



An
Coimisiún
Pleanála

Inspector's Report PL-501452-LK-26

Development	Construct two storey dwelling, detached domestic garage, solar panels, wastewater treatment system, percolation area, rainwater harvesting system, entrance & ancillary works
Location	Newtown, Pallasgreen, Co. Limerick.
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	25344
Applicant(s)	Fiachra O'Grady & Lauren O'Mahony
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Noel Ryan
Observer(s)	None
Date of Site Inspection	16 th July 2026
Inspector	Bernadette Quinn

1.0 Site Location and Description

- 1.1. The appeal site, with a stated area of 0.3365ha is located in a rural area approximately 3km northwest of Oola, 1km northwest of the N24 Tipperary Road and approximately 30km southeast of Limerick City.
- 1.2. The site is generally flat and forms part of a larger field with planting along the west and south boundaries within the appeal site.
- 1.3. The site is accessed from a narrow road which terminates in a cul de sac to the west of the site and adjoins the local road L5045 at a junction approximately 300m southeast of the site. There is an existing two storey dwelling located approximately 700m west of the site which is accessed from the cul de sac serving the site. Lands surrounding the appeal site are in agricultural use.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a two-storey dwelling house with a gross floor area of 252.6 sq.m. and ridge height of 8.191m and with material finishes comprising render and natural stone. Permission is also sought for a detached domestic garage with a floor area of 33.4 sq.m. with a ridge height of 4.3m, solar panels, wastewater treatment system, percolation area, rainwater harvesting system, vehicular entrance and all ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

On 18th March 2026 Limerick City and County Council (LCCC) issued notification of decision to grant permission subject to 12 conditions.

3.2. Conditions

Condition 3 relates to an occupancy condition requiring the dwelling to be first occupied as a place of permanent residence by the applicant for a period of at least seven years.

Condition 4 relates to reinstatement between the road edge and the realigned front boundary.

Condition 11 requires screen planting of site boundaries.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The planning officers report dated 12th December 2025 can be summarised as follows:

- The site is in an area defined as 'Under Strong Urban Influence' and assessed under Objective HO O20. Further information is required in relation to details of the applicant's family home location.
- The site is located on a substandard road and the applicant is required to demonstrate compliance with Objective TR O37.
- The dwelling is set back from the road c.27m and landscaping is proposed along boundaries and existing hedgerow are to be retained all of which will help screen the proposed dwelling.
- The vehicular access is considered acceptable.
- In relation to submissions from TII and MWNRDO, if permission is granted the applicant will be advised that no future claims will be entertained in respect of impacts (noise and visual) on the proposed development if approved due to the presence of the existing road or any new road scheme currently in planning.
- The site appears to be c.130m from the proposed N24 National Road as per the proposed road line. The development location complies with building line requirements in terms of noise potential.
- There are no objections to the proposed wastewater treatment system.
- The site is not located within Flood Zone A or B or OPW Benefitted lands. Lands referred to in the third-party submission are at a distance of c.280m from the site boundary.
- In relation to third party concerns regarding impact of upgrade of the road on wildlife, no works are proposed to upgrade the road.

Following a request for further information the Planning Officers report dated 20/04/2026 can be summarised as follows:

- Documents have been submitted to demonstrate compliance with Objective TR O37. Variation No. 2 to the Limerick Development Plan was adopted on the 30th March 2026 comprising an amendment to Objective TR O37 regarding access to substandard roads and it is no longer required to demonstrate a social or economic need to live on substandard roads.
- It is recommended that permission is granted.

3.3.2. Other Technical Reports

Environmental Wastewater Services: No objection subject to conditions

Roads: No objection subject to conditions

3.4. Prescribed Bodies

TII: The proposal is located in proximity to a future national road scheme. National road schemes should be protected and kept free from any developments or accesses in accordance with national policy. The applicant should be made aware of the plans for a new road scheme should permission be granted. The Authority will entertain no future claims in respect of impacts on the proposal if approved due to the presence of the existing road or any new road scheme currently in planning.

