



An
Coimisiún
Pleanála

Inspector's Report PL-500616-LK-25

Development	Construction of four dwellings and all associated site works.
Location	Bóthar Buí, Knockane, Newcastle West, Co Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2561108
Applicant(s)	Jeffrey and Sean Markham
Type of Application	Permission
Planning Authority Decision	Grant, subject to conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Pearce Rowsome
Observer(s)	None
Date of Site Inspection	15 th March 2026
Inspector	Terence McLellan

1.0 Site Location and Description

1.1. The subject site is located on Bóthar Buí, approximately 700m to the south of Newcastle West town centre. Access to the site is from Bothar Bui and the majority of the site sits to the rear of the existing dwellings lining this road, having some characteristics of a backland site. The immediate neighbouring dwellings are single storey/one and half storey (equivalent) and other dwellings in the surrounding area are in the order of one and a half storey and two storey, including terraced dwellings. Boundaries are generally marked by walls/fences and hedgerows/trees. The land bounding the rear of the site to the east between the site and Knockane Road is in agricultural use. Opposite the site to the west are the sports pitches of Scoil Mhuire agus Íde.

2.0 Proposed Development

2.1. Planning permission is sought for the erection of 4 no. two storey terraced dwellings (2 no. two bedroom and 2 no. three bedroom). Each dwelling would benefit from front and rear garden ground in addition to shared open space within the wider site. A new access would be provided from Bóthar Buí and car parking would be provided for 11 vehicles, inclusive of an accessible bay.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Permission was granted by Limerick City and County Council by order dated 16th December 2025, subject to 25 generally standard conditions. Conditions of note include:

3.1.2. Condition 4:

- a) Prior to the commencement of any house in the development as permitted, the developer or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses permitted, to first

occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

- b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason - To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

3.1.3. Condition 10:

- i. Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority full details of additional traffic calming and/or speed control measures to address the issue of speed on the external road network, as highlighted in the Road Safety Audit. These measures shall be implemented in accordance with the agreed details.
- ii. The developer shall submit a signed Stage 1 Road Safety Audit for the written agreement of the Planning Authority prior to the commencement of development.
- iii. The developer shall submit a Stage 2 Road Safety Audit for written agreement with the Planning Authority prior to commencement of development, in compliance with TII Publication Road Safety Audit GE-STY-01024 and shall complete and submit a Stage 3 Road Safety Audit for written agreement with the Planning Authority in compliance with the same TII Publication.
- iv. The developer shall submit details of the proposed Audit Team for written agreement with the Planning Authority prior to proceeding with the audits.
- v. All problems identified in the Stage 2 and Stage 3 Audits shall be addressed in full, and revised Site Layout Plans incorporating the recommendations of the

audits shall be submitted. These plans must be clearly labelled and shall be agreed in writing with the Planning Authority

Reason - In the interest of road traffic safety.

3.2. Planning Authority Reports

3.2.1. The first Planner's Report contains the following points of note:

- The site is zoned 'Existing Residential', the proposal aligns with the zoning objective and would facilitate the repurpose of underutilised zoned lands on the edge of the town centre.
- Previous applications were withdrawn due to the lack of a Confirmation of Feasibility from Uisce Éireann. This has now been provided and the concerns addressed.
- Housing quality standards, layouts, and storage space requirements are satisfied.
- No overlooking or overshadowing impacts are anticipated given the layout and separation distances.
- Pre-commencement condition regarding materials is recommended as limited details on material finishes have been provided.

3.3. Other Technical Reports

3.3.1. **Environment Section (18.11.2025):** No objections, conditions recommended regarding the provision of a Resource Waste Management Plan.

3.3.2. **Fire Officer (27.11.2025):** No objection, standard recommendation regarding compliance with Building regulations.

3.3.3. **Roads Section (11.2.2025):** No objection, conditions recommended. The conditions relate to implementation of the Road Safety Audit recommendations and securing a Stage 2 and Stage 3 Audit, compliance with various Roads Section details and requirements, lighting arrangements, surface water and SuDS management, and construction management.

