hedgerow on all boundaries and includes mature trees along the eastern boundary. There are single storey detached dwellings located on the adjoining sites to the east and west.

## 2.0 Proposed Development

- 2.1. Permission is sought for the construction of a vehicular entrance, single storey dwelling house, garage, domestic wastewater treatment system & polishing filter together with all associated site works. The dwelling has a gross floor area of 350 sq.m.
- 2.2. On 28<sup>th</sup> July 2025 a revised site layout plan was submitted to the Planning Authority (PA) by way of unsolicited information which provided for revised sightlines from the proposed vehicular entrance.

## 3.0 Planning Authority Decision

### 3.1. Decision

On 30/07/2025 Limerick City and County Council (LCCC) issued notification of decision to grant permission subject to 13 conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Report dated 29/07/2025 can be summarised as follows:

- The applicant has demonstrated long established links to the area in compliance with Objective HO O20. The proposal is therefore acceptable in principle. It is noted the applicant is also involved in the family business and family farm, which are located a short distance from the site

- The proposal would not result in overlooking or undermine residential amenity in the area and the design solution is acceptable
- The site is accessed off a Strategic Regional Road, R518. Objective TR 041 states that development creating additional traffic on a Strategic Regional Road shall be prohibited and would only be considered for members of the farming community. A letter has been submitted with the application, which outlines the applicant's involvement on the family farm, which is a short distance east of the site. Herd/equine numbers and details of farm shares are submitted; it is considered the applicant is a member of the farming community.
- Recommends a grant of permission subject to conditions

### 3.2.2. Other Technical Reports

Environment: No objection subject to conditions

Transportation: No objection in relation to roads and surface water subject to conditions. Report states that sightlines and stopping sight distance shall be achieved as shown on the site plan submitted under unsolicited information.

### 3.2.3. Conditions

Condition 3:

a) The proposed house, when completed shall be first occupied as a place of permanent residence by the applicant(s), (members of the applicants immediate family or their heirs), and shall remain so occupied for a period of at least seven years thereafter, unless, in exceptional circumstances, where otherwise agreed in writing with the Planning Authority. (This condition shall not affect the sale of the dwelling by a mortgagee in possession or by any person deriving title from such a sale)

b) Within two months of the occupation of the proposed dwelling, the applicants shall submit to the Planning Authority a written statement of confirmation of the first occupation of the dwelling in accordance with part (a) above and the date of such occupation.

Reason - To restrict the use of this dwelling to the types of person(s) described in the interest of the proper planning and development of the area.

Condition 4: Sight lines and stopping sight distances shall be achieved as shown on the site layout plan received on the 28th day of July 2025. This shall include setting back of any existing mature vegetation boundary a minimum of 0.5m behind the sightline envelope, even when the vegetation boundary reaches maturity to ensure that sightlines and stopping sight distances are not impeded at any stage going forward.

Reason- In the interest of visual amenity and traffic safety.

### **3.3. Prescribed Bodies**

None on file.

### **3.4. Third Party Observations**

Two observations received. Matters raised include concerns that no evidence provided to demonstrate connections to a farm; access off a regional road where Development Plan restricts access; traffic safety; loss of light and privacy; design; water supply; new percolation test required.

## **4.0 Planning History**

23/60939 – Application withdrawn for permission for construction of a vehicular entrance, single storey dwelling house, garage, domestic waste water treatment system & polishing filter together with all associated site works.

## **5.0 Policy Context**

### **5.1. Development Plan**

5.1.1. The Limerick City and County Development Plan 2022-2028 (LDP) is the statutory development plan for the area.

5.1.2. Section 4.4 refers to Rural Housing. The site is located at Lotteragh Upper, Bruree within the open countryside wherein the Plan identifies two types of areas for rural

housing: 1. Areas under urban influence and 2. Rural areas elsewhere. These two areas are identified on Map 4.1: Rural Housing Strategy Map - As illustrated on this map the appeal site is located with the Area of Strong Urban Influence.

5.1.3. Objective HO O20 Rural Areas under Strong Urban Influence: It is an objective of the Council to consider a single dwelling for the permanent occupation of an applicant in the area under Strong Urban Influence, subject to demonstrating compliance with ONE of the criteria below:

1. Persons with a demonstrable economic need to live in the particular local rural area; Persons who have never owned a house in the rural area and are employed in rural-based activity such as farming/bloodstock, horticulture or other rural-based activity, in the area in which they wish to build, or whose employment is intrinsically linked to the rural area in which they wish to build, or other persons who by the nature of their work have a functional need to reside permanently in the rural area close to their place of work (within 10km). (Minimum farm size shall be 12 hectares for farming or bloodstock). The applicant must demonstrate that they have been actively engaged in farming/bloodstock/horticulture or other rural activity, at the proposed location for a continuous period of not less than 5 years, prior to making the application. In the event of newly acquired land, to demonstrate that the proposed activity would be of a viable commercial scale, a detailed 5-year business plan will be required.

