



An  
Coimisiún  
Pleanála

## Inspector's Report

**PL-500106-LK**

---

<b>Development</b>	Construction of dwelling house, wastewater treatment system, percolation area, bored well, entrance
<b>Location</b>	Ballinascaula, Kilmallock, Co Limerick
<b>Planning Authority</b>	Limerick City & County Council
<b>Planning Authority Reg. Ref.</b>	2560306
<b>Applicant(s)</b>	Jerry Casey Jnr
<b>Type of Application</b>	Outline permission
<b>Planning Authority Decision</b>	Grant conditional
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Siobhan Reidy
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	08/12/2025
<b>Inspector</b>	Ann Bogan

## Contents

1.0	Site Location and Description .....	3
2.0	Proposed Development.....	3
3.0	Planning Authority Decision .....	4
4.0	Planning History .....	6
5.0	Policy Context.....	6
6.0	EIA Screening.....	9
7.0	The Appeal .....	9
8.0	Assessment .....	11
9.0	AA Screening.....	15
10.0	Water Framework Directive.....	15
11.0	Recommendation .....	15
12.0	Reasons and Considerations.....	16
13.0	Conditions .....	16

**Appendix 1 –EIA Screening**

**Appendix 2 – Appropriate Assessment Screening**

## 1.0 Site Location and Description

- 1.1. The site is in Ballinascaula, a rural area approximately 6km by road from the town of Kilmallock, Co Limerick and it is accessed off the L-8515 local road. The 0.404ha site initially applied for was 'L' shaped, but it was reduced in area and amended to a rectangular shape in further information submitted. It is located in a grassed field, which is part of an 8.4ha agricultural landholding owned by the applicant's grandfather, whose dwelling and associated farm buildings are nearby to the south.
- 1.2. The site slopes gently, falling eastwards towards the road. The road boundary is formed by trees/hedgerows and an open drain, while other site boundaries are not defined.
- 1.3. There is a site (boundaries not defined) with outline permission for a house on the adjoining part of the field to the north. Beyond this there are agricultural buildings and an associated dwelling owned by the appellant, with a hedge running along their road boundary.
- 1.4. The road is approximately 4m wide in the vicinity of the site with roadside verges circa 1m in width running along it in places. The road is relatively straight for approximately 315m, but with acute bends at each end of the straight section.

## 2.0 Proposed Development

- 2.1. Outline permission sought for construction of:
  - 165 sqm dwelling house
  - Wastewater treatment system and percolation area
  - Bored well
  - Entrance and all ancillary works
  - Site is located on family land (grandfather of applicant)

Further information resulted in revised site boundary, relocation of dwelling and drawing showing sightlines at entrance.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The planning authority decided to grant outline permission, subject to 17 conditions, on 24/09/2025

### 3.1.2. Conditions

Largely standard conditions apply.

Condition 3: house to be first occupied by applicant for at least 7 years

Condition 4: Revised site layout plan to be submitted in which building line for proposed dwelling aligns with dwelling granted in adjacent site to north (24/61077)

Condition 5: Appropriate sightlines and stopping sight distances shall be achieved. This shall include setting back of any existing mature vegetation boundary, in your ownership, 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

Condition 6: Area between road edge and realigned front boundary shall be reinstated to prevent safety issues occurring

Condition 10 Addressing treatment plant and polishing filter

Condition 14 Sets out requirements for plans and particulars to be submitted to be submitted with separate application for permission

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- First report 20/05/2025: Further information required re:
  - demonstration of need for home in this rural area
  - building line, site boundary
  - confirmation that 90m sightlines can be achieved