3.4. Prescribed Bodies

- 3.4.1. **Uisce Éireann (17.12.2025):** A Confirmation of Feasibility had been issued indicating that water and wastewater connections are feasible. Conditions are recommended regarding connection agreements. All reasonable precautions shall be taken to protect Uisce Éireann pipelines that pass through the site. Standard recommendations for the protection of water and wastewater facilities including connection agreements, no build over of public infrastructure, no impact on drinking water sources and compliance with Uisce Éireann standard details and codes of practice.

3.5. Third Party Observations

- 3.5.1. Three observations were submitted in response to the planning application.
- Amenity impacts in terms of overlooking/loss of privacy, overshadowing, noise, litter traffic, parking, loss of property value, security, construction impacts, impact on a right of way.
 - Overdevelopment, excessive density, out of character with pattern of development, failure to adhere to established building line.
 - Loss of wildlife habitat, loss of hedgerows.
 - Traffic impacts, excessive vehicle movements, inadequate sightlines, potential congestion, parking, access, servicing and emergency services.
 - Site notice was positioned below eye level.
 - Impacts on mature, elderly, and retired residents.
 - Concerns regarding the use of the dwellings (tenure etc).

4.0 Planning History

Subject site

- 4.1. **Planning Authority Reference 24/60232:** Permission proposed for the (a) construction of a block of 4 No. domestic houses (b) Construction of new access onto public road and install new service road, public footpath car parking and associated works (c) Installation of new foul and storm sewer with connection to public sewer

along with all ancillary services connecting to public utility services with all associated site works. WITHDRAWN.

- 4.2. **Planning Authority Reference 23/60430:** Permission proposed for the construction of a block of 3 No. domestic houses, construction of new access onto public road and install new service road, public footpath car parking and associated works, installation of new foul and storm sewer with connection to public sewer along with all ancillary services connecting to public utility services with all associated site works. WITHDRAWN.
- 4.3. **Planning Authority Reference 19/7024:** In December 2019, Limerick City and County Council agreed to an Extension of Permission for Planning Ref. 14/941: the construction of dwelling house, front boundary walls, entrance, and all associated site works.
- 4.4. **Planning Authority Reference 14/941:** Permission was granted by Limerick City and County Council in January 2015 for the construction of dwellinghouse, front boundary walls, entrance, and all associated site works.

5.0 Policy Context

5.1. Limerick Development Plan 2022-2028

- 5.1.1. The Limerick Development Plan identifies Newcastle West as a Level 2 Key Town.

Objective CGR O11 Level 2 Key Town Newcastle West

- 5.1.2. It is an objective of the Council to:
 - a) Promote Newcastle West as a key service centre and to promote the sustainable growth of the town to become a self-sufficient settlement and act as a service centre for its inhabitants and rural hinterland. At least 30% of all new homes shall be located within the existing built-up footprint of the settlement, in order to deliver compact growth and reduce unsustainable urban sprawl.
 - b) Support and promote the role of Newcastle West as a strategically located urban centre of significant influence in a sub-regional context. In particular, it is an objective to promote the opportunity for interregional collaborations across

county boundaries with Abbeyfeale, Listowel and Rathkeale and locations identified in the Strategic Integrated Framework Plan for the Shannon Estuary, which offer collective strengths and potential for project partnerships to drive sustainable economic growth in the West Limerick/ North Kerry area.

- c) Support the initiatives of the Atlantic Economic Corridor to realise the full potential of the Newcastle West enterprise assets to support job creation, improve competitiveness, attract investment and create future economic growth.
- d) Support the delivery of the infrastructural requirements identified for Newcastle West subject to the outcome of the planning process and environmental assessments.
- e) Support and promote the tourism potential of Newcastle West's historical heritage to facilitate the expansion of the existing tourism offer and to develop connectivity to, and synergies with, Newcastle West and the Great Southern Greenway.
- f) Support the identification of opportunities for investment in incubation and innovation infrastructure for ICT and related companies and capitalise on Newcastle West's ability to accommodate remote working, enterprise start-ups and up-scaling companies.

