



## Inspector's Report

**PL-500703-LK-26**

<b>Development</b>	Outline permission for construction of dwelling, effluent treatment plant and associated site works.
<b>Location</b>	Pass Road, Clonconane, Meelick Co. Limerick.
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	2560377
<b>Applicants</b>	Maeve O'Brien Kelly
<b>Type of Application</b>	Outline
<b>Planning Authority Decision</b>	Grant Outline Permission with Conditions
<b>Type of Appeal</b>	Third Party Normal Planning Appeal
<b>Appellants</b>	Denis Riordan
<b>Observers</b>	None
<b>Date of Site Inspection</b>	23/4/2026
<b>Inspector</b>	Siobhan Carroll

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## **1.0 Site Location and Description**

- 1.1. The subject site with a stated area of 0.2 hectares is located in the townland of Clonconane, Meelick, Co. Limerick. It is situated on the eastern side of Pass Road (R859). It lies circa 3km to the north-west of Limerick City Centre.
- 1.2. The immediate area surrounding the site is characterised by linear development comprising detached residential properties located on the western side of Pass Road. To the east of the site the Coonagh-Knockalisheen Distributor Road is currently under construction.
- 1.3. The site has frontage of circa 44m and it extends back circa 59m. The roadside boundary is formed by a mature hedge and there is an existing agricultural gate.
- 1.4. There is a detached dwelling circa 15m from the southern site boundary with stone shed that adjoins this boundary. To neighbouring property to the north is a detached and two-storey. It is setback circa 25m from the public road to the west.

## **2.0 Proposed Development**

- 2.1. Outline permission is sought for the construction of dwelling, effluent treatment plant and associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Limerick City & County Council decided to grant outline permission for the development by Order dated 14<sup>th</sup> of January 2026. The permission is subject to 10 no. conditions.

### **3.2. Planning Authority Reports**

- 3.2.1. Planning Reports
- 3.2.2. Further Information was requested regarding the following matters;
  - (1a) Topographical survey to demonstrate that sightlines and stopping sight distances of 70m be achieved.

(1b) Highlight on the revised Site Layout Plan any boundaries belonging to adjacent landowners that will require setback in order to achieve the sightlines shown and to achieve stopping sight distances. Written permission to setback and maintain any boundaries outside the ownership of the applicant is required along with supporting folios and maps to demonstrate ownership.

(2a) Submit drawings and supporting information showing compliance with Limerick City and County Council's Surface Water and SUDS.

3.2.3. Planner's Report dated 9/1/2026 – It was concluded that the issues raised in the further information had been satisfactory addressed. A grant of permission was recommended.

3.2.4. Other Technical Reports

3.2.5. Roads report dated 9/6/2025 – further information required.

3.2.6. Roads report dated 8/1/2026 – No objection subject to conditions.

3.2.7. Environment report dated 30/5/2025 – No objection subject to conditions.

### 3.3. **Prescribed Bodies**

3.3.1. Uisce Éireann – No objection.

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

3.4.1. The Planning Authority received one submission/observation in relation to the application. The issues raised are similar to those set out in the appeal.

## 4.0 **Planning History**

4.1. Reg. Ref. 99/1979 – Permission was granted for a two-storey dwelling, driveway, septic tank and percolation area and associated site works.

### Adjacent Lands

4.2. Reg. Ref. 2560230 – Permission was granted for alterations to housing development granted under PL Ref. 22/959 & ABP 317626-23 in the townland of Clonconane, between Old Cratloe Road and Pass Road, Limerick. The site is situated to the western side of Pass Road.

- 4.3. Reg. Ref. 22/959 & ABP 317626-23 – Permission was granted for the construction of 98 residential units, and all ancillary site works at the site at townland of Clonconane, between Old Cratloe Road (L3102) and Pass (Meelick) Road, Limerick.

