



Development	Retention of existing building and following changes: partial demolition, alteration to roof, use se of building as garage. Demolition of derelict dwelling, construction of dwelling, vehicular entrance, waste water treatment system and associated site work
Location	Cloghatacka, Rivermount, Clarina, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2560971
Applicant(s)	Maurice O'Carroll
Type of Application	Retention
Planning Authority Decision	Grant Retention with Conditions
Type of Appeal	Third Party
Appellant(s)	Tony McGrath
Observer(s)	None
Date of Site Inspection	20 th March 2026
Inspector	Clare Clancy

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1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Cloghatacka, Rivermount which is situated approx. 500 m to the southeast of the N69. The site fronts onto the L-8048 which is also known as the Harty Road. It is located approximately 3.8 km to the southwest of Clarina village and c. 11 km to the west of Limerick City.
- 1.2. Access to the site is via an existing entrance off the L8048. The site comprises of a single storey dwelling which is partially mono-pitched and flat roof design. There is a small outbuilding at the front of the site located on the western boundary of the site, and a larger outbuilding to the rear in the north western corner. The land to the east are overgrown and is separated by a boundary fence and earth embankment, however there is access to the rear from the existing structure. The ruins of a dwelling are located at the front of the site. There is an existing pedestrian access to the ruins of a dwelling from the adjoining public road.
- 1.3. The roadside boundary is defined by a stone wall backed by hedging and mature trees. There is an existing dwelling bounding the site to the west and the area is characterised by one-off housing along the local road.

2.0 Proposed Development

- 2.1. Retention permission and permission is sought for the following:

Existing Mono-pitch Structure

- Retain existing 'as constructed' structure (gross floor area 54 m²) and permission to use as a domestic garage.
- To demolish front section (gross floor area 25 m²), replace the existing mono-pitch roof with a pitched roof, close fenestration and doors on east and west facing elevations and provide new garage door on south facing elevation.

Existing Derelict Dwelling

- Permission to demolish the remainder of the existing dwelling (gross floor area c. 107 m²), to construct a replacement single storey dwelling (gross floor area 185 m²).

- Close existing vehicular access and open new access onto adjoining public road.
- Install new proprietary domestic wastewater treatment plant, and all associated site works.

2.1.1. The following is noted:

- The appeal site has a stated area of 0.330 ha.
- Gross floor area of existing buildings – 186 m²
- Gross floor area of works to be retained – 54 m²
- Gross floor area of works to be demolished – 132 m²

2.1.2. A site suitability assessment report and a Shadow Cast Analysis was submitted with the application.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. By Order dated 19th November 2025, Limerick City and County Council decided to grant retention permission for the proposed development subject to the 14 no. conditions.

3.1.2. The following conditions are of note:

- Condition 2 – pre-development condition requiring photographic evidence of confirmation that the existing derelict dwelling is removed from site, and the roof of the existing structure is complete.
- Condition 3 – Precludes the construction of the replacement dwelling until the partial demolition and alteration works to the existing structure (proposed use as a garage) on the western boundary has been completed.
- Condition 4 – Confines use of garage for purposes ancillary to use of existing dwelling only.
- Condition 10 – Requires the submission of a Refurbishment Demolition Asbestos Survey.
- Condition 11 – Requires the hedgerow on the western boundary to be planted.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

One planning report forms the basis of the assessment and recommendation. The following is noted:

- Principle of development – the previous An Coimisiún Pleanála decision established that the proposal for a dwelling on site represents a replacement dwelling. Notes that the Commission’s refusal decision related to design, siting and impact of the proposed dwelling on adjoining residential amenities.
- Noted that the footprint of the existing mono-pitch structure was been reduced and the existing roof would be replaced with a pitched roof resulting in an overall reduced ridge height of 4.94 m (0.573 m reduction). The building line to the structure would be setback further due to the demolition of the front section and no overlooking occurred. The grounds for refusal in the decision of the Commission’s ABP Ref. 322081-25 related to the site were considered to be addressed.
- The proposal to demolish the remains of a the existing derelict dwelling with a replacement dwelling was acceptable. The proposed dwelling was considered to be acceptable in terms of design and scale.
- No objection raised regarding effluent disposal.
- The proposed new access was considered to be acceptable noting that it was deemed acceptable by the Roads Department in the pervious application on the site.