- AA screening concluded AA not required as development not likely to exercise significant effect on conservation status of Natura 2000 European sites, as there are no pathway source receptors.
- Preliminary EIA examination carried out and concluded no real likelihood of significant effects on the environment
- Second Report – responding to further information received:
  - Considered that applicant has demonstrated compliance with HO O20 (rural housing need)
  - Revised sightlines received, access arrangements considered acceptable
  - Unsolicited FI received 18/08/25: Site boundary amended, welcomed in terms of residential amenity
  - Clarification information recommended: new public notices required; revised layout plan required showing building line to be in keeping with dwelling granted outline permission on adjoining site
- Third Report:
  - Revised public notice received
  - Building line moved closer to road but not in keeping with dwelling permitted to north. Condition recommended to address this
  - Responding to second submission received from appellant commenting on further information, report states it appears section of hedgerow required to be modified for sightlines is not in applicant's control/ownership. Having regard to setback of boundary proposed on adjoining site, 60km speed limit and road not heavily trafficked "it is considered that proposed development would not lead to the creation of a traffic hazard and appropriate sightlines are available".
- Permission recommended subject to conditions

### 3.2.2. Other Technical Reports

- Environment Section: No objection, recommends condition re certification that treatment system is installed correctly.

### 3.3. **Prescribed Bodies**

None

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

Observation by appellant: portion of their lands included in application; sightlines not shown in application, unhappy with 'L' shaped nature of site, two sites will adjoin their property

Second observation by appellant on significant further information: Sightlines shown to traverse their property; adequate sightlines cannot be achieved at this location; application site should be moved south to achieve sightlines; road is very busy, not lightly trafficked.

## 4.0 **Planning History**

None on site

### Adjacent

24/61077 Roseanne and Malcolm Galbraith granted outline permission for construction of dwelling house, wastewater treatment system, percolation area, bored well, entrance and ancillary works, subject to conditions

## 5.0 **Policy Context**

### 5.1. **Development Plan**

#### **Limerick Development Plan 2022-2028**

#### 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.

#### Objective HO O23 Occupancy Condition

It is an objective of the Council to require that any house, which is granted planning permission in the rural areas designated 'Areas under strong urban influence', will be subject to a requirement of occupancy of seven years by the applicant.

#### Objective IN O11 Private Waste Water Treatment

It is an objective of the Council to:

- a) Promote the changeover from septic tanks to the public foul water collection networks where feasible and to strongly discourage the provision of individual septic tanks and domestic wastewater treatment systems, in order to minimise the risk of groundwater pollution.
- b) Ensure single house wastewater treatment systems in those areas not served by a public foul sewerage system comply with the EPA Code of Practice for Domestic Waste Water Treatment Systems 2021 as may be amended or updated.
- c) Require non-domestic wastewater treatment systems in those areas not served by a public foul sewerage system to demonstrate full compliance with EPA Wastewater Treatment Manuals (Treatment Systems for Small Communities, Business, Leisure Centres and Hotels) as maybe amended or updated.
- d) Ensure all private wastewater treatment systems shall be located entirely within the site boundary. Under no circumstances shall single domestic treatments units or septic tanks be shared between dwellings.
- e) Ensure that private wastewater treatment facilities, where permitted, are operated in compliance with their wastewater discharge license, in order to protect water quality.

## 5.2. **Relevant National or Regional Policy / Ministerial Guidelines**

### DOEHLG Sustainable Rural Housing Guidelines for Planning Authorities, 2005

The subject site is located within an 'Area under Strong Urban Influence' as defined in the DOEHLG Sustainable Rural Housing Guidelines for Planning Authorities, 2005. The Guidelines note that in these areas the objective should be to on the one hand to facilitate the housing requirements of the rural community as identified by the planning authority in the light of local conditions, while on the other hand directing urban generated development to areas zoned for new housing development in cities, town and villages in the area of the development plan. Appendix 4 of the Sustainable Rural Housing Guidelines for Planning Authorities 2005 outlines the definition of Ribbon Development and recommendations to counter its impact.