## 5.0 Policy Context

### 5.1. Project Ireland 2040 National Planning Framework First Revision (2025) (NPF)

- 5.1.1. The NPF is the long-term 20-year strategy for strategic planning and sustainable development of Ireland’s urban and rural areas to 2040, with the core objectives of securing balanced regional development and a sustainable ‘compact growth’ approach to the form and pattern of future development. It is focused on delivering 10 National Strategic Outcomes.

- 5.1.2. Relevant National Policy Objectives (NPOs) include:

NPO 7 – Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

NPO 9 – Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.

NPO 43 – Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NPO 45 – Increase residential density in settlements, through a range of measures including ... infill development schemes ... and more compact forms of development.

### 5.2. Limerick Development Plan 2022-2028 (As Varied)

- 5.2.1. The site at Pass Road, Clonconane, Meelick, Co. Limerick is located on lands which are zoned ‘Existing Residential’ as illustrated on Map 3: Limerick City and Suburbs (in Limerick), including Mungret and Annacotty – Zoning Map.
- 5.2.2. Objective: To provide for residential development, protect and improve existing residential amenity.
- 5.2.3. Purpose: This zone is intended primarily for established housing areas. Existing residential amenity will be protected while allowing appropriate infill development. The quality of the zone 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.

5.2.4. Chapter 11 refers to Development Management Standards

5.2.5. Section 11.4 refers to Residential Development – Quality Standards

### 5.3. **Natural Heritage Designations**

5.3.1. Lower River Shannon SAC (Site Code 002165) is situated circa 1.23km to the east of the appeal site at the closest point.

5.3.2. River Shannon and River Fergus Estuaries SPA (Site Code 004077) is located approximately 1.7m to the west of the appeal site at the closest point.

## 6.0 **EIA Screening**

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

## 7.0 **The Appeal**

### 7.1. **Grounds of Appeal**

A third party appeal was submitted by Denis Riordan. The issues raised are as follows:

- The matter of the legality of the decision is raised.
- It is submitted that Limerick City and County Council were aware of the fact that the Applicant who made the application for outline planning was deceased when the decision to grant Outline permission to the Applicant was made.

- It is stated that the decision by Limerick City and County Council to Grant Outline permission for the development of land at Pass Road, Clonconane Meelick. Co. Limerick authorises the applicant and no other person or legal entity to carry out the development authorised by the decision to Grant Outline Permission.
- It is submitted that there are no provisions in the Planning and Development Acts which authorise Limerick City and County Council to transfer the legal authority by their order dated 14/1/2026 with Planning Register Number 25/60377 to another person, persons or legal entity.
- It is stated that the conditions imposed in the Grant Outline Permission for the development cannot be enforced by Limerick City and County Council.
- It is submitted that the appellant's home is situated to the west of the appeal site on the opposite side of Pass Road and that it will be directly overlooked by the permitted dwelling.
- The appellant considers that the location and orientation of the dwelling has been specifically chosen to maximise the potential to overlook their property.
- The appellant considers that the proposed orientation of the dwelling violates the privacy of his family home. He suggests that a redesign of the proposed layout by reorientation of the proposed dwelling could have addressed the matter.
- The appellant cites Article 7 of the Charter of Fundamental Rights of the EU and states that the overlooking which would arise from the proposed development violates the right to privacy.
- The appellant cites Article 8 of the European Convention on Human Rights which refer to right to respect for private and family life.
- The appellant cites the document 'Sustainable Residential Development in Urban Areas Guidelines', 2009 and section 7.4 which refers to privacy and security it states that "Design should be complimentary to the surroundings and should not adversely impact on the amenity of adjoining residents".
- It is submitted that the Planning Authority did not consider the appellant's concerns regarding potential overlooking and their request to alter the design of the proposed development to rectify the issue.