3.2.2. Other Technical Reports

- Environment Department (28th October 2025) – No objection subject to conditions.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

One Third Party Observation was received from Tony McGrath. The issues raised are similar to those raised in the grounds of appeal.

4.0 Planning History

Appeal Site:

- P.A. Ref. 08/2485 – Permission was refused for the construction of a dwelling to replace the existing derelict dwelling (which is to be demolished), sewage treatment unit, alteration of existing vehicular entrance and associated site works. Permission was refused for two reasons. The first reason relates to local housing need and a housing need not established. The second reasons relates states that the proposed development would contribute to the extensive ribbon development.
- P.A. Ref. 12/1012 – Permission for an extension to existing dwelling, and completion of works including the reconstruction of dwelling, single storey extension to the rear and associated site works. The application was withdrawn.
- P.A. Ref. 24/27 – Permission was sought to retain the demolition of existing single storey dwelling and permission for the reconstruction of dwelling, single storey extension to the rear and associated site works. The application was withdrawn.

Adjacent site:

- P.A. Ref. 92/565 – Permission was granted for retention of extension to dwelling house, comprising kitchen, bedroom and bathroom.

5.0 Policy Context

5.1. National Policy

National Planning Framework

The National Planning Framework is a planning framework to guide development and investment over the coming years. It empowers each region to lead in the planning and development of their communities, containing a set of national objectives and key principles from which more detailed and refined plans will follow.

National Policy Objective 19 - Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstratable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlement;
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

Climate Action Plan 2025

The Climate Action Plan 2025 (CAP25) is the third annual update to Ireland's Climate Action Plan. It should be read in conjunction with Climate Action Plan 2024.

The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

National Biodiversity Action Plan 2023 – 2030

Ireland's 4th National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature.

5.2. Limerick Development Plan 2022 – 2028 (as varied)

➤ Chapter 4 Housing

Section 4.4 refers to Rural Housing

- 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 listed criteria as set out in the objective.

- Objective HO O22 – Refurbishment/Replacement of Traditional Rural Dwellings

It is an objective of the Council to seek the retention and sympathetic refurbishment, with adaptation if necessary, of traditional dwellings in the countryside in sympathy with the character of the existing building. This will be encouraged in preference to their replacement. Planning permission will generally only be granted for replacement of a dwelling where it is demonstrated that it is not reasonably capable of being made structurally sound, or otherwise improved and where the building is not of architectural merit. In this instance, consideration will be given to the replacement of an existing dwelling with a new dwelling at the same location, subject to appropriate design, scale of building and normal planning considerations. Local rural housing need shall not apply in this instance.

➤ **Chapter 6: Environment, Heritage, Landscape and Green Infrastructure**

- Objective EH O16 Septic Tanks and Proprietary Systems

It is an objective of the Council to ensure that septic tanks/proprietary treatment systems, or other waste water treatment and storage systems which are required as part of a development, comply with the standards set out under EPA 2021 etc. and that they are constructed only where site conditions are appropriate. In respect of groundwater, it is a requirement that as part of the required site assessments the local groundwater conditions as identified in the groundwater protection scheme and the River Basin Management Plan 2022-2028¹ are properly assessed in informing the Groundwater Protection Response.

➤ **Chapter 8 Infrastructure**

- Objective IN O11 Private Waste Water Treatment

It is an objective of the Council to:

¹ It is noted that the correct title is “River Basin Management Plan 2022-2027”

- 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.

5.3. **Natural Heritage Designations**

- SAC: 002165 - Lower River Shannon SAC – approx. 792 m to the west.
- SPA: 004077 - River Shannon and River Fergus Estuaries SPA – approx. 979 m to the northwest.

