



An
Bord
Pleanála

Inspector's Report ABP-303809-19

Development	Construction of a service station consisting of a new vehicular entrance and roundabout, construction of a building with retail unit, foodcourt and associated drivethru, communal seating area, office, 6 no. petrol/diesel filling pumps with overhead canopy, associated signage and all associated site works.
Location	Lisnamuck, Ballinalee Road, Longford
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	1868
Applicant(s)	Atlantic Enterprise Ltd
Type of Application	Permission.
Planning Authority Decision	To grant with conditions
Type of Appeal	Third party.
Appellant(s)	i. Liam Madden. ii. Toger Ltd. iii. Westward Holdings Ltd.

Observer(s)

None.

Date of Site Inspection

7th May 2019.

Inspector

Deirdre MacGabhann

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	7
3.1. Decision	7
3.2. Planning Authority Reports	8
3.3. Prescribed Bodies	10
3.4. Third Party Observations	11
4.0 Planning History.....	12
5.0 Policy and Context.....	13
5.1. National and Regional Planning Policy	13
5.2. Longford County Development Plan 2015 - 2021	13
5.6. Longford Town and Environs Local Area Plan 2016 - 2022.....	15
5.7. Natural Heritage Designations	16
5.8. EIA Screening	16
6.0 The Appeal	16
6.1. Grounds of Appeal	16
6.2. Applicant Response	19
6.3. Planning Authority Response/Observations.....	19
6.4. Further Responses.....	19
7.0 Oral Hearing	20
8.0 Assessment	20
8.2. Precedent.....	20
8.3. Consistency with land use zoning.	20
8.4. Impact on Town Centre.....	22

8.5. Roads and Traffic Issues 24

8.6. Impact on Character of the Area. 30

9.0 Appropriate Assessment..... 31

10.0 Recommendation 32

11.0 Reasons and Considerations 32

1.0 Site Location and Description

- 1.1. The 4.78ha appeal site is situated in the townland of Lisnamuck, c.2km to the north east of Longford town centre. It lies on land immediately west of the existing N63/N4 roundabout junction (Leo Casey junction), south of the N4 and west of the N63. A 50kph speed limit applies on the N63 and a 100kph on the N4. Both the N4 and N63 as they pass the appeal site are single carriageway roads with one lane in each direction.
- 1.2. The site itself comprises agricultural land, to the north and south of an existing access road to a farm complex and house (Ashfield House), with a narrow strip stretching to the south west, through the farm complex and across agricultural fields. Along the eastern boundary of the site are mature treelines which also line the N4 and N63. A surface water course runs along part of the western boundary of the site. It discharges into Camlin River north of the N4.
- 1.3. To the east of the N63, opposite the site, are a small number of residential properties. To the east of the N4 is Abbot Diagnostics, to the south of the site is the Green Isle factory and the Longford Business and Technology Park (to the west of the N63) and the IDA Industrial Estate (east of the N63). Approximately 1.5km to the west of the site, at the junction of the N4 and the R198 (Red Cow roundabout), is a retail warehouse park (south of roundabout) and petrol filling station (north of roundabout)

2.0 Proposed Development

- 2.1. The proposed development, as modified by the submission of significant further information on the 18th January 2019 (advertised on the 18th January 2019), comprises a service station with:
 - A new vehicular entrance and egress roundabout to the N63 (Ballinalee Road), located c.100m to the south of the existing N4/N63 roundabout junction,
 - Improvement works to the N63/N4 roundabout junction, which include (i) widening of the existing N63 carriageway to provide a 2-lane entry arm to the roundabout, (ii) widening of the N4 Sligo arm (exiting the roundabout) to two

lanes, tapering back to one lane over 100m, and (iii) re-marking of the N4 Dublin approach to allow two straight ahead lanes towards Sligo (see Figure 5, RFI),

- An additional roundabout within the development lands, off which the internal road network for the service area will be accessed,
- A two-storey building (1280sqm) with retail unit, roof top solar panels, food court, drive thru, communal seating area, office, wc facilities, kitchen and food preparation and storage areas, storage, staff facilities, plant room, substation and associated signage,
- 6 no petrol/diesel pumps with overhead canopy,
- 2 no. illuminated totem pole(s), with associated signage,
- Associated works, which include landscaping, boundary treatment, 113 no. car parking, HGV and coach parking (16 no. and 10 no. respectively), lighting, electric car charging points, cycle stands, HGV refuelling point, fuel vents and underground fuel tanks.

2.2. Water supply is proposed from the public mains and wastewater will be discharged into the public sewer (by gravity sewer). Surface water will be directed to an underground attenuation tank and released by controlled discharge into the open stream on site. Pollution control will be provided as part of the surface water 'management train' and will include installation of trapped road gullies and underground hydrocarbon interceptors.

2.3. The planning application is accompanied by:

- Planning and Environmental Report. It includes the following:
 - Appropriate Assessment Screening Report – Concludes that the development by itself, or in combination with other plans and projects, will not have significant effects on any European site.
 - Design Statement.
- Traffic and Transportation Assessment Report and a response to the issues raised in the course of the planning application (response to FI, 18th January 2019).
- Road Safety Audit.

- Drainage Report – Provides details in respect of surface and foul water management and, in Appendix A, a Flood Risk Assessment (site comprises lands in flood risk zone C, low probability of flooding).
- Application drawings (including Landscape Plan).

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Permission for the development was granted on the 13th February 2019, subject to 19 conditions. Most are standard conditions. I draw the Board's attention to the following:

- Condition no. 2 - Deals with road design and includes:
 - (1) Implementation of recommendations of Road Safety Audit.
 - (3) Prior to the construction of proposed infrastructure, provision of site investigation details, detailed design and construction drawings and approval, with design of road to allow for the future widening of the approaches to the Leo Casey roundabout.
 - (4) Reservation of a corridor within adjacent lands for parallel distributor road, provision of this road within the application site (Proposed Site Layout Drawing P-01) and provision of detailed design for this section for approval.
 - (5) Provision of construction traffic management plan.
 - (6) Public lighting.
 - (8) Special Development Contribution towards the cost of constructing (a) River Camlin Bridge, part of the parallel distributor road, (b) construction of Spine road and bridges, and (c) improvement works to N63).
- Condition no. 4 - Detailed requirements in respect of the retail element of the development.
- Condition nos. 5 and 6 – Control of pollution and lighting (such that no effects arise on road users).

