



An  
Bord  
Pleanála

## Inspector's Report PL.15.247465

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<b>Development</b>	Redevelopment of existing commercial site to include alterations to car showroom, workshop & ancillary office; construction of new petrol filling station and ancillary services; ancillary works to include drive through car wash, modified site access arrangements and road improvements, parking, retaining wall, underground tanks, bunkering and waste disposal point, signage, lighting, fencing, drainage and landscaping.
<b>Location</b>	Lands at the junction off the N2 and R171, Tallanstown Road, The Glebe, Ardee, Co. Louth.
<b>Planning Authority</b>	Louth County Council.
<b>Planning Authority Reg. Ref.</b>	16/559
<b>Applicant(s)</b>	Maxol Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	1. Petrogas Group Limited, 2. John Malone.
<b>Observer(s)</b>	TII
<b>Date of Site Inspection</b>	17 <sup>th</sup> January 2017.
<b>Inspector</b>	D. MacGabhann.

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## 1.0 Site Location and Description

- 1.1. The appeal site lies to the north of Ardee Town and immediately north of the roundabout junction of the R171 (Ardee to Tallanstown road), N33 and N2. The site lies between, and is bounded by, the N2 to the west and the R171 to the east.
- 1.2. The c.1.5ha appeal site is triangular in shape, tapering to the south towards the roundabout junction. Currently the site comprises a large, vacant car showroom to the north of the site, with an external yard to the north, west and east of the building. To the south is an area of hardcore which is partly overgrown. Footpaths run alongside the site, to the west of the R171 and to the east of the N2.
- 1.3. Access to the site is currently from the R171, just south of the 50/80kph speed limit sign and south of the existing car showroom building (see photograph 1). To the south east of the site lies a fuel merchant depot (Malone Oil Products), to the north east a residential property and agricultural holding and to the east Red House (a Georgian residence). To the north and west is agricultural land and to the south of the roundabout is residential development.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the redevelopment of an existing commercial site incorporating:
  - Alterations to the existing car showroom, workshop and ancillary office accommodation, which in effect provide a reduced floorspace for these uses, (retention of basement workshop, 970sqm, ground floor workshop, 902sqm and car showroom and offices 1,025sqm).
  - Conversion of the southernmost part of the building to provide a payzone for fuel and ancillary services, including a local shop, café and hot and food/deli counters and outdoor children's play area.
  - The development of forecourt areas with 4 no. fuel pumps (three for cars and one for HGVs), canopies, drive-thru car wash, parking (for 56 no. cars, one coach space and 3 no. spaces for HGVs) and underground storage tanks.

- Modified site access arrangements from the R171 which include the provision of a new entrance to the fuel forecourt, a separate exit only from the forecourt (in the location of the existing access to the site) and a new access road to the north of the site, from the R171, to provide a separate access to the car showroom, service yard, workshop and offices.
- Relocation of the existing 50/80kph speed limit zone 100m north of its existing location (section 1.14 Traffic and Transportation Assessment).
- Widening of the R171 alongside the site with construction of a new retaining wall behind the footpath.
- Associated signage, lighting, fencing and new drainage infrastructure.

2.2. Accompanying the planning application are the following reports:

- Planning Support Statement.
- Landscape Management and Maintenance Plan.
- Traffic and Transportation Assessment.
- Drainage Calculations and Specifications

### 3.0 **Planning Authority Decision**

#### **Decision**

3.1. The planning authority decided to grant permission for the development subject to 14 conditions (29<sup>th</sup> September 2016). Most of these are standard conditions however, the following site specific conditions apply:

- No. 10 – Requires dropped kerbs and tactile paving for uncontrolled crossings at the R171 road junction and a 1.2m high fence along the N2 and roundabout frontage (to eliminate pedestrian access from the N2 and discourage parking on the hard shoulder).
- No. 11 – States that the applicant proposes a change in the speed limit and this is a decision to be determined by the Speed Limit Committee which may decline or defer the change until a later time. In the event that the speed limit

is changed within 1 year of opening the applicant is required to relocate signs and, if required, road marking.

### **Planning Authority Reports**

3.2. The Planning Officer's report of the 28<sup>th</sup> August 2016 refers to the planning history of the site, relevant policies and objectives of the Louth County Development Plan 2015-2021, the Ardee LAP 2010-2016, the submissions made in respect of the application, internal reports and submission by prescribed bodies. It states:

- The site is located within the town boundary of Ardee and, having regard to the zoning of the appeal site, the proposed petrol filling station and associated retail element are acceptable in principle.
- The proposed development seeks to develop the petrol filling station and a number of ancillary issues and site development works in line with the principle of the development approved under PA Ref. 09/565.
- The design and layout of the proposal is acceptable taking into account that the building is in place and is effectively a re-use of the existing building.
- The proposed development differs significantly from that previously refused by the Board under PL14.245128 (omission of gym, vehicle test centre, meeting rooms) and is reduced in scale (smaller number of pumps).
- Further information has been submitted which addresses the Board's concerns in respect of certain information (Traffic and Transportation Assessment, Planning Support Statement).
- The site is a brown field site and therefore differs from those refused by the Board under PL15.243454 and PL15.246457 (greenfield sites). The development site is an existing commercial building, is unoccupied and detracts from the entrance to Ardee. The permitted development has an associated traffic volume with it.
- The floor area of the proposed retail shop complies with the requirements of the Retail Planning Guidelines, 2012 (100sqm).
- Site notices have notified third parties of the proposed development.

- No issues arise in respect of Natura 2000 sites or flooding. The Ardee Wastewater Treatment Plant is due to be upgraded from 5000 pe to 8000 pe. No capacity issues therefore arise.
- Adequate parking spaces have been provided.

### **Other Technical Reports**

- Infrastructure Planning (9<sup>th</sup> September 2016) – Recommends a grant of permission subject to conditions.
- Environmental Compliance (undated) – No objections subject to conditions.

### **Prescribed Bodies**

3.3. There are no observations on file from prescribed bodies on the planning authority's file. Observations were subsequently from TII by the Board. The authority acknowledges the range and variety of uses now proposed make the following comments on it:

- Given the proximity of the N33/N52 roundabout to the N2/N33 Carrickmacross Road roundabout (c.100m apart), there is potential for occasional interaction between the two interchanges in terms of queuing and delay, particularly during the PM peak. Given this interaction potential, it is considered good practice to include the second roundabout (N33/N52) within a linked junction capacity assessment.
- An assumption has been made in the Traffic and Transportation Assessment (TTA) whereby 50% of the development trips will form pass-by trips the remainder forming new trips. Evidence to support this assumption is not elaborated on.
- Growth forecasts used in the TTA are not in accordance with the TII's Traffic and Transport Assessment Guidelines (2014).
- Trip rates used by the applicant should be representative of the subject site.

3.4. In their subsequent correspondence with the Board (21<sup>st</sup> February 2017), having reviewed the applicant's response to their observations, the Authority state that they welcome the clarification provided in the applicant's submission and acknowledge that the content of the submission addresses in detail the observations made.

### **Third Party Observations**

3.5. Observations are on file from the following parties:

- Petrogas Group Ltd.
- Applegreen Service Area Ltd.
- Moffett Property Management Ardee Ltd.
- John Malone.

3.6. The issues raised by observers generally have been repeated in the appeals made. They can be summarised as follows:

- Public Notices.
- Precedent/planning history.
- Intensification of use.
- Impact on national road network/conflict with policy on national roads.
- Conflict with NRA policy (motorway service areas)
- Public safety/traffic hazard.
- Impact on town centre.
- Failure to demonstrate need for the development.
- Premature pending upgrade of the Ardee WWTP.
- Site layout and design.