6.0 **EIA Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 appended to 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

One Third Party appeal against the PA's decision to grant permission has been received from Tony McGrath whose property adjoins the appeal site. The grounds of appeal may be summarised as follows:

- The appeal relates specifically to the existing development and not to the applicant building a new home on the site.
- The original building which was refused permission by An Coimisiún Pleanála has been permitted to stay standing and be repurposed. The building should be demolished and not regularised.
- When the building was erected it caused construction noise disturbances causing stress and should not be accepted in a different form and is rewarding what the planning system seeks to prevent.
- The building blocks light into one side of the appellant's property.
- The proposed use as a garage is upsetting and unfair given all that has happened.
- The planning report indicates that Objective HO O20 Rural Areas Under Strong Urban Influence is applicable to the area. In order to comply with this objective, the applicant must meet at least one of the criteria listed. The applicant lives nearby and has no housing need under this policy.
- The boundary wall at the rear of the appellant's dwelling forms part of a shed on the applicant's property. If this wall was removed or interfered with during the works, it would result in the appellant's property being open and exposed. There is a need to put assurances in place to ensure that nothing happens to the boundary without protections and agreement.

7.2. Applicant Response

A response to the grounds of appeal was received by the applicant. The response to the grounds of appeal may be summarised as follows:

Retention of Existing Structure

- The PA assessed the existing structure having regard to its location, scale, visual impact and relationship with adjoining properties and determined that it was acceptable subject to conditions.
- It is acknowledged that the structure is unauthorised, however the planning systems provides for retention of developments where it can be demonstrated that it would be acceptable in planning terms.

Use of Structure as Domestic Garage

- The subject development will be used solely as a domestic garage ancillary to the main dwelling and will not be used for commercial or independent residential purposes. The ancillary use significantly limits activity, noise and general disturbances and is consistent with normal residential development in rural areas.

Residential Amenity

- In relation to loss of light, a shadow cast analysis was undertaken which demonstrated that there is no significant or unacceptable overshadowing of the adjoining dwelling and impacts fall within acceptable planning norms for residential development.

Policy Context

- Objective HO 20 relates specifically to new dwellings in rural areas and the retention of an ancillary domestic garage does not constitute a new dwelling and does not come within the scope of this objective.

Boundary Wall

- No works are proposed that would require removal or interference with the boundary wall reference in the appeal. Should works be required in proximity to site boundaries, they will be carried out in full compliance with planning conditions, best practice construction, property law, and no encroachment onto adjoining lands.

7.3. Planning Authority Response

A response was received from the PA noting no further comments to make outside of the assessment of the planning application.

7.4. **Observations**

None.

8.0 **Assessment**

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Design/ Layout/ Access of Proposed Dwelling
- Existing Structure & Residential Amenity
- Other Matters

8.1. **Principle of Development**

- 8.1.1. The grounds of appeal refers to a decision by the Coimisiún in relation to the existing unauthorised dwelling on the site, ABP Ref. 322081-25 refers. To summarise, retention permission was refused for the existing dwelling as a replacement dwelling, which sought to replace a smaller unauthorised residential unit on the site. To clarify, this unauthorised residential unit is separate to the dwelling ruins located to the east within the overall site which is the subject of this application.
- 8.1.2. The first reason for refusal related to design, scale and proximity of the existing development which was considered to unduly impact on the residential amenities of the adjoining property to the west, due to overbearance and overshadowing. The second reason related to the overall design and orientation of the existing dwelling in terms of roof profile and gable end fronting onto the adjoining public road, which was deemed to be incongruous and impacting negatively on visual amenities.
- 8.1.3. The current application before the Commission has sought to address the issues raised by (i) partially demolishing the existing unauthorised dwelling and amending the roof profile by replacing the mono-pitch roof with an 'A' pitched gable roof, and proposing to use the structure as a domestic garage, ancillary to the use of the

proposed new replacement dwelling, and (ii) by constructing a new dwelling to replace the ruins of an old derelict dwelling on the site as indicated on DWG Ref. 'Site Layout Plan P01'.