- Condition no. 8 – Landscaping.
- Condition no. 9 – Management of waste materials and dust/dirt on the public road.
- Condition no. 12 – Requires that the building is not occupied until all services have been connected thereto and the main access road between the development and the N4 is fully completed.
- Condition nos. 18 and 19 – Require payment of general development contributions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 28th May 2018 – This report refers to the planning history of the site, relevant national and local planning policy, submissions and observations made and internal reports. It considers the merits of the development under a number of headings including design, environment, traffic and access, economic development policy and flooding. It recommends that further information is sought principally addressing the transportation issues raised by TII and Road Design (see below).
- 8th February 2019 – This report considers that the applicant has addressed the issues raised by the Road Design and that the development has had adequate regard to both the Longford Town and Environs LAP and the Strategic Transport Impact Assessment for the lands in the vicinity of the area. It is considered that the development will initiate opening up of essential development lands along the northern edge of Longford town inside the town boundary, aid in the creation of the Parallel Distributor Road, is in keeping with the existing zoning of the area, has taken into consideration the future extension/development of the adjoining land in the proposed road layout, which provides room for further future expansion. The report also states that with the floodplain to the west of the town and unserviced land uphill and bog to the south of the town, the northern and eastern side of Longford town within the bypass is the only location for the town to develop and expand. The

report recommends granting permission for the development subject to conditions

3.2.2. Other Technical Reports

- Road Design (28th May 2018) – Recommends further information with regard to the detailed design of the development, in particular how it meets the requirements of the Parallel Distributor Road in the Longford Northern Environs Local Area Plan. Issues raised include:
 - Detailed design of proposed alterations to N63, N4 and link road (Parallel Distributor Road) to TII standards.
 - Capacity of proposed road infrastructure to cater for development on adjoining zoned lands.
 - Linked assessment of impacts on Leo Casey roundabout and proposed N63 roundabout.
 - Consistency of proposed works to Leo Casey roundabout and measures set out in Northern Environs Local Area Plan (NELAP).
 - Provision of bus stop and pedestrian/cycle path along the western side of the N63, between the new roundabout on the N63 and Leo Casey roundabout and pedestrian/cycle path along link road through the site.
 - Implementation of design recommendations arising from Road Safety Audit.
 - Details of public lighting on the N63 and proposed link road through site.
- Road Design (12th February 2019) – Recommends conditions to be applied to any permission.
- Fire officer (14th June 2018) – Applicant to demonstrate that Means of Escape are adequate.
- Fire officer (14th February 2019) – Sets out requirements to comply with Fire Safety.

3.3. Prescribed Bodies

- HSE (26th April 2018) – No objections subject to conditions.
- Irish Water (5th April 2018) – No objections.
- TII (10th May 2018) – Site lies in close proximity to the N4/N63 junction. N4 is part of the Trans-European Transport Networks (TEN-T) and a strategic link included in National Strategic Outcome 2 of the National Planning Framework. European and national policy considerations need to be addressed to ensure that the strategic function of the network is safeguarded. Considers that the development is contrary to DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities, 2012 for the following reasons:

- (i) DoECLG Policy on Access to National Roads.** Consistency of the development with the zoning objectives for the site (Longford Northern Environs Local Area Plan) and the agreed development framework and phasing for the area set out in the Strategic Transport Impact Assessment (STIA) for lands in the vicinity.
- (ii) Policy on Provision of Service Areas.** Absence of forward planning approach to the provision of facilities, as per the requirements of section 2.8 of DoECLG Spatial Planning and National Roads Guidelines, and the risk of the development become a destination in its own right for local customers, contrary to Government planning policy on retail and town centres.
- (iii) Traffic and Transport Assessment.** Insufficient to demonstrate that the development can proceed whilst safeguarding the safety and efficiency of the national road network in the area. Specific concerns raise in relation to:-
 - a. Cumulative impact of other planned development in the vicinity, with mitigation in accordance with STIA.
 - b. Consistency of proposed improvements to Leo Casey roundabout with TII design standards and conceptual design

for roundabout as set out in Longford Northern Environs LAP and STIA.

- c. Risk of queuing extending from N63/N4 roundabout to proposed roundabout and need for linked assessment,
- d. Inappropriate turn-in rates for development and absence of potential local trips.
- e. Justification for on-site parking used in assessment.
- f. Data issues/discrepancies in TTA.

- (iv) **Precedence.** In its current form the proposed development would adversely impact on the safety, capacity and efficiency of the national road network and set an inappropriate precedent.

TII also refer to their policy document Service Area Policy (TII, 2014) for the planned provision of on-line services on dual carriageways (national roads) and the planning authority's objectives relating to the N4 Mullingar to Longford (Roosky) Scheme.

- TII (6th February 2019) – Remain concerned that the applicant has not demonstrated compliance with the agreed development framework for the area, has the potential to attract short local trips and that the development has the potential to impact on the safe operation of the national road network in the area.

3.4. Third Party Observations

- Applegreen (17th April 2019) – Wish to be kept informed in relation to the development.
- Ciaran O'Hagan (19th April 2019) – Development is a watered-down version of a proposed development on the lands for a Tesco store, with other development, that was refused by the Board.
- Vitruvius Hibernicus (19th April 2019) – Objects to the principle of the development (drive through takeaway and contribution of fast food to obesity).

