



Development	High power electric vehicle charging points and associated infrastructure consisting of the following: (i) the installation of 8 no. electric vehicle charging bays & 4 no. charging units; (ii) the installation of a new modular substation; (iii) the associated revisions to existing paved & landscaped areas; (iv) the erection of associated signage; (v) all associated site development works including lighting, drainage infrastructure and line marking.		
Location	Circle K Caherdavin Service Station, Ennis Road, Limerick		
Planning Authority Ref.	2459		
Applicant(s)	Ard Services Limited		
Type of Application	Permission	PA Decision	Grant
Type of Appeal	Third Party	Appellant	Brian Meaney and Nessa Meaney
Observer(s)	None		
Date of Site Inspection	10/10/2024	Inspector	Lorraine Dockery

1. Site Location/ and Description. The subject site, which has a stated area of 0.0178 hectares is located on the southern side of the Ennis Road (R445), to the north of Limerick city. The site currently contains a Circle K filling station and associated uses. It is bound to the south, east and west by residential properties.

2. Proposed Development. High power electric vehicle charging points and associated infrastructure consisting of the following: (i) the installation of 8 no. electric vehicle charging bays & 4 no. charging units; (ii) the installation of a new modular substation; (iii) the associated revisions to existing paved & landscaped areas; (iv) the erection of associated signage; (v) all associated site development works including lighting, drainage infrastructure and line marking.

3. PA's Decision- Grant permission, subject to 5 conditions.

Condition No. 3- The existing planting along the south boundary shall be retained and shall be reinforced by additional planting to match existing. This shall include additional native species to re-enforce the existing boundary. REASON: In the interest of residential amenity

Internal Reports

Transportation and Mobility Directorate- No objections, proposal in accordance with Government policy (dated 04/04/2024)

Roads Section- No objections, subject to conditions (dated 12/03/2024)

Prescribed Bodies

None

4. Planning History.

Most recent relevant

19/349- PP GRANTED for retention of external laundromat facility on forecourt

18/970- PP GRANTED for pay-to-use portable compactor for dry recyclables and waste compactor for residual/food waste

5.1. National/Regional/Local Planning Policy

- Limerick County Development Plan 2022-2028 applies
- Zoning- Enterprise and Employment which seeks 'to provide for and improve general enterprise, employment, business and commercial activities'

- Section 11.6.3 Petrol Stations
 - Design-New petrol stations and refurbished existing stations shall ensure provision of Low Emission Vehicle Refuelling/Recharging Infrastructure
- Objective TR 021 Electric and Compressed Natural Gas Vehicles and Objective TR 03 Delivery and Service Strategy
- Draft Electric Vehicle Charging Strategy for Limerick- aims to assess power requirements and the number of charge points needed to support the growing adoption of electric vehicles in the region.
- Electric Vehicle Charging Infrastructure Strategy 2022-2025 sets out the ambition and strategy for the delivery of a national EV charging network, and the practical steps that will be taken to deliver this network across the country
- Climate Action Plan

5.2 Natural Heritage Designations

- Lower River Shannon SAC (Site Code: 002165) and River Shannon and River Fergus Estuaries SPA (Site Code: 004077), approximately 1.5 km south of the proposed development.

6. The Appeal

6.1 Third Party Appeal. Grounds:

- Live to rear of development on Cherry Orchard
- Not opposed to development in principle and note goals of LA in relation to EV charging
- Concerns regarding lack of clarity of scheme
- Residential Amenity concerns- operating hours of proposal and additional lighting; requests time restrictions; noise concerns; lack of landscaping plan or tree retention plan; removal of grassed area
- Concerns regarding construction works/practices; increased traffic congestion; flooding concerns
- Other Matters including lack of consultation, existing lighting

6.2 P.A. Response

- None

6.3 Further Responses

A response was received on behalf of the first party, which is summarised as follows:

- Refutes grounds of appeal; proposal will rationalise and improve the overall operational efficiency of the service station; existing services on site are consistent with standard expected at service stations; notes site context to the NE of Limerick city; sets out need and justification for proposal; EV chargers will be accessible 24hrs/day
- Proposal complies with local and national policy and has been accepted by planning authority (PA); matters raised in appeal have been addressed by PA
- Proposal will not create significant negative impacts and will not adversely affect the residential amenity of adjoining properties, subject to standard conditions being implemented in full; entirely in keeping with established and permitted use of the site
- Proposal will not adversely impact on the character of the area or give rise to traffic/road safety hazard; notes provision of legislation relating to exemptions for such EV chargers

6.4 Observations

- None

7. EIA Screening:

See completed Form 1 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

8. AA Screening:

I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.

The subject site is not located within or adjacent to any European Site. The closest European Sites, part of the Natura 2000 Network, are the Lower River Shannon SAC (Site Code: 002165) and River Shannon and River Fergus Estuaries SPA (Site Code: 004077), approximately 1.5 km south of the proposed development.

The proposed development is located within an urban serviced area on a site which is commercial in nature and comprises the construction of 8 EV charging bays and associated site works on a serviced site.

Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.

The reason for this conclusion is as follows:

- Small scale and domestic nature of the development
- The location of the development on a serviced site, distance from European Sites, together with absence of ecological pathways to any European Site.
- The report of the planning authority

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Assessment

9.1 I have read all the documentation attached to this file including the appeal submission, the reports of the Planning Authority, in addition to having visited the site.

9.2 The main issues raised in the appeal submission relate to the impacts of the proposed development on the amenity of the appellants property, together with concerns with regards to traffic congestion and other matters.

9.3 I note the grounds of the third-party appeal- the appellants rear garden area backs onto the subject site. The proposal includes for the provision of 8 no. EV charging

bays and associated works, including provision of sub-station. The subject site forms part of an established commercial premises on the outskirts of Limerick city.