- 8.1.4. The grounds of appeal has also raised that Objective HO O20 (Rural Areas Under Strong Urban Influence) is relevant to the proposed development as the site is located in an area designated as being under strong urban influence and that the applicant does not meet this objective.
- 8.1.5. The PA in consideration of the principle of the proposed development, concluded that the site is acceptable in principle for a replacement dwelling, as the requirement to meet Objective HO O20 is not necessary for a new replacement dwelling. It noted that the previous decision to refuse permission by the Commission under ABP Ref. 322081-25 only related to design/ location issues, and impacts on adjoining residential amenities and visual amenities, and not whether a replacement dwelling is permissible. It therefore considered that the principle of development for the proposed replacement dwelling was already established by the previous application and decision of the Commission.
- 8.1.6. I note that the nature of the current appeal before the Commission differs from that previously proposed and decided on the site under ABP Ref. 322081-25. In this case, and as described above, the proposed development represents the replacement of a previously existing dwelling on the site that is now in a state of ruins/ disrepair. As per Map 4.1 (Rural Housing Strategy Map) contained in Volume 1 of the development plan, the site is located in an area designated as being under strong urban influence. While ordinarily Objective HO O20 (Rural Areas Under Strong Urban Influence) would apply for proposals for a new dwelling, in this case, the proposal relates to the provision of a replacement dwelling to the rear of the existing derelict dwelling footprint on the site.
- 8.1.7. Objective HO O22 of the development plan seeks to accommodate the replacement of an existing traditional rural dwelling where it has been demonstrated that the subject dwelling is not reasonably capable of being made structurally sound, improved, and where it is not considered to be of architectural merit. Other than the plans and drawings submitted with the application that illustrate the remaining partial walls of the dwelling ruins, there are no other details on the file in relation to the existing dwelling to be replaced. At time of site inspection, access to the grounds of the dwelling ruins

was inhibited by extensive site overgrowth however partial stone walls were evident. On this basis, I am not satisfied that there is a dwelling to be replaced on the site as I do not consider the ruins of a derelict dwelling to be eligible for replacement by a new dwelling, having regard to the provisions of this objective. Therefore it is my consideration that Objective HO O22 (Refurbishment/Replacement of Traditional Rural Dwellings) is not applicable in this case, and the proposal for a new dwelling would be required to be assessed under the provisions of Objective HO O20 (Rural Areas under Strong Urban Influence) of the development plan.

8.1.8. Notwithstanding that the PA had accepted under ABP Ref. 322081-25, P.A. Ref. 24/61148 that there was previously a dwelling on the site which lay in ruins and the residential occupancy of the site continued by way of the construction of an unauthorised residential unit for which retention permission was sought, I do not agree with the rationale put forth, as the replacement dwelling referred to in the previous application ABP Ref. 322081-25, P.A. Ref. 24/61148 related to the replacement of an unauthorised residential unit constructed on the site. Accordingly, in view of the foregoing, I therefore recommend refusal on this basis.

8.1.9. Having regard to the planning history of the site as detailed in the PA planning report, I note that the matters in relation to alleged unauthorised development carried out on the site, and that retention applications including the current application were made to address some of the issues. I note for the Commission that the retention of the existing structure and its use as a domestic garage ancillary to the use of the proposed replacement dwelling, would be contingent upon planning consent being granted for the proposed replacement dwelling. However, should the Commission not agree with my assessment and recommendation to refuse the principle of the proposed development, I will assess the development overall to enable the Commission to consider the merits of the proposed development in accordance with the proper planning and sustainable development of the area, which is set out below.

8.2. **Design/ Layout/ Access of Proposed Dwelling**

8.2.1. The proposed replacement dwelling will be single storey in scale with a gross floor area of 185 m² and a max roof ridge height of 6.45 m and will be setback approx. 18.6 m from the public road. I consider the proposed dwelling to be acceptable in terms of

design, scale and finish, and I am satisfied that it will not give rise to undue impacts on residential amenities or on surrounding visual amenities.

- 8.2.2. It is proposed to close the existing entrance serving the site and to open a new vehicular entrance at the location of where there is an existing pedestrian entrance in situ. I observed at time of site inspection that the site is located within the 60 km/hr speed limit along the stretch of road as it travels westwards. I note that the PA was satisfied with the proposal, noting that the Roads Department did not raise any objections to same under the previous application ABP Ref. 322081-25, P.A. Ref. 24/61148. Subject to the site remedial works being carried out to the roadside boundary within the application site boundary, I consider that the proposed access would be acceptable. I consider it appropriate to include a condition requiring the existing vehicular access to be permanently closed, and recommend that the Commission includes such a condition in the event of a grant.

