



An
Coimisiún
Pleanála

Inspector's Report

PL-501165-LK-26

Development	Completion of dwelling house and associated site works.
Location	Mongfune , Murroe , Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2660051
Applicant(s)	Jodie Gleeson
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Jodie Gleeson
Observer(s)	None
Date of Site Inspection	17 th June 2026
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The appeal site has a stated site area of 0.380ha, c.2.5km east of Murroe village. The site is accessed via a minor local road L-5125.
- 1.2. The site is occupied by a partially constructed two-storey dwelling house completed to roof level. The roadside boundary consists of rural roadside hedgerow across the road frontage. The general area is characterised by one-off rural housing and agricultural farmland.

2.0 Proposed Development

The application comprises:

- Permission for completion of the construction of existing dwellinghouse, currently at blockwork complete stage and associated site works including wastewater treatment system and entrance.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued a decision to refuse permission for the following reasons as follows:

‘The site of the proposed development is located within a Rural Area under Strong Urban Influence as defined in the Limerick Development Plan 2022-2028. Having regard to the development as proposed and based on the documentary evidence submitted with the application, it is considered that the applicant does not come within the scope of the housing need criteria, and as such, the proposed development would materially contravene objective HO O20 of the Limerick Development Plan 2022-2028 in relation to rural housing, militate against the preservation of the rural environment and be contrary to the proper planning and sustainable development of the area.’

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planners Report (dated 10/03/2026) notes that the site was purchased in 2007 with planning permission (06/1018) and that no occupancy clause applied to that permission. The permitted dwelling was not completed and a further permission was granted for retention and completion of same (21/695 which does not expire until

08/06/2027) and an occupancy clause was applied. The report goes on to state that notwithstanding the planning history, the existing structure on the site is not an existing habitable dwelling and therefore rural housing need as per the current Limerick Development Plan 2022-2028 applies. This site is located in an area under urban influence and therefore Objective HO O20 is applicable here as the structure on site is not a dwelling house and the proposed works would result in an additional dwelling being developed, the applicant would therefore need to demonstrate compliance with rural housing policy. No evidence has been submitted with the application to demonstrate long established links to the local rural area as required under Objective HO O23 Occupancy Condition, which also requires a residency clause would be applied to any house granted in the 'areas under strong urban influence'.

- No concerns were raised as regards sightlines or wastewater disposal.
- Having regard to the above, it was considered that the proposed works to this structure would result in the creation of a new dwelling at this rural location where Objective HO O20 applies and the applicant does not comply with rural housing policy and the development as proposed is not acceptable.

3.2.2. Other Technical Reports

Environment – Report received on the 9th February 2026, no objection to the wastewater treatment system proposed

3.3. Prescribed Bodies

Uisce Eireann - Report received on the 19th February 2026, recommends a pre connection enquiry is requested by way of further information.

3.4. Third Party Observations

None

4.0 Planning History

Site

ACP-322823-25 / EC/106/25 – Section 5 referral by Jodie Gleeson- whether the placement of a roof, the installation of windows and external doors, and the rendering of external walls at Mongfunne, Murroe, County Limerick is or is not development or is or is not exempted development.

The Commission noted that ‘ *in considering this referral, had regard to the particular circumstances and nature of the referral, the planning history of the site, and in particular the extant planning permission Reference 21/695 granted on the 5th day of May 2022, the Commission noted that the works which are the subject of the referral have the benefit of planning permission and the planning permission has not expired. **The Commission considered that this previous permission is a relevant consideration in that it provides for the works which are the subject of the referral to be undertaken and decided therefore that the referral should not be considered further and should be dismissed under Sections 138(1)(b)(i) and (ii) of the Planning and Development Act, 2000, as amended.***’

P.A. Ref. 21/695 – Retention permission granted to Linda O’Connor for partially constructed dwelling and permission granted to complete the construction of dwelling house. **This permission expires on 08/06/2027.**

P.A. Ref 11/7055 – Extension of duration for PP 06/1018 granted to Linda O’Connor for the construction of dwellinghouse, proprietary treatment system, boundary wall, entrance and ancillary site works.

P.A. Ref 06/1018 – Permission consequent granted to John and Mary Kerr for construction of dwellinghouse, proprietary treatment system, boundary wall, entrance and ancillary site works.

