



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318828-24

#### Development

(i) A 52.2sqm extension to the eastern side of the existing service station (ii) Internal modifications and additions (iii) The extension of forecourt fuel area incorporating an extended forecourt canopy and 1no. additional pump island (iv) Revised parking arrangements resulting in the provision of 17no. car parking spaces (v) The relocation of service areas and vent stacks and all associated drainage and site development works

#### Location

Circle K Kilmacanogue Service Station, N11 Southbound, Kilmacanogue, Co. Wicklow

#### Planning Authority

Wicklow County Council

#### Planning Authority Reg. Ref.

23597

#### Applicant(s)

Circle K Group Ireland Energy Group Limited

#### Type of Application

Permission

#### Planning Authority Decision

Grant Permission

<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Veronica Smith Cllr. Joe Behan Mark Driver
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	6 <sup>th</sup> March 2024
<b>Inspector</b>	Emma Nevin

## **1.0 Site Location and Description**

- 1.1. The appeal site is located along the N11 national road in Kilmacanogue and has a stated area of 0.178 ha. The site is accessed through the parallel road off the N11 southbound, with 2 no. vehicular access and egress points fronting the N11, with a one way in, one way out system.
- 1.2. The site is an established service station, with forecourt fuelling area incorporating 3 no. pumps, canopy, and associated parking. Ancillary services on site comprise of air, water, and cleaning facilities.
- 1.3. The surrounding context comprises of other related retail and medical uses. Residential development bounds the site to the east, with agriculture lands further to the east. The N11 bounds the site to the west. The Circle K Rockfield Service Station is located on the opposite side of the N11 to the southwest. A Glen Fuel Services Limited fuel depot is adjacent to the site at its northern boundary.

## **2.0 Proposed Development**

- 2.1. The development comprises a 52.2sqm extension to the eastern side of the existing service station retail building. This will bring the total floor area of the building to a total floor area of 235.1sqm. The proposed extension will have a flat roof profile to a height of 3.8 metres.
- 2.2. Internal modifications and additions are proposed within the existing shop to include an off-licence (for the sale of alcohol for consumption off the premises). This will increase the net retail floor area to a total of 100 sq. m. Revisions are proposed to the internal deli and till areas, with new staff facilities and customer toilets.
- 2.3. It is also proposed to extend the forecourt fuel area incorporating an extended forecourt canopy and 1 no. additional pump island with revised parking arrangements resulting in the provision of 17 no. car parking spaces, the relocation of service areas and vent stacks and all associated drainage and site development works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. The Planning Authority granted permission, following further information request, on 19<sup>th</sup> December 2023, subject to 7 conditions, which included the following:

- Condition 2 relates to the development contributions.
- Condition 4 & Condition 5 relates to lighting.
- Condition 7 relates to a Construction Management Plan and the requirements of Inland Fisheries Ireland.

### **3.2. Planning Authority Reports**

3.2.1. Planning Reports dated 31<sup>st</sup> August 2023 and 13<sup>th</sup> December 2023 have been provided.

3.2.2. This planning application was assessed under the Wicklow County Development Plan, 2022 – 2028.

3.2.3. The original planning report considered it necessary to seek further information on the following items:

- To submit an engineering report to clearly indicate how the road safety recommendations will be implemented. If a recommend is not implemented, detailed engineering rationale/evidence should be provided to justify the proposed development. If revisions are required drawings and details should be provided, if necessary.
- To submit engineer drawings to indicate how the proposed four new parking spaces would not result in restricted sightlines of other vehicles, etc.
- To submit autotrack analysis in relation to the useability of the parking spaces.
- To submit a lighting report to indicate that the proposed development would not result in adverse impacts on the amenity of adjoining residents by reason of light pollution or spill, and how the lighting would not cause glare to road users or pedestrians.

- To submit proposals to show that satisfactory have been made for disposal of litter.
- To submit drawings and details showing the finishes of the proposed development/proposed treatment elevations, etc.

3.2.4. The planners report concluded that the development is in accordance with the Wicklow County Development Plan 2022 – 2028, subject to 7 no. conditions.

#### 3.2.5. Other Technical Reports

Fire Service: Report received recommending conditions.

Roads Section: Report received stating no objection.

Environment: Report received following further information recommending conditions in relation to lighting and surface water.