Wastewater Disposal

- 8.2.3. The proposed dwelling will be serviced by a tertiary treatment system and infiltration treatment area. A site suitability assessment was carried out.
- 8.2.4. The appeal site overlies a 'Locally Important Aquifer' that is described as 'bedrock which is generally moderately productive'. It has an 'Extreme' vulnerability classification in the GSI Groundwater maps. The Ground Water Protection Response (GWPR) is indicated to be R2¹.
- 8.2.5. Under the EPA Code of Practice 2021, the trial hole in locally important or poor aquifers, should be excavated to a depth of at least 2.1 m or to bedrock. The depth of the trial hole is recorded as 1.6 m where bedrock was encountered and the rock type is identified as limestone.
- 8.2.6. The test for Subsurface Percolation of subsoil recorded an average T value of 23.67 mins. The test then proceeded to Step 4 which is the Standard Method test and recorded a T value of 12.19 mins. The overall percolation value for the site is recorded as 12.19 (min/ 25mm) and it is proposed to use a tertiary treatment system and infiltration/ treatment area.
- 8.2.7. Table 6.3 of the Environmental Protection Agency Code of Practice: Domestic Waste Water Treatment Systems (Population Equivalent \leq 10) requires that the proposed new

system must have sufficient depth of soil and/or subsoil below the invert level, depending on the type of system proposed. In this case, it is noted that it is proposed to install a tertiary treatment system and infiltration/ treatment area. I note that the wastewater treatment system and the percolation bed will have a depth of 0.9 m of unsaturated soil available (DWG Ref. 'Waste Water Treatment Plant & Percolation Area'). Having regard to Table 6.3 of the CoP for a GWPR R2¹, I am satisfied that this complies with the requirements of Table 6.3 and that the site can adequately dispose of effluent arising from the proposed development. I note that the PA and Environment raised no concerns in relation to the site suitability. Therefore I consider the proposal to be acceptable.

8.3. Existing Structure & Residential Amenity

- 8.3.1. Permission is sought to retain the existing structure as constructed and to amend the design for use as a domestic garage ancillary to the use of the proposed replacement dwelling. The PA considered the proposal acceptable and included specific conditions related to its modification to be carried out prior to the construction of the proposed replacement dwelling and also conditioned the use for purposes solely incidental to the use of the proposed dwelling.
- 8.3.2. It is proposed to modify the existing structure by demolishing the front section closest to the public road thereby reducing its overall footprint by 25 m² resulting in a gross floor area of 54 m². The building line will be set back approx. 12.32 m from the roadside boundary. The roof profile will also be modified to replace the mono-pitch roof with an 'A' pitch gable roof. This will reduce the overall ridge height from 5.51 m to 4.94 m and in my opinion is more appropriate and consistent with the existing prevailing building type located along the local road which consists of dwellings with pitched, hipped and dormer style roofs. It will also result in the subject development being less overbearing than the current situation.
- 8.3.3. Impacts on residential amenities are raised by the third party appellant whose property is located to the west of the site. In this regard, it is submitted that the existing structure blocks light to their property.
- 8.3.4. The appeal site is located to the east of the appellant's property and there is a stone wall and hedgerow boundary between the two properties. The overall height of the structure will be 4.943 m and will be setback from the front building line of the adjoining

property by approx. 6.13 m. There will be a separation distance of approx. 3.15 m between the nearest building line of the western elevation of the existing structure and the dividing boundary line.

8.3.5. A shadow impact analysis of the proposed development is provided for 14th May for 8 am, 12 pm, 2 pm and 4 pm. This demonstrates that the proposed structure will have minimal impact on the adjoining property in terms of overshadowing.

8.3.6. Having regard to the foregoing, and to the south facing orientation of both the appeal site and the appellant's property to the west and to the sun path, I am satisfied that the proposed development would not contribute to significant overshadowing or undue impact on the level of daylight being received.

8.4. **Other Matters**

Third Party Boundary

8.4.1. I note the appellant has concerns regarding the shared boundary at the rear of his property which forms part of the outbuilding on the applicant's property. Concern is raised that construction works may impact on this boundary and the appellant seeks assurances to be put in place to ensure that nothing happens to the boundary. I note from the site layout plan drawing that there are no works indicated to be carried out in regard to either of the two outbuildings situated adjacent to the western boundary of the site, although semi mature native hedgerow is proposed to be planted along the boundary.