Objective HO O2 Density of Residential Developments

5.1.3. It is an objective of the Council to:

- a) Promote, where appropriate, increased residential density in the exercise of its development management function and in accordance with Table 2.6 Density Assumptions per Settlement Hierarchy in Chapter 2: Core Strategy and the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities and the accompanying Urban Design Manual, DEHLG, May 2009.
- b) Encourage increased densities that contribute to the enhancement of a town or village by reinforcing street patterns or assisting in redevelopment of backlands and centrally located brownfield sites.

Objective HO O3 Protection of Existing Residential

5.1.4. Amenity It is an objective of the Council to ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable new development.

5.2. **Newcastle West Local Area Plan 2023-2029**

5.2.1. The site is zoned 'existing residential', the stated objective of which is 'to provide for residential development, protect and improve existing residential amenity.'

5.2.2. This zoning reflects established housing areas. Existing residential amenity will be protected while allowing appropriate infill development. The quality of the area will be enhanced with associated open space, community uses and where an acceptable standard of amenity can be maintained, a limited range of other uses that support the overall residential function of the area, such as schools, crèches, doctor's surgeries, playing fields etc.

Objective DSO1 Development Strategy

5.2.3. Sustainable Residential Growth Objectives - It is an objective of Council to:

- a) Ensure the sequential development of the serviced residential lands identified to cater for the envisaged population growth.
- b) Ensure that at least 30% of all new housing development is delivered within existing built up areas and on infill, brownfield and backland sites.
- c) Consolidate existing development and increase existing residential density, through a range of measures including reductions in vacancy, re-use of existing buildings and infill development schemes.
- d) Ensure that in any proposed alterations to the streetscape of the town centre, that adequate consideration is given to conservation, restoration and reconstruction, where it would affect the settings of protected structures, or the integrity of the eighteenth and nineteenth century streetscapes.
- e) Prioritise the completion of unfinished housing estates and require the extension of existing housing developments be completed in tandem with a landscaping plan for the overall scheme to ensure quality living environment and appropriate permeability.

Objective DSO2 Development Strategy

- 5.2.4. New Residential Development Objectives – It is an objective of the Council to:
- a) Ensure that all residential development complies with the residential density requirements set out in Table 3.6 and encourage a range of densities on all New and Existing Residential and other mixed-use lands, in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas: Cities, Towns and Villages (2009).
 - b) Require the use of Design Briefs, Masterplans, Sustainability Statements, Social Infrastructure Assessments and any other supporting documents deemed necessary to ensure the coherent planning of residential development.
 - c) Ensure all new residential layouts prioritise walking and cycling, are fully permeable for pedestrians and cyclists to access a range of local services and enable the efficient provision of public transport services.
 - d) Ensure new residential development provides high quality public open space and playlots proportional to the number of residential units, having cognisance to accessibility, safety, permeability, place-making and the Open Space requirements set out in Section 11.3.6 of the Limerick Development Plan 2022 – 2028.

5.3. Ministerial Guidelines

- 5.3.1. Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024). The Guidelines support the application of densities that respond to settlement size and to different place contexts within each settlement, recognising in particular the differences between cities, large and medium-sized towns and smaller towns and villages. They will also allow greater flexibility in residential design standards and cover issues such as open space, car and cycle parking, and separation distances. Newcastle West would come under the large town category (population 5000+) and the site would have a target density range of 30-50dph.

5.4. Natural Heritage Designations

- 5.5. The site is not located within or immediately adjacent to a European Site. The nearest European Site is the Stack's to Mullaghareirk Mountains, West Limerick Hills and

Mount Eagle SPA (Site code 004161) which is located approximately 4.5km to the west.

5.6. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A Third Party appeal has been received from Patterson Design, for and on behalf of the Appellant, Pearce Rowsome, against the decision of Limerick City and County Council to grant permission for the proposed development. The grounds of appeal can be summarised as follows:

- The Appellant's dwelling has three windows on the rear elevation adjacent to the boundary with the subject site. The windows serve a kitchen, a bedroom and a living/dining area ancillary to the kitchen.
- The kitchen window is approximately one metre from the boundary, and the remaining windows are between three and four metres from the boundary. The current boundary treatment is a one metre high wall and a hedge rising to one and a half metres.
- Three options to block views from the proposed houses to the Appellant's rear windows include planting a screening hedgerow, raising the height of the boundary wall to two metres, or leaving the boundary as it stands, none of which are acceptable.