- Rhona O’Sullivan (3rd May 2018) – Risk of future development, creation of a mini-town on the edge of Longford and impact on town centre.
- Westward Holdings Ltd (3rd May 2018) – Development will impact on traffic congestion and safety on the N4 bypass and N63 (proximity of proposed roundabout to existing and risk of tailbacks affecting the operation of both roundabouts). Significant level of retailing and food on a peripheral site in an area zoned for commercial and industrial uses. Inappropriate location at the entrance to Longford town for such a use. Impact on amenities of dwelling houses near the site (noise, congestion, late night activity, lighting etc.).
- Toger Ltd (4th May 2018) – Inconsistency with objectives for ‘commercial/industrial’ zoning of the site. Exaggerated number of staff to be employed. Conflict with retail planning guidelines and retail policies of the County Development Plan. Development will become a destination in its own right and impact on the town centre. Net retail floor area is in excess of 100sqm. No sequential test to justify retail floor space. Development likely to attract significant traffic from the national road network and to a lesser extent the regional road network. Proximity of site to national road network and Leo Casey roundabout, risk of negative impact on safety of national road network. Impact on proposed N4 Mullingar to Roosky road project. Proliferation of service stations in the area.
- James Connolly – Bypass was built to segregate heavy through traffic from interaction with local traffic. The strip development of the bypass would defeat this objective. Development will divide the finite trade available in the town and impact on existing businesses. Development would increase danger to pedestrians using the footpath on the bypass and the amenity of the footpath.

4.0 Planning History

4.1.1. The following planning applications have been made in respect of the appeal site:

- PL14.214376 (PA ref. 04/1270) and PL68.214355 (PA ref. 04/119) – Permission **granted** by the Board in **2006** for a Gateway Business Park, to include offices, retail warehouse units, Gateway Pavilion and housing. The

appeal site comprises the eastern most part of the larger site associated with this permission. (NB the development when granted spanned the administrative areas of Longford Town Council and Longford County Councils but was assessed jointly under these reference nos.).

- PA ref. 11/70 – Extension of the duration of the permission for Longford Business Park, PA ref. 04/1270 and PL14.214376, **granted** by the planning authority in May 2011, with the permission to expire on the 5th June **2016**.
- PA ref. 09/379 and PL68.235969 – Permission **refused** by the Board for retail scheme on a site of 2.67ha, largely to the west of the appeal site, on the grounds that the proposed development on the out of town site would adversely impact on the vitality and viability of the town centre.
- PA ref. 09700041 and PL68.235973 – Permission **refused** by the Board for a new road (c.300m) and roundabout from the N63, to form part of Parallel Distributor Road, to provide access to the above retail development, on the grounds that it facilitated a concurrent appeal that was refused (PL68.235969) and was therefore not justified and premature.

5.0 Policy and Context

5.1. National and Regional Planning Policy

- Spatial Planning and National Roads Guidelines for Planning Authorities (DoECLG, 2012).
- Guidelines for Planning Authorities Retail Planning (DoECLG, 2012).
- Service Area Policy (NRA/TII, 2014)

5.2. Longford County Development Plan 2015 - 2021

- 5.2.1. Longford Town is identified as a Tier 1 town in the County Development Plan. It is considered to be the main driver of development in the north of the Midland Region, with the majority of industrial, commercial, business and retail development channelled to the Town. The Plan refers to the Longford Northern Environs Local Area Plan and that cognisance should be taken of this Plan.

- 5.3. Section 4.2 of the Plan deals with Industry, Commercial and Business Development and the following policies and objectives apply:
- ECON 3 – Promote the use of appropriate lands within Longford Town for development of employment generating, industrial and mixed uses. In this regard, lands to the north of the town, in proximity to the existing IDA lands are considered appropriate. In particular, the policy states *‘Lands shall be defined in accordance with the review of the Northern Environs Local Area Plan... and shall be considered for the purposes outlined in this policy... Supporting services such as restaurants, small scale convenience, and office shall also be provided in association with any scheme’*
- 5.4. Section 4.3 of the Plan deals with retail development. Longford Town is identified as the Principal Town/County Town for retailing and Strategic Policy 1 promotes and encourages major enhancement of town centre activities to enable it to maintain its strategic role. General Policy 1 requires that all development accords with the requirements of the Retail Planning Guidelines for Planning Authorities and the Longford Retail Strategy. Appendix 2 of the Plan provides a Retail Strategy Map and includes identification of the commercial core, town centre and edge of centre lands. The appeal site falls outside of these lands.
- 5.5. Policy RET 2(c) sets out guidelines for petrol stations and includes the following:
- ‘v. *Retail uses not associated with the motor industry shall be considered in the context of the existing retail outlets in the vicinity. Only uses which contribute to the vibrancy and service level of the settlement shall be considered’.*
 - vi. *Proposed developments which have the potential to restrict traffic flow and/or create traffic hazard will not be permitted’*
- 5.5.1. Section 5.1.1.2 of the Plan, Specific Road Policy, sets out the following policies:
- ROADS 10 – To reserve lands in appropriate areas for the improvement, maintenance and management of road traffic systems throughout the county including the N4 Mullingar to Longford (Roosky) corridor. Appendix 10 of the Plan provides the preferred route for this road, north of Longford Town and north east of the current route of the N4 as it passes the appeal site (see attachments).

- ROADS 15 – Requires that proposals for development in the vicinity of interchanges and junctions on national road infrastructure shall, where appropriate, submit a transport study clearly assessing the implications of the proposal on the operation and performance of the relevant junctions/interchanges.

