



An
Coimisiún
Pleanála

Direction
CD-020961-25
ACP-322784-25

The submissions on this file and the Inspector's report were considered at a meeting held on 10/10/2025.

The Commission decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:

Eamonn James Kelly

Date: 14/10/2025

Eamonn James Kelly

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the design, appearance and siting of the proposed development, to the Offaly County Development Plan 2021-2027, to the location of the site zoned for Enterprise and Employment adjacent to the N62 national secondary road within the settlement of Cloghan Village, to the strategic location of Cloghan Village which experiences high volumes of passing traffic, and to the pattern of development in the vicinity, 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 residential amenities of property in the vicinity and would not adversely impact on the

character of the area. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission for the proposed extension of opening hours for the operation of the fuel card pumps to twenty hours per day and access to the parking area for overnight truck parking, the Commission decided on balance that a temporary permission for these elements would provide greater clarity through the acquisition of operational noise monitoring data that would then inform a future decision by a planning authority. The Commission decided upon this course because it concurred with the assessment of the Inspector that an adequate separation distance exists between the fuelling islands and parking areas so that a detrimental impact on residential amenity would not occur as a result of these activities. It noted the additional consideration of the Inspector that trucks braking on entering the site or revving up as they exit the site would have an adverse impact on adjacent residential amenity. However, while this consideration did not appear to be grounded in any particular referenced information or submissions on the file the Commission also had regard to the location of the development on a busy national route, to the supportive and opposing experiences from neighbouring residential dwellings, together with the submissions of the First Party appeal including amongst other things referencing similar 24 hour pump operations in residential areas elsewhere. The Commission noted Section 7.5 of the Development Management Guidelines (2007) whereby 'In the case of a use which may possibly be a "bad neighbour" to uses already existing in the immediate vicinity, it may sometimes be appropriate to grant a temporary permission in order to enable the impact of the development to be assessed ...' and decided to proceed on a similar basis.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. The proposed extension of opening hours for the operation of the fuel card pumps to twenty-four hours per day and access to the parking area for overnight truck parking is for a period of one year from the date of this Order.

During this one-year period the noise level from vehicles entering or leaving the site between the hours of 2200 and 0630 shall not exceed 45 dB(A) 15min corrected for a tonal or impulsive component as measured at the nearest dwelling to the access point and at any point along the boundary of the site. Procedures for the purpose of monitoring and reporting compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the extension of opening hours for the operation of the fuel card pumps to twenty-four hours per day and access to the parking area for overnight truck parking.

At the end of the one-year period the extension of opening hours for the operation of the fuel card pumps to twenty-four hours per day and access to the parking area for overnight truck parking shall be removed unless permission has been granted for their retention.

Reason: A temporary permission would facilitate the collection of operational data to inform future consideration of this element of the development by the planning authority and protect the residential amenities of property in the vicinity of the site.

3. Wastes arising from/at the proposed development shall be managed in accordance with the Waste Management Acts 1996 as amended. While awaiting removal, all waste materials shall be stored in designated areas protected against spillage or leachate run-off.

Reason: In the interest of public health.

4. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: In the interest of public health and to control the level of noise.

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

Reason: In the interest of public safety and amenity.

6. Prior to the commencement of development of the carwash canopy, details of the external finishes shall be submitted to and agreed in writing with the planning authority.

Reason: To define the scope of permission, in the interest of orderly development.

7. 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.