### 5.3. Natural Heritage Designations

- Glen Bog SAC is 7.9km from site
- Ballyhoura Mountains SAC is 11.1km from site

## 6.0 EIA Screening

6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 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.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

Summary of grounds as set out by agent on behalf of appellant:

- Drawings submitted show sightlines going through her property, and interfering with her hedge, without her consent
- Sightlines in northerly direction are therefore not adequate at 59.9m, rather than the required 90m
- Refers to examples of 6 recent applications which all show adequate sightlines
- Site to north of current site granted outline permission (24/61077) has condition requiring 90m sightlines
- Request Commission to include condition requiring 90m sightlines
- Refute PA planner's statement that road not heavily trafficked
- Nearby Staker Wallace GAA attracts large amount of traffic
- Bulgaden Castle wedding venue and pub, conference centre can cater for 400 people

- Because of traffic going to these venues, roadway fronting site is very busy, with traffic exceeding speed limit, so 90m sightlines are essential
- If site moved slightly in southerly direction, full 90m sightlines could be achieved without entering her property, and she would have no objection
- Welcomes change in shape of site from 'L' shape to rectangular shape, further away from their yard where they train young horses

## 7.2. Applicant Response

Response by agent on behalf of applicant:

- In response to comments received, site plan has been revised to maximise achievable sight distance from current site location following review of existing access and topographical conditions (drawing JC-0005 shows entrance relocated southwards to boundary of site),
- Applicant cannot adjust site location as will incur planning resubmission and additional costs
- Site has already been adjusted from 'L' shape to address neighbour's objection
- At full planning stage applicant will be proposing same entrance as shown in site layout drawing
- To our knowledge and based on planner's report, no issues regarding traffic volume on road

## 7.3. Planning Authority Response

- Planning authority states they have no further comments to make outside assessment to be found in Planner's Reports.

## 7.4. Observations

- None

## 7.5. Further Responses

- None

## 8.0 **Assessment**

8.1. Having examined the application details and all other documentation on file, including the appeal documentation, the report of the local authority, having inspected the site, and having regard to the relevant local policies and guidance, I consider that the most substantive issue to be considered in this appeal is access and traffic safety, while other issues are also considered in brief, as set out below:

- Rural housing need
- Access and traffic safety
- Siting and design
- Wastewater treatment system

### 8.2. **Rural Housing Need**

- 8.2.1. The site is located within an area categorised as ‘Under Strong Urban Influence’ in the Limerick Development Plan 2022-2028. Objective HO O20 requires that those seeking to construct a single dwelling for permanent occupation in such areas must demonstrate compliance with one of a series of criteria, including having a social or economic need to live in that particular rural area. The policy applies to ‘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)’.
- 8.2.2. Documentation on the file indicates that the applicant was born and raised at the family home in Martinstown, a rural area 3.5km from the site, continues to live there at present and works in Kilmallock. Correspondence from the Martinstown National School confirms his attendance there and a map supplied shows the location of the family home in relation to the site. He now wishes to build a first home for permanent occupation on land owned by his grandfather, who lives adjacent to the site. Based on the documentation provided, I concur with the conclusion of the planning authority that the applicant has demonstrated a social need to live in this rural area in compliance with Objective HO O20 and the Sustainable Rural Housing Guidelines for Planning Authorities 2005.