5.6. Longford Town and Environs Local Area Plan 2016 - 2022

- 5.6.1. This Plan was adopted, by variation of the County Development Plan No. 2, in September 2016. It is stated that this plan, once adopted, will replace the existing (expired) Northern Environs Local Area Plan. The appeal site lies within 'Commercial Industrial' character area with zoning provision for '*Commercial/industrial, Employment/Mixed-use, High-tech/Light Industrial/Employment Generating*'. Objective CA1 states that zoning provisions are contained in Appendix 1A of the County Development plan and are applied in accordance with the range of uses considered appropriate within each of the character areas. Objective CI1, for the Commercial Industrial character area, states that '*Development and uses in these areas will be controlled in line with retail strategy for County Longford and prevent 'leakage' of retail activity from the town core*'.
- 5.6.2. Section 4 of the Plan deals with interrelated strategic themes, including in section 4.1.2 Movement Infrastructure Phasing. It refers to the indicative road network for the town, shown in Figure 5, and states that the following will be prioritised:
- Capacity improvements to the N4 roundabouts as part of the proposed relevant development in the northern portion of the plan area (as set out in Appendix 2 of the Plan – see attachments), including that '*significant development requiring access to the Ballinalee road shall install a roundabout with appropriate provision for pedestrians and cyclists in accordance with DMURS and the Longford Cycle Strategy*'.
 - The parallel distributor road shall be provided by developers at their own expense. The Camlin Bridge associated with this road will be provided by way of a supplementary development contribution scheme.

5.6.3. Section 4.3.3.1 of the Plan deals with Roads and Objective RN1 seeks to progress the development of the N4 Mullingar-Roosky dual carriageway. It also refers to the indicative road network for the town, shown in Figure 5, and again states that developers will be required to provide elements of the road network and associated cycle and pedestrian facilities. Appendix 2 to the LAP sets out the phased road capacity improvements as per the Strategic Traffic Impact Assessment (STIA) and this Appendix includes an indicative design for the upgraded N4/N63 Leo Casey roundabout.

5.7. Natural Heritage Designations

5.7.1. The appeal site is removed from designated natural heritage sites (see Figure 3.1 of Appropriate Assessment Screening Report). The nearest national site lies to the north east of Longford Town, c.1.5km to the east of the appeal site, Carrickglass Demesne proposed Natural Heritage Area (site code 001822). The nearest European site lies c. 3km to the west of the town, Brown Bog Special Area of Conservation (site code 002346). This site is also a pNHA.

5.8. EIA Screening

5.8.1. The proposed development is of a type that constitutes an EIA project (involving construction works and demolition). It also falls within Class 10, Part 2, Schedule 5, of the Planning and Development Regulations, 2001 (as amended), as a sub-threshold urban development. However, the development is not situated in a particularly sensitive location and it is not of a scale or type likely to utilise significant natural resources or give rise to the production of significant waste, pollution or nuisance. I do not consider therefore that it is likely to give rise to significant environmental effects to warrant environmental impact assessment.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. There are three third party appeals, by Liam Madden, Toger Ltd and Westward Holdings Ltd (appeal made by Petrogas is withdrawn). Grounds are:

- **Precedent** – The proposed development is a near replica of PA ref. 09/379 and 09/700041 previously refused by the Board.
- **Zoning and speculative nature of the development** – Development is contrary to the zoning of the site. It is separated from the town centre by extensive lands, is speculative and would constitute piecemeal, haphazard and uncoordinated development (there is already another service station on the Longford bypass). The development would be more appropriate to direct such development to brownfield sites and, as a petrol filling station, will not kick start development in the area. Provision of access to greenfield lands is questionable given the vacant development referred to in the County Development Plan.
- **Impact on town centre:**
 - With its significant retail and food element, development would become a destination in its own right and compete with the town centre and impact on its vitality and viability, giving rise to further vacancy and dereliction.
 - Development would conflict with objective OBJ CI 1 of the current County Development Plan (would result in leakage from the town centre).
 - Retail unit has a floor area of 128.4sqm and exceeds Retail Planning Guidelines, 2012.
- **Roads and traffic issues:**
 - Applicant has not demonstrated how the development **complies with the Strategic Transport Impact Assessment (STIA)** for the lands in the vicinity of the site.
 - Development relies on bridge to be built over the River Camlin and is therefore **premature**. The development would be premature to/militate against the Development Plan's objective in relation to the N4 Mullingar – Longford (Roosky) Scheme undermine TII policies for the provision of services as an integral part of the future dual carriageway.

- The development is an off-line motor service area. It cannot be justified on the basis of need (there is already another service station on the Longford bypass) and is not plan led. It will become a destination in its own right, increase congestion at the already congested Leo Casey roundabout (N4/N63) and compromise the safety and carrying capacity of the national road network. The development is, therefore, **not consistent with Department's guidelines on Spatial Planning and National Roads**.
- Question whether the proposed development has been **designed** to TII standards (upgrade to Leo Casey roundabout); the capacity of the proposed distributor road could adequately service all of the lands to be developed in the area and the carrying capacity of the proposed upgraded Leo Casey roundabout. It is argued that it is likely that queues from the existing roundabout will back up into the proposed roundabout seriously impacting on the capacity and safety of the public road network. No detailed design to show how the future three-lane widening on the approach to the Leo Casey roundabout can be achieved.
- Applicant's **assessment of traffic and transport effects** is deficient:
 - TTA does not adopt a normal convention of 1, 5 and 10 year modelling.
 - The modelling exercise is flawed due to the inclusion of excessive flaring distances (page 62 and 71 of TTA), modelling errors in assessment of site access/N63 roundabout junction; exclusion of junction modelling parameters..
 - The introduction of a new roundabout on the N63 will impact on the free flow of traffic on the N63 (not assessed in model)..
 - Model underestimates the queues and delays in the base situation and queues and delays are therefore likely to be greater than predicted.
 - No account taken in modelling exercise of new trips that would be generated by the development and therefore likely underestimation of trips to the site.

- Development would set an **inappropriate precedent for similar development** jeopardising the role and safety of the national road network.
- **Unsuitable location for development/impact on amenity** – Site is located at one of the principle entrances to the town and calls for a development of significant presence and quality design. A commercial development of filling station and associated uses is not appropriate to such a location. The development will have extensive lighting of the forecourt and approach roads, car parking etc. this will have a significant impact on traffic and traffic safety on the adjoining national roads, amenity of the general area and amenity of nearby houses.
- **Precedent for future development** - The development would by itself and the precedent it would set for other development, adversely affect the use of the N4 and N63 and associated junctions, and the vitality and viability of the town centre.