Mid-West National Road Design Office: The PA should advise the applicant of the close proximity to the proposed N24 Cahir to Limerick Junction and Oola Transport Project; Given the proximity to the proposed N24 project, the PA should consider Development Plan Section 7.12 Noise Sensitive Development and Section 11.8.2 Building Lines; If permission is granted no future claims will be considered in respect of impacts on the proposal due to the presence of the proposed N24 project.

3.5. Third Party Observations

One observation received. Matters raised are similar to those raised in the third party appeal.

4.0 Planning History

No recent relevant planning history.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Limerick City and County Development Plan 2022-2028 (as varied) (LDP) is the statutory development plan for the area.
- 5.1.2. Section 4.4 refers to Rural Housing. The site is located at Newtown, Pallasgreen within the open countryside wherein the Plan identifies two types of areas for rural housing: 1. Areas under urban influence and 2. Rural areas elsewhere. These two areas are identified on Map 4.1: Rural Housing Strategy Map whereon the appeal site is located with the Area of Strong Urban Influence.
- 5.1.3. 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.

The following text from page 120 relating to rural housing is considered relevant:

In all cases the consideration of individual sites, for rural housing will be subject to normal siting and design considerations, which will include, but not necessarily be limited to the following: Any proposed vehicular access would not endanger public safety by giving rise to a traffic hazard; That any proposed on-site waste water disposal system is designed, located and maintained in a way which protects water quality; That the siting and design of new dwellings takes account of and integrates appropriately with its physical surroundings and other aspects of the natural and cultural heritage and, That the proposed site otherwise accords with the objectives of the Development Plan in general. The Planning Authority shall have regard to the viability of smaller towns and rural settlements in the implementation of the rural housing policy.

- 5.1.4. Chapter 6 refers to Landscape Character Areas and includes Policy EH P8 Landscape Character Areas which seeks to safeguard the sensitivity of Limerick's

landscape types. Table 6.1 outlines Specific Objectives relating Landscape Character Areas.

5.1.5. Chapter 7 refers to Sustainable Mobility and Transport and includes the following:

Policy TR P11 Road Safety and Carrying Capacity of the non-national Road Network
It is a policy of the Council to safeguard the carrying capacity and safety of the non-national road network throughout Limerick.

Objective TR O37: Land Uses and Access Standards
It is an objective of the Council to: a) Ensure that any development involving new access to a non-national public road, or the intensification of use of an existing access onto a non-national public road meets the appropriate design and safety standards.

5.1.6. Chapter 11: Development Management Standards

Section 11.8.1 Access to Roads, Traffic and Transport Assessments (TTAs) and Road Safety Audits (RSAs): Proposals seeking access to public roads will be accessed in accordance with the relevant design standards; with relevant TII Publications in rural areas;

To protect the integrity of Limerick's road network the following applies: All applications seeking access on the road network will be assessed in accordance with national standards and guidance. Considerations will include:– Classification of the road,– Speed limit,– Width, carrying capacity, condition of the road, drainage, vertical and horizontal alignment of the road, junctions in the vicinity,– Nature, scale, type of activity seeking access to the road network,– Traffic likely to be generated, type of vehicles, – Technical design of access and sightline visibility and stopping distances and general safety. Sight distances and stopping sight distances should be in compliance with current NTA road geometry standards and guidance documents listed above and any subsequent documents.

In Chapter 11, Table DM 5 outlines Design Guidelines for Rural Houses. The guidelines include that scale, height, design and siting of the house shall be sensitive to its surroundings and visually integrate with its rural landscape; Simple design and materials reflecting the traditional vernacular of Limerick's rural architecture should be used; Applicants are required to refer to Limerick's Rural Design Advice for Individual Houses in the Countryside; A variety of house types of innovative designs,

including timber houses will be considered, subject to the dwelling integrating into the local environment and compliance with building regulations; Acceptable visual impact of the development in relation to the surrounding countryside.

5.2. Natural Heritage Designations

The Lower River Shannon SAC (Site Code: 002165) is located 4km north of the site and Slievefelim to Silvermines Mountains SPA (Site Code: 004165) is located 11km north of the site.