### 3.3. Prescribed Bodies

3.3.1. The Planning Authority indicated that the following prescribed bodies were consulted.

- Transport Infrastructure Ireland: Report received recommending refusal.
- Uisce Eireann: Report received recommending conditions.
- Inland Fisheries Ireland: Report received recommending conditions.

### 3.4. Third Party Observations

3.4.1. Five third party submissions were received, the issues raised can be summarised as follows:

- Failure to comply with previous permissions.
- Adverse impact on adjoining properties and the general surrounding area in terms of noise, lighting, and air pollution.
- Traffic safety issues at existing dangerous entry/exit point and additional risk posed by additional traffic flow and fuel island.
- Parking difficulties on constrained site – concern in relation to parking layout.

- Unclear the recommendations of the audit have been implemented.
- Concern in relation to litter.
- Encourages use of fossil fuel powered motor vehicles – results in air emissions – conflicts with principle of sustainable development specifically CPO15.11 – need for measures to control air emissions, conduct air quality monitoring, and provide annual air quality audit.
- Need for an electric charger within the development site – refer CPO12.8.
- Overdeveloped site.
- Corporate greed.
- Provides limited retail service to local people.

## 4.0 Planning History

18/1285: Permission granted by Wicklow County Council on the 4<sup>th</sup> November 2019 for extension of existing forecourt, construction of retaining wall and fencing to eastern boundary and all associated site development works.

18/382: Permission granted by Wicklow County Council on the 2<sup>nd</sup> July 2018 for the reconfigured layout of the N11 north of Junction 8. The delineation and construction of segregation islands to facilitate the installation of a parallel service road for approximately 600m on the south bound approach to Junction 8 Kilmacanogue on the N11. The construction of 3 gantries to facilitate signage of the proposed road layout and the widening of the N11 into the central reserve to facilitate the works.

14/1862: Permission granted by Wicklow County Council on the 7<sup>th</sup> November 2011 for alterations to a granted permission PRR 92/7782 to include construction of a shop building flat roof as opposed to a pitched roof as granted. Permission for internal alterations to the building layout gross floor area 183sqm and alterations to the existing elevation facade and associated site development works.

13/8880: Permission granted by Wicklow County Council on the 15<sup>th</sup> January 2014 for part off-licence, ancillary to the retail use at the existing petrol filling station.

98/9423: Permission granted by Wicklow County Council on the 8<sup>th</sup> January 1999 for the relocation of existing diesel dispenser to front boundary and ancillary works.

97/6661: Permission granted by Wicklow County Council on the 13<sup>th</sup> November 1997 for 23 sq. m. extension to depot, office building at ground floor and 61.5 sq. m. at first floor. One additional 100,000 litre overground storage tank with ancillary works.

92/7782: Permission granted by Wicklow County Council on the 16<sup>th</sup> July 1995 for permission to redevelop existing service station to self-service filling station incorporating shop, ATM and retention of car wash facility.

## 5.0 Policy Context

### 5.1. Wicklow County Development Plan 2022 – 2028

- 5.1.1. Wicklow Settlement Strategy – Kilmacanogue is Level 6, Small Town Type 2, “*Small Towns with moderate local service and employment functions*”.
- 5.1.2. Table 10.1 Retail Hierarchy and Strategy for County Wicklow - Level 4 Neighbourhood Centres, Local Centres – Small Towns.
- 5.1.3. Chapter 15 Waste & Environmental Emissions.

#### Relevant Objectives

“CPO 12.35 Objectives for the M/N11:

- *Upgrading of the N11/M11 between the northern County boundary to Junction 14 Coyne's Cross in line with the conclusions of the on-going N11/M11 upgrade study, including enhanced road capacity, ancillary and associated road schemes, provide additional lanes, and safety improvements to the main carriageway and all necessary improvements to associated junctions (including service roads and linkages to cater for local traffic movements);*
- *Improving the downstream southbound capacity of the N11/M11 south of the M50 to alleviate issues at the M50 / M11 merge;*
- *Upgrading the N11 interchange at the Glen of the Downs to facilitate the provision of a northern link road from the N11 to Greystones;*
- *Upgrade Ballyronan Interchange to facilitate improved access to Newtownmountkennedy;*

- *The provision of a third interchange on the Arklow by-pass, linking the M11 to Vale Road”.*