3.7. In addition to the above, Moffett Property Management Ardee Ltd state that they intend to re-apply for planning permission for a petrol filling station at their site at Cappocksgreen, Ardee (refused by the Board under PL15.246457) and requests the

planning authority to continue to consider this site as part of its sequential assessment of suitable sites for a petrol filling station.

## 4.0 Planning History

4.1. A number of planning applications have been made in respect of the appeal site and I briefly summarise these below:

- PA Ref. 01/1479 (PL15.130745) – Permission for a car showroom (2,679sqm) with petrol station (156sqm) and drive through restaurant (222sqm) was granted permission by the planning authority but refused by the Board on the grounds that the development would (1) materially contravene the agricultural zoning of the site and (2) adversely affect the use of the adjoining National Primary route, N2, and associated N33 link road.
- PA Ref. 03/1496 – Permission was granted by the planning authority for a car showroom on the appeal site. It is stated in the planning application form that the showroom would have a gross internal floor area of 2,642sqm.
- PA Ref. 06/615 – Retention permission was granted by the planning authority for a car showroom (new position on site, additional ground floor area, additional basement, elevational changes, ancillary site works and site signage) subsequent to that granted under PA Ref. 03/1496.
- PA Ref. 07/1007 – Permission was granted by the planning authority for a vehicle test building (light and heavy goods) to comprise 1 no. 395sqm single storey structure incorporating 2 no. testing lanes. The building was situated to the north of the existing car showroom.
- PA Ref. 09/565<sup>1</sup> – A split decision was issued by the planning authority, (a) granting permission for a standalone petrol filling station with 4 no. pumps (GFA 326sqm, retail area 87.5sqm) and (b) refusing permission for a drive-through restaurant (GFA 215sqm) on the grounds that inadequate provision had been made to accommodate HCVs, which would give rise to

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<sup>1</sup> Also PL15.236912 – withdrawn.



off-site parking on the hard shoulder of the N2 and, therefore, create a traffic hazard. The site of the development was on land to the south of the existing car showroom.

- PA Ref. 15/5 (PL15.245128) – Planning permission was sought for the redevelopment of the existing commercial development to include:
  - Part change of use from car showroom basement to gymnasium,
  - Revisions to approved petrol filling station (PA Ref. 09/565) incorporating alterations and part change of use of existing car showroom to accommodate ancillary shop, retail services including café/restaurant, additional first floor offices/meeting rooms and public seating; and
  - The development of forecourt areas, associated drainage infrastructure, landscaping, modified site access arrangements and associated road improvements.

Permission was granted by the planning authority and subsequently refused by the Board on the grounds that, having regard to the location of the proposed development on a significant junction linking the N2, N33 and R171, remote from the retail core of Ardee and its scale, range of uses and functions, they were not satisfied that development (a) would not give rise to significant intensification of use of the junction which would interfere with its safety and the free flow of traffic on the public road, (b) would not conflict with Policy ACT1 of the Ardee LAP 2010-2016 which seeks to preserve and strengthen the town centre as the main focus for retail and commercial development.

In their direction the Board considered that there were also unresolved concerns in relation to the quantum of foul wastewater generated by the proposed development and the ability of the Ardee WWTP to cater for these flows.

- 4.2. In addition to the above, the following applications have been determined on land in the vicinity of the appeal site (see attachments for location of sites):

- PA Ref. 09/103 (PL15.233498) – Permission was refused by the planning authority and the Board for a discount foodstore on lands at Glebe, on the opposite side of the R171, to the south east of the appeal site. Reasons for refusal were (1) The development, by virtue of its out of town location, would have an adverse impact on the vitality and viability of the existing town centre (2) Within the mixed commercial/business use zoning objective, the provision of discount food stores are not permitted, (3) The development would lead to the diminution in the traffic carrying capacity and efficiency of the national road network in the vicinity of the site.
- PA Ref. 14/81 (PL15.243454) – Permission for a discount foodstore on lands at Glebe (as above) was refused by the planning authority and the Board for same reasons (impact on town centre, conflict with zoning objectives and impact on carrying capacity of the national road network). In the Board’s direction they noted unresolved concerns on file in relation to waste water and flood risk assessment, but in view of the substantive reasons for refusal, decided not to seek clarification on these matters.
- PA Ref. 15/721 (PL15.246457) – Planning permission sought for amendments to light industrial/business park development to the north of the N33 at Cappocksgreen, Ardee, to include petrol filling station. Permission was refused by the Board on the grounds that they were not satisfied that the development would not result in additional turning movements onto and off the N33 which would impact on priority for strategic through traffic in contravention of government guidelines and Louth County Development Plan.

4.3. In addition to the above, the Board has recently determined an appeal in respect of a single storey licensed convenience supermarket, commercial kiosk and associated car parking spaces on lands south of the N33 at Cappocksgreen, Ardee (PA Ref. 16/485, our ref. PL15.247383). Planning permission was granted by the planning authority but refused by the Board on the grounds that the additional traffic-turning movements which would be generated by the development, located in close proximity to an important junction on the N33 link road, would interfere with the safety and free flow of traffic on the national road network, contrary to government guidelines on national roads and development plan policy, would set an inappropriate precedent and give rise to traffic hazard.

## 5.0 Policy Context

### National Planning Policy

Spatial Planning and National Roads Guidelines for Planning Authorities (DoECLG, 2012).

5.1. The government's guidelines on spatial planning and national roads:

- Recognise the important role of the national road network in the economic, social and physical development of the country and its purpose, to provide strategic transport links between the main centres of population and employment and to provide access between all regions.
- Seek to protect the carrying capacity of the national road network. In particular, the guidelines state '*the planning system must ensure that the strategic traffic function of national roads is maintained by limiting the extent of development that would give rise to the generation of short trip traffic on national roads or alternatively by ensuring that the trip demand from future development will primarily be catered for on the non-national network*'.
- State that national road interchanges/junctions are an especially important element of the national road network and local authorities must take care that development close to such interchanges does not compromise the capacity and efficiency of the national road/associated junctions, leading to the premature or unacceptable reduction in the level of service available to road users (section 2.7).
- Support the provision of service areas for road users who wish to rest, avail of fuel, food etc. during longer journeys and, in respect of the provision of on-line and off-line motorway service areas at national road junctions, state that (a) the location of these should be catered for in development plans and (b) the Authority's service areas are designed to discourage infrastructure from becoming destinations in their own right (section 2.8).
- In respect of roadside service facilities at non-motorway national roads and junctions the guidelines state that '*a proliferation of service area facilities along rural sections of national roads and/or associated junctions, where the maximum speed limit applies, would create significant safety risks and affect*

*the level of service available to road users, as well as impact on the viability and vitality of existing urban settlements. In general, sufficient road side facilities exist on non-motorway national road network, which also passes through or is in close proximity to a significant number of urban towns and villages where such facilities can be provided for in a sustainable manner’ (section 2.8).*

#### Service Area Policy (NRA, 2014)

- 5.2. The NRA’s Service Area Policy 2014 sets out the policy basis on which service areas will be provided to meet the needs of road users on the national road network in Ireland. It states that the Authority’s role is confined to the provision of on-line and off-line services on the dual carriageways (including motorways) and that, in order to meet the needs of road users, it aims to provide Type 1 Service Areas (full service areas) at least every 100km on the dual carriageway network.
- 5.3. With regard to the provision of roadside service facilities at non-motorway national roads and junctions, the policy document states that the Authority has no development or operational role in relation to private sector facilities in the vicinity of the national road network, but re-iterates guidance in the Department’s guidelines for national roads (above) that *‘facilities proposed for inclusion in services areas should be of a type that avoids the attraction of short, local trips, a class of traffic that is inconsistent with the primary intended role for national roads and associated junctions in catering for strategic long-distance inter-urban and inter-regional traffic. Furthermore, to permit a service area to become a destination for local customers would be contrary to Government planning policy on retail and town centres’.*

#### **Louth County Development Plan 2015-2021**

- 5.4. The appeal site falls within the administrative area of the Louth County Development Plan 2015 – 2021. Retail policies of the plans seek to maintain the vitality and viability of town and village centres and their role as primary retail core areas (Policy EDE 33). Under section 7.3.3 the Plan states that, in respect of National Routes in County Louth, including the N2 Dublin to Derry and the N33 Charville Interchange (M1 Junction 14) to Ardee National Primary Routes, the Council will continue to implement measures to safeguard the capacity and safety of these national routes

so that they can continue to perform their strategic role and maintain their importance to the future development of the County. Policy TC7 seeks to maintain the carrying capacity and lifespan of the road network, including regional roads<sup>2</sup>.