### 8.3. Access and traffic safety

- 8.3.1. The main ground raised in the appeal relates to concerns that the sightlines at the entrance to the site, as shown on drawings submitted, are inadequate and will cross the appellant's property without her consent.
- 8.3.2. The planning authority seeks sightlines of 90m at entrances on roads with speed limits of 60km, such as the road adjoining the site (based in NRA Design Manual for Roads and Bridges recommendation). As sightline details were not provided, the planning authority requested a topographical survey and mapping to clearly demonstrate that sightlines, stopping distances and forward visibility of 90m can be achieved at the entrance to the site.
- 8.3.3. I note that there is no planning authority Roads Section report on the file, however a Roads Section report on the application for the adjoining site (24/61077) stated: "There is no issue with stopping distances. There is good visibility in both directions" and sought further details on sightlines. In the current application stopping distances are similarly, in my opinion, not a key concern, as the road is relatively straight.
- 8.3.4. The revised information submitted to the planning authority on 18/08/2025 includes Dwg. No 25-007-005, which shows 90m sightlines in both directions and indicates that for these to be achieved the existing roadside hedges have to be set back behind the sightlines. The hedges to be set back to achieve the achieved sightline to the south are in the ownership or control of the applicant's family and it is reasonable to assume consent for this could be obtained and can be conditioned. The planning officer's third report, following a further submission from the appellant, accepted that a section of hedgerow not in the applicant's ownership or control was shown on the drawings as requiring to be modified to achieve the 90m sightlines to the north. The appellant indicated she had not given consent to this.
- 8.3.5. The planning officer concluded, having regard to the proposed setback of the boundary on the site granted permission on the adjoining site to the north and the 60km speed limit on "this local road which is not heavily trafficked, it is considered that the proposed sightlines would not lead to creation of a traffic hazard and appropriate sightlines are available" (Planning report dated 17/09/2025). The actual sightline which could be achieved without impacting the neighbouring property is not stated and cannot be accurately discerned from the drawings submitted with the application. Condition No 5 of the planning authority decision requires 'appropriate

sightlines and stopping distances' to be achieved, and the setting back of hedgerows within applicant's ownership behind the sightlines.

- 8.3.6. The appellant submitted a drawing with the appeal (2411-06-01), based on a topographical survey, which shows that a sightline of 59.5m could be achieved to the north of the proposed entrance, without impacting her property. The applicants, in response to the appeal, have submitted a revised layout drawing (JC-0005) showing the entrance to the site relocated approximately 10m to the south. The drawing does not clearly show the length of sightlines to the north now achievable without impacting the appellants property, however if the figure submitted by the appellant is taken, a sightline of at least 70m would be achievable if the entrance is relocated as shown.
- 8.3.7. Although I found the narrow rural road to be busier than expected during the site inspection, I believe there are characteristics of the road which are relevant to traffic safety and appropriate sightlines in this instance. As mentioned in Section 2.1, there are acute bends at each end of the straight stretch of road in the vicinity of the site, so that traffic, by necessity, must slow down to negotiate them and will likely not be at full speed limit of 60km along most of the straight section of road that follows. In addition, the road is only 4m wide for most of the 300m+ length of straight road in the vicinity of the site. As a result, when vehicles meet from opposite directions, they must reduce speed significantly in order to pass. I observed an example of this during the site inspection, when two vehicles slowed to a walking pace to pass near the proposed site entrance.
- 8.3.8. Furthermore, due to the narrow road width, there is little likelihood of vehicles overtaking, unless one is stationary and the overtaking vehicle slows right down and overtakes very carefully. The standard 90m sight distance to the left of an entrance is related to the sight distance required to see an approaching overtaking vehicle in the right hand lane, and if vehicles are unlikely to be able to overtake on this section of road due to the road width, I am satisfied that a site distance somewhat less than the 90m standard should be adequate to ensure traffic safety.
- 8.3.9. Having regard to the revised location of the entrance indicated on drawing No JC-0005, the sightlines likely to be achievable within land in the control of the applicant and his family, and the characteristics of the road in the vicinity as outlined above, I am satisfied that the proposed development will not result in creation of a traffic hazard. Achieving the sightlines will of necessity require removal of existing trees

and hedgerows along a section of the road, which is regrettable, however this can be mitigated by requiring a replacement hedgerow to be planted a suitable distance behind the set-back position along the front boundary of the site, and an amendment to planning authority Condition 13 to that effect is recommended.