6.2. Applicant Response

- 6.2.1. The applicant responds to the appeals made. Similar issues are repeated in each response and I refer to the applicant's arguments, as necessary, in my assessment below.

6.3. Planning Authority Response/Observations

- None.

6.4. Further Responses

- 6.4.1. Liam Madden comments on the three other appeals and concurs with the submissions. He also comments on the applicant's response to the appeals but raises no new issues.

7.0 Oral Hearing

7.1. In response to the appeal made by Petrogas, now withdrawn, the applicant requested an oral hearing. The Board directed on the 28th May 2019 that an Oral Hearing in respect of the application should not be held.

8.0 Assessment

8.1. Having regard to my inspection of the appeal site and surrounding area and the submissions on file, key matters for the appeal comprise:

- Precedent.
- Consistency with land use zoning.
- Impact on town centre.
- Roads and traffic issues.
- Impact on character of the area/amenity.

8.2. Precedent

8.2.1. Parties to the appeal refer to the planning history of the site and argue that the development is the same as that refused by the Board under 09/379 and 09/700041 (retail scheme and new road). I would not accept this point. The development refused under 09/379 was for a substantial retail development with a net retail sales area of 2,424sqm, comparison net sales area of 2,715sqm and ancillary customer café, significantly in excess of the proposed development with its net retail floorspace of 128sqm and reduced to a net area of 100sqm in response to the Toger appeal (see Appendix 3 of this submission). I do not consider, therefore, that the decision made by the Board forms a relevant precedent for the determination of the proposed development.

8.3. Consistency with land use zoning.

8.3.1. The statutory development plan for the subject site is the current Longford County Development Plan 2015 – 2021 and, adopted in Variation No. 2, the Longford Town

and Environs Local Area Plan 2016 – 2022, which replaces the Northern Environs Local Area Plan.

- 8.3.2. The appeal site falls within character area '*Commercial Industrial*', to the north east of the town (Longford Town and Environs LAP). I note that section 3.3 of the LAP refers to incomplete, vacant and/or derelict speculative commercial units in the character area. However, in the vicinity of the appeal site and on the industrial estates to the south of it, I did not observe this characteristic.
- 8.3.3. The Commercial Industrial character area is zoned for Commercial/ Industrial, Employment/Mixed Use, High-tech/Light Industrial/Employment Generating uses. Policy objective OBJ CA1 of the LAP states that zoning provisions contained in Appendix 1A of the County Development Plan will be applied in accordance with the range of uses considered to be appropriate in each character area. Appendix 1A of the Plan includes the following provisions:
- Hi-Tech/Light Industrial/Employment Generating – '*To primarily provide for Hi-Tech/Light Industrial and employment generating uses*'.
 - Employment/Mixed Use – '*To primarily provide for employment generating uses (office/light industrial/commercial) and residential where appropriate*'.
 - Industrial/Commercial (NB there is no Commercial Industrial zoning) – '*To primarily provide for industrial development with a possible element of commercial/retail development*'.
- 8.3.4. Appendix 1A(i) also states that the zonings are intended to be flexible, provided that the basic concepts of proper planning, residential amenity and good design practice are adhered to and that any proposed development should be compatible with the primary zoning use.
- 8.3.5. The principal objective for the Commercial Industrial zone, as set out in Objective OBJ CI1 of the LAP, states that '*Development and uses in these areas will be controlled in line with the retail strategy for County Longford and prevent 'leakage' of retail activity from the town centre*'.
- 8.3.6. The proposed development does not comprise a Hi-Tech or Light Industrial land use. However, providing a service to members of the public, the petrol filling station, retail unit and food offerings comprise a commercial land use and would no doubt provide employment. Given the range of acceptable land uses within the Commercial

Industrial zone and the flexibility explicit in in the policy, I do not consider, therefore, that the development is inconsistent in principle with the zoning of the site. I consider the issue of 'leakage' and compliance with OBJ CI1 below.

- 8.3.7. With regard to the appellants assertions regarding the speculative nature of the development and that it would be more appropriate on a brownfield site, I would accept the appellant's argument that the proposed development is not plan led and that another service station exists on the Longford bypass. However, the planning system does not concern itself with matters of competition, instead adjudicating on applications for development on the grounds of national and local planning policy. Further, the applicant is entitled to bring forward the application for the proposed development of the subject site which is zoned for development in the statutory development plan for the area.

8.4. **Impact on Town Centre**

- 8.4.1. As raised by parties to the appeal, Objective CI1 for the Commercial Industrial zoning of the subject site, states that development and uses within the zone will be controlled in line with the retail strategy for County Longford and prevent 'leakage' of retail activity from the town core.
- 8.4.2. The retail strategy for County Longford clearly identifies the Longford town as the Principal Town for retailing in the county and Strategic Policy 1 states *'it is the policy ..to promote and encourage major enhancement of town centre activities within Longford to enable it to maintain its strategic role as defined in the Midland's RPGs. In order to achieve this it will be necessary to build upon the strong services function of the town and encourage an increase in high-end high street comparison retailing in the core shopping area'*.
- 8.4.3. General retail policy 1 states that all retail development will be required to comply with the Retail Planning Guidelines and General Policy 2 that retail development shall be of a size and scale appropriate to the level of the town/settlement area.
- 8.4.4. The Retail Planning Guidelines 2012 advocate that retail development is plan led, promotes city/town centre vitality through a sequential approach to development, and that there should be a general presumption against large out of town retail centres in particular those located adjacent or close to existing, new or planned national

roads/motorways. In section 2.4.3 a net retail floorspace cap of 100m² is set out for petrol filling station shops.

