

An
Coimisiún
Pleanála

Commission Order
ABP-320233-24

Planning and Development Act 2000, as amended

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 2460408

Appeal by Alan Cunningham and James Beechinor care of Boyce Architects of Farrihy, Dromcollogher, County Limerick against the decision made on the 25th day of June, 2024 by Limerick City and County Council to refuse permission for the proposed development.

Proposed Development: Retention permission for oil spill store and overground bunded fuel tanks within the revised site boundaries. The unauthorised works that are the subject of Enforcement Notice DC-228-22 and DC-212-23. Planning permission for the demolition of the existing service station and for the construction of a new service station which will include: New entrance, construction of a new forecourt canopy, a retail shop, a deli, coffee area and kitchen, stores and freezer rooms, service room, manager and accounts offices, meeting room, customer and staff toilets, staff canteen, electric vehicle charging points, air and water service area, carwash, vehicle parking signage and all associated works, all at Superoil Service Station, Caherline, Caherconlish, County Limerick.

Decision

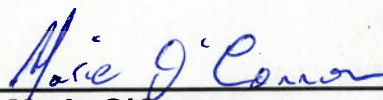
REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

1. Having regard to the absence of sufficient detail in the application in relation to the existing surface water drainage and effluent treatment system it is considered that the applicant has not demonstrated that the retention of the oil spill store and overground bunded fuel tanks within the revised site boundaries would not result in a risk of deterioration of any waterbody or be prejudicial to public health and the development proposed to be retained would, therefore, be contrary to proper planning and sustainable development of the area.
2. Having regard to the design, scale and nature of the proposed development comprising a significantly larger new service station than the existing premises which would be located on a restricted site in an unserviced rural area and in the absence of sufficient information to demonstrate that the proposed development would comply with the policies and design standards set out in Table DM7: Design Guidelines for Service Stations of the Limerick Development Plan 2022-2028, the Commission is not satisfied that it has been adequately demonstrated that the proposed development has addressed public health, amenity, traffic safety and retail impact considerations. Accordingly, the proposed development would be contrary to that provision of the Limerick Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed development involves using accesses and exits onto a designated Strategic Road (R513) where it is an objective of the planning authority under Objective TR O41 of the Limerick Development Plan 2022-2028 to prohibit developments that would generate additional traffic and require direct access onto a strategic regional road in areas where speed limits in excess of 50km/h apply. In the absence of sufficient documentation, the Commission is not satisfied that the proposed development would not generate additional

traffic movements onto the R513 designated Strategic Regional Road, contravene Objective TR O41 of the development plan, undermine the operational capacity of the road and, therefore, endanger public safety by reason of traffic hazard.

4. On the basis of the submissions made in connection with the application and appeal, the Commission is not satisfied that the applicant has demonstrated that the existing wastewater treatment system on site has the capacity to serve the proposed development having regard to the scale of development proposed. Furthermore, it is noted that the proposed forecourt extension would be located within the area of the existing septic tank and percolation area. Accordingly, notwithstanding the proposed use of the existing septic tank and percolation area, it has not been demonstrated that that effluent from the development can be satisfactorily treated and disposed of on site. The proposed development and the development proposed to be retained would, therefore, be prejudicial to public health.


Marie O'Connor

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 07 day of November 2025.