- Planting a hedgerow will block daylight and it would become overbearing and oppressive as it grows, as well as requiring maintenance. It could also damage a sewer line.
- Increasing the height of the boundary wall will block daylight and would be oppressive in close proximity to the windows.
- Overshadowing would diminish passive solar gain
- Leaving the boundary as it is would completely remove privacy as the first floor windows of the dwellings would overlook the Appellant's property.
- The turning head would cause noise and nuisance.

6.2. Applicant Response

6.2.1. A First Party response has been received from Kenneally Murphy Architecture and Engineering, for and on behalf of the Applicants, Jeffrey and Sean Markham. The response can be summarised as follows:

- The subject lands are zoned for residential development. This establishes the clear principle of residential development on the land.
- Amenities of adjoining properties must be considered but cannot be afforded such weight as to prevent or sterilise the reasonable development of appropriately zoned lands.
- Some degree of change in outlook, privacy and light is an inevitable and acceptable consequence of residential development in such locations.
- The proposal is modest and policy compliant.
- Layout has been designed to maximise separation distances and at least 36m is provided between the proposed dwellings and the nearest part of the Appellant's house, well in excess of the 22m minimum.
- Sunlight conditions at the Appellant's house are constrained by the Appellant's own garage, the projecting element of the Appellant's dwelling and the mature tree line to the west.
- The proposed development would not materially alter the existing situation.

- It can be demonstrated that the Appellant's window would pass the 45 degree daylight assessment and that the boundary treatment would not obstruct daylight or solar gain to the kitchen window.
- The remaining rear windows are set further back ensuring that there would be material impact on daylight or outlook as a result of reasonable boundary treatment.
- The rear boundary is designated as a planted area with small shrubs that will have no impact on the existing foul sewer. Silver Birch trees are positioned away from the sewer and have shallow, lateral root systems.
- The hammerhead will serve only four dwellings. Vehicle movements and would be limited and associated noise would be minimal and significantly less than that generated by the public road to the front.
- The Applicant is happy to engage with the Appellant to agree a mutually acceptable rear boundary treatment.
- The proposal is compliant with the zoning objective, represents efficient use of zoned residential land, substantially exceeds minimum separation distances, would not result in any daylight, sunlight, or privacy impacts, and complies with planning principles and residential amenity standards.

6.3. **Planning Authority Response**

6.3.1. No response on file.

6.4. **Observations**

6.4.1. None.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report 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:

- Boundary Treatment and Residential Amenity
- Turning Head
- Other Matters
- Conditions

7.2. Boundary Treatment and Residential Amenity

- 7.2.1. The Appellant considers that the rear windows of their dwelling would be significantly overlooked from the proposed dwellings, leading to a loss of privacy. It is further submitted that boundary treatments to mitigate overlooking in the form of a 2m high wall or the existing hedgerow would be oppressive due to height/proximity and would lead to a loss of daylight/sunlight. In the case of the hedgerow, it is further submitted that it would require ongoing maintenance and that it could damage a sewer running through the site.
- 7.2.2. The Applicant argues that some degree of change in outlook, privacy and light is an inevitable and acceptable consequence of residential development in such locations and notes that separation distances would be well in excess of the minimum standards and that daylight would be retained, given that the Appellant's kitchen window would pass the 45 degree test and that other windows on the rear elevation have a more significant set-back. It is the Applicant's position that whilst the amenities of adjoining properties must be considered, they cannot be afforded such weight as to prevent or sterilise the reasonable development of appropriately zoned lands.
- 7.2.3. At the outset I would note that the Appellant's property is built very close to their rear boundary, with the vast majority of their garden ground located to the front of the property. The windows on the main rear elevation of the Appellant's property are c. 5m from the property boundary, however the kitchen window is located on the rear elevation of a projecting element and is positioned c. 1.7m from the rear boundary which is made up of a 1m high boundary wall and a 1.5m high hedge.
- 7.2.4. The closest part of the proposed dwellings to the Applicant's dwelling is approximately 34m away. The elevation of the proposed dwellings directly facing the Appellant's kitchen window is located approximately 37m away which is well in excess of the

