



An
Coimisiún
Pleanála

Inspector's Report ABP-320210-24

Development

Retention permission for the extended shop, sheds on western boundary, shed and toilet block on eastern boundary, skip yard, car wash, totem pole (for a period of 3 years), all within the revised site boundaries. Planning permission for the demolition of the service station and for the construction of a new service station and all associated site works.

Location

Superoil Service Station, Dromsally Road, Cappamore, Co. Limerick, V94 N88F.

Planning Authority

Limerick City and County Council

Planning Authority Reg. Ref.

2460394

Applicant

Superoil Limited.

Type of Application

Permission.

Planning Authority Decision

Refuse permission

Type of Appeal

First Party

Appellants	Superoil Limited
Observers	None
Date of Site Inspection	9/4/2025
Inspector	Siobhan Carroll

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Form 2: EIA Preliminary Examination

Appendix 3 – Water Frame Directive Screening

1.0 Site Location and Description

- 1.1. The appeal site is located within the village of Cappamore, Co. Limerick. Cappamore is situated circa 22km to the south-east of Limerick City. The site is located to southern side of the R505 which is the main street in Cappamore. The properties in the vicinity of the site are predominantly residential. There are detached single storey dwellings to the east and west of the appeal site and a terrace of six two-storey dwellings are situated on the northern side of the R505.
- 1.2. The site has a stated area of 0.39 hectares. The site contains a Texaco service station and Spar retail unit which has a floor area of circa 121sq m. The premises is served by an access/egrees on the eastern and western side of the forecourt. There are four fuel pumps within the forecourt to the front of the retail unit and a further four fuel pumps are located to the west of the retail unit which contain kerosene and Agri diesel. A car wash and service area are located to the north-eastern side of the site. There is a small single storey building located on the eastern site boundary. It contains two separate storage areas and a customer toilet. On the western boundary of the site there is a further single storey building which contains a dry goods store and cleaning store.

2.0 Proposed Development

- 2.1. Permission is sought for the following;
- 2.2. Retention permission for a period of three years for the extended shop, sheds on western boundary, shed and toilet block on eastern boundary, skip yard, car wash, totem pole, all within the revised site boundaries.
- 2.3. Permission for the demolition of the service station and for the construction of a new service station and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Limerick City and County Council decided to refuse to grant retention permission by Order dated 21st of June 2024. Permission was refused for two reasons.

1. In the absence of sufficient documentation submitted to demonstrate compliance with Table DM 7: Design Guidelines for Service Stations as set out in the Limerick Development Plan 2022-2028 the Planning authority is not satisfied the proposed development has adequately taken into account, public health, environmental, amenity and retail impact considerations. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the unauthorised developments on site, the Planning Authority cannot consider the redevelopment of the service station until such a time as these elements have been regularised. Therefore, this proposal is considered to be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. Planning Report – The report of the Planning Officer concluded that an inadequate level of documentation was provided to demonstrate compliance with Table DM 7: Design Guidelines for Service Stations of the Limerick Development Plan 2022-2028. It is highlighted that there is unauthorised development on the site which must be regularised first prior to planning permission being assessed for any new proposal on the site. It was concluded that having regard to the foregoing the granting of a permission for a development of this scale is considered premature.
- 3.2.2. Other Technical Reports
- 3.2.3. Roads Department – Further information requested in relation to (1) the proposed layout concerning access and egress for pedestrians and vehicles and the provision of a Stage 1 Road Safety Audit; (2) details of proposed lighting arrangements; (3) the provision of a surface water & SuDS Management Plan.
- 3.2.4. Environment Department – Further information requested in relation the provisions of an asbestos survey, decommissioning of fuel tanks and land contamination.
- 3.2.5. Fire Officer – No concerns raised in relation to the application.

3.3. Prescribed Bodies

- 3.3.1. Uisce Éireann – No objection in principle.

3.4. Third Party Observations

- 3.4.1. The Planning Authority did not receive any submissions/observations in relation to the planning application.