- The appellant requests that An Coimisiún Pleanála refer two questions of law to the High Court. Firstly, is the applicant required to design the layout of the proposed dwelling in a manner that eliminates or minimizes the invasion of the privacy of the appellant when it is possible to do so as proposed by the appellant in his submission to An Coimisiún Pleanála? Secondly, are there any legal provisions in the Planning and Development Acts that authorise Limerick City and County Council to legally transfer the legal authority granted by their Order dated 14/01/2026 with Planning Register Number 25/60377 to another person, persons or legal entity?
- The appellant states that they have no objection to a dwelling being built on the applicant's land. The only objection is to the orientation of the dwelling.
- The appellant requests that An Coimisiún Pleanála quash the decision of Limerick City and County Council.

## 7.2. Applicant Response

A response to the third party appeal was submitted by Joseph O'Brien Kelly on behalf of the applicant. The issues raised are as follows:

- Mr. Joseph O'Brien Kelly states in the appeal response that he is the executor of the applicant's estate (the late Maeve O'Brien Kelly).
- Mr. O'Brien Kelly stated that he made the application for Outline Planning Permission on the 28/04/2025 while acting under an Enduring Power of Attorney executed by the late Maeve O'Brien Kelly during her lifetime. Probate was subsequently granted on 12/01/2026 which confirmed Mr. Joseph O'Brien Kelly's authority to act on behalf of her estate.
- The appellant contends that the outline planning permission cannot lawfully be granted as the applicant Maeve O'Brien Kelly is now deceased. In response to the matter, it is highlighted that the application was validly submitted during the lifetime of Maeve O'Brien Kelly.
- Maeve O'Brien Kelly died on 01/08/2025 after the application had been lodged. Mr. O'Brien Kelly stated that he is the sole executor following the relinquishment of the co-executor on 13/11/2025. It is stated that the grant of outline planning permission on 14/01/2026 was therefore valid.

- The grant of Outline Planning Permission occurred two days after probate was extracted on 12/01/2025. Therefore, the first ground of appeal should be rejected.
- The second ground of appeal stated that the proposed development would give rise to overlooking and would be an infringement of the appellant's privacy. In response to the matter, it is highlighted that the distance between the proposed dwelling and the appellant's house exceeds 60m. The house orientation was based on the site constraints including the location of the sewage treatment system. It is refuted that the orientation of the house will cause overlooking. It is submitted that no privacy issues arise and that Article 8 of the European Convention on Human Rights is not engaged. It is stated that ground number two should be dismissed.
- In the third ground of appeal the appellant asserted certain questions of law should be referred to the High Court.
- In response it is stated that the appellant's reliance on alleged points of law is entirely misplaced. No such point of law arises nor is there any basis for a reference to the High Court.
- The appeal response includes certified copies of (1) the Enduring Power of Attorney (2) the Death Certificate of Maeve O'Brien Kelly and (3) the Grant of Probate.
- In conclusion, the three grounds of appeal lack factual or legal merit. It is respectfully requested that the Commission uphold the grant of Outline Planning Permission.

### 7.3. **Planning Authority Response**

- None received

## 8.0 **Assessment**

Having examined the application details and all other documents 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 issue in this appeal to be considered is as follows:

- Residential Amenity
- Legal Issues

#### 8.1. Residential Amenity

- 8.1.1. The site at Pass Road, Clonconane, Meelick Co. Limerick is located within the defined development boundary of Limerick City and Suburbs. The site is located on lands zoned residential under the provisions of the Limerick City and County Development Plan 2022-2028 (As Varied). The stated purpose of this zoning is intended primarily for established housing areas and that existing residential amenity will be protected while allowing appropriate infill development.
- 8.1.2. The grounds of appeal refer to the matter of overlooking. The appellant contends that the proposed dwelling would directly overlook his home which is situated to the west of the appeal site. He raised concern that the proposed orientation of the dwelling on the site would result in a maximisation of the opportunity for direct overlooking of his property.
- 8.1.3. In relation to the matter of overlooking raised in the appeal, the proposed dwelling as illustrated on the revised Site Layout Plan, Drawing No: 24.11.JOBK/01 A, is set back over 22m from the roadside boundary. The appellant's home as illustrated on the drawing, (Figure 1) submitted with the appeal is located directly to the west of the appeal site and on the opposite side of Pass Road. Having reviewed the plans on file and submitted with the appeal, I note that the front of the proposed dwelling would be setback over 55m from the front of the appellant's house. The response from the first party in relation to the matter also highlighted the distance between the proposed dwelling and the appellant's house which they stated exceeds circa 60m. Regarding the proposed orientation of the house the first party stated that it was based on the site constraints including the location of the sewage treatment system. They refuted the appellant's opinion that the orientation of the house would cause overlooking and submitted that no privacy issues arise.
- 8.1.4. In relation to the proposed orientation of the dwelling, I note that it roughly follows the orientation of the northern and southern site boundaries in terms of the

alignment and the front of the dwelling would face in a south-south westerly direction and would address Pass Road. I would note the points made by the first party in relation to the site configuration and location of the proposed sewage treatment system in terms of determining the siting and design of the subject dwelling and specifically with reference to the proposed orientation. I consider that these are entirely logical and appropriate considerations in terms of the proposed siting and orientation of the dwelling. The siting and layout as proposed provides for a dwelling with the front elevation of the property directly addressing the public road which fully respects the character of existing housing in the area. Accordingly, I would consider that the proposed development would fully align with the stated purpose of the residential zoning of the site which seeks to ensure that existing residential amenity will be protected while allowing appropriate infill development.

8.1.5. In conclusion, having regard to the proposed siting and separation distance between the subject dwelling and the appellant's dwelling I am satisfied that the proposed dwelling would not result in any undue overlooking of the appellant's property.

## 8.2. Legal Issues

8.2.1. The appellant has raised legal issues in the grounds of appeal. Firstly, the appellant has questioned the validity of the decision by Limerick City and County Council to grant outline planning permission for the construction of a dwelling, effluent treatment plant and associated site works to the applicant Maeve O'Brien Kelly. The appellant submits that when the decision to grant outline planning permission was made by the Planning Authority the applicant was deceased.

8.2.2. The appellant submits that there are no provisions in the Planning and Development Acts which authorise Limerick City and County Council to transfer the legal authority by their order dated 14/1/2026 with Planning Register Number 25/60377 to another person, persons or legal entity.

8.2.3. In response to these matters the first party provided the following information. The appeal response is submitted by Mr. Joseph O'Brien Kelly. He confirms that he is the executor of the late Maeve O'Brien Kelly's estate. He also confirms that he made the application for Outline Planning Permission on the 28/04/2025 while acting under an Enduring Power of Attorney executed by the late Maeve O'Brien Kelly during her

lifetime. It is further stated in the appeal response that probate was subsequently granted on 12/01/2026 which confirmed Mr. Joseph O'Brien Kelly's authority to act on behalf of her estate.

8.2.4. The applicant Maeve O'Brien Kelly died on 01/08/2025 after the application had been lodged by Mr. Joseph O'Brien Kelly in his capacity acting under the Enduring Power of Attorney which he held. Mr. O'Brien Kelly states in the appeal response that he is the sole executor of the late Maeve O'Brien Kelly's estate following the relinquishment of the co-executor on 13/11/2025. Mr. O'Brien Kelly submits that the grant of outline planning permission on 14/01/2026 was therefore valid.

8.2.5. I note that the appeal response is accompanied by certified copies of the following documents (1) the Enduring Power of Attorney (2) the Death Certificate of Maeve O'Brien Kelly and (3) the Grant of Probate.