P.A. Ref 02/1712 - Outline permission granted for Amanda and Shah Alam Baloch for Construction of a dwelling, proprietary treatment system, boundary wall, entrance and ancillary site works.

Derelict Sites Register

A review of Limerick’s Derelicts Sites Register on 26/6/2026 identified the site as being on the Derelict Site list:

Entry. No. DS-024-16 - Mongfune, Murroe, Co. Limerick - unfinished two-storey residential property. The site was entered on the register on 15/08/2022.

5.0 Policy Context

5.1 Development Plan

Limerick Development Plan 2022-2028

Section 4.2.6 Re-use of Buildings

Objective HO O4 Re-use of Existing Buildings - It is an objective of the Council to encourage redevelopment and reuse, including energy retrofitting, of existing housing stock and conversion of other suitable buildings to sustainable housing accommodation.

Objective HO O20 Rural Areas under Strong Urban Influence

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

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

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

3. Persons with a demonstrable local exceptional need to live in a particular local rural area, examples include: a) Returning emigrants who have never owned a house in the rural area, in which they lived for a substantial period of their lives (Minimum

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

Objective HO O22 Refurbishment/Replacement of Traditional Rural Dwellings - It is an objective of the Council to seek the retention and sympathetic refurbishment, with adaptation if necessary, of traditional dwellings in the countryside in sympathy with the character of the existing building. This will be encouraged in preference to their replacement. Planning permission will generally only be granted for replacement of a dwelling where it is demonstrated that it is not reasonably capable of being made structurally sound, or otherwise improved and where the building is not of architectural merit. In this instance, consideration will be given to the replacement of an existing dwelling with a new dwelling at the same location, subject to appropriate design, scale of building and normal planning considerations. Local rural housing need shall not apply in this instance.

Objective HO O23 Occupancy Condition -It is an objective of the Council to require that any house which is granted planning permission in the rural areas designated 'Areas under strong urban influence', will be subject to a requirement of occupancy of seven years by the applicant

Other relevant rural housing objectives

- Section 3.3.2 Active Land Management - Limerick City and County Council envisages that effective approaches to revitalisation by the public sector will facilitate and encourage the mobilisation of development land in private ownership, to generate housing supply and create high quality neighbourhoods in the settlements. Key legislative components of active land management with respect to private owned lands are the Vacant Site Levy, Derelict Site Levy and incentives of the Development Contribution Scheme. This Plan sets a framework

to secure the revitalisation of areas in need of renewal and supports the active land management mechanisms to address areas of urban decay, dereliction and vacancy in the urban environment.

Objective CGR O4 Active Land Management -It is an objective of the Council to:

b) Support and facilitate the reuse and revitalisation of derelict, vacant and underutilised sites and disused buildings throughout Limerick for residential, economic, community and leisure purposes.

- Section 3.3.2.2 - Derelict Sites

Objective CGR O6 - Derelict Sites - It is an objective of the Council to utilise the provisions of the Derelict Sites Act 1990, including the maintenance of a Derelict Site Register and CPO powers to address instances of dereliction and decay in the urban and rural environment and bring properties back into active re-use.

- Policy EH P8 Landscape Character Areas.
- Objective IN O11 Private Wastewater Treatment.

5.1. Relevant National or Regional Policy / Ministerial Guidelines

5.1.1. National Planning Framework (First Revision) April 2025

National Policy Objective 28 Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

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

In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.1.2. Sustainable Rural Housing Guidelines for Planning Authorities

These guidelines differentiate between urban generated housing and rural generated housing and directs urban generated housing to town and cities and lands zoned for such development. Urban generated housing has been identified as development which is haphazard and piecemeal land gives rise to much greater public infrastructure costs. Rural generated housing includes sons and daughters of families living in rural areas and having grown up in the area and are perhaps seeking to build their first home near their family place of residence. Appendix 4 sets out that these Guidelines recommend against the creation of ribbon development for a variety of reasons relating to road safety, future demands for the provision of public infrastructure as well as visual impacts.

5.1.3. Climate Action Plan (2025) and National Biodiversity Action Plan (NBAP) 2023-2030.

5.1.4. Our Rural Future Rural Development Policy 2021-2025.

5.2. **Natural Heritage Designations**

The proposed development is not located within or immediately adjacent to any European Site.

