



Planning and Development Acts 2000 to 2019

Planning Authority: Kildare County Council

Planning Register Reference Number: 19/732

APPEAL by Conor Furey and Associates Limited care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare against the decision made on the 21st day of August, 2019 by Kildare County Council to refuse permission.

Proposed Development: Construction of an off-line motorway services station to include: (a) eight number island forecourt fuel area with canopy consisting of 16 number fuel dispensers; (b) two number island HCV facility with canopy consisting of four number fuel dispensers; (c) two-storey amenity building (1,656 square metres gross floor area) part double height at ground floor containing one number shop (maximum 100 square metres net floor space including off-licence area), food court at ground and first floor level to include restaurant/café and associated communal seating, two number meeting rooms, toilet and baby changing facilities and storage areas; (d) Open aired yard/refuse area; (e) Outdoor seating and play areas; (f) Drive-thru facility to side and rear of amenity building; (g) New site entrance off the L81760; (h) 147 number car parking spaces, 33 number HGV parking spaces, six number coach parking spaces, 11 number motorcycle parking and nine number electric charge points; (j) Ancillary signage on the amenity building

and two number double-sided totem signs, both illuminated and non-illuminated; (k) Underground fuel storage tanks and designated offset fill points; (l) New packaged effluent treatment system and associated percolation area; (m) All ancillary site development works and services including surface water drainage system, air/water service area, building signage, landscaping, boundary treatments and future access to remaining lands at Mayfield, Monasterevin, County Kildare.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. The proposed development is located on lands that are zoned Objective H (Industry and Warehousing) in the Monasterevin Local Area Plan, 2016-2022. A 'petrol station' is a permissible use on lands zoned Objective H, however the restaurant and hot food take-away uses proposed as significant elements of the development, and which are not considered to be clearly ancillary to the proposed filling station use, are both identified as 'Not Permitted' on lands zoned Objective H. The proposed development would, therefore, materially contravene the land use zoning objective for the site set out in the Local Area Plan and would be contrary to the proper planning and sustainable development of the area.
2. Taken in conjunction with the existing off-line motorway services area on the adjacent site to the east, which is currently in the process of being extended, the scale and nature of the uses in the proposed development are such that it would have significant potential to impact negatively on the vibrancy and vitality of nearby Monasterevin Town and would represent a proliferation of off-line motorway service areas in a limited geographical area. The proposed development would, therefore, be contrary to section 17.13.6 of the Kildare County Development Plan, 2017-2023, would be contrary to the Ministerial Guidelines, 'Spatial Planning and National Roads Guidelines for Planning Authorities' published by the Department of Environment, Community and Local Government in 2012, regarding the siting of motorway service areas and would be contrary to the relevant provisions contained in the National Roads Authority, Service Area Policy (2014). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The site is located in close proximity to junction 14 on the M7 which it is a objective (MO 5) of the Kildare County Development Plan, 2017-2023, to upgrade with the aim of improving safety and capacity.

Notwithstanding the content of the Traffic Impact Assessment submitted with the application, the Board is not satisfied that the additional traffic generated by the proposed development would not have a significant negative impact on the capacity and safety at this junction and the local road network in the immediate vicinity of the site. It is considered that the proposed development would therefore be premature pending an upgrade of Junction 14 and that in advance of such an upgrade, would result in potential traffic conflicts and a negative impact on traffic safety. The proposed development would, therefore, be contrary to objective MO 5 of the Kildare County Development Plan, 2017-2023, would endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.

Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2020.