2. Persons with a demonstrable social need to live in a particular local rural area; Persons who have never owned a house in the rural area and who wish to build their first home on a site that is within 10km of where they have lived for a substantial period of their lives in the local rural area (Minimum 10 years). The local rural area is defined as the area outside all settlements identified in Levels 1 – 4 of the Settlement Hierarchy. Excluding Level 4 settlements, where there is no capacity in the treatment plant.

3. Persons with a demonstrable local exceptional need to live in a particular local rural area, examples include: a) Returning emigrants who have never owned a house in the rural area, in which they lived for a substantial period of their lives (Minimum 10 years), then moved away or abroad and who now wish to return to reside in the local rural area (within 10km of where they lived for a substantial period

of their lives). The local rural area is defined as the area outside all settlements identified in Levels 1 – 4 of the Settlement Hierarchy. Excluding Level 4 settlements, where there is no capacity in the treatment plant. b) A person who has lived a substantial period of their lives in the local rural area, (at least 10 years), that previously owned a home and is no longer in possession of that home, due to the home having been disposed of following legal separation/ divorce/ repossession and can demonstrate a social or economic need for a new home in the rural area.

5.1.4. Objective TR O41 Strategic Regional Roads: It is an objective of the Council to: a) Improve, manage and maintain the strategic regional road network in Limerick, in a manner which safeguards the strategic function of the road network; b) Prohibit development generating additional traffic and requiring direct access onto a strategic regional road in areas where speed limits in excess of 50km/h apply; c) Consider permitting access onto a strategic regional road where members of the farming community wish to build houses for their own occupation, on their own land where the house is required for occupation by a member of the farming community in connection with the working of the farm and where no reasonable alternative access is available to them and where that access is safe and the traffic levels generated are reasonably low. Such developments shall be subject to a Road Safety Audit and all relevant planning criteria.

d) The above applies to the following strategic regional roads ... R518-Askeaton/Rathkeale/Ballingarry/Bruree/Kilmallock; ...

5.1.5. Chapter 11: Development Management Standards

Section 11.8.1 Access to Roads

To protect the integrity of Limerick's road network the following applies: (inter alia)

- All applications seeking access on the road network will be assessed in accordance with national standards and guidance.
- Technical design of access and sightline visibility and stopping distances and general safety. Sight distances and stopping sight distances should be in compliance with current NTA road geometry standards and guidance documents listed above and any subsequent documents.

## 5.2. Natural Heritage Designations

The Blackwater River (Cork/Waterford) SAC (Site Code: 002170) is located 12km south of the site, Tory Hill SAC (Site Code: 000439) is located 11km north of the site and Ballyhoura Mountains SAC (Site Code: 002036) is located 14km south east of the site.

## 5.3. EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

One no. third party appeal has been received from Pat Broderick. The grounds of appeal can be summarised as follows:

- There is no farm at this location. Information relating to the applicant's involvement in the family farm is vague, the company which the applicant is a director of relates to wholesale of products. No accounts or revenue details have been provided in relation to the applicant's involvement in agriculture.
- The family farm is located 21km from the appeal site which is outside of the 10km distance requirement and is not in the location stated in the planning application.
- Objective TR O41 provides for a member of the farming community to build on their own land, not on a site, and not in excess of 10km from the family farm.

- The application does not mention that the applicant's involvement in the family farm is their primary employment.
- The proposal will result in overlooking in to adjoining property from windows on side elevations.
- A herd number does not infer ownership of lands or animals.
- Unsolicited information relating to sightline was submitted on 28/07/25, there are concerns that the PA may not have had sufficient time to consider the drawing and that the required sightlines of 160m for a regional road may not be available.
- There is a continuous white line at the site location which means there is a blind bend along this stretch of road. Sightlines of 160m from the appeal site are impeded.
- A request for further information under a previous application on the appeal site states that 160m sight lines are required and required the applicant to demonstrate that the required sightlines to the east can be achieved permanently and not impeded by future regrowth of tree branches.
- A copy of the appellants submission to the PA is attached outlining the concerns raised to the PA, including in relation to location of site notice, negative impacts as a result of loss of privacy, loss of light and overshadowing, traffic safety, water supply issues, and concerns that the percolation test was carried out two years previously.