- 8.4.5. The proposed development comprises a two-storey building with a retail unit with a stated floor area of 128.4m² (reduced to a net area of 100m² as set out in the applicant's response to the Toger appeal, Appendix 3 of submission), a food court kitchen (187.3m²) with a number food offerings (e.g. Supermacs, Supersubs, Papa Johns, Mmac's Place and Bewleys – see Proposed Signage, drawing no. P-09), communal seating (129.1m²) for 88 persons at ground floor and additional seating at first floor (122m²) for 76 at first floor and a drive-thru restaurant.
- 8.4.6. Whilst the net retail floor area is consistent with the Retail Planning Guidelines, in principle I am concerned that the associated services provided, results in a substantial development, with a large number of food offerings and associated seated restaurant accommodation. Having regard to this and the location of the proposed development directly adjoining the N4 and N63, I do not accept that the development would simply serve traffic on the passing national road network, but it would become a destination in its own right and attract customers from elsewhere including the town centre, given its relative proximity to it and more ready access from the national road network. I do not accept therefore that the applicant has adequately demonstrated that the development, by virtue of its scale and proposed food offerings, would not adversely compete with the town centre or give rise to 'leakage'. I address this matter further below under Roads and Traffic Issues.
- 8.4.7. In response to the Toger appeal, the applicant states that the Longford Retail Strategy sets out a requirement for 2,000-3,000sqm of additional convenience floorspace in Longford Town. Whilst I accept that the County Retail Strategy identifies the need for this additional convenience floorspace in the County, the Plan also states that the majority of this will be provided within the 'commercial core' of Longford Town, underpinning the 'town centre first' approach. I do not consider, therefore, that the provision of additional convenience floorspace at the edge of centre site to be consistent with the policies of the Retail Strategy.

8.5. Roads and Traffic Issues

- 8.5.1. **Consistency with development framework.** In their second submission to the planning authority, TII state that they do not consider that the proposed development has demonstrated compliance with the agreed development framework for the area and as such as the potential to impact on the safe operation of the national road network and would conflict with the provisions of the Department's guidelines on Spatial Planning and the National Road Network.
- 8.5.2. The development framework for the area in which the appeal site is located is set out in the Longford Town and Environs Local Area Plan 2016 – 2022. It replaces the Northern Environs Local Area Plan and refers to the Strategic Transport Impact Assessment (STIA) in Appendix 2 of the Plan.
- 8.5.3. In essence the development framework provides a phased approach to the development of the proposed road network for the town (illustrated in Figure 5 of the LAP). In the vicinity of the site, the proposed network includes a parallel distributor road from the N63 to the west of the town, with a new bridge over Camlin River, and upgrading of the Leo Casey roundabout. Phasing is set out in section 4.1.2 of the Plan under 'Movement Infrastructure Phasing' and in section 4.3.3.1 'Infrastructure Strategy: Roads'. In summary, the Plan provides:
- 4.1.2. **Movement Infrastructure Phasing:** The indicative road network shall be provided in the following prioritised manner as part of proposed development in the area (1) southern spine road, (2) capacity improvements on the N4 roundabout as part of proposed relevant development in the northern portion of the plan area (to be provided in accordance with the details provided in Appendix 2), (3) parallel distributor road shall be provided by developers of the area at their own expense, with Camlin Bridge provided by way of a supplementary development contribution condition.
 - 4.3.3.1. **Roads:** Seeks to progress the development of the N4 Mullingar-Roosky dual carriageway (OBJ RN 1). States that the parallel distributor road shall be provided to support and protect the capacity of the national road network.

- **Appendix 2** – This comprises an extract from the Strategic Transport Impact Assessment (STIA). It refers to zoned land in the northern part of Longford and sets out infrastructural improvements required to facilitate the development. These include:
 - i. Upgrading of the N4/Ballinalee Road Roundabout to provide two circulating lanes and minor widening of the westbound N4 approach to introduce a third lane and dualling of the northern approach arm of Ballinalee Road,
 - ii. Provision of a new roundabout junction to the south of the Leo Casey roundabout (four arm roundabout with 2 lane entries/exits for all major arms) with the section of N63 between the roundabout and the N4 widened to two lanes in each direction (an indicative design of the upgraded Leo Casey Roundabout and new junction of the N63 to the zoned commercial industrial lands is shown on page 64 of the LAP), and
 - iii. A parallel distributor road inside the N4, with a new road bridge over the River Camlin, to the west of the appeal site (it is not proposed to provide the road bridge in the first phase of the road improvement works).

8.5.4. In response to the appeals made, the applicant argues that the development is consistent with the development framework for the area in that it provides upgrading of the Leo Casey roundabout, a new roundabout on the N63 to access the zoned lands and the commencement of the northern distributor road. Having regard to the statutory policy framework set out in the LAP, as summarised above, I would accept that the development is consistent with the **physical arrangements for road infrastructure improvements** in the vicinity of the appeal site (matters of detailed design are considered below).

8.5.5. Further, I would also accept that the proposed development is neither dependent on or premature pending the provision of a bridge over the River Camlin. This is expressly included in the development plan, to be provided by way of a supplementary development contribution and not as part of the first phase of the development of the parallel distributor road. I also note that the planning authority, in

their decision to grant permission, has included a special development contribution to this effect.

- 8.5.6. **Consistency with government guidelines on Spatial Planning and National Roads.** In section 2.7, access to national roads, the government's guidelines on Spatial Planning and National Roads require planning authorities to exercise care in relation to development at national road interchanges and junctions, in the interest of safeguarding the investment in and carrying capacity of the national road network. In this instance, the proposed development is brought forward in conjunction with improvements to the national road network, which in principle are in accordance with the agreed strategy for infrastructural development in the area. Therefore, whilst the development will no doubt increase vehicle movements at junctions on the national road network, this increase takes place in line with planned infrastructural improvements.
- 8.5.7. Section 2.8 of the guidelines state that a proliferation of off-line service area facilities at national road junctions should be avoided, a coordinated approach should be undertaken by planning authorities in consultation with the NRA (now TII) in the drafting of development plans and that facilities for inclusion in service areas should be of a type that avoids the attraction of short, local trips and service areas should not become a destination in their own right as this would conflict with government policy or retail planning, with consequential effects on the viability of town centres.
- 8.5.8. The proposed development is not plan led. Furthermore, there is a difference of opinion between the planning authority and TII regarding the efficacy of the proposals and therefore an absence of any coordinated approach to service provision. Given the proximity of the route corridor for the N4 Mullingar to Longford (Roosky) Scheme, the absence of a coordinated approach may have implications for the future on-line service provision for this dual carriageway (but not the dual carriageway itself).
- 8.5.9. In addition to the above, and as stated previously, given the proximity of the site to the town centre of Longford, the range of food offerings available and drive-thru restaurant, there is a risk that as well as providing a service to users of the national road, it will also become a destination in its own right, giving rise to short local trips, competing with the town centre and reducing the carrying capacity of the national