#### **Ardee Local Area Plan 2010-2016**

- 5.5. The current Ardee Local Area Plan zones the appeal site for Commercial and Business uses. Petrol stations and garages are a permitted use in principle and motor sales are permitted uses within the zone. Section 8.7.2 states that *'The matrix relates to land use only and important factors such as density, building height, design standards and traffic generation are also relevant in establishing whether or not a development proposal would be acceptable at a particular location'*.
- 5.6. Retail policies of the LAP seek to (a) preserve and strengthen the role of the town as the principal sub county retail centre to serve the needs of the towns people and the wider rural hinterland (Policy EE 6) and (b) preserve and strengthen the town centre as the main focus for retail and commercial development (Policy ATC 1).
- 5.7. In Section 4 the plan states that the existing wastewater treatment plant in Ardee, treating a population equivalent of 5800, is operating beyond its nominal capacity of 5000pe. Plans have been submitted to the Department of Environment, Heritage and Local Government to upgrade the WWTP to a capacity of 8000. However, with current commitments (to housing and a business park) even with the upgrade there would be constraints in the plant network to treat further development.
- 5.8. Policy INF 4 therefore restricts further development until such a time as additional capacity is available to treat discharges arising from same.

#### **5.9. Natural Heritage Designations**

No natural heritage designations directly affect the appeal site or land in proximity to it.

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<sup>2</sup> Policy TC10 seeks to prohibit the creation of new accesses or intensification of existing accesses onto protected regional roads. The R171 is listed in Table 7.3 of the Plan as a protected road, but the Plan restricts development on that section of the road between Dundalk and Louth Village (c.10km to the north of Ardee).

## 6.0 The Appeal

### Grounds of Appeal

- 6.1. There are two appeals lodged against the planning authority's decision to grant permission for the development, lodged by Petrogas Group Ltd. and John Malone. Grounds of appeal are similar and can be summarised under the following headings.

#### Procedures

- The application was not referred to TII.
- The public notices do not adequately describe the development (omit extent of change of use area, floor areas, proposed off-licence, reference to two new access/egress points off F171, no. of fuel dispensing pumps).

#### Precedent/planning history/scale of development

- The planning history of the site<sup>3</sup> and surrounding lands<sup>4,5</sup> (see Figure 4.3 of Malone submission) has established a clear precedent that the nature and scale of the development would be inappropriate (by virtue of its impact on national road network, traffic hazard, public health and impact on town centre).
- The development is similar to that most recently refused by the Board under PL15.245128 (PA Ref. 15/5). The planning authority has afforded undue significance to the revisions made in the current proposal. The development remains oversized and the Boards reasons for refusal still apply and their concerns regarding the capacity of the Ardee WWTP.
- The applicant seeks to justify the development on the grounds that it is similar to that granted under PA Ref. 09/565 (petrol filling station). However, it is significantly larger in scale and includes a mores substantial mix of uses.

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<sup>3</sup> Appeal site - PA Ref. 01/1479 and PL15.130745; PA Ref. 03/1496; PA Ref. 09/565; PA Ref. 15/15 and PL15.245128.

<sup>4</sup> Land to east of R171, north of N33 – PA Ref. 14/81 and PL15.243454; PA Ref. 09/03 and PL15.233498.

<sup>5</sup> Wider lands to south east of site at Cappocksgreen – Including PA Ref. 15/721 and PL15.246457 and PA Ref. 16/485 and PL15.247383.

- The Board has consistently refused this type of large scale development in proximity to the national road network (PL03.246435 – motorway services area, Co. Clare; PL15.246457 – petrol filling station in lieu of permitted industrial units, Cappocksgreen, Ardee).

#### Need

- The applicant has failed to demonstrate the need for the development. Five no. existing service stations exist on the approach roads to the town (Appendix C of Malone appeal).
- There is no justification to provide a petrol filling station of the nature and scale proposed at this location. It is contrary to NRA policy (which recommends that service areas be provided at intervals of 85km to 100km).

#### Impact on public investment in motorway service areas (MSA)

- The proposed development has a gross floor area of 1,709sqm. A large modern filling station would have a GFA of 400sqm. The proposed development is akin to an off-line motorway service area. The development will undermine public investment in MSAs on the M1 (Castlebellingham/Dromiskin).
- The development will encourage commercial traffic to avoid using the national motorway network and bring unnecessary through traffic onto the national primary route.
- The presence of established MSAs at Jordanstown and Dromiskin were considered to be material by the Board in their decision to refuse permission for a service station at Castlebellingham (PL15.236542).
- A plan led approach is advocated for this scale of development. There is no strategic basis for siting the proposed development at this location.

#### Impact on national road network/conflict with policy on national roads

- In comparison to the existing car showroom and approved petrol filling station the proposed development constitutes a significant and unacceptable intensification of use on the site.

- The development remains a substantial filling station adjacent to a significant national road junction and, by virtue of its scale, range of uses and functions, will become a destination in its own right and is likely to interfere with the safety and free flow of traffic on the national road network. Car parking provision has increased since previous application.
- The applicant's Traffic and Transportation Assessment states that the site will be located in relation to nearby residential development.
- If permitted the development will set a precedent for other uses unrelated to the needs of the motorists (as per the land uses indicated for lands to the north of the site in the masterplan submitted under PL15.245128).
- The proposed development is at odds with the government's guidelines which warn against the proliferation of service facilities along national road junction, that sufficient road side facilities already exist on the non-motorway national road network and that the facilities provided by such service areas can easily be obtained in towns and villages along national routes.

#### Public safety/traffic hazard

- The development proposes additional accesses onto the R171 at a location where it is characterised by a poor vertical and horizontal alignment and within the 50/80kph zone.
- The development will introduce more traffic to the N2 and N33 National Roads and roundabout junction and adversely affect the use of the national road by reason of traffic hazard.
- The national road (N2/N33) is highly unsuitable for pedestrian to cross (e.g. high traffic speeds) and would pose serious safety concerns.

#### Impact on town centre

- The development comprises 1,000sqm of commercial floorspace, a significant level of floorspace in the context of Ardee (overall retail floorspace 7,704sqm). The site is an out of centre site in excess of 600m from the northern edge of the town, is only accessible by private car. There are no opportunities for access by other forms. The site is north of the barrier formed by the N33.



The development will become a significant draw in its own right, compete with the town centre and threaten its vitality and viability.

- The applicant has not assessed the impact of the proposed development on the town centre and the planners report does not address the issue.

#### Prematurity

- The development will cater for a large number of people at any one time, intensify the use of the site and be premature pending the upgrade of the Ardee WWTP.

#### Impact on Natura 2000 sites

- There is no AA screening report submitted with the application notwithstanding concerns of the Board with regard to the capacity of the Ardee WWTP.

#### Design and layout

- The quantum of car parking space falls below that which is required. The development could therefore give rise to off-site car parking in particular along the N2 endangering public safety.
- Internal vehicle circulation (alongside the N2) could give rise to traffic hazard.
- Proximity of fuel pumps to access could give rise to queueing on the R171.