## 5.2. Wicklow County Development Plan 2022 – 2028 Appendices

### 5.2.1. Appendix 1 – Development and Design Standards.

Section 4.2 relates to petrol stations and in respect to retail sales area states that *“The floorspace of the shop should not exceed 100m<sup>2</sup> net, where permission is sought for a floorspace in excess of 100m<sup>2</sup>, the sequential approach to retail development shall apply, i.e. the retail element of the proposal shall be assessed by the planning authority in the same way as would an application for retail development (without petrol filling facilities) in the same location”.*

### 5.2.2. Appendix 8 – Strategic Flood Risk Assessment – Section 1.8.1 Settlement Hierarchy & Flood Risk Assessment.

*“The Bray Municipal District Local Area Plan 2018 (which includes the settlements of Bray, Enniskerry and Kilmacanogue), the Arklow Town and Environs Local Area Plan 2018 and the Rathdrum LAP 2017 were all subject to detailed SFRA in accordance with the Guidelines, utilizing the current, most up to date data from the OPW including CFRAM and other data sources (the River Dargle Flood Defence Scheme (Bray) and the Avoca River Flood Relief Scheme (Arklow) both were a significant source of information for Bray and Arklow)”.*

## 5.3. Bray Municipal District (including Enniskerry and Kilmacanogue) Local Area Plan, 2018 - 2024

### 5.3.1. The site is zoned as a ‘Secondary Development Zone’, with a stated objective “to provide for the sustainable development of a mix of uses including residential, employment, community and recreational uses that provide for the needs of the existing settlement and that allows for the future growth of the settlement”.

*“Uses generally appropriate for employment zoned land include general and light industry, office uses, enterprise units, appropriate warehousing, petrol filling stations (as deemed appropriate), public transport depots, open space, community facilities, utility installations and ancillary developments for employment and industry uses in accordance with the CDP”.*



5.3.2. Section 2.2.7 *“The provision of transport and services infrastructure is essential to the development of any area, providing ease of movement within towns, connecting towns to surrounding areas and providing sufficient service infrastructure capable of meeting the demands of the resident, commercial and employment populations”...*

*“The key factor influencing the future development of the Bray MD is the adequacy and the improvement of the roads and transportation infrastructure in the area.*

*The key investment priorities for this area as set out in the County Development Plan are:*

- *the upgrade of the N11 in the north of the County, from the Dublin border as far as Ashford, in particular improvements to the M50 / M11 merge which is deficient in capacity, and all interchanges serving Bray;”.*

5.3.3. Section 8.1.5 Road Objectives, RO8, which states *“To provide for the development of a new route east of the Kilmacanogue Interchange that would serve (from the east) zoned lands and properties that currently are accessed only via the N11. No further development of any lands to the NE of Kilmacanogue interchange will be permitted unless access from the east (rear) is provided / available”.*

#### 5.4. **Section 28 Ministerial Guidelines**

5.4.1. Retail Planning Guidelines for Planning Authorities (DoECLG 2012).

5.4.2. Spatial Planning and National Roads – Guidelines for Planning Authorities, (DOECLG 2012).

#### 5.5. **Natural Heritage Designations**

5.5.1. The subject site is not located within any designated European Sites.

#### 5.6. **EIA Screening**

5.6.1. I refer the Board to the completed Form 1 in Appendix 1.

The proposed development comprises an amendment to an existing and permitted service station on a brownfield site. Having regard to the location of the site within a developed urban area bounded by existing residential development and the N11 dual carriageway, to the availability of public water supply, public sewerage and

surface water drainage and having regard to the likely emissions therefrom I conclude that there are no likely significant environmental impacts arising from the proposed development and that the requirement for submission of an EIAR and carrying out of an EIA can be set aside at a preliminary stage.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. Separate third party appeals have been received from Veronica Smith, Cllr. Joe Behan and Mark Driver. The grounds of appeal contained within each appeal is summarised as follows:

- Questing the necessity and justification for an additional fuel pump.
- Environment – Concerns regarding the environmental impact of the service station on the local river.
- Sightlines – the sightlines should be tested to ascertain if they are suitable for the safe egress and ingress of the proposed vehicular traffic and to cater for the needs of pedestrians and cyclists to pass safely.
- Parking spaces – unclear as to the number of parking spaces proposed. The location of the parking spaces will impact on safety of pedestrians. Spaces 17, 18 and 19 beside the storage compound would conflict with other vehicles exiting the already busy service station.
- Overdeveloped site, scale relative to rural village location and corporate greed.
- Several conditions suggested if permission is granted including a lighting proposal, a boundary fence along the southern boundary to replace the existing fence, the existing Perspex roof be replaced with a non-translucent material and that the south and east face elevation of the canopy be replaced with a blank material with no lighting.
- Devasting impacts the proposed overdevelopment will have on residents in terms of noise, light pollution, air pollution and litter pollution.