minimum separation distances recommended in the Compact Settlement Guidelines. I am firmly of the opinion that there would be no conceivable impact on the Appellants rear windows or garden ground as a result of overlooking from the proposed dwellings and that they are a sufficient distance away to ensure that there would be no overshadowing.

- 7.2.5. The proposed boundary treatment would largely seek to provide privacy from the shared open space within the development. Whilst I note the Appellant's concerns regarding the proximity of the proposed wall or hedge, I am satisfied that sufficient daylight would be retained at the kitchen window. The remaining windows are set-back further from the boundary. Whilst it would be a change in outlook from the kitchen window, on balance, I do not consider that the proposed boundary treatment would be oppressive, nor would it have a detrimental impact in terms of overshadowing. Maintenance of the hedge would be the Applicant's responsibility and overall I am satisfied that a reasonable level of amenity would be retained whilst unlocking a serviced urban site for residential development.
- 7.2.6. Should the Commission disagree with my conclusion on this matter then I am fully satisfied that the matter could be dealt with by way of a condition that could provide for landscape screening set further back from the shared boundary, around 2m allowing maintenance space, negating the need for a 2m high wall.
- 7.2.7. In terms of planting and the location of the sewer, I am satisfied that the planting location and species is such that there would be no impact. This matter could be further secured by condition, and I have recommended a landscaping and boundary treatment condition that requires the written approval of the Planning Authority.

7.3. Turning Head

- 7.3.1. The Appellant considers that the turning head would cause nuisance through noise. The proposal is for a modest development of four dwellings and trip generation/vehicle movements would not be excessive, being entirely proportionate to the number of dwellings provided. The parking spaces can be accessed and egressed without the need to use the turning head. The turning head itself would mostly be used by larger service vehicles such as those used for bin collection, that would take place on a weekly or fortnightly schedule, in addition to the significantly more infrequent and sporadic use by emergency services when required. I do not consider that this would

result in harm to amenity and appropriate mitigation is provided by the proposed boundary treatment and, in the event that alternative landscaping screening is considered appropriate, as referred to above in Section 7.2.6, this would also provide an appropriate level of screening and mitigation.

7.4. Other Matters

7.4.1. Whilst not raised in the grounds of appeal, a number of additional matters were raised in the original submissions on the planning application. In the interests of completeness, I have addressed these issues below:

Amenity Impacts

7.4.2. Amenity concerns raised include overlooking/loss of privacy, overshadowing, noise, litter, traffic, parking, loss of property value, security, construction impacts, and impact on a right of way. The location of the proposed dwellings and the separation distances to the nearest dwellings are such that there would be no significant adverse impacts in terms of loss of privacy or overlooking. There would be no overshadowing impacts to neighbouring dwellings and overshadowing impacts to neighbouring garden ground would be minimal and not detrimental to amenity.

7.4.3. The limited number of dwellings is such that I am satisfied that there would be no significant impact on local traffic in terms of traffic generation or congestion. The scheme provides an excess of parking, with 11 spaces provided against a policy requirement of eight spaces. As such, I consider that a condition could reasonably be applied to remove three parking spaces and this would be in line with national guidance that seeks to reduce parking where appropriate.

7.4.4. I do not agree that the development would result in littering impacts or other nuisance such as noise. The proposal is for a small residential development of four homes. The surrounding area is residential in nature, and I do not consider that the scheme would result in noise levels beyond that reasonably expected from a modest residential development. I also note that, the proposed dwellings are further away from the existing dwellings than the existing dwellings are to each other. Security concerns are unfounded in my opinion, and I do not consider that there would be any amenity impacts of such significance that there would be a detrimental impact on property values.