6.0 EIA Screening

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

One no. third party appeal has been received from Noel Ryan. The grounds of appeal can be summarised as follows:

- The access road (boreen) is unsuitable due to its narrow width at 2.5m. Widening the road would require extensive work with hedgerows and water courses either side of the road resulting in destroying wildlife habitats.
- The appellants mother has a right of way over the boreen.
- There is no water supply or electricity serving the site.
- The development plan, including Objective HO O19 encourages development on serviced sites.

- Table 9.1 requires consideration of impact on climate and environment, no report has been submitted in this regard.
- An area to the west of the site is detailed as being liable to floods and is a marsh habitat. The proposal will go against the National Biodiversity Action Plan to preserve and support local plant species, and no environmental report has been submitted. Bee populations exist in the area.
- Sightlines are restricted at the access from the boreen to the main road.
- The dwelling will look out of place in the landscape.
- There are no amenities nearby and access will only be by vehicles resulting in traffic on the boreen.

7.2. Applicant Response

No response received.

7.3. Planning Authority Response

A response from the PA states no further comments to make.

7.4. Observations

Department of Housing, Local Government and Heritage:

The submission outlines heritage related observations and is summarised as follows:

- Nature Conservation: Hedgerows should be retained where possible and any removal of vegetation should be done outside of the bird nesting season.

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including 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 main issue in this appeal are as follows:

- Principle of Development

- Design
- Transport Matters
- Infrastructure
- Biodiversity
- Flood Risk
- Wastewater Treatment
- Other Matters

8.2. Principle of Development

- 8.2.1. I note that the subject site is located within an area of strong urban influence as illustrated by the rural housing strategy map (Map 4.1) of the LDP where there is a requirement under objective HO O20 of the CDP (Rural Areas under Strong Urban Influence) for an applicant for a single dwelling to demonstrate compliance with one of three criteria outlined.
- 8.2.2. Details submitted with the application outline that the applicant Fiachra O’Grady is the son of the landowner, that he has lived at the family home in Newtown all his life, and a letter from a local school confirms he attended primary school in the vicinity of the appeal site. A letter from Revenue dated 2024 addressed to the applicant confirms his residence. A supplementary form relating to applications for single houses in the rural area has been submitted relating to the application. Lauren O’Mahony’s birth certificate was also submitted confirming her parents address in the vicinity of the appeal site at time of birth.
- 8.2.3. The PA requested further information in relation to details of the applicant’s family home location and due to the site’s location on a substandard road the applicant was required to demonstrate compliance with Objective TR O37. At the time of the application Objective TR O37 included a requirement to ‘ensure that on roads that are sub-standard, either in terms of their width, (less than 3m), alignment, surface condition or junction with the nearest main road, development for one off rural housing will only be considered in exceptional circumstances. This includes applicants who have a demonstrable social need to live on the particular road, where no alternative site is available, or where the only alternative access available is onto

a strategic regional road as designated in the Development Plan'. Variation No. 2 to the Development Plan was adopted by the Elected Members on the 30th of March 2026 comprising an amendment to Objective TR O37 Land Uses and Access Standards which omitted the requirement for an applicant to demonstrate exceptional circumstances to live on a sub-standard road (a road with a width less than 3m).

- 8.2.4. Following a request for further information a map was submitted outlining Fiachra O'Grady's family land holding and his family home located approx. 450m by road from the appeal site location.
- 8.2.5. In assessing the further information, the Planning Officer noted that as a result of the amendment to Objective TR O37 regarding access to substandard roads it is no longer required to demonstrate a social or economic need to live on substandard roads and recommended that permission is granted.
- 8.2.6. Having reviewed the documents submitted with the application I consider the information submitted provides sufficient evidence that the applicant has demonstrated a social need to live in the local rural area where the appeal site is located. The site is located within 10km of the applicant's family home (being located approx. 450m northwest to the applicants stated family home) and the applicant Fiachra O'Grady has submitted sufficient information to confirm he has lived in the local rural area for a substantial period of his life. Having regard to the above, I consider the applicant has demonstrated a social need to live in the rural area in compliance with Objective HO O20 Rural Areas under Strong Urban Influence. I therefore consider the proposal is acceptable in principle.
- 8.2.7. The appeal raises concerns that Development Plan Objective HO O19 encourages development on serviced sites. I note that the Development Plan refers to the promotion of an alternative to one off rural housing in the open countryside, through initiatives like serviced sites and redevelopment of vacant units in towns, villages and rural areas, will be encouraged. However, as the applicant has demonstrated a social need to live in the area in compliance with the rural housing policy Objective HO O20 I am satisfied that the proposal is acceptable in principle.