- Concerns in relation to the multiple entrances and exits to the property, with no real improvement to the existing situation with the proposed application.
- The ongoing speeding, noise and general road and pedestrian safety hazards.
- The response of Circle K to issues raised by residents is not indicative of good corporate neighbourliness.

## 6.2. Applicant Response

6.2.1. A first party response to the appeal was received dated 8<sup>th</sup> February 2024, prepared by the agent on behalf of the applicant.

6.2.2. The submission responds to the issues raised within the third party appeals as follows: -

- The existing services on site are consistent with the standard and expected offerings at service stations.
- The nearest service stations to the subject site are between 10 – 15km away.
- The proposed development is entirely appropriate to the site and is in accordance with Section 4.2 of Appendix 1 of the relevant Development Plan.
- The service station has been in operation at the subject site for a significant period of time.
- The need for this planning application relates to the ongoing need to modernise and update the service station to meet market competition and customer demand.
- The provision of an extended canopy and additional pump will improve the overall operational efficiency of the fuel court.
- Regarding the move away from carbon based fuels, the applicants state that they are committed to the provision of EV charging units, and will have EV charging units installed as part of a programme in due course.

- Several steps have been taken to overcome issues of potential concern, which have been raised as part of the appeals, in relation to the 6 no. items requested by the Council at further information stage.
- The number of parking spaces proposed were clarified at RFI stage, and 19 no. spaces were including 1 no. disabled space was proposed.
- A detailed Noise Impact Assessment was carried out formed part of the original application submitted, which was found to be in compliance with the relevant standards.
- The applicant is committed to rectifying the issues with light pollution and spill from the service station. The applicant refers to the conditions attached to the local authority grant of permission in respect of lighting. The applicant has confirmed that they are happy to comply with such conditions.
- Issues with the disposal of litter were also addressed as part of the further information stage. The applicant is committed to keeping the site litter free and have enacted measures to address litter within and outside the site.
- The issues of traffic congestion, safe and efficient access and potential for road safety impacts have been addressed throughout the course of the planning application.
- It has been demonstrated that adequate sightlines can be achieved in respect of the safe and efficient egress of vehicles from the site.
- The applicant notes the N11/M11 improvement schemes, which focus on improving traffic arrangements and road safety on the route and should lead to improvements in the area when implemented. The applicant states that they are happy to engage in the process.

### **6.3. Planning Authority Response**

None received.

### **6.4. Observations**

None received.

## **6.5. Further Responses**

None received.

## **7.0 Assessment**

7.1. Having inspected the site and considered the contents of the appeal, I consider the main issues which arise in relation to this appeal are as follows:

- I. Compliance with Development Plan, Intensification and Overdevelopment
- II. Impact on adjoining amenities
- III. Traffic, Parking and Access
- IV. Environmental Issues
- V. Appropriate Assessment, and
- VI. Other Matters.

This assessment represents my de novo consideration of all planning issues material to the proposed development.

### **7.2. Compliance with Development Plan, Intensification and Overdevelopment**

- 7.2.1. The observers express concerns regarding the further expansion and the intensification and overdevelopment of the site particularly in a 'rural village location'. The site location is on slip road off the N11 Southbound carriageway, which provides access to Kilmacnaogue, and is close to the settlement of Bray. There is an existing service station permitted on site, under the zoning objective for the area, which allows for a sustainable mix of uses to provide for the needs of the existing settlement and to allow for the further growth of the settlement. I also note Section 4.11.9 of the Retail Guidelines, which states that in rural areas motor fuel stations can have a very important function as the local shop or small supermarket. In this regard, I consider that the principle of the proposed extension to the existing service station on site to be acceptable.
- 7.2.2. The proposed extension is positioned to the east side of the existing building and will result in a net retailing space of circa 100 sq. m. in area. The proposed retail floor area is in accordance with Appendix 1 of the Development Plan, which states that

the floorspace of the retail sales area of petrol stations shall not exceed 100 sq. m. whereby preparation of a sequential test is required. Nothing the scale of the proposal, a sequential test is not required. Given that the proposed net retail floor area is not in excess of 100 sq. m., I do not consider that the proposed development would result in the intensification of use or overdevelopment of the site.