## 6.2. Applicant Response

A response received on behalf of the applicant can be summarised as follows:

- The proposed dwelling has been designed and sited in full accordance with the guidelines and requirements of LCCC.
- The applicant already resides on the road, approx. 600 metres from the appeal site and as such no new traffic will be generated. The development will remove an existing earth bank at the site boundary which currently obstructs

visibility, and its removal will improve sightlines and materially enhance road safety for all users.

- The single storey design and presence of mature trees will ensure no overlooking or loss of privacy occurs.
- The application arises from a genuine and pressing housing need and the applicants require a permanent home in close proximity to extended family.

### 6.3. **Planning Authority Response**

Response received states no further comments to make.

## 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the main issue in this appeal are as follows:

- Principle of Development
- Traffic Safety
- Residential Amenity Impacts

### 7.2. **Principle of Development**

7.2.1. I note that the subject site is located within an area of strong urban influence as illustrated by the rural housing strategy map (Map 4.1) of the LDP where there is a requirement under objective HO O20 of the CDP (Rural Areas under Strong Urban Influence) for an applicant for a single dwelling to demonstrate compliance with one of three criteria outlined. The site is also located on a 'Strategic Regional Road' as defined in Objective TR O41 Strategic Regional Roads which includes the R518-Askeaton/Rathkeale/Ballingarry/Bruree/Kilmallock and is in a location where a speed limit of 80 km/h applies. I consider Objective TR O41 is relevant to the assessment of this appeal wherein it states that it is an objective of the Council to prohibit development generating additional traffic and requiring direct access onto a strategic regional road in areas where speed limits in excess of 50km/h apply and to consider

permitting access onto a strategic regional road where members of the farming community wish to build houses for their own occupation, on their own land where the house is required for occupation by a member of the farming community in connection with the working of the farm and where no reasonable alternative access is available to them and where that access is safe.

- 7.2.2. The PA was satisfied that the applicant had demonstrated compliance with these criteria. The third party appellant however raises concerns in relation to the applicant's demonstration of their involvement in running a family farm.
- 7.2.3. Information included with the application relating to the applicant's involvement in running the farm and need for a house at this site includes a supporting letter from the applicant which includes information relating to their farming role and photographs of farming activities as well as details of three herd/equine numbers and correspondence from the Department of Agriculture addressed to the applicant in relation to registration of an equine premises; applicant's birth and baptism certificates; confirmation of attendance at primary school including details of the applicants home address during this time; land registry folio details relating to the applicant's family home and the appeal site; a shares certificate in the applicants name; an account statement relating to farm feeds addressed to the applicant; and a map showing the location of the family home in relation to the appeal site. In support of the application the applicant outlines that the site has been in her ownership for 5 years, that she has lived at Lotteragh Upper since birth, and that she is involved in running the family farm as well as involved in part time off farm employment. No further evidence relating to the applicant's involvement in the family farm was submitted with the response to the appeal.
- 7.3. Having reviewed the documents submitted with the application I do not consider the information submitted provides sufficient evidence that the applicant is a member of the farming community or that the applicant is working a farm. I note that the information submitted confirms that the applicant grew up in Lotteragh Lower in the vicinity of the appeal site. However, I do not consider the applicant has submitted sufficient documentary evidence to demonstrate that a family farm exists or that she is involved in running the family farm as required by Objective TR O41. I note that no details of the land holding relating to the farm have been submitted. I also note that based on the information submitted, two of the three herd numbers listed are not in

the applicants name; no details of the nature of business to which the submitted shares certificate relates to are included; no details are submitted of income derived from working on the farm; and, whilst I note details relating to herd numbers and photographs of farm animals as well as correspondence from the Department of Agriculture, I do not consider this sufficient evidence to support the case that a farm exists. Having regard to the above, I do not consider the applicant has demonstrated that she requires a house for occupation by a member of the farming community in connection with the working of the farm as required in LDP Objective TR O41 Strategic Regional Roads. I therefore do not consider the proposal is acceptable in principle.

#### **7.4. Traffic Safety**

- 7.4.1. I note the concerns of the appellant regarding the submission of unsolicited information on 28/07/25 relating to sightlines and that the PA may not have had sufficient time to consider the drawing. The revised site layout plan submitted on 28/07/25 replaced a previously submitted layout which identified sightlines of 140m. I note the report of the Transportation Section on file dated 29/07/25 raises no concerns in relation to sightlines and I see no evidence to indicate that the PA did not have sufficient time to consider the unsolicited information.
- 7.4.2. In relation to the appellants concerns that there is a blind bend and sightlines are impeded, having reviewed the application drawings and inspected the site and noting the report on file from the local authority Transportation Section, I am satisfied that sightlines as indicated on the Site Layout Plan are achievable. However, I note that Objective TR O41 includes a requirement that developments shall be subject to a Road Safety Audit and that no such audit appears to have been carried out. I note that the matter of road safety was raised by the appellant and I do not therefore consider this matter raises a new issue in the assessment of this appeal.