5.3. **EIA Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment, please refer to Appendix 1: Form 1 and Form 2 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**

The grounds of appeal can be summarised as follows:

- The applicant purchased the site with the benefit of planning permission with Linda O'Connor in 2007 with no occupancy clause.
- Works did not commence due economic crash.

- Works started in 2011. Blockwork completed and work paused for financial reasons.
- Under 21/695 permission was granted to Linda O'Connor to complete the dwelling house with an occupancy condition.
- In 2021 the applicant's and her husband purchased Linda O'Connor's 50% share in the site.
- Property was entered on Derelict Site's register in 2022.
- 2025 Section 5 refused by LCCC and dismissed by An Coimisiún Pleanála.

Having regard to LCCC's Planner's Report the following is noted:

- It is argued that the PA's contention that the development is 'partially complete' is a misrepresentation. It is argued that the structure on site constitutes a 100% structure, which is a dwellinghouse house to blockwork complete stage.
- Noting the PA's reference to the occupancy clause not precluding the previous applicant availing of the permission, the appeal sets out that the site was purchased without an occupancy clause, Linda O'Connor's circumstances have changed and neither she nor her family members are in a position to complete the dwellinghouse.
- Regarding the PA's reference to the dwelling not a 'habitable house' in the context of Section 2 of the Planning Act, the appeal sets out that it was never argued that the house was a habitable house and make reference to development in the vicinity where occupancy conditions not applied (agriculture shed redevelopment and derelict cottage).
- The appeal sets out that LCCC have assessed the application as if there is no physical building on the site. The existing structure on site is evident in the planning history on the site including the Derelict Sites register.
- Referring to the housing crisis, it set out that no new house is emerging as a result on this application.
- Objective HO O20 is not applicable.

6.2. Planning Authority Response

None

6.3. **Observations**

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 reports of the local authority, and having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this case to be considered are as follows:

- Planning Refusal Reason – Compliance with Housing Need Objective.
- Other Matters

7.2. **Planning Refusal Reason**

7.2.1. The application relates to permission for the completion of the construction of existing dwellinghouse, currently at blockwork complete stage and associated site works including wastewater treatment system and entrance. The design reflect a mock Georgian type two storey dwelling.

7.2.2. The PA recommended refusal for the following reason:

'The site of the proposed development is located within a Rural Area under Strong Urban Influence as defined in the Limerick Development Plan 2022-2028. Having regard to the development as proposed and based on the documentary evidence submitted with the application, it is considered that the applicant does not come within the scope of the housing need criteria, and as such, the proposed development would materially contravene objective HO O20 of the Limerick Development Plan 2022-2028 in relation to rural housing, militate against the preservation of the rural environment and be contrary to the proper planning and sustainable development of the area.'

7.2.3. The PA assessment sets out that the permitted dwelling (P.A. Ref 06/1018 as extended under P.A. Ref 11/7055) was not completed and a further permission was granted for retention and completion of same (P.A Ref. 21/695) which does not expire until 08/06/2027 and an occupancy clause was applied. The report goes on

to state that notwithstanding the planning history, the existing structure on the site is not an existing 'habitable dwelling' as defined in Section 2 of the Planning and Development Act and therefore rural housing need as per the current Limerick Development Plan 2022-2028 applies. This site is located in an area under urban influence and therefore Objective HO O20 is applicable as the structure on site is not a dwelling house and the proposed works would result in an additional dwelling being developed.

7.2.4. The Commission will note that Objective HO O20 sets out that it is an objective of the Council to consider a single dwelling for the permanent occupation of an applicant in the area under Strong Urban Influence, subject to demonstrating compliance either one of the following;

1. Persons with a demonstrable economic need to live in the particular local rural area;
2. Persons with a demonstrable social need to live in a particular local rural area, or;
3. Persons with a demonstrable local exceptional need to live in a particular local rural area.

7.2.5. In the first instance the Commission will note that the appellant does not claim to comply with Objective HO O20. Nor does the appellant claim that the structure is a habitable house.