#### **8.4. Siting and Design**

- 8.4.1. I believe the revised site boundary submitted by way of further information on 18<sup>th</sup> August 2025, including the omission of the area to the rear of the adjoining site to the north, is acceptable and in the interests of protecting the amenity of neighbouring properties. I concur with the planning authority condition requiring the proposed dwelling to match the building line permitted on the adjoining site.

#### **8.5. Wastewater Treatment System**

- 8.5.1. A wastewater treatment system is proposed to be located to the east of the proposed dwelling and a bored well to the west and a site suitability assessment report accompanies the application. The site overlies a regionally important aquifer with moderate vulnerability and a groundwater protection response of R1. A trial hole was dug to a depth of 2.8m, bedrock was not encountered and water was encountered at 2.4 m depth from surface. The surface percolation test result was 33.28 while the sub-surface percolation test result was 28.39. Vegetation indicative of poor drainage was not observed during the site inspection. An open drain runs along the road boundary of the site, which was recorded as dry in Site Assessment Report, and which contained water during the mid-winter site inspection, with little evidence of flow in either direction. There are also two small ponds in a neighbouring field to the west. The report confirms that all minimum separation distances required in EPA COP 2021 were met.
- 8.5.2. A tertiary wastewater treatment system and pre-manufactured tertiary polishing filter, sized for a minimum PE of 6 people with discharge to groundwater is proposed. The planning authority Environment Section had no objection to the proposed waste water treatment system and I am satisfied that the proposal is acceptable, subject to compliance with conditions.
- 8.5.3. I am satisfied that all other aspects of the application have been adequately addressed by the planning authority. Wording of some conditions is recommended to be modified to reflect the fact that this is an outline permission. Planning Authority Condition 3 has been incorporated into recommended condition 11.

## 9.0 AA Screening Determination

### Finding of no likely significant effects

- 9.1. I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. Glen Bog SAC is 7.9km from site and the Ballyhoura Mountains SAC is 11.1km from site
- 9.2. The subject site is located at Ballinascaula, Kilmallock, Co, Limerick. The development proposed consists of construction of a dwelling, wastewater treatment system and entrance.
- 9.3. 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, (See Appendix 2), 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 Dingle Peninsula SPA or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.
- 9.4. This determination is based on:
- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
  - Distance from and weak indirect connections to the European sites

## 10.0 Water Framework Directive

- 10.1. The subject site is located at Ballinascaula, Kilmallock, County Limerick and the nearest waterbody is a tributary of the River Loobagh\_020 (Code IE\_SH\_24L010400), which is 1km from the site, and which is part of the River Maige sub-catchment.
- 10.2. The proposed development consists of change of construction of a dwelling, wastewater treatment system, bore well and entrance.
- 10.3. No water deterioration concerns were raised in the planning appeal.
- 10.4. 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.

10.5. The reason for this conclusion is as follows:

- The small scale and nature of the development
- The distance from nearest water bodies and lack of hydrological connections

10.6. 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.

## 11.0 Recommendation

11.1. I recommend a grant of outline permission.

## 12.0 Reasons and Considerations

Having regard to the nature of development, the provisions of the Limerick Development Plan 2022-2028 as they pertain to the site, the Sustainable Rural Housing Guidelines for Planning Authorities, 2005, and the characteristics of the 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 be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by
----	--

	<p>further plans and particulars received on the 1st day of August 2025, the 18<sup>th</sup> day of August 2025, the 29<sup>th</sup> day of August 2025, and further plans and particulars received in response to the appeal on the 18<sup>th</sup> 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(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.</p> <p>(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.</p> <p>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.</p> <p>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."</p>
3.	<p>Appropriate sightlines and stopping sight distances shall be achieved and drawings and details of same shall be submitted with the separate application for permission consequent on this grant of outline permission. This shall include setting back of any existing mature vegetation boundary,</p>