- 7.4.5. Whilst I agree that there would be a degree of disruption during the construction period, this would be short term/temporary and could reasonably be managed by way of a Construction Management Plan as secured by condition.
- 7.4.6. I note concerns raised regarding Rights of Way, however no substantive evidence of such has been provided and I am not in a position to come to a determination on the matter. As set out in the Development Management Guidelines, the planning system is not designed as a mechanism for resolving disputes regarding rights over land, these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not entitled solely by reason of a permission to carry out any development.

Quantum of Development and Design

- 7.4.7. Concerns have been raised that the proposal represents overdevelopment, that density is excessive and that the proposal would be out of character with the pattern of development, including that it would fail to adhere to established building line. The site would have a residential density of 17dph which is below the target range of 30dph - 50dph set out in the Compact Settlement Guidelines. Despite being below the target range, I consider the proposed density to be acceptable and appropriate given the backland nature of the development and the character of the surrounding area.
- 7.4.8. I do not consider that the development would be out of character with the surrounding area. Whilst the immediately adjacent dwellings on each side boundary are single/one and a half storey (equivalent), the dwellings to the rear of the site on Knockane, as well as the dwellings further to the west and the east on Bóthar Buí are two storey and there are other terraced two storey dwellings in the immediate area. The proposal would not therefore be an incongruous addition. Furthermore, the proposed dwellings are sufficiently set -back from Bóthar Buí such that they would not be overly visible, they would not dominate the existing dwellings, and they would appear entirely in context with the surrounding built form. The orientation of the dwellings in relation to the rear boundary as well as the form of the adjacent site and its agricultural zoning objective is such that I do not consider that the proposal would prejudice the future development potential of any adjoining lands.
- 7.4.9. In terms of loss of wildlife and hedgerows, I note that there are no reports of protected species on the land, which is overgrown scrub and zoned residential. I also note that

the plans show that all existing hedgerows would be retained. I have no objection to the proposal on these grounds.

Transport

- 7.4.10. Concerns have been raised regarding traffic impacts including excessive vehicle movements, inadequate sightlines, potential congestion, parking, access, servicing and emergency services.
- 7.4.11. I have addressed the matter of traffic generation and parking above. In terms of access for emergency services, I am satisfied that the 6m carriageway width within the site is sufficient to ensure adequate access and I note that the turning head would provide sufficient manoeuvring space to turn large vehicles. In terms of sightlines, the Applicant's drawings demonstrate that appropriate sightlines can be provided (50m from 2.4m back from road edge). It is clear from my site inspection that the Applicant's drawings underestimate the pavement width, as from my own measurements on site it is clear that the pavement width is c. 3m and that the 50m visibility splay can actually be achieved at around 3.5m setback from the road edge, without relying on any third party interventions/land. As such, I am satisfied that there is adequate visibility along the road, in addition to adequate visibility of the neighbouring access to the west such that I do not consider that there would be a traffic hazard or a conflict of movement.
- 7.4.12. I also note that the Council's Roads Section raised no objection to the proposed development subject to conditions. At the time of my site inspection traffic was light and I note from the digital speed display close to site on Bóthar Buí that all vehicles travelling south west were travelling at between 42 and 47km/h. I further note the recommendations of the Road Safety Audit and the resulting condition imposed by the Council that includes provision for both a Stage 2 and 3 Road Safety Audit as well securing details of additional traffic calming and/or speed control measures to address the issue of speed on the external road network (Bóthar Buí). Whilst I note that the condition seeks to secure traffic calming measures on Bóthar Buí which would be outside of the red line plan, it is land within the control of the Council, and I am therefore satisfied that this can be achieved by agreement between the Council and the Applicant. I am therefore satisfied that the condition is relevant, reasonable, enforceable, and otherwise acceptable in planning terms.

Use of the Dwellings

7.4.13. Concerns have been raised regarding the end use of the dwellings, such as whether or not they are intended for family members, if they will be sold as private residences or if they will become rented properties. The proposed development is for four dwellings and whilst the tenure is not of relevance in the determination of the application, I recommend a condition be imposed to ensure that the dwellings are retained and occupied as single residential units.