7.2.6. It is the appellants contention that Objective HO O20 is not applicable as there is an existing structure on site and the original planning permission (P.A. Ref 06/1018) on foot of which construction commenced was granted (and subsequently extended P.A. Ref 11/7055) without an occupancy condition. It is further set out that the current applicant and previous applicant Linda O'Connor purchased the site together in 2007 with a 50% share each and while under P.A. Ref. 21/695 permission was granted to Linda O'Connor to complete the dwelling house with an occupancy condition Linda O'Connor was not in a position to complete the development and in 2021 the appellant and her husband purchased Linda O'Connor's 50% share in the site. While I note P.A. Ref. 21/695 is still live, the documentation on file indicates that Linda O'Connor is no longer an owner and the occupancy condition cannot be met to complete the dwelling. On the basis of the details on file and the absence of any evidence to the contrary, I accept this to be the case.

- 7.2.7. The appeal argues that LCCC have assessed the application as if there is no physical building on the site and that the existing structure on site is evident. It is further noted the Limerick City and County Council have included the site on their Derelict Sites Register -Entry. No. DS-024-16 - 'unfinished two-storey residential property'. The appeal also argues that HO O20 is not applicable on the basis of the fact that there is an existing structure on the site and the precedent set by planning permission for the redevelopment of other buildings in the vicinity such as agricultural sheds and derelict houses which did not include occupancy conditions.
- 7.2.8. While the appeal offers no policy context whatsoever to the arguments being made, I draw the Commission's attention to Objective HO O4 *Re-use of Existing Buildings* of the LDP where it is an '*objective of the Council to encourage redevelopment and reuse, including energy retrofitting, of existing housing stock and conversion of other suitable buildings to sustainable housing accommodation*' and Objective CGR O6 - *Derelict Sites* of the LDP where it is an '*objective of the Council to utilise the provisions of the Derelict Sites Act 1990, including the maintenance of a Derelict Site Register and CPO powers to address instances of dereliction and decay in the urban and rural environment and bring properties back into active re-use.*'. This is further supported by Objective CGR O4 *Active Land Management* where it is an objective of the Council to: b) '*Support and facilitate the reuse and revitalisation of derelict, vacant and underutilised sites and disused buildings throughout Limerick for residential, economic, community and leisure purposes.*'
- 7.2.9. Furthermore, section 4.2.6 *Re-use of Buildings* of the LDP states that 'the existing housing stock of Limerick provides a valuable resource in terms of meeting the needs of a growing population and its retention and management is of considerable importance. Retaining and adapting, including measures to promote downsizing as appropriate, and encouraging energy retrofitting of the existing housing stock, is important to stem population loss in these areas as this promotes and encourages additional dwelling units within existing communities..... Housing design that contributes to climate resilience and climate mitigation, including innovative low-carbon construction methods and reduction of embodied energy will be promoted.' The Development Plan therefore seeks to encourage the re-use of buildings in terms of contributing towards housing stock and reduce climate impacts.

- 7.2.10. Having regard to the above, in my opinion, there is policy support with the LDP for the proposed development. Objective HO O4 *Re-use of Existing Buildings* provides for the redevelopment of suitable buildings for housing accommodation. I consider this to be one such structure. Objective CGR O6 *Derelict Sites* seeks to bring derelict properties back into active re-use. The proposed development will facilitate compliance with the Derelict Site Notice Entry. No. DS-024-16. Furthermore, the Commission will note that neither objective above includes reference to housing need compliance and/or stipulates an occupancy condition be applied.
- 7.2.11. Notwithstanding, the Commission will note that the PA in their reason for refusal set out that the development materially contravenes Objective HO O20. In my opinion the proposed development is not a material contravention of Objective HO O20 and the PA incorrectly applied Objective HO O20. While I note the site is in an area 'Under Strong Urban Influence', I agree with the appellant that the PA failed to acknowledge the existing structure on the site (which has been there for a significant period of time as works started in 2011) and the relevant objectives as set out in the Development Plan relating to sites where there is existing structures on site and where housing need is not identified as requirement. These are clearly distinguishable objectives. This is not a greenfield site where a new build is proposed, indeed LCCC in serving a Derelict Site Notice on the property recognised the existing structure on the site including that it was an 'unfinished two-storey residential property'. The PA cannot ignore the fact that LCCC themselves served this notice and the Development Plan includes specific objectives to address derelict sites and reuse of existing buildings irrespective of their location in a rural area 'under strong urban influence' or urban context. Therefore, I am satisfied that Objective HO O20 is not applicable in this instance and no material contravention arises.
- 7.2.12. In any case the Commission will be aware that under Section 37(2)(b) of the Planning and Development Act 2000, as amended, it may, in determining an appeal under that section, decide to grant a permission even if the proposed development contravenes materially the Development Plan. The specific circumstances where permission may be granted notwithstanding a material contravention are set out in Section 37(2)(b) which provides that;

'Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that –

- (i) the proposed development is of strategic or national importance,*
- (ii) **there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or***
- (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.'*

Section 37(2)(b)(i) – Strategic or National Importance – The proposed development upon completion will result in a single one-off rural dwelling in the countryside and is not considered to be of strategic or national importance.