### **Applicant Response**

6.2. The applicant (22<sup>nd</sup> November 2016) makes the following comments on the appeals made:

#### Procedures

- The public notices satisfy the requirements of the Planning and Development Regulations and are consistent with the Department's Development Management Guidelines. They have made third parties aware of the proposal and provide sufficient detail for any members of the public to understand the nature and extent of the development.

### Precedent/Impact on town centre

- The proposed development is substantially different to that presented under PA Ref. 15/5 (PL15.245128) (removal of gymnasium, vehicle test centre, first floor meeting rooms and reduction in level of hospitality). In addition, the number of pumps has been downscaled, a key contributor to traffic generation of a new petrol filling station development. Car parking provision has been decreased from 165 to 121 for the overall site since the previous application.
- Table 1, section 6.4 of the Malone appeal presents misleading information. It omits parking spaces attributed to the approved and existing car showroom and the similar number of pumps between the approved petrol filling station and proposed development.
- The development removes substantive concerns that the facility will be an attraction in its own right that would compromise either road safety or the vitality of Ardee town centre as the main focus for retail and commercial development.
- The proposed development is consistent with the zoning objective for the site. The principle of the land use on the site has already been established in earlier planning permissions. The retail element is within the retail cap for petrol filling stations (100m<sup>2</sup>). The development will contribute to the vision of the town as a thriving local development and service town and compliment the town centre. It is fully compliant with policy ACT1.
- Other cases referred to by the appellants are not directly comparable to the proposed development (PL15.245457, PL15.233498 and PL15.243454).
- The development, which is located on the edge of Ardee town, within the urban footprint and speed limits and does not access onto any national routes, is compliant with the Ardee LAP.

### Need

- The principle of a petrol filling station on the appeal site has been established.

### Impact on public investment in MSA

- The NRA Service Area Policy does not apply to the single carriageway network.
- The Board's reason for refusing permission under PL15.246457 did not include proximity to existing MSAs.
- The proposed development has significantly less fuel dispensers than a MSA and has a significantly smaller convenience shop.

### Impact on national road network/conflict with policy on national roads

- Vehicular access to the site has already been established and the development will not create an additional safety hazard.
- As the site is located within a 50kph speed limit and has received planning permission for a petrol station in the past, the proposed development will not be in direct and material conflict with national policy.
- The TTA demonstrates that the proposed development will not impact on the Carrickmacross Road roundabout. It and the proposed site access priority junctions are predicted to operate well within capacity.
- The TTA undertaken with the previous application included a sensitivity assessment scenario which included additional development to the north of the site. It demonstrated that this could be accommodated without adverse impact on the local and strategic road network.
- It is not considered that the proposed development will give rise to an undesirable precedent for further traffic generating development at or in the vicinity of the proposed development.
- The TTA established that the development is within a reasonable walking distance to a number of residents in Ardee, which is standard practice and consistent with local and national policy to establish existing sustainable travel facilities in the vicinity of the site. The TTA did not conclude that the development was to be considered a destination in its own right.
- The applicant has no current plans to develop lands to the north of the site (as suggested in the masterplan submitted in respect of the previous application

at the request of the planning department). The application for the proposed development, which does not fetter the future development of other zoned lands, must be determined on its own merits.

- The Petrogas appeal wrongly compares the site against the Spatial Planning and National Road guidelines on the proliferation of service area facilities along national road junctions where the maximum speed limit applies. Carrickmacross roundabout is located within a speed limit of 50kph, forms a gateway to Ardee and the lands are zoned for development.
- The TTA has demonstrated that the proposed development will not result in significant safety risks or impact on the level of services available to road users.
- The proposed development gives priority to those accessing the site from the Carrickmacross Road roundabout and therefore queuing will not occur towards the national road.

#### Public safety/traffic hazard

- The speed limit on the approach to the Carrickmacross Road roundabout is 50kph. The development will not create a significant safety risk. The TTA has demonstrated that the additional traffic loading can be satisfactorily accommodated at the junction and the development is therefore compliant with the Department's Spatial Planning and National Road guidelines (section 2.7).
- The development site has been active in the past and pedestrian and public transport links have already been established in the vicinity of the site (e.g. with dropped kerbs on all arms of the roundabout).
- The purpose of relocation the speeds signs is to further enhance the site access as a gateway point to Ardee. The site access points have been designed to comply with LCCs' design guidelines regardless of the location of the existing speed limit signage and they are not, therefore, dictated by the agreement of the Speed Limit Committee. The condition was set by LCC in relation to the developer's responsibility of payment for this relocation of signage within a set time period.

### Prematurity and impact on Natura 2000 sites

- The site is on zoned lands and there are no pathways to connect it to the Natura 2000 network.
- The applicant undertook a screening for appropriate assessment under the previous application
- A likely significant effect upon water quality of the River Dee does not arise in relation to foul effluent treated by the Ardee WWTP over and above that treated without the development in place.
- The applicant had regard to the statement in the Appropriate Assessment Screening of the Draft Ardee LAP 2010-2016 (that the effluent monitoring results of the WWTP consistently comply with the Urban Wastewater Directive requirements and that the WWTP would be upgraded). In meetings with Sanitary Services Engineers of LCC no concerns were expressed regarding the ability of the WWTP to serve the developments wastewater needs and they had no objection to the proposal to connect to the existing sewer.
- The development is larger in floor area and scale than that granted under PA Ref. 09/565, but does not give rise to significantly increased sewage effluent (see Table on page 34 of response document which indicates a modest increase in toilets and wash hand basins and a decrease in urinals and sinks).
- It is their understanding that other applications have been refused for a number of reasons, and that the issue of WWTP was not the primary reason for refusal.
- Irish Water have no objections to the proposed development.
- If the Council decide that there is an imperative to treat the wastewater from the site prior to discharging to the main sewer, the applicant would be prepared to assist in this regard (e.g. install a temporary package waste water treatment plan on site).

### Design and layout

- The table set out in section 6.9 of the Malone appeal, in respect of car parking, is incorrect. The parking provision for the development, as set out in

Table 1-1 of the TTA, has been agreed with LCC in detailed scoping discussions.

- The proposed site access has been designed to the Council's design guidelines in relation to carriageway widths, junction spacing and the required visibility splays.
- Additional planting and screening to be provided along the western boundary of the site will assist in reducing any likelihood of glare and confusion to oncoming traffic. There will be no pedestrian access to the site from the N2 boundary of the site.
- The nearest pump is 23m from the entrance, which provides a contingency queuing factor of four cars behind the car filling up with fuel. The furthest pump is 40m from the same entrance providing the contingency of 8 cars queuing up behind the vehicle filling. It is not conceived that there would be a situation/demand ever to test the contingency plan design considering the relief lanes between each pump island. The forecourt has an intrinsically safe design.

6.3. In addition, the applicant makes the following comments on the observations made by TII:

Impact of development on N33/N52 roundabout

- Analysis of predicted traffic flows indicate that traffic to and from the development would exceed traffic flows by more than 5% only on the R171/site access priority junctions and Carrickmacross Road (N2/N33) roundabout. Consistent with Chartered Institute of Highways and Transportation only these junctions were carried forward for detailed analysis. (Table 2.1 of response document predicts a percentage impact on flows on the N33 between the N2 and N52 roundabouts of 2.6% and 3.1% (am and pm peak respectively)). Video images together with the traffic data presented in the TTA confirm that there is no existing queuing or delay interaction between the two roundabout junctions at peak times.

### Assumptions re:50% pass-by trips

- The percentage of pass-by trips was established in consultation with Louth County Council. TRICS Research Report 95/2 and 14/1 '*Pass By and Diverted Traffic – A Resume*' concludes that very little new traffic is generated by new store developments. Survey work (January 2017) at three existing Maxol sites, situated in close proximity and visibility to the national road network (R135, adjacent to the N2 Monaghan; Maxol at Mulhuddart off the N3 and Maxol off the Dublin Road, adjacent to the N52 at Dundalk) and considered to be representative of the proposed development, found that the level of pass by traffic at the existing petrol filling stations was on average 82% in the am peak and 85% in the pm peak. A high level of pass by traffic is, therefore, likely to be associated with the proposed development. However, in order to provide a robust assessment, a significantly lower rate was used.