8.3. Design

- 8.3.1. Concerns are raised in the appeal that the dwelling will look out of place in the landscape.
- 8.3.2. Development Plan Table DM 5 outlines Design Guidelines for Rural Houses. The guidelines include that scale, height, design and siting of the house shall be sensitive to its surroundings and visually integrate with its rural landscape; Simple design and materials reflecting the traditional vernacular of Limerick's rural architecture should be used; Applicants are required to refer to Limerick's Rural Design Advice for Individual Houses in the Countryside; A variety of house types of innovative designs, including timber houses will be considered, subject to the dwelling integrating into the local environment and compliance with building regulations; Acceptable visual impact of the development in relation to the surrounding countryside.
- 8.3.3. The Development Plan identifies Rural Landscape Character Areas in Table 6.1 and Map 6.1. Policy EH P8 Landscape Character Areas states that it is a policy of the Council to promote the distinctiveness and where necessary safeguard the sensitivity of Limerick's landscape types. The appeal site is located within Landscape Character Area LCA 01 Agricultural Lowlands. Table 6.1 outlines Specific Objectives relating to Agricultural Lowlands including the following of relevance: a) Encourage, where housing is permitted, design that reflects existing housing stock, such as the two storey farmhouses which are a feature in the area. b) Encourage retention of existing landscape features such as hedgerows and trees and their incorporation into landscaping for new developments. c) Discourage development of locally prominent sites.
- 8.3.4. The Rural Design Advice outlines guidance for designers and in relation to sites located in Agricultural Lowlands states that locally prominent sites should be avoided. Subject to the location, two-storey designs based on the proportions of building forms traditional to the area may be appropriate.
- 8.3.5. The proposed dwelling is two storeys with a pitched roof and ridge height of 8.191m above finished floor level, contains two gable fronted projections on the front elevation which is proposed to be finished in natural local stone, and a single storey projection on the west elevation. The appeal site is generally flat, is surrounded by agricultural lands and there are no existing dwellings in close proximity to the appeal

site. Existing boundary planting is to be retained and new planting provided along the north, south and east boundaries.

- 8.3.6. In assessing the proposal the Planning Officer raised no concerns in relation to the design proposed and noted that the dwelling is set back from the road c.27m, that landscaping is proposed along boundaries and existing hedgerow is to be retained, all of which will help screen the proposed dwelling.
- 8.3.7. Having considered the design proposed and the specific objectives relating to LCA 01 Agricultural Lowlands in Table 6.1, I note that there are no existing houses proximate to the appeal site, with the exception of the front boundary it is proposed to retain existing hedgerows and incorporate these into proposed landscaping, and the appeal site is not a locally prominent site. I also note that there are no views or prospects to be preserved in the vicinity of the site. Having regard to the site context I am satisfied that the proposed design is acceptable at this location.