Section 37(2)(b)(ii) – Conflicting Objectives – I refer the Commission to foregoing sections. The Commission may consider Objective HO O20 *Rural Areas under Strong Urban Influence* conflicts with Objective HO O4 *Re-use of Existing Buildings*, Objective CGR O6 *Derelict Sites* and Objective CGR O4 *Active Land Management*. As outlined above, I consider the proposed development acceptable and justified in light of the long established structure on the site including the inclusion of the structure by LCCC on the Derelict Sites Register.

Section 37(2)(b)(iii) – National and Regional Policy -There is general policy support for residential development and compact growth; however, there is no specific policy that would indicate that residential development should be prioritised in this instance. Accordingly, I do not consider that Section 37(2)(b)(iii) is the primary basis for justification.

Section 37(2)(b)(iv) – Pattern of Development – While I note the pattern of one-off housing immediate to the site, I do not consider that Section 37(2)(b)(iv) is the primary basis for justification.

7.2.13. While I am satisfied that the development would not be a Material contravention of the LDP 2022-2028. Notwithstanding same, were that Commission do not concur, I consider the development can be considered in accordance with the provisions of section 37(2)(b) of the Act of 2000 for the reasons as outlined in the foregoing section of my report and summarised above.

Conclusion

7.2.14. In summary, there is an existing structure in site which is an ‘unfinished two-storey residential property’, placed on the Derelict Sites Register by LCCC. Objective CGR O6 *Derelict Sites* supports the active re-use if derelict sites and this is further supported by Objective CGR O4 *Active Land Management* where it is an objective of the Council to: b) ‘*Support and facilitate the reuse and revitalisation of derelict, vacant and underutilised sites and disused buildings throughout Limerick for residential, economic, community and leisure purposes.*’ and Objective HO O4 *Re-use of Existing Buildings*. Therefore, the completion of the dwelling is consistent with the objectives of the Development Plan in this regard and housing need criteria in not applicable in this instance. I am satisfied that planning permission can be granted on this basis.

7.3. Other Matters

7.3.1. The Commission will note that the PA raised no concerns as regards traffic safety. However, a review of the drawings accompanying the application indicate discrepancies in the site layout drawings submitted regarding the location of the proposed site entrance, in particular, the wastewater site layout plan. In any case the site is currently access via a field gate to the extreme south of the site approx. 8m further south from of the proposed entrance (as per landscaping plan submitted). The proposed relocated entrance will require the removal of the existing hedgerow and trees and the installation of a culvert. The existing entrance is established and currently used to access the site. Therefore, the principle of an access at this location is already established. Having regard to the location of the existing vehicular entrance ca. 8m from the proposed and the necessary works required to facilitate a relocated entrance, including the removal of trees and hedgerow, which, in my opinion is not justified at this rural location. In the

event the Commission is minded to grant planning permission, I recommend a condition be attached requiring vehicular access to the site be maintained at the existing entrance location and a revised site layout plan submitted.

- 7.3.2. As regards the disposal of effluent on site, the PA and the Environment Section of LCCC raised no concerns in this regard.

8.0 Appropriate Assessment Screening

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The closest Natura 2000 sites is the Slievefelim to Silvermines Mountains SPA Sovereign Islands SPA (004165) located c.350m to the east of the site. The proposed development comprises the completion of partially constructed dwellinghouse.
- 8.3. No nature conservation concerns were raised in the planning application/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.
- 8.4. The reason for this conclusion is as follows insert as relevant:
- Nature of works e.g. small scale and residential nature of the development
 - Location-distance from nearest European site and lack of connections
 - Taking into account screening determination by the PA

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Water Framework Directive

- 9.1.1. The subject site is located c290m west of the Dooglasha River (part of Mulkear River Waterbody MULKEAR (LIMERICK)_030 (IE_SH_25M040300) WFD Risk under review (Moderate status) and the groundwater body is IE_SH_G_213 Slieve Phelim (good water body status).