### Growth Rates

- The NRFT growth rates used in the TTA are higher than the Project Appraisal Guidelines recommended by TII. The resultant higher base traffic flows were used to provide a more robust traffic impact assessment and junction modelling exercise (see Tables 2.3 and 2.4 of response document).

### Representative nature of TRICS data

- Sites selected from the TRICS database were representative of the proposed site in terms of its site location (edge of town). The exclusion of sites in Edinburgh, Glasgow, Bristol, Cork and Dublin has no material impact on the predicted traffic generation for the proposed development (Table 2.5 of response document) or car showroom.

### **Planning Authority**

6.4. In response to the appeals made the planning authority (11<sup>th</sup> November 2016) make the following additional comments:

- The development site has an existing building which is unoccupied and seriously detracting from the entrance to the town of Ardee. The permitted car showroom has an associated traffic volume. The car showroom was not

a viable use and has ceased. It is of little merit that the investment put into the site is not realised in terms of a sustainable use. To not support the reuse of the building is contrary to the objectives of the Louth County Development Plan 2015-2021 (policy EDE 9 and EDE 37).

- Previous decision by the Board under PA Ref. 15/5 and PL15.245128
  - The town is located at the intersection of the N2, N52 and N33 roads. Any development within the town will have an impact on the national routes intersecting the town due to the spatial growth of the town.
  - The Infrastructure section worked with the applicant to ensure that the volume of traffic associated with the development is in line with the permitted numbers under the parent permission. The principles of the Traffic and Transportation assessment and Planning Support Statement has been agreed with the planning authority.
  - The current application differs from the previous application (PA Ref. 15/5) with the removal of gym, vehicle test centre and meeting rooms, reduction in size of petrol filling station (fewer pumps).
  - The Council has agreed to including Council owned land to allow for the widening of the public road. The development allows for segregated vehicle entrance/exit and a new priority junction to the car showroom. The infrastructure section has no objection to granting planning permission.

## 6.5. Further Responses

On the 30<sup>th</sup> November 2016 the Board sought observations from the planning authority and appellant's on the applicant's response to the appeal. The following additional points were made by the appellants:

- Obtaining planning permission for the proposed petrol filling station will not automatically result in an operator for the car showroom taking on the showroom. The development is likely to cause pressure to expand the filling station/service area into the car showroom rather than leave it vacant.



- It would appear that there has been an increase in the number of food offers under the current application (not a reduction in the level of hospitality offered as stated by the applicant).
- The key issue for planning authorities in respect of traffic generation from filling stations is the number and type of food offers, not the number of petrol pumps.
- It is not the number of toilets to be provided which is relevant, but the frequency of their use.

6.6. In their correspondence with the Board (8<sup>th</sup> December 2016), the planning authority make no new comments on the applicant's response to the appeals made.

6.7. On the 9<sup>th</sup> January 2017 the Board sought submissions from the planning authority, appellant (and applicant, see section 6.3 above) on the TII's observations on the appeal. The following comments were made by one of the appellant's, Petrogas Group Ltd:

- The application is dependent on a future statutory process (relocation of speed limit signs) and conflicts with section 6.2.1 of the Department of Transport, Tourism and Sports 'Guidelines for Setting and Managing Speed Limits in Ireland'.
- Sub-standard sightlines are shown for the proposed development (access to showroom) assuming a 50kph speed limit, not the existing 80kph. Appropriate sightlines of 4.5m x 160m cannot be achieved.
- No assessment of whether the proposed access to the car showroom and future development lands to the north could accommodate associated development.
- Development could give rise to traffic hazard (stationary traffic on the R171 turning right into showroom).
- No road safety audit carried out.
- TTA should have been carried out on the basis of 100% of trips being car borne to determine a worst case traffic scenario (section 5.18 TTA).
- No traffic modelling output files in report.

- No canopy between pumps and shop area. Question if this is to facilitate exit route for HGVs and buses. If so, inappropriate as would create conflict between light vehicles and pedestrians and larger vehicles.
- Mobility management plan proposed to reduce staff related car trips yet 16 car parking spaces proposed in service area and no facilities to support implementation of mobility management plan (e.g. showers).
- Entrance and egress to petrol filling station substantial in width and contrary to DMURS.

6.8. In their response to the Board (31 January 2017), the planning authority note the submission by TII, acknowledge that the application was not referred to the Authority (oversight by validating technician) and state that, as noted by TII, the current application differs significantly from that previously refused by the Board under PA Ref. 15/5. No other new issues are raised.

6.9. On the 9<sup>th</sup> February 2017, the Board sought observations from TII, the planning authority, and the appellant's on the applicant's response to the observations by TII. No new comments were made by any party.

## 7.0 **Assessment**

Having regard to the nature of the proposed development, the planning policy context for it, the material on file and my inspection of the appeal site, it is my view the key issues for this appeal comprise the following;

- Procedures.
- Development plan policy/precedent/planning history.
- Need.
- Impact on public investment in MSAs.
- Impact on national road network/conflict with policy on national roads.
- Public safety/traffic hazard.
- Impact on town centre.
- Prematurity.

- Impact on Natura 2000 sites.
- Design and layout.

### **Procedures**

- 7.1. Section 18 and 19 of the Planning and Development Act 2000 (as amended) dictate the form of public notices. Further, the Development Management Guidelines state in section 3.4 that the purposes of the public notices is to inform the public of the proposed development and alert them as to its nature and extent. In particular, the guidelines state *'The public notice should therefore be drafted so as to give a brief indication as to the nature and extent of the proposed development and is not required to go into excessive detail'*.
- 7.2. In this instance, the planning authority has validated the planning application and has accepted that the public notices conform to section 18 and 19 of the Planning and Development Act. Further, the public have been alerted to the nature and extent of development and as a consequence observations and appeals have been lodged in respect of it. I consider, therefore, that the purpose of the public notice has been served.
- 7.3. The planning authority acknowledge that the application for the proposed development was not sent to TII. Whilst this is remiss, consultation with the authority has taken place in respect of the application for the proposed development and their comments are on file.

### **Development Plan Policy/Precedent/Planning History**

- 7.4. The appeal site falls within the urban area of Ardee and on lands zoned for commercial and business development in the Ardee Local Area Plan 2010-2016. Garages and petrol filling stations are open to consideration and motor sales are permitted uses within the zone, all subject to consideration of factors such as density, building height, design standards and traffic generation. The proposed development, is therefore acceptable in principle on the appeal site.
- 7.5. The appeal site has an extensive planning history. Of note, planning permission has been granted on the northern part of the appeal site for a car showroom (parent permission PA Ref. 03/1469 and retention PA Ref. 06/615) and on the southern part for a petrol filling station under PA Ref. 09/565. The petrol filling station under this

reference had a gross floor area of 326sqm, a retail area of 87.5sqm and 4 no. petrol pumps.