8.4. Transport Matters

- 8.4.1. The appeal raises concerns that the access road (boreen) is unsuitable due to its narrow width at 2.5m. and that widening the road would require extensive work with hedgerows and water courses either side of the road resulting in destroying wildlife habitats. Concern is also raised that sightlines are restricted at the access from the boreen to the main road.
- 8.4.2. A report on the file from the Roads Section outlines no objections subject to conditions relating to setting back the existing roadside boundary to achieve unobstructed sightlines, stopping sight distances and forward visibility. The Planning Officer considered the proposal acceptable noting the required sightlines of 90m in both directions are achievable. The Planning Officer's report refers to the submissions from TII and MWNRDO relating to proximity to the proposed N24 Cahir to Limerick Junction and Oola Transport Project and notes that the rear site boundary from the proposed N24 National Road is c.130m which is in excess of the minimum building line requirement of 90m in Table DM8 and considered acceptable with regard to noise potential.
- 8.4.3. Objective TR O37 requires that any development involving new access to a non-national public road meets the appropriate design and safety standards. The appeal site is located on a local road and the speed limit on such roads is 60kmh. I note the

standard detailed in Table 5.5 of the Transport Infrastructure Ireland 'Geometric Design of Junctions (priority junctions, direct accesses, roundabouts, grade-separated and compact grade-separated junctions)' DN-GEO-03060 requires a visibility distance of 90m where a design speed of 60 km/h exists. The Site Layout Plan submitted indicates that sightlines in excess of 90m are available in both directions and indicates a section of the existing roadside hedges will be set back behind the sightlines. The Site Layout Plan indicates a front boundary width of approx. 40m with setback required to achieve sightlines. Having regard to the foregoing I consider the proposed sightlines are acceptable.

- 8.4.4. In relation to road width the appeal outlines that the road width is 2.5m. I note that the PA requested further information relating to compliance with Objective TR O37 which at the time of assessment related to substandard roads defined as a road with a width less than 3m. I note the site is located along a narrow rural lane which ends in a cul-de-sac and which cannot accommodate passing traffic. The lane provides access to one other dwelling and agricultural lands. The report of the Transport Section raised no objection.
- 8.4.5. I note that the Development Plan does not include a requirement in relation to road width. I consider the restricted width of the cul-de-sac road at the site is likely to restrict the speed of traffic along it and having regard to surrounding land uses I consider that traffic levels on the road are likely to be low. I also consider the extent of traffic likely to be generated by the proposed development of one dwelling would be limited. I consider the existing road can accommodate the additional traffic generated by the proposed development and the proposal would not, therefore, be likely to constitute a traffic hazard.
- 8.4.6. I note concerns raised in relation to widening the road to facilitate the proposed development. Having reviewed the application and appeal I note that the site layout plan indicates the existing roadside boundary fronting the site to be moved back behind sight lines and that the applicant has not submitted proposals to widen the road.
- 8.4.7. Having regard to the foregoing I am satisfied that the proposal meets the appropriate design and safety standards as required by Development Plan Objective TR O37 and I consider the proposal is acceptable with regard to vehicular access.

- 8.4.8. I note the PA included a condition relating to reinstatement of the road edge. If the Commission decides to grant permission I recommend inclusion of condition 4 attached to the PA notification of decision to grant permission.
- 8.4.9. In relation to concerns regarding restricted sightlines from the junction with the road serving the appeal site and the local road to the southeast, I note that this is an existing junction between two public roads which is outside of the appeal site and in excess of 300m from the appeal site. I consider sightlines at this junction are a matter for the Local Authority and are not relevant to the assessment of the appeal.
- 8.4.10. In relation to submissions from TII and MWNRDO, the Planning Officer's report states that if permission is granted the applicant will be advised that no future claims will be entertained in respect of impacts (noise and visual) on the proposed development if approved due to the presence of the existing road or any new road scheme currently in planning. If the Commission decides to grant permission an advise note may be attached in this regard.

8.5. Infrastructure

- 8.5.1. Concerns are raised in the appeal that there is no water supply or electricity supply serving the site. Water supply to serve the proposal is by way of a proposed connection along the public road to an existing water main on the L5045 road approx. 350m from the appeal site. I note that there is no submission on the file from Uisce Éireann. I consider the proposal to connect to the existing water main is acceptable and if the Commission decides to grant permission I recommend inclusion of a condition requiring a Connection Agreement with Uisce Éireann in relation to water supply.
- 8.5.2. In relation to electricity supply, the applicant will be required to seek a new connection to electricity supply. Whilst I note the concerns raised by the appellant in this regard I am satisfied that this is a matter for the applicant and I do not consider the proposal should be refused permission on this basis.