road. This risk is reflected in the applicant's own survey of vehicle trips at a similar service station in Tipperary, Tipperary Plaza, where local trips comprise significant proportion (c.40%) of turn in trips to the service station (see below).

- 8.5.10. In response to the appeal, the applicant refers to TII's Service Area Policy (2014) in respect of the provision of service areas on the national road network (dual carriageways) and the location of the site adjoining the TEN-T Roads Network (N4/N5) (see page 12 of response to Toger appeal). The applicant accepts that the appeal site does not lie proximate to a dual carriageway but considers that there is an absence of rest areas for commercial and private drivers in line with the requirements of TII policy for Type 1 service areas (large scale service area providing amenity building including a convenience shop, restaurant, washrooms and tourist information, fuel parking and picnic area), particularly to the north west. It is also argued that the development will address the additional requirements for service stations that will arise with electric vehicles e.g. longer stopping times, more frequent service stations.
- 8.5.11. Whilst I would accept that there is an absence of service stations, like the proposed, in the vicinity of Longford town (there is a smaller service station to the north west of the appeal site), TII's Service Area Policy is not relevant to the proposed development which adjoins the single carriageway of national roads. Furthermore, the appropriate national policy document Spatial Planning and National Roads Guidelines for Planning Authorities (2012) and, as stated, I have concerns that the proposed development would be inconsistent with these Guidelines on the grounds that it comprises uncoordinated development and would attract short, local trips and become a destination in its own right, with consequential effects on the viability of town centres.
- 8.5.12. **Detailed design.** In the course of the planning application TII and the planning authority raised concerns regarding consistency of the proposed road improvement works and the standards for these works set out in the LAP (and preceding documents). In response to the request for further information, the applicant provides a design for the Leo Casey roundabout to take account of all traffic generated by the zoned lands, with and without the construction of the new bridge over the River Camlin, and without completion of the Mullingar-Roosky N4 upgrade. The design provides for 3-lane entry to the roundabout from the N63 and 3-lane

entry from the N4 (westbound), as per the requirements of the LAP. However, the applicant proposes interim works i.e. two-lane approach to the roundabout from the N63 and N4 (northbound) on the grounds that (a) not all of the development land may come forward, (b) safety concerns raised by the pedestrians seeking to cross the roundabout (which would be made worse by any three lane width), (c) advice in TII's publication DN-GEO-03060 Geometric Design of Junctions, which recognises the risk of over design for initial flows, and (d) the possibility of the completion of the Mullingar-Roosky N4 upgrade in the longer term, with consequences for reduced flows on the roundabout.

8.5.13. The applicant also states in response to the RFI (section 4.3) that the development allows for the future upgrading of the N4 Dublin arm and N63 Longford arm of the Leo Casey roundabout, with the footpath/cycleway along the N63 and alignment of the N63 based on a future 3 lane Dublin approach (a schematic design is indicated in Figure 4.3 of the RFI).

8.5.14. Having regard to these considerations, I would accept that there is a reasonable case for the upgrading works to the Leo Casey roundabout to be restricted to 2-lanes in the short term, subject to:

- (i) Provision for future upgrading works to take place in the defined road corridor. This matter could be addressed by condition, as proposed by the planning authority (in condition no. 2(3)).
- (ii) Impact of the design solution on the national road network. This is discussed in more detail below.

8.5.15. **Impact on national road network.** The applicant's Traffic and Transportation Assessment (TTA, April 2018 as revised by RFI) examines the impact of the proposed development on the proposed access of the N63 and Leo Casey roundabout. It is based on survey work carried out on Friday 23rd February 2018 for a period of 12 hours, where maximum peak flows occurred between 5.00pm and 6.00pm giving rise to a queue on the N63 approach to the Leo Casey roundabout of c.30 PCUs with a delay of c.90 seconds occurring. At the time of site inspection at 5pm on Tuesday 7th May 2019, queues at this approach to the roundabout were evident (see photographs). The revised TTA also takes into account the cumulative effects of other planned development on zoned lands in the area that would use the

N63 and N4/N63 roundabout, revised geometric design to TII standards and revised turn in rates (including for local trips).

8.5.16. For the proposed a two-lane approach to the Leo Casey Roundabout, from the N4 (northbound), and a two-lane approach to the Leo Casey roundabout from the N63 (Figure 5, RFI), the applicant demonstrates, in section 4 of the RFI, that revised layout could:

(a) accommodate the development only, with proposed upgrades, without giving rise to capacity issues at the design year 2034 (Tables 9 and 10, RFI),

(b) generally accommodate the development plus future development south of the River Camlin and east of the N4 (Tables 11 and 12) at the design year 2034, but would give rise to queues on the N63 approach to the Leo Casey roundabout in the PM peak (RFC 97.1%, queue length 13 PCUs, average delay 47s).