- 7.6. In addition, permission was refused by (a) the planning authority for a drive through restaurant (GFA 215sqm) on the grounds that inadequate provision had been made for HCVs, which could give rise to a traffic hazard, and (b) by the Board for the redevelopment of the existing commercial development to include a gymnasium, petrol filling station etc. under PL15.245128, on the grounds that it would give rise to the significant intensification of the use of the N2/N33/R171 junction, impact on the safety and free flow of traffic and impact on the town centre.
- 7.7. The planning application documents do not give a ready breakdown of the differences between the two applications, in particular in terms of floor areas. However, from the information on file and the history file I consider that the two applications differ in the following key ways:

	<b>PA Ref. 09/565</b>	<b>PL15.245128</b>	<b>Current Appeal</b>
Proposed uses (source planning application forms):	<ul style="list-style-type: none"> <li>• Petrol filling station (326sqm).</li> </ul>	<ul style="list-style-type: none"> <li>• Car showroom 1,266.8sqm</li> <li>• Vehicle test centre (in location of ground floor workshop) 958.4sqm</li> <li>• Petrol filling station, offices, meeting rooms and ancillary services 1,695.1sqm</li> </ul>	<ul style="list-style-type: none"> <li>• Car showroom and offices 1,321sqm</li> <li>• Ground floor workshop 1,025sqm</li> <li>• Petrol filling station and ancillary services 1,037sqm</li> </ul>
Change of use to basement gym	<ul style="list-style-type: none"> <li>• n/a</li> </ul>	<ul style="list-style-type: none"> <li>• 1002.5sqm</li> </ul>	<ul style="list-style-type: none"> <li>• Omitted.</li> </ul>
No. of pumps	<ul style="list-style-type: none"> <li>• 4 no.</li> </ul>	<ul style="list-style-type: none"> <li>• 7 no. (4 no. for cars; 3 no. for HGVs).</li> </ul>	<ul style="list-style-type: none"> <li>• 4 no. (3 no. for cars; 1 no. for HGVs)</li> </ul>
Café/restaurant offerings	<ul style="list-style-type: none"> <li>• 1 counter.</li> </ul>	<ul style="list-style-type: none"> <li>• 3 no. franchises</li> </ul>	<ul style="list-style-type: none"> <li>• 4 no. franchises</li> </ul>
Car parking – petrol filling station	<ul style="list-style-type: none"> <li>• 19 no. cars</li> </ul>	<ul style="list-style-type: none"> <li>• 126</li> <li>• 2 no. coaches</li> <li>• 8 no. trucks</li> </ul>	<ul style="list-style-type: none"> <li>• 56 no. cars</li> <li>• 1 no. bus</li> <li>• 3 no. HGV</li> </ul>
Total car parking for site	<ul style="list-style-type: none"> <li>• c.39 (but includes drive thru – refused).</li> </ul>	<ul style="list-style-type: none"> <li>• 126</li> </ul>	<ul style="list-style-type: none"> <li>• 121</li> </ul>

7.8. Having regard to the above, whilst I would accept that there is precedent for a petrol filling station on the site, I consider that the proposed development differs substantially from that granted previously under PA 09/565, specifically in terms of scale and form (e.g. in terms of size of petrol filling station, no. of pumps, hospitality offerings, car parking spaces and therefore intensity of use/vehicle trips generated). Similarly, I consider that the proposed development differs materially from that previously refused by the Board, in particular with the omission of those elements which are most likely to attract short, local trips i.e. the gymnasium, meeting rooms

and vehicle test centre. I am of the view therefore, that the proposed development should be treated on its own merits.

- 7.9. Parties to the appeal refer to the planning history of sites in the area where planning permission has been refused by the Board and where reasons have included the impact of the development on the carrying capacity of the national road network (including PL15.233498, PL15.243454, PL15.246457). Whilst I am mindful of these, and other cases referred to, the application for the proposed development differs in terms of its location, scale and form from the others referred to and whilst a similar policy context applies, the proposed development should, again, be determined on its own merits.

### **Need**

- 7.10. The Ardee LAP 2010-2016 (section 4.19) refers to the number of service stations on the approach roads to the town and states that applicants for new service stations will be required to demonstrate the need for such additional facilities in the town. Further, it states that where permitted, these must be located on the edge of the urban footprint of the town and within the speed limits and that no new stations will be considered opening onto national routes, as the significant traffic movements generated at such entrances poses a danger to traffic safety.
- 7.11. From my inspection of Ardee and its environs and the material on file I would accept that there are a number of service stations on approach roads to the town and in the wider area. The nearest petrol filling station is c.200m south of the appeal site on Carrick Road.
- 7.12. On the national road network, I note that there are no services on the N33. Travelling north on the N2, the nearest petrol station is c.28km north of the appeal site (McCaughey's). Travelling from Dublin on the M1/M33, the nearest petrol filling station is at Lusk (c.50km south east of Ardee). Travelling north on the M1 the nearest services are at Dromiskin c.15km north east of the appeal site.
- 7.13. The applicant does not seek to justify the need for the development but states that the principle of a petrol filling station on the site has been established and that there is no need to re-establish this.
- 7.14. The NRA's Service Area Policy document (NRA, 2014) sets out guidance on the spacing of service areas for the dual carriageway national road network (85-100km).

No guidance is provided for single carriageway national roads. However, the Department's Spatial Planning and National Roads guidance document (DoECLG, 2012) states, in respect of roadside service facilities at non-motorway national roads and junctions, '*A proliferation of service area facilities along rural sections of national roads and/or associated junctions where the maximum speed limit applies, would create significant safety risks and affect the level of service available to road users, as well as impact on the viability and vitality of existing urban settlements. In general, sufficient road side facilities exist on non-motorway national road network, which also passes through or is in close proximity to a significant number of urban towns and villages where such facilities can be provided in a sustainable manner*'.

- 7.15. The emphasis of the NRA guidance document would appear to be to limit services areas on rural sections of national roads and/or associated junctions, and to direct facilities to urban areas. The proposed development comes forward within the defined urban area of the town, on a regional road where for the most part the 50kph speed limit applies and on land where the proposed use is acceptable in principle. In addition, it comes forward at a location on the national road network (M1/N33/N2) where there is a substantial distance between service stations and there is no obvious proliferation of service area facilities either along this stretch of the national road or at its associated junctions.
- 7.16. I am mindful that it is not the role of the planning system to limit competition and I consider that the proposed development is therefore consistent with the policies of the Ardee LAP, which direct petrol filling stations to the edge of the urban footprint, and the NRA's approach towards the location of service stations on non-motorway national roads. (I also note that the proposed development would make partial use of the substantial building which exists on the site).

#### **Impact on public investment in MSAs.**

- 7.17. The proposed development is substantial in scale and, I would accept that in terms of its size and range of facilities, it is approaching that of a Motorway Service Area. The nearest on-line motorway service areas are on the M1 at Dromiskin (c.15km) and at Lusk (c.50km). These facilities are planned and facilitated the NRA in order to provide appropriate rest areas on the network in line with national and European regulations. Given that the motorway network caters for strategic transport moving,

in the case of the M1 between Dublin and Belfast, it would seem unlikely that the proposed development would compete with the existing Service Areas, to the detriment of public investment in the service areas. Similarly, if travelling on the M1/N33/N2 to the northwest there is a substantial distance between MSA at Lusk and the proposed development and I would not anticipate that it would significantly detract from the facility at Lusk.

### **Impact on national road network/conflict with policy on national roads**

- 7.18. The proposed development lies on a regional road (R171) immediately north of its roundabout junction with the N2 and the N33. The N2 is a national primary route from Dublin to Monaghan and Northern Ireland, which is routed through Ardee. The N33 is a national primary route which links the M1 with the N2, facilitating traffic travelling to the north west to use the M1 and bypass Ardee town.
- 7.19. Both the N2 and the N33 roads carry a substantial volume of traffic, cars, buses and HGVs and at the time of site inspection (3.30pm) there was a noticeable volume of traffic on the road.
- 7.20. National guidance on spatial planning and national roads seeks to safeguard the carrying capacity of the national road network, limit the extent of development which would give rise to the generation of short trip traffic on national roads and ensure that that development at national road interchanges does not compromise the capacity or efficiency of the national road/associated junctions, leading to the premature or unacceptable reduction in the level of service available to road users.
- 7.21. The proposed development is predicted to generate a substantial number of vehicle trips, i.e. c.108 arrivals and departures (in total) in the am peak and c.126 arrivals and departures (in total) in the pm peak (Table 5-7 TTA). The traffic impact assessment assumes that 50% of trips will be pass by and 50% new. It also assumes that only 74% of trips will be by private care (Table 5.9, TIA). It concludes that the development will have a relatively minor impact on the operation of the N2/N33/R171 roundabout junction (minor increases in RFCs) with greatest impact on the R171 arm of the junction (Table 5.10 and 5.11 TTA).
- 7.22. In their response to observations by TII, the applicant demonstrates findings of the TTA are robust in that (a) pass-by rates are typically higher than the 50% rate used in the TTA (b) higher traffic growth rates have been used than suggested by TII and



(c) the TRICS data used is robust. Having regard to the information presented by the applicant, I would accept the conclusions drawn in the TTA i.e. that the proposed development will not have a significant impact on the operation of the N33/N2/R171 roundabout junction (or the N33/N52 roundabout junction).