8.6. Biodiversity

- 8.6.1. The appeal raises concerns that widening the access road would require extensive work to hedgerows and water courses either side of the road resulting in destroying wildlife habitats. Concerns are also raised that an area to the west of the site is a

marsh habitat and that the proposal will go against the National Biodiversity Action Plan to preserve and support local plant species, no environmental report has been submitted and that bee populations exist in the area.

- 8.6.2. An observation from the Department of Housing, Local Government and Heritage states that in relation to nature conservation hedgerows should be retained where possible and any removal of vegetation should be done outside of the bird nesting season.
- 8.6.3. I have carried out EIA Screening (see Appendices) and Appropriate Assessment Screening (see Section 9) and I am satisfied that there is no real likelihood of significant effects on the environment and that the proposal will not have any effect on a European site. Having inspected the site I did not observe any marsh habitats and as noted in section 8.7 below the site is outside of any area identified at risk of flooding.
- 8.6.4. I note the proposal will require the removal of a section of approx. 40m of hedgerow fronting the site resulting in potential impacts on biodiversity, including bee populations as raised by the appellant. I note the provisions of Development Plan Objective EH O10 Trees and Hedgerows relating to the preservation as far as possible of trees, woodlands and hedgerows I note that the removal of the existing roadside boundary is required to facilitate the new entrance to the site and sightlines and that the proposal does not result in extensive removal of trees and hedgerows.. A landscaping plan is provided which includes planting of native trees and hedgerows which I consider acceptable. In relation to the DHLGH submission regarding removal of vegetation outside of the bird nesting season, I consider this matter can be addressed by a condition if the Commission decides to grant permission.
- 8.6.5. Having regard to the nature and scale of this element of the proposed development, I conclude that the proposed development is not likely to have a significant impact on the receiving environment and I am satisfied the proposal is acceptable with regard to biodiversity.

8.7. Flood Risk

- 8.7.1. The appeal raises concerns that an area to the west of the site is detailed as being liable to floods. The Planning Officer's report states that the site is not within flood zone A or B or OPW Benefited lands and that lands located c.289m to the west of the site are within flood zone A or B as identified in the Limerick Development Plan. No concerns were raised in relation to flooding in the assessment of the proposal by the PA. I note that the site is outside of indicative flood mapping areas on OPW Flood Maps. I am satisfied that the proposal is not located in an area at risk of flooding and the proposal is acceptable in this regard.

8.8. Wastewater Treatment

- 8.8.1. The proposed development includes a wastewater treatment system and percolation area. In assessing the proposal the PA Environment report states no objection to the proposed development subject to standard conditions relating to installation of the onsite treatment system.
- 8.8.2. A Site Characterisation Report has been submitted which outlines the site is located in an area where there is a Regionally Important Aquifer with moderate groundwater vulnerability and a groundwater protection response (GWPR) of R1. I note that the trial hole was dug to a depth of 2.7m, the depth from ground surface to water table is stated to be 2.2m and no rock was present. The Site Characterisation Report indicates that 2m of unsaturated soil is available which is in excess of the minimum of 0.9m for a GWPR R1 as identified in table 6.3 of the EPA Code of Practice for the proposed domestic waste water treatment system. The results indicate that the site is suitable for treatment of wastewater with the proposed secondary treatment system and soil polishing filter. In the event that the Commission decides to grant permission I recommend the inclusion of a condition requiring the applicant to comply with the standards set out in the EPA Code of Practice - Domestic Waste Water Treatment Systems.

8.9. Other Matters

- 8.9.1. The appellant raises a concern that the appellants mother has a right of way over the access road serving the site. I see no evidence to indicate that the proposed development will interfere with any existing right of way. Furthermore, I note for the Commission that matters relating to rights of way and land ownership are a matter

between the party's concerned and are not a matter for the Commission. Section 34(13) of the Planning Act (as amended) states that a person is not entitled solely by reason of a permission to carry out any development. As such, should the Commission decide to grant permission for the development, the onus is on the applicant to ensure sufficient legal interest exists to implement the permission.