#### **7.5. Residential Amenity**

- 7.5.1. The appellant raises concerns in relation to overlooking in to adjoining property from proposed side elevations. The PA did not raise concerns in relation to impacts on adjoining properties. I note that the proposal is for a single storey dwelling located 7.4m from the western boundary and 5.7m from the eastern boundary with side elevation windows serving a bedroom and living room. Having regard to the layout

and scale of the proposal which follows the building line of adjoining dwellings, and to the proposed separation distances from site boundaries, I am satisfied that no impacts of overlooking will arise. I am satisfied that the proposal will not give rise to unacceptable impacts on the residential amenities of adjacent properties.

## **8.0 Water Framework Directive Assessment Screening**

- 8.1. The subject site is located approx. 450m west of the nearest water body comprising the Maigne River. The proposed development comprises the construction of a dwelling and associated site works as outlined in section 2.1 of this report.
- 8.2. No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 8.3. The reason for this conclusion is as follows:
- The scale of development and the nature of works
  - The location-distance from nearest Water bodies and lack of hydrological connections
- 8.4. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **9.0 AA Screening**

- 9.1. Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive

I have considered the project in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The subject site is located approximately 12km from the Blackwater River (Cork/Waterford) SAC (Site Code: 002170), 11 km from Tory Hill SAC (Site Code: 000439), and approximately 14km from the Ballyhoura Mountains SAC (Site Code: 002036). Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European site. The reason for this conclusion is as follows:

- The scale and nature of the proposed development.
- Having regard to the absence of any hydrological connection to any European site.
- To the distance from the nearest European sites regarding any other potential ecological pathways and intervening lands.
- To the screening determination of the PA.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore AA, under Section 177V of the Act, is not required.

## 10.0 Recommendation

10.1. I recommend that permission be refused for the reasons and considerations set out below.

## 11.0 Reasons and Considerations

Having regard to the location of the site on the R518 regional road which is identified as a Strategic Regional Road within Objective TR O41 of the Limerick Development Plan 2022-2028, the Coimisiún is not satisfied, on the basis of the information submitted with the application and the appeal, that the applicant has demonstrated that the house is required for occupation by a member of the farming community in connection with the working of the farm. Furthermore, the proposal has not been subject to a Road Safety Audit as required by Objective TR O41. The development

would therefore materially contravene Objective TR O41 (Strategic Regional Roads) of the Limerick Development Plan 2022-2028 and 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.

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Bernadette Quinn  
Planning Inspector

26<sup>th</sup> November 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ACP-323490-25
<b>Proposed Development Summary</b>	Construction of a dwelling with all associated site works.
<b>Development Address</b>	Lotteragh Upper, Bruree, Co. Limerick
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA?</b>  (For the purposes of the Directive, “Project” means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a ‘Project’. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	<p><b>State the Class and state the relevant threshold</b></p>
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p><b>State the Class and state the relevant threshold</b></p> <p>Class 10(b)(i) Schedule 5 Part 2, EIA is mandatory for developments comprising over 500 dwelling units.</p> <p>The proposal for one dwelling is significantly below this threshold and is sub threshold.</p>

<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ACP-323490-25
<b>Proposed Development Summary</b>	Construction of a dwelling with all associated site works.
<b>Development Address</b>	Lotteragh Upper, Bruree, Co. Limerick
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p><b>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</b></p> <p>The nature and size of the development comprising the construction of a dwelling, garage and on-site wastewater treatment system is not exceptional in the context of the existing rural environment. The proposed development will not result in the production of any significant waste, emissions or pollutants. Localised construction impacts will be temporary. The development, by virtue of its type (residential), does not pose a risk of major accident and/or disaster.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p><b>Briefly comment on the location of the development, having regard to the criteria listed</b></p> <p>The development is situated in a rural area where surrounding land uses include residential to the east and west and agriculture to the north and south.</p> <p>The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p><b>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</b></p> <p>There is no real likelihood of significant effects on the environment arising from the proposed development. There is no real likelihood of significant cumulative effects having regard to existing or permitted projects.</p>
<b>Conclusion</b>	

Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
<del>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</del>	<del>Schedule 7A Information required to enable a Screening Determination to be carried out.</del>
There is a real likelihood of significant effects on the environment.	EIAR required.

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)