- 7.2.3. Therefore, I conclude that the proposed development is acceptable having regard to the established use on site and the nature and scale of the retail element proposed in the instant appeal.

### **7.3. Impact on adjoining amenities**

- 7.3.1. Concerns have been raised in relation to noise, light pollution, and air pollution.
- 7.3.2. In relation to noise, a Noise Impact Assessment was carried out and was submitted with the planning application. In relation to noise I refer to Policy Objective CPO 15.16 of the Development Plan, which pertains to activities which are likely to give rise to excessive noise are required to install noise mitigation measures and to undertake noise monitoring. Noting that there is an existing service station in operation at the site and having regard to the scale of the works proposed in the instant application, I do not consider that noise monitoring is warranted in this instance and that the development as proposed would not result in excessive noise pollution at this location.
- 7.3.3. Following the further information request the applicant submitted a lighting report, which identified 4 no. locations with regard to light pollution and associated light spill. In relation to light pollution, I refer to Policy Objective CPO 15.17 of the Development Plan, which states that all external lighting shall be designed and constructed so as not to cause excessive light spillage, glare, or dazzle motorists, and thereby limit lighting pollution into the surrounding environment and to protect the amenities of nearby properties, traffic, and wildlife. The lighting report submitted includes several mitigation measures to reduce the light pollution to any directly adjoining residents, which I consider to be appropriate to ensure the amenity of the adjoining dwellings is protected.
- 7.3.4. Concerns have been raised in relation to air pollution, however, I do not consider it reasonable to require mitigation measures to mitigate air borne emissions from vehicles using the extended existing service station.

- 7.3.5. Therefore, I consider that the existing authorised and operational service station would be enhanced and improved having regard to the amended proposals within the appeal. It is not agreed that there are grounds on which it could be agreed that significant adverse impact on the residential and visual amenities of the adjoining residential properties could be attributable to the proposed development at the application site.

#### **7.4. Traffic, Parking and Pedestrian Safety**

- 7.4.1. The site is currently accessed through a parallel access road off the N11 Southbound with two existing access and egress points onto the access roadway. The site operates a one-way system in and out of the site. an existing entrance to the north, which is accessed via a shared lane, which serves one adjoining dwelling. Due to the strategic position of the site on the N11 Southbound, it is reasonable to expect that the existing service station would be subject to higher volumes of traffic when compared to local service stations. Concerns have been raised in respect to the sightlines, parking spaces, and pedestrian safety.
- 7.4.2. The existing service station is within a 50km limit section of road and operates a one-way entry and exit system to the site. The applicant has demonstrated that adequate sightlines can be achieved in respect of the safe and efficient egress of vehicles and following site visit I am satisfied that the sightlines at the site are acceptable. While the subject proposal is to extend the existing service station, I consider that this is an established service station and the proposed increase in floor area and would not generate significant additional traffic to result in a traffic safety issue.
- 7.4.3. Following on from the above, in terms of parking, the number of parking spaces originally proposed was 20 no. spaces. However, following the further information request, the number of car parking spaces was reduced to 19 no. spaces. Concerns were raised by the planning authority in relation to the position of the proposed parking spaces along the western edge of the site to the N11 and in order to improve sightlines to the site the previously proposed parking space No. 17 was omitted. Therefore, any conflict pertaining to car parking space No. 17 have been addressed.
- 7.4.4. The concerns pertaining to pedestrian safety are noted however, there are existing footpaths in the immediate vicinity of the site and noting the new parking layout, the

speed limit on this part of the road and the existing one way entry exit system to the site, I consider that the proposal will not impact on pedestrian safety.

- 7.4.5. Therefore, I consider that the proposed development would not impact on traffic or pedestrian safety and is acceptable.