4.0 Planning History

- 4.1.1. Reg. Ref. 21/1807 – Permission was sought for the shop renovations/alterations and revised internal layout to the existing shop. Retention of rear extension to shop including store room, office, staff toilet and cold rooms. Retention of the rear disabled access public toilet, fuel stores, goods stores, recycling area and room, staff car park, yard and all associated site works. Retention of the side boundary walls, diesel and agricultural & kerosene pumps delivery area, car wash area and associated concrete bases. The application was withdrawn.
- 4.1.2. Reg. Ref. 01/941 – Permission was refused for the construction of a car wash.
- 4.1.3. Reg. Ref. 90/276 – Permission was granted for the erection of a canopy at service station and development of site, tarmacadam the yard and installation of 3 electronic pumps.

5.0 Policy Context

5.1. Limerick Development Plan 2022 – 2028

- 5.1.1. The site at Dromsally Road, Cappamore, Co. Limerick is located on lands zoned Local Centre. This zoning refers to the northern section of the appeal site which extends for circa 30m back from the public road. The larger portion of the appeal is located outside the settlement boundary of Cappamore as illustrated on the Cappamore Zoning Map contained within Volume 2b of the Limerick Development Plan 2022-2028.

- 5.1.2. 'Local Centre' zoning stated Objective: To protect and provide local centre facilities to serve the needs of new/existing neighbourhoods and residential areas.
- 5.1.3. Purpose: To provide a mix of community and commercial neighbourhood facilities to primarily serve the immediate needs of the local working and residential population and complement, rather than compete with the City Centre. A mix of appropriate convenience retail, commercial, community, childcare and medical facilities, residential and recreational development of a local scale will be considered. Larger scale office and residential development will be considered in new developments where public transport is available. The retail scale and type will be controlled to prevent negative impacts on the retail function of Limerick City Centre at the top of the hierarchy. A materially broader range of comparison goods than currently exists shall not be allowed in order to avoid further competition with the City Centre. Any proposal for retail development shall comply with the Retail Strategy for the Limerick Shannon Metropolitan Area and County Limerick.
- 5.1.4. Chapter 11 refers to Development Management Standards
- 5.1.5. Section 11.6.3 refers to Petrol Stations
- 5.1.6. Table DM7: Design Guidelines for Service Stations

Design

- Design approach should reflect an integrated design dealing with buildings, structures, advertising, lighting, overall layout etc. reflecting a high standard of design;
- In urban centres where the development would likely have an impact on the historic or architectural character of the area, the use of standard corporate design and signage may not be acceptable;
- Service stations are generally not encouraged in the retail core of urban areas or in rural areas;
- The application must demonstrate that noise, traffic, visual obstruction, fumes/odours do not detract unduly from residential amenity in the area;
- New petrol stations and refurbished existing stations shall ensure provision of Low Emission Vehicle Refuelling/Recharging Infrastructure.

Retail unit

- The retail unit shall not exceed 100m² net floor area. Retailing shall be confined to the shop floor area with the exception of the sale of domestic fuel where some storage is permissible. Retail sales will be restricted to convenience goods;
- Where applications are made for retail units associated with a petrol station, with a retail unit in excess of 100m², the sequential approach to retail development will apply;
- Hours of operation to be detailed.

Access and circulation

- Generally, two access points with a minimum width of 7.3m and a maximum width of 9.1m with appropriate radius of curvature based on road design speed;
- The layout shall demonstrate safe pedestrian and cyclist access and sufficient circulation for delivery vehicles;
- The pump island shall not be located closer than 7m from the roadside boundary.

Sightlines

- Speed Value of Road Less than 80km/h – 160m minimum visibility distance;
- Speed Value of Road 80km/h or greater - 215m minimum visibility distance;
- No advertising or other structures whether permanent or temporary shall interfere with sightlines on motorists entering or egressing the site.