- 7.23. National policy in respect of the national road network clearly seeks to maintain the carrying capacity of the national road network and associated junctions.
- 7.24. However, the traffic flows predicted to be generated by the development are relatively modest compared to the existing traffic flows on the national road network N2/N33 (see Tables 5.1 and 5.7 TTA). Further, the N2/N33 is operating well within its hourly capacity (Table 5.14 TTA).
- 7.25. With regard to vehicle movements that would be generated on the N33/N2/R171 roundabout junction, again the impact on this junction would be very modest, in terms of the overall traffic movements at the junction (Table 5.10 and 5.11, TTA) and with predicted minor increases in Ratio to Flow capacity (RFCs).
- 7.26. Further, the proposed development provides rest and service facilities primarily for users of the national road network and in this way also satisfies objectives of the governments guidelines (*Spatial Planning and National Roads Guidelines for Planning Authorities, DoECLG, 2012*), which seek to support the provision of service areas for road users. Whilst I am mindful that the proposed development may trigger other applications to be brought forward for development in the vicinity of the site, which may further increase vehicle movements on the N33/N2/R171 roundabout junction and on national roads, any such proposals would have to be treated on their own merits at the time and against prevailing national and local planning policy.

**Public safety/traffic hazard.**

- 7.27. Access to the proposed development is provided from the R171 with an entrance and egress from the petrol filling station and a separate entrance/exit to the existing car showroom.
- 7.28. Sightlines of 4.5x75m are shown in respect of the proposed exits to the site. These sightlines are based on a speed limit of 50kph (DMURS). However, currently the speed limit changes from 50kph to 80kph just north of the existing car showroom building and a sightline of 4.5mx 125m would be required for the proposed exit from

the car showroom (Table 7.4 of County Development Plan). This sightline cannot be achieved due to the uplift in the public road north of the appeal site.

7.29. I would accept, in principle, therefore the appellant's arguments that the proposed sightlines are, within the existing speed limit, are sub-standard for the northernmost access to the site. Further, the proposed arrangements for moving these are conflict with the government's Guidelines for Setting and Managing Speed Limits in Ireland (DTTS, 2015) which state:

*'The setting of Special Speed Limits **must not** be used as a mechanism to facilitate additional development and/or access onto the road and/or to satisfy certain planning criteria. Examples of speed limits being used in this manner are set out below;*

- **Extending the 50 or 60 km/h speed limit** – Accommodating additional accesses by extending the 50 km/h speed limit beyond the built-up area limit, without corresponding engineering measures'. (Section 6.2.1).

7.30. However, the Guidelines go on to state '*Such Special Speed Limits need to reflect the extent of the urban area and therefore needs to be accompanied by appropriate engineering measures such as road markings, traffic calming, pedestrian and cycle facilities and other road design measures. This would offer credibility to the speed limit and improve compliance*'.

7.31. In this instance, the applicant proposes moving the speed limit sign c.100m north of its current position (just north of the existing entrance to the car showroom), to a location which would be within the identified town boundary of the Ardee LAP and the site itself comes forward on zoned land. Within this context, I do not consider that the proposed relocation of speed limit signs to be unreasonable. However, I am mindful that of the concerns set out in governments guidelines, that the movement of speed signs alone may not alter driver behaviour. If the Board are minded to grant permission for the development, I would recommend that a road safety audit is carried out of the proposed access arrangements and that the relocation of the speed limit signs, and any emergent engineering measures identified in the road safety audit, are implemented by the applicant prior to the occupation of the proposed development.

7.32. I note that there is a difference in ground levels between the existing internal access road to the north of the car showroom building and the public road at the point of the proposed new entrance/exit to the car showroom (i.e. c.3m). There are no sections on file showing how the proposed internal access road achieves the required change in levels. However, this matter could be dealt with by condition.

**Impact on town centre.**

7.33. The proposed development comprises a petrol filling station and associated facilities including a small retail shop (100sqm), 4 franchises/food offerings, seating, play areas, toilet facilities etc. resembling the format of a modern large services area. As stated above, it differs materially from that previously refused by the Board by omitting the large basement gym, meeting rooms and vehicle test centre. In these omissions I consider that the applicant has substantially reduced the capacity of the development to attract short, local trips and I consider that whilst it may attract some element of local customers it will primarily serve users of the national road network. (I draw the Board's attention to the applicant's response to the observations made by TII and their survey of trips at existing Maxol petrol filling stations which indicated high pass-by rate i.e. a low level of development generated trips).

7.34. The development is connected to Ardee town centre by way of pavements, however, given its distance from the town centre, the busy road it will require pedestrians to cross, I suspect that it will be unlikely to attract pedestrian trips from the town centre.

7.35. I do not accept therefore that in this instance, that the development would significantly compete with the role and function of the town centre.

7.36. I am mindful in coming to this view that, as stated, the development if granted planning permission, may increase the pressure for the development of lands in the vicinity of the appeal site. However, any applications coming forward must be judged on their own merits, within the prevailing national and local planning policy at the time, in particular having regard to policies which seek to protect the traditional role and function of town centres.

**Prematurity.**

7.37. The Ardee LAP clearly acknowledges the Ardee WWTP is operating beyond capacity and that plans have been submitted to the Department to upgrade and rehabilitate the plant to provide a capacity of 8000pe. However, the plan states even

if upgraded, with existing commitments of a business park and 330 housing 330 units and potential commitments (a further 281 houses) there would be constraints in the plant network to treat further development.

- 7.38. Whilst the plan also states that *'effluent monitoring results consistently comply with Urban Wastewater Directive requirements. This reflects a degree of conservatism in the original design of the plant'*, the EPA's Annual Environmental Report 2016 on the operation of the WWTP (Ardee D0117-01) indicates that in 2016 the WWTP was non-compliant with the ELV's set in the wastewater discharge licence (BOD and TSS) due to plant breakdown and the plant operating over its capacity, with impacts on the quality of receiving waters. The document states that capital works are due to commence in 2017 at the plant to upgrade and increase the capacity of the plant. This timescale is reiterated by the applicant and planning authority.
- 7.39. The proposed development is a larger petrol filling station than that approved under PA Ref. 09/565, in that it accommodates more pumps and more hospitality/franchises. Similarly, the uses on the site are more intensive than those arising from the existing car showroom. I would not accept therefore the applicant's position that effluent discharge is likely to be similar to that of the approved petrol filling station (and car showroom).
- 7.40. Whilst the additional loading on the WWTP, arising from the development, may not be significant within the context of the overall capacity of the plant, the plant is clearly operating over capacity to the detriment of downstream water quality downstream and to grant permission for the proposed development in advance of upgrading works would be, therefore, premature and risk exacerbating breaches of licenced emission levels.
- 7.41. Having regard to the proposed imminent improvement works to the Ardee WWTP, I would recommend that the Board subject the proposed development to condition i.e. that there shall be no occupation of the development until the Ardee WWTP has been upgraded and can accommodate flows arising from the development. In the event that works on the Ardee WWTP are delayed, the applicant could bring forward a separate application for a temporary on site package treatment plant, as suggested by the applicant.