	<p>in your ownership/or with permission of the owner, a minimum of 0.5m behind the sightline envelope, even when vegetation boundary reaches maturity, to ensure that sightlines and stopping sight distances are not impeded at any stage going forward.</p> <p>Reason - In the interest of visual amenity and traffic safety.</p>
4.	<p>(a) The area of ground between the road edge and the realigned front boundary shall be reinstated to prevent any road safety issues occurring and details of same shall be submitted and agreed with the planning authority as part of a separate application for permission consequent on this permission in principle.</p> <p>Reason - In the interest of visual amenity and traffic safety.</p>
5.	<p>No lighting shall be permitted within the curtilage of the site at the roadside entrance or on the gate piers.</p> <p>Reason - In the interest of traffic safety and to prevent light pollution in the rural area.</p>
6.	<p>(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.</p> <p>(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.</p> <p>Reason: In the interest of traffic safety and to prevent flooding or pollution.</p>
7.	<p>(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 <math>\leq 10</math>)” – Environmental Protection Agency, 2021.</p>

	<p>(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 <math>\leq 10</math>)” – Environmental Protection Agency, 2021.</p> <p>(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.</p> <p>Reason: In the interest of public health and to prevent water pollution</p>
8.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason - In the interest of visual amenity.</p>
9.	<p>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.</p> <p>Reason - In the interest of climate change, energy efficiency and the proper planning and sustainable development of the area.</p>
10.	<p>A landscaping plan to be submitted as part of the application for permission consequent to this outline permission, shall include screen planting to be provided along the front, side and rear boundaries of the site. This planting shall take place on or before the first appropriate planting season after the commencement of development. This planting shall consist of trees and shrubs of native broadleaf species planted at suitable intervals to provide an effective screen from the public road. Planting along the front boundary shall be set back so that it does not interfere with sightlines at the entrance, when at maturity. All unsuccessful or damaged trees/shrubs shall be replaced without delay.</p>

	Reason - In the interest of biodiversity and to protect the visual amenities of the area.
11.	<p>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 of dwelling granted permission on the adjacent site to the north (planning reference 24/61077 relates)</p> <p>The plans and particulars to be submitted by way of a separate application for permission consequent shall include the following:</p> <p>(a) 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,</p> <p>(b) a site layout plan to a scale of not less than 1:500 showing the layout of the house, driveways and wastewater treatment system,</p> <p>(c) the finished ground floor level of the house by reference to existing site levels and road level at the proposed entrance,</p> <p>(d) proposals for the landscaping of the site (including planting), and</p> <p>(e) details of external finishes.</p> <p>Reason: To enable the application for permission consequent to be fully assessed."</p>
12.	<p>The external finishes of the proposed house shall consist mainly of plaster/dash. Stone to be used shall be natural stone only local to the area and shall be limited to detailing and small areas. Full details of the external finishes shall be submitted at permission consequent stage.</p> <p>Reason - In the interest of visual amenity.</p>
13.	<p>The roof shall be covered in blue-black, black or dark grey tiles/slates. The colour of the ridge tile shall be the same as the colour of the roof.</p> <p>Reason - In the interest of visual amenity.</p>
14.	<p>No development shall commence on the site until the water supply source is tested chemically and bacteriologically for potability and the results of this testing shall be submitted and agreed with the Planning Authority.</p>

	Reason - In the interest of public health.
15.	<p>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.</p> <p>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.</p>

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.

---

Ann Bogan  
 Planning Inspector

17<sup>th</sup> December 2025

## Appendix 1 - Form 1 EIA Pre-Screening

<b>Case Reference</b>	PL-500106-LK
<b>Proposed Development Summary</b>	Construction of dwelling, wastewater treatment system, entrance
<b>Development Address</b>	Ballinascaula, Kilmallock, Co Limerick
	<b>In all cases check box /or leave blank</b>
<p><b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b></p> <p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> <li>- The execution of construction works or of other installations or schemes,</li> <li>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</li> </ul>	<p><input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.</p> <p><input type="checkbox"/> No, No further action required.</p>
<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>	
<p><input type="checkbox"/> Yes, it is a Class specified in Part 1.</p> <p><b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b></p>	State the Class here
X 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>	
<p><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>	