8.4.2. I note that matters relating to shared boundaries, encroachment or otherwise are a civil matter, having regard to the provisions of Section 34(13) of the Planning and Development Act 2000 (as amended). Party wall agreements are covered under separate legislation and are not a matter for the Commission. Any grant of planning permission does not relieve the developer of the responsibility of complying with any requirements under other codes of legislation affecting the proposal or the site.

Unauthorised Development

8.4.3. The matters raised by the appellant with regard to unauthorised development fall under the jurisdiction of the planning authority and are not within the remit of the Commission to consider. While I acknowledge the issues raised, in the event the Commission consider the principle of development and compliance with Objective HO O22

(Refurbishment/Replacement of Traditional Rural Dwellings) acceptable, I consider it appropriate to include a condition similar to condition 4 of the PA's decision to restrict the use of the garage for ancillary domestic purposes only, and recommend the inclusion of such a condition, in the event of a grant.

Conditions

- Condition 2

8.4.4. This requires photographic evidence to be submitted within 3 months of the final grant, to confirm that (a) the existing derelict dwelling is demolished and the site cleared of demolition material and (b) the works related to the proposed garage have been completed. I acknowledge the rationale for the condition in terms of orderly development and consider it appropriate to include a similar condition in the event of a grant.

- Condition 3

8.4.5. This condition requires that no development shall commence on the replacement dwelling until the demolition works and alterations proposed to the existing structure are completed. Having regard to condition 2 above, I consider that conditions 2 and 3 can be consolidated as 1 no. condition to address the works proposed in regard to the existing structure and the ruins of the existing dwelling, prior to commencement of works in relation to the proposed replacement dwelling. Therefore condition 3 is not warranted and I do not recommend its inclusion.

- Condition 10

8.4.6. This condition requires the submission of a Refurbishment Demolition Asbestos Survey (RDAS) to be submitted prior to the demolition of the existing dwelling. I recommend the inclusion of the PA's condition.

9.0 AA Screening

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

I have considered case PL-500430-LK-25 in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The appeal site is located in a rural area and the proposal comprises the construction of a replacement dwelling and the retention of an existing 'as constructed' structure and permission to use same as a domestic garage as well as carrying out alterations to the structure to reduce its scale.

The closest European site relative to the appeal site are the following:

- SAC: 002165 - Lower River Shannon SAC – approx. 792 m to the west and
- SPA: 004077 - River Shannon and River Fergus Estuaries SPA – approx. 979 m to the northwest.

No nature conservation concerns were raised in the planning appeal.

The planning authority considered that the subject development that there was no real likelihood of significant effect on the conservation status of any European designated site, and Appropriate Assessment was not necessary.

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 nature, scale and location of the development.
- The distance between the appeal site and European site and the absence of hydrological or other ecological pathways to any European site.
- Taking into account 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 Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive, together with relevant guidance published by the Environmental Protection Agency (Ireland), including applicable codes of practice for the protection of water quality.
- 10.1.2. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.
- 10.1.3. The proposed development has been designed in accordance with EPA Code of Practice (2021) and best practice guidance, ensuring that appropriate measures are incorporated to prevent pollution, control runoff, and protect both surface water and groundwater receptors.
- 10.1.4. Furthermore, the development will not adversely affect the achievement of established environmental objectives, including the maintenance or attainment of Good Ecological Status/Potential and Good Chemical Status, as required under the Directive.
- 10.1.5. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

I recommend that permission and retention permission are refused for the proposed development.

12.0 Reasons and Considerations

1. Having regard to the provisions of Objective HO O22 relating to the Refurbishment/Replacement of Traditional Rural Dwellings of the Limerick Development Plan 2022-2028 (as varied), which seeks to support the provision of a replacement dwelling in circumstances where the existing dwelling to be replaced cannot reasonably be made structurally sound or improved or has no architectural merit, it is considered that the site comprises only the ruins of a former

habitable structure and does not contain a dwelling that would qualify for replacement under this stated objective. The proposed development is therefore considered to constitute the construction of a new dwelling in the rural countryside to which Objective HO O20 (Rural Areas under Strong Urban Influence) would apply and as such, the proposal cannot be considered under the provisions applicable to replacement dwellings. The proposed development would, therefore 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Clare Clancy