### **Impact on Natura 2000 sites.**

- 7.42. As discussed above the appeal site ultimately discharges, via the Ardee WWTP, to the River Dee which flows into Dundalk Bay SAC/SPA, c.19km downstream from Ardee. The Ardee WWTP has exceeded discharge parameters for BOD and TSS in the last monitoring report with potential for downstream impacts. Any additional loading is likely to exacerbate this situation.
- 7.43. If the Board are minded to grant permission for the development subject to restricting its occupation until the upgrading of the Ardee WWTP, the proposed development could be accommodated by the plant and not give rise to any deterioration of downstream water quality. Consequently, no issues in respect of appropriate assessment would arise.

### **Design and layout.**

#### Car parking

- 7.44. The proposed development includes 121 car parking spaces i.e. 56 for the petrol filling station and 65 for the car showroom. The spaces are proposed on the basis of the following requirements (total 115), as stated in the applicant's TTA:
- Car showroom, 3122.1sqm with parking at 1 space per 50sqm GFA = 63
  - PFS with retail, 557sqm with parking at 1 space per 20sqm GFA = 28
  - Public seating, 243sqm with 1 space per 10sqm GFA = 24
- 7.45. The applicant's assessment is based on the 'Area 1' car parking requirements set out in Table 7.5 of the Louth County Development Plan i.e. site located within town and settlement centres and 'urban/brownfield site' as set out in Table 9.1 of the Ardee LAP. This approach has been accepted previously by the planning authority, for example, the original planning application for the car showroom was granted permission on the basis of 54 car parking spaces for the 2,642sq GFA car showroom (1 per 50sqm).
- 7.46. There are no standards in either the County Development Plan or LAP for petrol filling stations. I note that other applications coming before the Board for motorway services areas e.g. PL10.242806 and PL04.242495, typically provide a greater quantum of parking space for cars (c.90) and HGVs (c.15). However, these examples were proposed adjacent to the motorway network where flows are typical

greater and the development themselves hosted a wider range of services than the proposed development. Further, the applicant's TTA predicts morning peak arrivals/departures of 55/53 vehicles and evening peak arrivals/departures of 63/63 vehicles. In practice, many vehicles would not stop at the service station for lengthy periods, which would suggest that the proposed number of spaces for the petrol filling station, 56, would be adequate to accommodate predicted demand at peak times.

- 7.47. The proposed development also comes forward with a Mobility Management Plan. Whilst the development itself does not provide all facilities to encourage alternative modes of transport (e.g. showers), it does proposed measures to reduce vehicle trips (e.g. staff carpooling) and hence reduce the requirement for car parking spaces.

#### Internal Service Road

- 7.48. The existing car showroom comprises an internal service road along the western site boundary. I would accept that this could cause confusion/distraction to traffic on the N2 and I would recommend that proposals for additional screening along this boundary be required by condition to the satisfaction of the planning authority.

#### Canopy/HGVs

- 7.49. I note that there is no canopy between the proposed pumps and retail shop/ancillary services. However, this would be the practice in numerous service stations and I would not be unduly concerned about it. However, I do accept that HGVs and coaches leaving the site will be routed between the petrol pumps and the service building. Whilst the proposed development accommodates only a small number of HGVs/coaches at any one time and vehicles speeds will be slow, I would be concerned that larger vehicles would conflict with pedestrian movements on the forecourt moving between parked vehicles and the service building e.g. with drivers of larger vehicles unable to readily observe pedestrians in close proximity to the vehicle (I also note that there is no swept path analysis for HGVs moving in this area from the pump/parking area). I would accept the appellant's view that in most modern, large service stations, HGVs and buses are typically segregated from smaller ones and I consider the proposed arrangements are potentially unsafe, in this regard.

7.50. If the Board are minded to grant permission for the development, they may require the applicant to provide for each car parking space, a safe, segregated pedestrian route to the service building and enhanced traffic calming measures (e.g. surface markings) between the pumps and the service building. (An alternative, would be to require the omission of HGVs and buses from the site).

#### Queuing

7.51. Given the distance of fuel pumps from the R171 and I consider that there is sufficient space to accommodate vehicles without giving rise to queuing on the R171.

#### Junction Design

7.52. The Department's *Design Manual for Roads and Streets* (DoTTS) requires designers to reduce junction crossing distances for pedestrians and avoid staggered crossings to give greater priority to pedestrians. Whilst the proposed entrance/exit arrangements for vehicles from the site are not consistent with this design guidance (with the wide entrance and staggered junctions), the arrangements better facilitate safe circulation within the site. Further, the proposed development is not located in an area where there are significant pedestrian movements. On balance, therefore I consider that the arrangements are acceptable.

## **8.0 Recommendation**

8.1. Having regard to the matters raised in my assessment, and subject to the conditions set out below, I recommend that permission for the proposed development be granted.

## **9.0 Reasons and Considerations**

Having regard to the scale form of the proposed development, which comprises a petrol filling station and ancillary services for road users, it is considered that, subject to compliance with the conditions set out below, the additional traffic movements generated by the proposed development could be accommodated within the carrying capacity of the national road network and the roundabout junction of the R171/N2/N33, would not attract short, local trips or conflict therefore with policies of the Ardee Local Area Plan 2010-2016 in respect of Ardee town centre and would be

acceptable in terms of traffic safety. The proposed development, therefore, would be in accordance with the planning and sustainable development of the area.

## 10.0 Conditions

1. The 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. Prior to the commencement of development, the applicant shall submit to the planning authority for written agreement:
  - (a) Detailed arrangements for segregated pedestrian access to the service building from all car parking spaces and traffic calming measures on the internal access road between the 3 no. fuel pumps and the service building.
  - (b) Details of additional planting and screening along the western site boundary,
  - (c) Details of a 1.2m high fence along the N2 and roundabout frontage,
  - (d) Dropped kerbs and tactile paving for uncontrolled crossings at R171 road junction,
  - (e) Details of access to car showroom, including sections showing how change in levels will be achieved.
  - (f) A road safety audit of the proposed means of access to the site, to include the relocation of the 50/80kph speed limit sign.
  - (g) Detailed arrangements for the implementation, monitoring and review of the effectiveness of the Mobility Management Plan.



**Reason:** In the interest of traffic and pedestrian safety and visual amenity.

3. The development shall not be occupied until:
  - (a) Implementation of any engineering measures arising out of the road safety audit.
  - (b) Relocation of the speed limit signs on the R171.
  - (c) The Ardee WWTP has been upgraded and can accommodate flows arising from the development.

Evidence of compliance with the above conditions shall be submitted to the planning authority in writing.

**Reason:** In the interest of traffic safety, public health and nature conservation.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
  - (a) Location of construction site offices and staff facilities, material storage areas, storage area for construction refuse (as necessary);
  - (b) Details of on-site car parking facilities for site workers, and for all traffic associated with the proposed development, during the course of construction;
  - (c) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
  - (d) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.

- (e) Containment of all construction related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained.
- (f) On-site construction hours.
- (g) Means to control noise, dust and vibration and monitoring of emissions.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

6. The landscaping scheme shown on Drawing nos. 01-05 (Site Finishes), 01-06 (Landscaping Plan) and 1559.05.01 (Planting Plan), as submitted to the planning authority on the 10<sup>th</sup> day of August, 2017, and as amended by the requirements set out in condition no. 2 above, shall be carried out within the first planting season following substantial completion of external construction works.

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 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 the interest of residential and visual amenity.

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Deirdre MacGabhann  
Senior Planning Inspector  
12<sup>th</sup> March 2017