<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>X 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>Class 10 (b) (i) Threshold 500 houses</b></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 X</p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: Ann Bogan

Date: 17/12/2025

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	PL-500106-LK
<b>Proposed Development Summary</b>	Construction of dwelling, wastewater treatment system, and entrance
<b>Development Address</b>	Ballinascaula, Kilmallock, 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 development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</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 on improved agricultural land which is abundant in the area. 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><b>Having regard to the characteristics of the development and the sensitivity of its location,</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>consider the potential for SIGNIFICANT effects, not just effects.</b></p> <p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<b>There is no real likelihood of significant effects on the environment.</b>	<b>EIA is not required.</b>

**Inspector:** Ann Bogan

**Date:** 17/12/2025\_\_\_\_\_

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

(only where Schedule 7A information or EIAR required)

## Appendix 2

### Screening for Appropriate Assessment Test for likely significant effects

#### Step 1: Description of the project and local site characteristics Case file: PL-500106-LK

<b>Brief description of project</b>	Normal Planning appeal Application for outline permission for dwelling house and wastewater treatment system at Ballinascaula, Kilmallock, Co Limerick See section 2 of inspector's report
<b>Brief description of development site characteristics and potential impact mechanisms</b>	The proposed development site is in a rural area. It is in use for agricultural purposes at present and surrounded by other fields in such use. The development will comprise of construction of a dwelling house, entrance, proprietary wastewater treatment system and bored well. The tertiary wastewater treatment system and infiltration area will discharge to groundwater and is designed in accordance with requirements of EPA Code of Practice for Domestic Wastewater Systems 2021.  There is a drain along the front of the site which has water in it seasonally/after rain and which does not connect to any European site. .
<b>Screening report</b>	No Limerick City and County Council screened out the need for AA.
<b>Natura Impact Statement</b>	No
<b>Relevant submissions</b>	None

#### Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests <sup>1</sup>	Distance from proposed development	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
Glen Bog SAC (001430)	<a href="https://www.npws.ie/protected-sites/sac/001430">https://www.npws.ie/protected-sites/sac/001430</a>	7.9km	No direct connection, possible indirect	Y
Ballyhoura Mountains SAC (002036)	<a href="https://www.npws.ie/protected-sites/sac/002036">https://www.npws.ie/protected-sites/sac/002036</a>	11.1km	No direct connection Possible indirect	Y

<sup>1</sup> summary description / **cross reference to npws website** is acceptable at this stage in the report

<sup>2</sup> Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

<sup>3</sup>if no connections: N

**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

**AA Screening matrix**

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p><b>Site</b> <b>Glen Bog SAC (0011430)</b></p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p>	<p>Direct: none Indirect: localized, temporary, low magnitude impacts from construction related emissions to surface water during construction or to ground water from tertiary wastewater treatment system.</p>	<p>Distance from receiving features connected to the SPA make it <b>highly unlikely</b> that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCI listed.</p>
<p><b>Ballyhoura Mountain SAC (002036)</b></p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Blanket bogs (* if active bog) [7130]</p>	<p>Direct: none Indirect: localized, temporary, low magnitude impacts from construction related emissions to surface water during construction or to ground water from tertiary wastewater treatment system.</p>	<p>Distance from receiving features connected to the SPA make it <b>highly unlikely</b> that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCI listed.</p>
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	

**Step 4 Conclude if the proposed development could result in likely significant effects on a European site**

I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on a European Site.

No mitigation measures are required to come to these conclusions.

### **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 Dingle Peninsula SPA or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to the European sites

**Inspector:** Ann Bogan \_\_\_\_\_ **Date:** \_17/12/2025\_\_\_\_\_