Planning Inspector

19th May 2026

Appendix 1 – Form 1 EIA Pre-Screening

Case Reference	PL-500430-LK-25
Proposed Development Summary	Retention of existing building and following changes: partial demolition, alteration to roof, use of building as garage. Demolition of derelict dwelling, construction of dwelling, vehicular entrance, waste water treatment system and associated site work
Development Address	Cloghatacka, Rivermount, Clarina, Co. Limerick
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	

<p>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</p>	
<p><input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</p>	<p>State the Class here</p>
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p>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?</p>	
<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 development under Article 8 of the Roads Regulations, 1994. No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p>	<p>Part 2, Class 10(b)(i) construction of more than 500 dwellings. Proposal is substantially less than the threshold</p>

<p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	
<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____

Date: _____

Appendix 2 – Form 2 EIA Preliminary Examination

Case Reference	PL-500430-LK-25
Proposed Development Summary	Retention of existing building and following changes: partial demolition, alteration to roof, use of building as garage. Demolition of derelict dwelling, construction of dwelling, vehicular entrance, waste water treatment system and associated site work
Development Address	Cloghatacka, Rivermount, Clarina, Co. Limerick
This preliminary examination should be read with, and in the light of, the rest of the Inspector’s Report attached herewith.	
Characteristics of proposed development (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).	<ul style="list-style-type: none"> • Proposed residential use would be compatible with other uses in area. • Modest size and intensity of development • No significant use of natural resources or significant production of construction and demolition waste. • No significant risk of pollution or nuisance. • No significant risk of accidents/ disasters to human health.
Location of development (The environmental sensitivity of geographical areas likely to	<ul style="list-style-type: none"> • Located within rural area • Local ecology only on site • No water features at the site

<p>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>	<ul style="list-style-type: none"> • No designated sites at this location
<p>Types and characteristics of potential impacts</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>Having regard to the following:</p> <ul style="list-style-type: none"> • Nature and scale of the development, • Lack of significant environmental sensitivities on the site, • Absence of significant in combination effects, <p>There is no potential for significant effects on the environmental factors listed in Section 171A of the Act.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>

<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>
<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	
<p>There is a real likelihood of significant effects on the environment.</p>	

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 4 – WFD Impact Assessment Stage 1

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-500430-LK-25	Townland, address	Cloghatacka, Rivermount, Clarina, Co. Limerick
Description of project		Retention of existing building and following changes: partial demolition, alteration to roof, use of building as garage. Demolition of derelict dwelling, construction of dwelling, vehicular entrance, waste water treatment system and associated site work	
Brief site description, relevant to WFD Screening,		<p>Site is located in the rural area.</p> <p>Site contains existing structure, outbuildings, and ruins of a derelict dwelling and is agricultural lands.</p> <p>Site is not located in a flood zone area.</p> <p>Site ground levels are generally consistent with the adjoining public road.</p>	
Proposed surface water details		Surface water to on site soakway	
Proposed water supply source & available capacity		Group Water Scheme connection	

Proposed wastewater treatment system & available capacity, other issues		Onsite wastewater treatment system				
Others?		No				
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface runoff, drainage, groundwater)
River Waterbody	Cragheg waterbody Located c. 400 m to the east	BARNAKYLE_020 IE_SH_24B050600	Moderate	At risk	Ag, UR	Potential surface water runoff
Ground Waterbody	Underlying site	Limerick City Southwest IE_SH_G_141	Good	At risk	Ag	Surface water drainage to ground

							Effluent treatment and discharge to ground
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	BARNAKYLE_020 IE_SH_24B050600	Surface runoff	Pollution and sedimentation	Standard Construction practice	No	Screened out

2.	Ground	Limerick City Southwest IE_SH_G_141	Underground	Pollution, ground filtration	Standard Construction practice	No	Screened out
OPERATIONAL PHASE							
1	Surface	BARNAKYLE_020 IE_SH_24B050600	Surface runoff	Pollution and sedimentation	Onsite drainage and soakaways	No	Screened out
42	Ground	Limerick City Southwest IE_SH_G_141	Underground	Pollution, ground filtration	On site drainage to BRE standards, WWTS to EPA CoP standards	No	Screened out
DECOMMISSIONING PHASE							
1.	NA	NA	NA	NA	NA	NA	NA