Procedural Matters

7.4.14. It is stated in the submissions that the site notice was positioned below eye level. I note that the Planning Authority raised no concerns regarding the site notice following their site inspection. Submissions were received in response to the planning application, and I do not consider that any parties have been discommoded from participating in the planning process.

7.4.15. The Commission will note that the 3D visualisation provided by the Applicant is incorrect as it doesn't show the staggered arrangement for the three storey dwellings. The correct layout and formation is shown on all proposed plans and elevations. The CGI should therefore be taken as being for information purposes only.

7.5. Conditions

7.5.1. The Commission will note that the Planning Authority imposed a condition (Condition 4 of the Planning Authority's permission) that seeks to restrict occupation in order to regulate commercial institutional investment under Section 47 of the Planning and Development Act. Based on the guidelines for the Regulation of Commercial Institutional Investment in Housing (published May 2021 and amended July 2023), the Section 47 condition restricting commercial institutional investment generally does not apply to schemes of less than 5 dwellings. For that reason, I do not recommend that the condition be included.

7.5.2. Regarding conditions in general, the Commission will also note that a significant number of conditions were imposed by Limerick City and County Council (25 no.). The majority of the conditions are standard, however, many conditions seek to secure details/information that is already sufficiently provided for within the application/appeal documents or have a degree of duplication. Overall, I am of the view that the aims and outcomes sought by the Planning Authority's conditions can suitably be secured by a reduced number of conditions, as set out in section 12 below.

8.0 **Appropriate Assessment Screening**

8.1. I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in Newcastle West, at a distance of approximately 4.5km from the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (Site code 004161), which is the closest European Site. The development comprises 4 no. two storey terraced dwellings with associated site development works. No appropriate assessment issues were raised as part of the appeal. 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 and scale of the works and the availability of wastewater services.
- The significant separation distance from the nearest European site and lack of meaningful connections.
- The screening determination of the Planning Authority.

8.2. I conclude, on the basis of objective information, that the 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.

9.0 **Water Framework Directive**

9.1. There are no water courses in the immediate vicinity of the appeal site. The proposed development comprises the development of 4 no. two storey terraced dwellings and associated site works. No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

9.2. 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. The reason for this conclusion is as follows:

- The nature and scale of the works;
- The location of the site in a serviced area, the distance from nearest water bodies, and the lack of direct hydrological connections.

9.3. 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.

10.0 Recommendation

10.1. I recommend that the Commission grant planning permission.

11.0 Reasons and Considerations

11.1. Having regard to the zoning objective of the site, the nature of the proposed development, the location of the site and the pattern of development in the area, and the benefits of bringing forward much needed housing on a serviced and sustainable infill site within the existing built up area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity or the visual amenities and character of the area, would not compromise traffic or pedestrian safety and would, therefore, be in accordance with the provisions of the Limerick Development Plan 2022-2028 and the Newcastle West Local Area Plan 2023-2029 and with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 29th day of October 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the

planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. The proposed development shall be amended as follows:

- i. Parking spaces 1 – 3 shall be omitted and the space shall be landscaped in line with the wider open space provisions.
- ii. EV charging facility ducting shall be provided to all parking spaces.

Reason: In the interests of amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings and structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

4. The proposed dwelling shall be retained and occupied as single residential unit and not let or otherwise transferred or conveyed unless permitted by way of a separate planning application.

Reason: To restrict the use of the dwelling in the interest of residential amenity.

5. Prior to the commencement of development:

- i. the developer shall submit for the written agreement of the Planning Authority full details of additional traffic calming and/or speed control measures to address the issue of speed on the external road network, as highlighted in the Road Safety Audit. These measures shall be implemented in accordance with the agreed details.
- ii. The developer shall submit a signed Stage 1 Road Safety Audit for the written agreement of the Planning Authority prior to the commencement of development.
- iii. The developer shall submit a Stage 2 Road Safety Audit for written agreement with the Planning Authority prior to commencement of

development, in compliance with TII Publication Road Safety Audit GE-STY-01024 and shall complete and submit a Stage 3 Road Safety Audit for written agreement with the Planning Authority in compliance with the same TII Publication.