## **7.5. Environmental Issues**

- 7.5.1. Concerns have been raised by the appellants in relation to potential negative impacts of the service station on the local river and littering.
- 7.5.2. With respect to the adjoining river, I note that the proposed works are contained within the site boundary and are set back from the adjoining river. I note the submission received from Inland Fisheries on the planning application. I would share similar concerns regarding the potential discharge of materials during construction work, and the need for the applicant to engage with Inland Fisheries with respect to the undertaking of construction works. I recommend a condition in this regard. Following compliance with this condition, I consider that the proposed development would not have an adverse effect on the quality of the river.
- 7.5.3. While not raised as a specific issue, I also note that lands are indicated to be at a risk of flooding on the Bray SFRA map. Having examined the OPW website ([www.floodinfo.ie](http://www.floodinfo.ie)) and the Strategic Flood Risk Assessment contained within Appendix 1 of the Development Plan and noting the site-specific flood risk assessment report submitted as part of the planning application, I find there to be little or no risk of pluvial flooding at this site. Upon review of the OPW website, I also note there is no recorded history of flooding on the appeal site.
- 7.5.4. In terms of loss of littering, Section 2.3.3 of Appendix 1 of the Development Plan states that employment and commercial developments likely to result in litter generation shall provide and manage litter bins on, or in the immediate vicinity of the site. As part of the further information request the applicant confirmed the provisions in respect to the management and disposal of litter on site. I also note the obligations pertaining to commercial developers under the Waste Management Acts and Regulations and Eastern-Midlands Region Waste Management Plan. Accordingly, the management of litter is controlled under separate legislation.



7.5.5. Therefore, I conclude that the proposed development will not result in a negative impact on the existing environment or impact on the existing river adjoining the site.

## **7.6. Appropriate Assessment**

7.6.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment and the distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **7.7. Other Matters**

### **7.7.1. Issues raised by residents**

Issues raised by adjoining residents, in relation to speeding at the site, the existing boundary treatments and existing building, the use of carbon fuels and the relationship between the applicant and adjoining residents fall outside of the Board's remit in deciding this application.

## **8.0 Recommendation**

8.1. I recommend that planning permission should be granted, subject to conditions, as set out below, for the following reasons and considerations.

## **9.0 Reasons and Considerations**

9.1.1. Having regard to the established existing development on site it is considered that, subject to conditions set out below that the proposed development would not result in overdevelopment of the site, would not endanger public safety by reason of a traffic or pedestrian hazard, would not seriously injure the residential amenity of residential property in the vicinity and as such complies with the Wicklow County Development Plan, 2022 – 2028 and the Retail Planning Guidelines for Planning Authorities, 2012. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

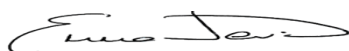
## 10.0 Conditions

1.	<p>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 to the local authority on the 1<sup>st</sup> day of December 2023, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The net floor area of the shop i.e. the area to which the public have access, shall not exceed 100 sq. metres (net) as per paragraph 2.4.3 of the Retail Planning Guidelines for Planning Authorities, 2012.</p> <p>Reason: To protect the existing rural village location.</p>
3.	<p>Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of properties in the vicinity.</p>
4.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
5.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>

6.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Eireann.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Details of all external signage fittings and fixtures shall be submitted to proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
9.	<p>Full design details of the proposed lighting scheme, including mitigation measures, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of public amenity and clarity.</p>
10.	<p>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</p> <ul style="list-style-type: none"> <li>(i) Intended construction practice for the development, including construction parking, hours of working, noise management measures and off-site disposal of construction/demolition waste.</li> <li>(ii) All measures required to protect the adjoining stream and shall comply with the requirements of Inland Fisheries Ireland.</li> </ul> <p>Reason: In the interests of public safety and residential amenity.</p>
11.	<p>The developer shall pay to the planning authority a financial contribution of 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</p>

	<p>Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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. The application of any indexation required by this condition 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.</p> <p>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.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.




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Emma Nevin  
Planning Inspector

25<sup>th</sup> March 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	318828-24		
<b>Proposed Development Summary</b>	(i) A 52.2sqm extension to the eastern side of the existing service station (ii) Internal modifications and additions (iii) The extension of forecourt fuel area incorporating an extended forecourt canopy and 1no. additional pump island (iv) Revised parking arrangements resulting in the provision of 17no. car parking spaces (v) The relocation of service areas and vent stacks and all associated drainage and site development works		
<b>Development Address</b>	Circle K Kilmacanogue Service Station, N11 Southbound, Kilmacanogue, Co. Wicklow		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			
<b>No</b>	X		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
			<b>Conclusion</b>
<b>No</b>	X	N/A	Development is not a project of type listed in Schedule 5, Part 2
			No EIAR or Preliminary Examination required

Yes				
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4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required