9.1.2. The proposed development comprises the completion of partially constructed dwellinghouse. The Environment of LCCC raised no concerns as regards the disposal of effluent from the site.

9.1.3. I have assessed the proposed dwelling and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project including the implementation of SUDs measures on site, 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:

- Nature of works e.g. small scale and nature of the development.
- Location-distance from nearest water bodies and lack of direct hydrological connections.

9.1.4. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

I recommend a GRANT of permission subject to the following conditions.

11.0 Reasons and Considerations

Having regard to existing structure on site which has been in place for a substantial period of time and Objective CGR O6 *Derelict Sites*, Objective CGR O4 *Active Land Management* and Objective HO O4 *Re-use of Existing Buildings* and development standards of the Limerick Development Plan 2022-2028, it is considered that subject to compliance with the conditions set out below, the proposed development is an acceptable form of development at this location, would not seriously injure the amenities of adjoining properties, and would therefore, be in accordance 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 23rd January 2026, 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 interest of clarity
2	Prior to the commencement of development on the site, the developer, shall submit for the written agreement of the Planning Authority a revised site layout plan relocating the proposed vehicular entrance to the extreme south of the site where the established field gate entrance already exists. Reason: In the interest of proper planning and suitable development.
3	The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following: (a) A plan to scale of not less than 1:500 showing – (i) The existing roadside boundary retained. (ii) The proposed entrance (a per condition non. 2 above) shall be limited to two no. piers at the entrance gate only. The entrance splay shall be planted with a double row of native hedgerow consistent with the roadside boundary. (ii) Proposals to provide the no site boundaries with hedgerow screening and native tree planting. Details of screen planting [which shall not include cupressocyparis x leylandii] shall be submitted. (iii) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as mountain

	ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder] [which shall not include prunus species] (b) Prior to occupation of the dwelling, the applicant shall submit a certificate of compliance prepared by a suitably qualified person with professional indemnity insurance stating that all landscaping conditions pertaining to the grant of planning permission have been complied with. Photographic evidence shall also be submitted. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. Reason: In the interest of residential and visual amenity.
4	(a) The wastewater treatment system units hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) ” – Environmental Protection Agency, 2021. (b) Treated effluent from the wastewater treatment systems 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 Wastewater Treatment Systems (Population Equivalent ≤ 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 wastewater treatment systems and associated works are 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.
5	The applicant, and any subsequent owner(s) of the development, shall undertake a maintenance or service contract for the on-going maintenance of the packaged wastewater treatment unit and packaged tertiary intermittent filter media system with the manufacturer or such suitably qualified person in perpetuity. A signed and approved maintenance contract / agreement shall be submitted to the Planning Authority prior to the commissioning of the system. A maintenance contract for the effluent treatment system shall be entered into and paid in advance for a minimum period of five years from the date of the completion of installation and subsequent commissioning of the proposed effluent treatment system and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed with, the planning authority within four weeks of the date of the installation. Reason: In the interest of public health and to prevent pollution.
6	(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties. (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage. (c) The positioning of all soakaways shall comply with the 2021 EPA Code of Practice entitled. All soakaways shall be designed in accordance with BRE DG 365:2016. All hard stand areas contiguous with the dwelling shall have separate drainage pathways. Full design details, including drainage along the public road shall be submitted for the written agreement of the Planning Authority prior to the commencement of any development on site.

	Reason: In the interest of traffic safety and to prevent flooding or pollution.
7	Prior to commencement of development, the developer shall enter into a water connection agreement with Uisce Eireann. Reason: in the interest of public health
8	All public services to the permitted development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site. Reason: In the interest of amenity
9	Site development and building works shall be carried out only between the hours of 0700 to 1900 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: To safeguard the amenity of property in the vicinity
10	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.
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Irené McCormack
Senior Planning Inspector
2nd July 2026

Appendix 1: Form 1 EIA Pre-Screening

Form 1 - EIA Pre-Screening

Case Reference	PL-501165-LK-26
Proposed Development Summary	Completion of dwelling house and associated site works.
Development Address	Mongfune , Murroe , 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)	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ 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)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ 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?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

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)?	
Yes ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)