- iv. The developer shall submit details of the proposed Audit Team for written agreement with the Planning Authority prior to proceeding with the audits.
- v. All problems identified in the Stage 2 and Stage 3 Audits shall be addressed in full, and revised Site Layout Plans incorporating the recommendations of the audits shall be submitted. These plans must be clearly labelled and shall be agreed in writing with the Planning Authority

Reason - In the interest of road traffic safety.

- 6. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:
 - a) details of all proposed hard surface and/or permeable surface finishes, including details of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development.
 - b) landscaping details including the proposed locations of trees and other landscape planting in the development, including details of proposed species.
 - c) details of proposed street furniture, including bollards and lighting fixtures.
 - d) details of all proposed boundary treatments, including type, heights, materials and finishes. All boundary treatments shall be of a permanent nature and designed to facilitate the retention and protection of existing trees and hedgerows. Boundaries shall be installed in a manner that prevents the creation of inaccessible or unmanaged areas.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

7. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility (and to ensure the use of locally appropriate placenames for new residential areas).

8. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the Planning Authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

9. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

10. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements, in writing where necessary, of the

planning authority for such works and services.

Reason: In the interest of public health.

11. The internal road network serving the proposed development including turning bays, parking areas, footpaths, kerbs, materials and surfacing shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended. The development shall otherwise comply with the transport requirements of the Council.

Reason: In the interests of traffic safety.

12. Full details of safe and secure bicycle parking spaces shall be provided within the site. Details of the layout, form and location of these spaces shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

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

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

14. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and/or wastewater collection network. The developer shall note that all development shall be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice. Uisce Éireann does not permit build over of its assets. Where it is proposed to build over or divert existing water or wastewater services, the Applicant shall have received

written Confirmation of Feasibility from Uisce Éireann prior to any works commencing.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

15. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times. **Reason:** In the interest of proper planning and sustainable development.

16. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of properties in the vicinity.

17. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures, storage of plant and materials, and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

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

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

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

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.

Terence McLellan
Senior Planning Inspector

18th March 2026

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	PL-500616-LK
Proposed Development Summary	Construction of four dwellings and all associated site works.
Development Address	Bóthar Buí, Knockane, Newcastle West, 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? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, no further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<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.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>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>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10 Infrastructure Projects. 10 (b) (i) - threshold >500 dwellings.</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>Screening Determination required (Complete Form 3)</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-500616-LK
Proposed Development Summary	Construction of four dwellings and all associated site works.
Development Address	Bóthar Buí, Knockane, Newcastle West, Co Limerick.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</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>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</p> <p>The proposed development is for housing, on residential zoned land. In terms of scale, it would be consistent with the surrounding townscape. No demolition works would be required. Use of natural resources would largely be limited to land take and generally consistent with other developments of this scale and nature.</p> <p>Construction materials and activities would be typical for an urban residential development of this nature and scale. The use of fuels and materials would be typical for construction sites. Construction impacts would be local and temporary in nature, could be suitably managed through a Construction Management Plan. In terms of accidents, no significant risk is anticipated having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature. I am satisfied that cumulatively, there would not be a significant impact on the environment.</p>
<p>Location of development</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)</p>	<p>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>The development would conform to the residential zoning and would be consistent with the surrounding area. There would be no significant impact on any protected areas, protected views, built or natural heritage or European Sites.</p>

<p>e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	
<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 characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>All development has the potential for some impact/disturbance during the construction phase, such as noise, vibration, dust, air quality and traffic. However, these impacts would be short term and temporary and can be appropriately managed and mitigated by way of conditions and the implementation of a detailed Construction Management Plan.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area. It is noted that the site is not designated for the protection of the landscape or natural heritage and is not within an Architectural Conservation Area.</p> <p>No transboundary issues arise and the development would not be particularly complex. Relevant conditions have been imposed to mitigate potential impacts.</p> <p>I am satisfied that the EIA thresholds have not been reached and that cumulatively, there would not be a significant impact on the environment.</p>
Conclusion	
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)