Concerns regarding impacts on residential amenity are noted. Construction impact concerns can be adequately dealt with by means of condition, through the submission of a Construction and Environmental Management Plan. Concerns regarding noise from the 24hr operation of the EV charging stations are acknowledged. However, I note the established commercial nature of the site within this busy suburban location, on a site zoned for 'Enterprise and Employment' which seeks 'to provide for and improve general enterprise, employment, business and commercial activities'. The proposal is considered to be in compliance with national and local policy for the delivery of a national EV charging network and in particular I note Section 11.6.3 of the operative County Development Plan, which in relation to design states that new petrol stations and refurbished existing stations shall ensure provision of Low Emission Vehicle Refuelling/Recharging Infrastructure. In addition, I note Objective TR 021 Electric and Compressed Natural Gas Vehicles and Objective TR 03 Delivery and Service Strategy in this regard.

9.4 I consider that the noise generated from the proposed development would not be so great as to warrant a refusal of permission. In terms of impacts from lighting from cars, I note the presence of fencing at the present time, together with existing planting. The planning authority attached a condition to reinforce this planting and I recommend that if the Board is disposed towards a grant of permission, that a similarly worded condition be attached to any such grant. The proposal will remove an area of grass in order to provide the charging spaces, however this removed area is considered relatively minimal in nature.

9.5 The planning authority did not raise concerns in relation to increased traffic as a result of the proposal and I note the report of the Roads Department in this regard. Matters raised by that department were dealt with by means of condition by the planning authority, and I too consider that to be appropriate. Neither the Roads Section nor Active Travel Section raise concerns in relation to the proposal and they state that they welcome and support the delivery of additional vehicle charging point infrastructure in Limerick, which will make public charging infrastructure accessible to those travelling en route, will support the uptake of electric vehicles around Limerick and the wider region. I have no information before me to believe that the proposal

would be a significant generator of traffic in the vicinity or that the proposal would lead to the creation of a traffic hazard or obstruction of road users.

- 9.6 Given the nature of the proposal and setbacks from appellant's property (approximately 3.5m from boundary), together with the matters to be dealt with by condition in terms of landscaping, I consider that the proposal would not negatively impact on the residential or visual amenity of the area and I am generally satisfied in this regard. I consider that any impacts on the visual or residential amenities of the area are not so great as to warrant a refusal of permission or alteration to the design proposed. I have no information before me to believe the proposal would lead to the devaluation of the appellant's property.
- 9.7 In relation to other matters, the appeal submission raises concerns regarding lack of consultation. While it may be beneficial to both parties, there is no provision in the legislation for such consultation. Issues raised in relation to the existing lighting on site are outside the remit of this planning appeal. In relation to proposed lighting, details of proposed lighting, including any cowl positioning, should be submitted to the planning authority prior to the commencement of development so as to ensure light overspill into neighbouring properties is minimised
- 9.8 I have no information before me to believe that the proposal will lead to increased flooding in the vicinity of the site. A Drainage Layout Plan was submitted as part of the application documentation. Permeable paving is proposed where existing grassed area is being removed. The proposal is located on a serviced site and I note Condition No. 3 of the planning authority decision in relation to surface water run-off. I recommend a similarly worded condition be attached to any grant of permission. I am generally satisfied in this regard.
- 9.9 The public notices include for the provision of associated signage. No details of any such signage have been submitted with the application documentation. Any such signage should be the subject of a new application.
- 9.10 Having regard to the above, I am satisfied that the proposed development is in accordance with the provisions of the operative Development Plan, is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

10. Recommendation

- 10.1 I recommend that the decision of the planning authority be UPHELD and that permission be GRANTED for the subject development.

11. Reasons & Considerations

Having regard to the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities, established character or appearance of the area and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

12. Conditions

1.	The development shall be retained and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity
2.	No advertising signage is permitted as part of this grant of permission. Reason: In the interests of clarity
3.	The existing planting along the southern boundary of the site shall be retained and reinforced with additional planting, of native species. Exact details of such additional planting shall be submitted to the planning authority for their written agreement. All proposed planting shall be undertaken prior to the first operation of the EV charging bays.

	<p>Reason: In the interest of clarity and orderly development and to protect the amenities of adjoining residents</p>
4.	<p>The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular, the following shall be submitted to the planning authority for their written agreement, prior to the commencement of any works on site:</p> <ul style="list-style-type: none"> (i) Revised site layout plan, at an appropriate scale, which indicates clear directional markings through the site (ii) Provision of accessible parking bays in line with 'Irish Wheelchair Association' manual (iii) Delineate pedestrian routes from the proposed parking areas/electric vehicle units to the service station with a minimum width of 2m (iv) Details of cowl positioning on proposed lighting so as to ensure light overspill into neighbouring properties is minimised <p>Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.</p>
5.	<p>The construction of the development shall be managed in accordance with a Final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide, inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise and dust management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>

6.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
4.	<p>Water supply and drainage arrangements including the attenuation and disposal of surface water, 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>
5.	<p>Prior to the commencement of development, the developer shall enter into a water and wastewater connection agreement with Irish Water.</p> <p>Reason: In the interests of public health</p>
6.	<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>

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.

Lorraine Dockery
Senior Planning Inspector
19th November 2024

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319631-24		
Proposed Development Summary	High power electric vehicle charging points and associated infrastructure		
Development Address	Circle K Caherdavin Service Station, Ennis Road, Limerick		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	x
		No	No further action required
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?			
Yes		Class.....	EIA Mandatory EIAR required
No	x		Proceed to Q.3
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]?			
		Threshold	Comment (if relevant)
			Conclusion
No	x	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4
4. Has Schedule 7A information been submitted?			

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: Lorraine Dockery

Date: 19th November 2024