- 8.9.2. The appeal raises concerns that the applicant has not submitted a report in compliance with Table 9.1. Table 9.1 in the Development Plan outlines how chapters contribute to Climate Change Adaptation or Mitigation and outlines that Chapter 4 establishes that consideration must be given to the impact of the pattern of development associated with one off housing on the climate and environment. I am not aware of any requirement for applications for one off housing to submit a report in this regard and I do not consider the text in Table 9.1 or Chapter 4 includes a requirement in this regard.

9.0 AA Screening

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

I have considered the project in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The subject site is located approximately 4km south of the Lower River Shannon SAC (Site Code: 002165) and 11km south of the Slievefelim to Silvermines Mountains SPA (Site Code: 004165).

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 scale and nature of the proposed development.
- Having regard to the absence of any hydrological or ecological connection to any European site.
- To the distance from the nearest European sites regarding any other potential ecological pathways and intervening lands.
- To the screening determination of the PA.

- 9.2. 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 AA, under Section 177V of the Act, is not required.

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. 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. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive. 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 should be granted, subject to conditions.

12.0 Reasons and Considerations

Having regard to the provisions of the Limerick City and County Development Plan 2022-2028, to the nature and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable with regard to design, vehicular access and infrastructure provision and would not give rise to unacceptable impacts on biodiversity or result in flood risk. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 08/04/2026, 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. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area

- (c) The area of ground between the road edge and the realigned front boundary shall be reinstated between the new boundary and the road

edge to be excavated and backfilled with 200mm of clean stone, 150mm of compacted C1 804 or similar granular material, and seal.

Reason: In the interest of traffic safety.

(d) The site shall be landscaped in accordance with the Site Layout Plan submitted to the Planning Authority on 21/10/2025, using only indigenous deciduous trees and hedging species, as follows:

(a) the establishment of a hedgerow along all side and rear boundaries of the site, and

(b) planting of trees along the northeastern, eastern and southwestern boundaries of the site.

Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, 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 order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

(e) 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: in order to safeguard the residential amenities of property in the vicinity.

(f) Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of visual amenity.

(g) (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.

Reason: in the interest of traffic safety and to prevent flooding or pollution.

- (h) (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 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 ≤ 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.

- (i) Prior to the commencement of development the developer shall enter into a Connection Agreement with Uisce Éireann to provide for a service connection to the public water supply.

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

- (j) There shall be no clearing, cutting, grubbing, burning or destruction by other means of vegetation growing on uncultivated land or in hedges or ditches during period beginning on 1st March to 31st August.

Reason: To protect nesting birds and other wildlife

- (k) 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 Coimisi n Plean la 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

Note: The proposal is located in proximity to the planned N24 national road scheme. No future claims will be considered in respect of impacts on the proposal due to the presence of the proposed N24 project.

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.”

Bernadette Quinn
Senior Planning Inspector

11th September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501452-LK-26
Proposed Development Summary	Construction of a two storey dwelling house, detached domestic garage, solar panels, wastewater treatment system, percolation area, rainwater harvesting system, entrance and all ancillary site works
Development Address	Newtown , Pallasgreen , 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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)	
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.	State the Class here

☒ 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	State the Class and state the relevant threshold
☒ 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)	State the Class and state the relevant threshold Class 10(b)(i) Schedule 5 Part 2, EIA is mandatory for developments comprising over 500 dwelling units. The proposal for one dwelling is significantly below this threshold and is sub threshold.
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)

Inspector: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-501452-LK-26
Proposed Development Summary	Construction of a two storey dwelling house, detached domestic garage, solar panels, wastewater treatment system, percolation area, rainwater harvesting system, entrance and all ancillary site works
Development Address	Newtown , Pallasgreen , Co. Limerick
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use,	Briefly comment on the location of the development, having regard to the criteria listed The development is situated in a rural area where surrounding land use is agriculture. The development is removed from sensitive natural habitats, centres of population and designated sites

abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	and landscapes of identified significance in the County Development Plan.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)