8.2.6. In relation to the matter of Enduring Power of Attorney (EPA), it gives authority to a person known and trusted by an individual to act on their behalf if they lose the capacity to make certain decisions in the future. This definition is provided by the Decision Support Service on their website which recently launched by Minister of State with responsibility for Disability, Emer Higgins, TD. It is detailed on the Court Service website that the Enduring Power of Attorney can grant general authority to the attorney in relation to all of the donor's property and affairs or may give authority to do specific acts on the donor's behalf. The relevant legislation which refers to Enduring Power of Attorney is the Powers of Attorney Act 1996 and the Enduring Powers of Attorney Regulations (S.I. 196/1996). Section 6(1) of the Powers of Attorney Act, 1996 states, "*An enduring power may confer general authority (as defined in subsection (2)) on the attorney to act on the donor's behalf in relation to all or a specified part of the property and affairs of the donor or may confer on the attorney authority to do specified things on the donor's behalf and the authority may, in either case, be conferred subject to conditions and restrictions.*"

8.2.7. Mr. O'Brien Kelly stated that in making the application for outline planning permission that he acted on behalf of Maeve O'Brien Kelly during her lifetime on the basis of the Enduring Power of Attorney which provide him with the authority to do so. Having regard to the details provided as set out above and including the certified copies of (1) the Enduring Power of Attorney (2) the Death Certificate of Maeve O'Brien Kelly and

(3) the Grant of Probate, I consider that Mr. O'Brien Kelly has provided the Commission with satisfactory evidence to confirm that the application made and decided upon by Limerick City and County Council is valid.

- 8.2.8. The appellant raised two questions of law in the appeal which he asserted should be referred to the High Court.
- 8.2.9. Section 50 (1) of the Planning and Development Act, 2000 (As amended) states, “(1) *Where a question of law arises on any matter with which the Board is concerned, the Board may refer the question to the High Court for decision.*” This provision of the Act does allow An Coimisiún Pleanála, formally An Bord Pleanála the opportunity to refer questions of law to High Court in such cases where such questions of law would warrant a determination from that higher authority.
- 8.2.10. The first question refers to whether the applicant is required to design the layout of the proposed dwelling in a manner that eliminates or minimizes the invasion of the privacy of the appellant when it is possible to do so as proposed by the appellant in his submission to An Coimisiún Pleanála.
- 8.2.11. In relation to this matter, I would make the point that under the provisions of the Planning and Development Act, 2000 (As amended) and the Planning and Development Regulations, 2001 (As amended) that there are no specific requirements for an applicant to design or redesign a layout of a scheme on the specific request of an observer or objector at planning application stage or by an appellant at planning appeal stage.
- 8.2.12. The second question refers to whether legal provisions exist in the Planning and Development Acts that authorise Limerick City and County Council to legally transfer the legal authority granted by their Order dated 14/01/2026 with Planning Register Number 25/60377 to another person, persons or legal entity.
- 8.2.13. The first party in their appeal response stated that they consider that the appellant's reliance on alleged points of law is entirely misplaced and that no such point of law arises nor is there any basis for a reference to the High Court.
- 8.2.14. I would concur with assertion, as I consider this is rather a moot point on the basis that as detailed above Mr. O'Brien Kelly was afforded the authority to make the planning application on behalf of the applicant with the Enduring Power of Attorney.

Furthermore, as the executor of the late Maeve O'Brien Kelly's estate following the grant of probate it is the responsibility of Mr. O'Brien Kelly to administer the estate of the deceased. The estate of the late Maeve O'Brien Kelly includes the subject site at Pass Road, Clonconane, Meelick Co. Limerick and any grant/s of planning permission which may be made in relation to it.

8.2.15. In conclusion, in relation to the two questions raised by the appellant, I do not consider that they would warrant such a determination by the High Court.

## 9.0 AA Screening

9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000, as amended.

9.2. The subject site is located approximately 1.23km, at the closest point from Lower River Shannon SAC (Site Code 002165). River Shannon and River Fergus Estuaries SPA (Site Code 004077) is located approximately 1.7km to the west of the appeal site.

