



An
Bord
Pleanála

Inspector's Report (Addendum)

ABP-307551-20

Development	New concrete yard area within recent refurbished oil depot, granted previously under planning reference 17514, and 24 hour Fuel Card system with the installation of 2 dispenser units
Location	Glebe, Ardee, Co Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	19955
Applicant(s)	Malone Oil Products.
Type of Application	Permission.
Planning Authority Decision	To refuse.
Type of Appeal	First Party
Appellant(s)	Malone Oil Products.
Observer(s)	None
Date of Site Inspection	7 th October 2020.
Inspector	Deirdre MacGabhann

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1.0 Introduction

1.1. This report comments on the further information submitted by the appellant to the Board on the 14th December 2020, following request from the Board for the following:

1. Details of how vehicles arriving at the proposed development will be accommodated within the curtilage of the site, to avoid queuing of vehicles on the R171, and
2. Details of the estimated rate of arrival/departures at the proposed development measured hourly throughout the day, including proposals for management of peak movement to/from the site.

2.0 Further Information

2.1. On the 14th December 2020, the applicant submitted further information under the following headings:

Point 1 – Means to avoid queuing on the R171

- Within the overall premises there are two no. access gates, one to the site and one to the Oil Depot only. The access gate to the site will be open 24/7 and the gate to the Depot, working hours (8am to 6pm).
- Having regard to this arrangement, and the location of the 24 hour fuel pumps in the north-eastern are of the site, the appeal site can accommodate:
 - 4 no. articulated lorries at any one time without interference with traffic associated with the Oil Depot (Option 1A - see drawing attached to submission).
 - 6 no. articulated lorries at any one time when the Oil Depot is not open (Option 1B – also attached to submission).
 - Fuel refill times are estimated to be 10 minutes for a supermarket articulated truck and 15 minutes for a long distance articulated truck. The facility, with two dispensing pumps, has capacity therefore to service 12 standard articulated lorry fills per hour and 8 long distance trucks.

- Having regard to fill times and on site capacity for vehicles (Options 1A and 1B above), the development can cater for the following hourly arrival/departure rates without impacting on flows on the R171:
 - Normal business hours – 10 no. long distance trucks or 14 no. articulated lorries.
 - Outside normal business hours – 12 no. long distance trucks or 16 no. standard articulated lorries.
- In all cases capacity within the site exceeds expected arrival/departure rates even during peak periods.
- The above details are based on low output fuel nozzles, a worst case scenario. These could be upgraded to a higher output type, reducing fill time and capacity of the site by c.20%.

Point 2 – Rate of arrivals/departures

- Scale of usage is expected to be between 150 and 200 customers/week or an average of 25-35/day, with a peak of 40 customers/day.
- The development will be operated on a 24 hour basis. It is not possible to provide a detailed breakdown of use on an hourly basis. 40 customers/24 hour equates to 1.7 no. customers per hour; peak hour demand of 5 customers (Peak = 2.5no. x Avg); extreme peak of 9 customers per hour (5no. x Avg) in exceptional circumstances.
- Likelihood of sites storage capacity being exceeded is very low, with no occasion arising where traffic associated with the development and Oil Depot would queue on the R171.

Alternative Arrangement

- Fuel depots could be relocated on the site to the south of the current location and further increase queuing capacity within the site (see options 2A and 2B in submission).
- This would enable the site to accommodate 8 articulated lorries at any one time (2 refuelling and 6 queuing) when the Oil Depot is open and 10 articulated lorries when it is closed. It would also increase the number of vehicles that could be accommodated per hour, having regard to fuel filling times.

2.2. In his submission, the applicant states that the development will be open to fuel card holders only and shall be ancillary to the existing Oil Distribution facility. Customers are also described as haulage firms who operate an account with Malone Oil Products Ltd. Under point 2 it is stated that the development will be open to or made available to the general public or casual users. I assume this is a typographical error given the other statements which are made and the applicants statement that he is amenable to a condition of planning prohibiting use by the general public.

3.0 **Assessment**

3.1. Having regard to the foregoing, I would comment as follows:

- The applicant has demonstrated that there is sufficient capacity within the site to enable at least 4 articulated lorries to be accommodated within the site at any one time, without giving rise to queuing on the R171. This number could be further increased if the revised layout proposed in Options 2A and B is pursued.
- The appellant has indicated that the site has capacity to accommodate a maximum of 16 vehicles per hour, based on standard articulated lorries using the site outside of normal business hours (Option 1B). This capacity is substantially in excess of the predicted number of vehicle trips per hour which range from 1.7 (trips averaged over 24 hours) to 5 (exceptional peak circumstances). The analysis would indicate that, in the context of predicted trips, the likelihood of queuing on the R171 is low and that the applicant's proposal to relocate the pumps south on the site are unnecessary.
- Notwithstanding the foregoing, there remains (a) a lack of clarity regarding the number of customers/vehicles likely to use the proposed facility, and (b) the risk of intensification of the proposed development (and/or existing development). The appellant states that the development would be open to fuel card holders only, yet these are not defined e.g. who is eligible to have a fuel card. Further, there is no attempt to quantify likely numbers, for instance will the development serve haulage firms in a local, regional or national market, how many firms are there in this market, what percentage of the fleet

would use the site and with what frequency. There is also no indication of how predicted numbers would be adhered to in practice.

- In the interest, therefore, of safeguarding the capacity of the national road network, I consider that it is important that the vehicle movements associated with the site remain approximate to predicted flows. This matter can be addressed by condition.

4.0 Recommendation

- 4.1. I recommend that the Board grant permission for the development subject to conditions (a) prohibiting use of the site by the general public and (b) providing for a mechanism for the monitoring of vehicle movements into and out of the site.

5.0 Reasons and Considerations

Having regard to the scale and form of the proposed development, including the arrangements for the management and disposal of surface water and capacity within the subject site to accommodate vehicles off the public road, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be prejudicial to water quality or interfere with the safety and free flow of traffic on a regional or national route and would be acceptable in terms of traffic safety. The proposed development would therefore be in accordance with the proper planning and development of the area.

6.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 14th day of April 2020 and the further plans and particulars received by An Bord Pleanála, 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. Fuel shall not be dispensed or otherwise sold at the site to the general public.

Reason: In the interest of traffic safety.

3. Prior to the commencement of development the applicant shall submit to the planning authority, for written agreement, means to monitor on an on-going basis, fuel dispensed from the proposed development and the associated average daily and peak vehicle flows.

Reasons: In the interest of traffic safety.

4. Prior to the commencement of development, recommendations of the Road Safety Audit (Stage 4, March 2020) shall be implemented in full, to the written satisfaction of the planning authority.

Reason: In the interest of traffic safety.

5. Water supply and drainage arrangements, including the disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Deirdre MacGabhann
Planning Inspector

18th January 2021