8.5.17. I note that the modelling exercise uses trip rates which compare well to other trip generation data sources (see page 8 of response to Westward Holdings appeal) and would reflect patterns of pass-by use and destination specific trips at other outlets. However, I would have the following concerns:

- i. The model also includes local trips at a rate of 47 in the am peak and 55 in the pm peak. The rates are based on survey of actual turn in rates at Tipperary Plaza, a service station (for cars and HGVs) and food court to the north west of Tipperary town, accessed from the N24. I note that in Annex C to the RFI in table 'Turn in Rate from N24 to Tipperary Plaza' and columns 'Total Local Trips Entering Plaza' and 'Non Local Trips Entering Plaza' that local trips comprise a substantial proportion of the total number of trips made to the service station i.e. of the c.4,000 total number of trips entering the service station on the day of survey approximately 1,500 or **40% were local trips**. This pattern of observed trips from a similar service station identifies a serious risk that the development will give rise to a significant number of local trips i.e. that the development would become a destination in its own right, generate additional trips over and above those arising from passby traffic and compete with the town centre.

- ii. In the longer term, the Leo Casey roundabout will experience capacity issues and will be dependent on future works to maintain its carrying capacity or the completion of the Mullingar to Roosky N4 scheme.

8.5.18. With regard to the matters raised by the appellants in terms of the deficiencies of the TTA e.g. Level of Service F within the existing roundabout capacity, length of flaring on approach to roundabout which exceeds the scope of the ARCADY modelling software, I have had regard to the response by the applicant to these (see section 4 of response to Toger appeal and section 4.1 of response to Westward Holdings appeal) and I am satisfied that the applicant has satisfactorily addressed these matters. However, for the reasons stated above I am concerned that the proposed development would give rise to a significant number of local trips, that the volume of such trips may have been underestimated and that the development would adversely impact on Longford town centre.

8.5.19. **Precedent for future developments.** Having regard to the matters raised above, I consider that the proposed development is not plan led and by virtue of the scale and range of uses proposed, would generate a significant number of local trips, compromising the strategic role and function of the national road network and its capacity, threaten the viability of Longford town centre and potentially prejudice the provision of on-line services on the planned N4 Mullingar – Roosky scheme. The proposed development would therefore set an inappropriate precedent for other similar development.

8.6. Impact on Character of the Area.

8.6.1. The proposed development is located at one of the main entrances to Longford town. As a large service station, with standard design, I would accept the appellants' concerns that it is a lost opportunity for a development of significant presence at this location. Notwithstanding this, the site is zoned for development and the introduction of any built structures to it will inevitably change the character of the area. Furthermore, the appeal site lies adjoining two busy national roads and is separated from nearby housing (to the east of the site) and the Abbot plant by this road network. The development will also be landscaped, with retention of much of the existing tree belt along the north eastern boundary of the site, and additional structural planting around the perimeter of the site and ornamental planting within (if

the Board are minded to grant permission for the development the landscape plan would need to be amended to take account of changes to layout made in the RFI). Having regard to these factors, I am satisfied that the proposed development will not seriously or significantly detract from the amenity of the area.

9.0 **Appropriate Assessment**

9.1. **European sites and conservation objectives.** There are 5 European sites within 15km of the appeal site. These sites and their conservation interests are listed below:

- Brown Bog SAC (site code 002346) – Active raised bog, degraded raised bog still capable of natural regeneration and depressions on peat substrates of the Rhynchosporion.
- Ballykenny-Fishertown Bog SPA (site code 004101) - Greenland White-fronted Goose.
- Mount Jessop Bog SAC (site code 001450) – Peatlands.
- Clooneen Bog SAC (site code 002348) - Active raised bogs, Degraded raised bogs still capable of natural regeneration, Depressions on peat substrates of the Rhynchosporion, Bog woodland.
- Lough Forbes Complex SAC (site code 001818) – Natural eutrophic lakes with Magnopotamion or Hydrocharition – type vegetation, active raised bog, degraded raised bog still capable of natural regeneration and depressions on peat substrates of the Rhynchosporion and Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae).

9.2. In summary, conservation objectives are to maintain or restore the favourable conservation condition of the features of interest by reference (where available) to identified attributes and targets.

9.3. **Potential effects.** Connectivity to European sites is limited to the discharge of surface water from the site which, after passing through an attenuation area and petrol interceptor will discharge to a surface watercourse that enters the River Camlin c.680m to the north of the site. This river discharges into Lough Forbes

Complex SAC, c.7.8km downstream from the subject site. Potential effects could arise on mobile species of conservation interest if they utilise the site.

- 9.4. **Likely effects.** At more than 7km from the appeal site, in the absence of the application of any of the proposed mitigation measures or proposed construction practices, with the dilution effects of the water body and settlement of fine particles, there is no risk of likely significant effects to the downstream European habitats. Effects on mobile species of conservation interest are unlikely due to absence of suitable habitat on subject site, no evidence of use of the site by these species and distance of site from SPA. Currently there is no evidence of substantial plans or projects in the area that may give rise to potential on combination effects.
- 9.5. **AA Screening Conclusion.** In conclusion, it is reasonable to conclude that on the basis of the information on the file (and excluding any proposed mitigation or construction practices), which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Lough Forbes Complex SAC (site code 001818) or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

10.0 Recommendation

- 10.1. Having regard to the above, I recommend that permission for the development be refused for the following reasons and considerations.

11.0 Reasons and Considerations

The proposed development would be contrary to the "Spatial Planning and National Roads Guidelines for Planning Authorities" issued by the Department of the Environment, Community and Local Government in January, 2012 which address Service Areas and in particular Roadside Service Facilities at Non-Motorway National Roads and Junctions and states that *'facilities proposed for inclusion in service 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 motorways and other 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 as set out in Retail Planning Guidelines 2005. The consequence of this would be to threaten the viability of businesses in cities, towns or other local centres'. Having regard to the scale and range of proposed uses and the location at the edge of Longford town, it is considered that the proposed development would attract short local trips, become a destination in its own right, compromise the role and function of the national road network in the vicinity of the site and threaten the viability and vitality of Longford Town and would, therefore, be contrary to the Ministerial Guidelines and contrary to the proper planning and sustainable development of the area.

Deirdre MacGabhann

Planning Inspector

12th September 2019