9.3. The proposed development comprises the construction of dwelling and effluent treatment plant with all associated site works.

9.4. No nature conservation concerns were raised in the planning appeal.

9.5. No streams/watercourses are identified on site.

9.6. 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 European site. The reason for this conclusion is as follows:

- The small scale and nature of the development.
- The distance to the nearest European sites, and the absence of any hydrological or other pathways.

9.7. Taking into account the screening report of Limerick City and County Council.

9.8. 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.

## **10.0 Water Framework Directive**

10.1. 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.

10.2. 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 (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

10.3. The proposed development has been designed in accordance with EPA codes of practice and best practice guidance, ensuring that appropriate measures are incorporated to prevent pollution, control runoff, and protect both surface water and groundwater receptors.

10.4. 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.

10.5. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

## **11.0 Recommendation**

11.1. I recommend that planning permission is granted.

## 12.0 Reasons and Considerations

Having regard to the provisions of the Limerick City and County Development Plan 2022-2028 (As Varied), specifically the location of the site within the development boundary of Limerick City and Suburbs, the residential zoning of the site, and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development will not be seriously injurious to existing residential amenities, will not result in a traffic hazard, will not result in a significant visual impact on the surrounding area and will not be prejudicial to public health. It is considered that the proposed development is in the interests of the proper planning and sustainable development of the area.

## 13.0 Conditions

1. The plans and particulars to be submitted by way of a separate application for permission consequent shall include the following:
  - (a) A comprehensive site survey, to a scale of not less than 1:500, including contours at intervals of 0.5 metres, showing all existing trees, boundaries and other features,
  - (b) a site layout plan to a scale of not less than 1:500 showing the layout of the house, driveways and sewage treatment system,
  - (c) the finished ground floor level of the house by reference to existing site levels and road level at the proposed entrance,
  - (d) proposals for the landscaping of the site (including planting), and
  - (e) details of external finishes.

**Reason:** To enable the application for permission consequent to be fully assessed.
2. 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.

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

3. If approved at permission consequent stage, drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and surface water management.

4. Prior to commencement of development, if approved at permission consequent stage, 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 and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and amenity.

5.

(a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on the 28<sup>th</sup> of April 2025 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )” – Environmental Protection Agency, 2021.

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

(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

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

6. If approved at permission consequent stage, 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.

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.”

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Siobhan Carroll  
Planning Inspector

6<sup>th</sup> of May 2026

**Appendix 1: Form 1 EIA Pre-Screening**

<b>Case Reference</b>	PL 500703-LK-26
<b>Proposed Development Summary</b>	Outline permission for construction of dwelling, effluent treatment plant and associated site works.
<b>Development Address</b>	Pass Road, Clonconane, Meelick, Co. Limerick.
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<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)	
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	

<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1. <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b> <b>OR</b>	Part 2, Class 10(b)(i) construction of more than 500 dwellings. The proposed development does not equal or exceed the 500 dwelling threshold,

<b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	
<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
<b>Yes</b> <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## Appendix 2: Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	PL 500703-LK-26
<b>Proposed Development Summary</b>	Outline permission for construction of dwelling, effluent treatment plant and associated site works.
<b>Development Address</b>	Pass Road, Clonconane, Meelick, Co. Limerick.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>	The nature and size of the development of a dwelling house and on-site effluent treatment system is not exceptional in the context of the existing rural environment. The proposed development will not result in the production of any significant waste, emissions or pollutants. Localised construction impacts will be temporary. The development, by virtue of its type (residential), does not pose a risk of major accident and/or disaster.
<b>Location of development</b>	The development is situated in a rural area with a residence located to the north and south and also residences located on the opposite side of the road to west. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan.
<b>Types and characteristics of potential impacts</b>	There is no real likelihood of significant effects on the environment arising from the proposed development. There is no real likelihood of significant cumulative effects having regard to existing or permitted projects.

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

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

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

(only where Schedule 7A information or EIAR required)