Boundary

- The front boundary of the site shall be defined by a wall not exceeding 0.5 m. in height and the area between this and the road edge shall be levelled and laid so that surface water does not pond in the area, nor flow onto the public road. No advertising shall be placed between the wall and the road edge;
- A footpath shall also be provided outside the boundary wall.

Lighting

- All fixtures or fittings, including canopy lighting shall be provided in such a way so as not to cause a glare to road users, or unduly detract from the visual amenities of the area.

Design/Advertising

- Design of stations will be required to be of a high standard. Canopies should be appropriate to their setting in terms of height and design and for reasons of visual amenity should be set well back from the public footpath or edge of the public road;
- Minimal advertising will be permitted and shall generally be restricted to a main pillar/ totem sign structure, which shall not exceed 4.5 m. in height;
- The forecourt and adjacent footpath shall not be used for advertising whether for permanent or temporary structures;
- A maximum of two signs shall be permitted on the canopy which shall be externally or halo lit.

Landscaping

- A Landscaping Plan is required for all applications for petrol filling/service stations

Parking

- Parking requirements are set out in the parking standards Section 11.8.3, DM Table 9a/9b Car Parking and Bicycle Parking Requirements. The location of such parking will be so as to minimise pedestrian/vehicular conflict.

Surface Water

- Surface water from the development will be required to be contained within the site and piped to the public system. No surface water will be permitted to pond within the forecourt, adjoining the boundary walls or along the entrance/exit lanes.

EV Charging Points

- Rapid EV charging points(s) should be provided, clearly marked and to the requirements of ESB networks at premises that operate sit-down restaurant/café facilities.

Ancillary services

- Services such as car wash/valeting services, minor servicing such as tyre changing and puncture repairs may be permitted, subject to not negatively impacting on residential amenity. They should be located on site to avoid any queueing of vehicles on the public road, or causing nuisance to residential amenity;
- No obstruction other than pump island shall be located within 15 m. of the road boundary;
- No structures, whether permanent or temporary shall interfere with the sight lines of drivers or obstruct pedestrians;
- A Discharge License may be required.

Service Areas

- The provision of off-line motorway service areas at national road junctions and road side service facilities on non-motorway national roads and junctions shall have regard to Section 2.8 of the DoECLG Spatial Planning and National Road Guidelines and the TII Policy on Service Areas.

5.2. Limerick City and County Council Retail Strategy for Limerick - Retail Strategy for Limerick-Shannon Metropolitan Area and County Limerick 2022-2028

- 5.2.1. Section 7.4.6 refers to Retailing and Motor Fuel Stations
- 5.2.2. Local shops attached to petrol filling stations are a growing sector of the retail market. However, the size of the shop associated with any petrol filling station should take account of the fact that large shops can attract additional custom, large numbers of cars can cause disruption and the preferred location for retailing is in Town Centres.
- 5.2.3. The Retail Planning Guidelines state that the size of such retail units should not exceed 100m². Therefore, where applications made for retail units associated with a

petrol filling station are in excess of 100m² the sequential approach to retail development will apply.

5.3. Ministerial Guidelines

Retail Planning Guidelines for Planning Authorities – Department of Environment Community and Local Government (April 2012)

- 5.3.1. The Guidelines acknowledge that the retail sector is a key element of the national economy in terms of employment, economic activity and the vitality of cities and towns. A key aim of the Guidelines is that the Planning Authority planning system should promote and support the vitality and viability of city and town centres in all their functions.
- 5.3.2. Section 2.4 – National Policy on Retail Caps
- 5.3.3. The Guidelines set floorspace caps for convenience retail, retail warehousing and petrol filling station shops.
- 5.3.4. Section 2.4.3 refers to Petrol filling station shops floorspace cap – 100m² net irrespective of location.
- 5.3.5. Section 4.11.9 refers to Retailing and Motor Fuel Stations - Convenience shops are part of the normal ancillary services provided within motor fuel stations. In rural areas, they can have a very important function as the local shop or small supermarket. However, such shops should remain on a scale appropriate to the location, and their development should only be permitted where the shopping element of the station would not seriously undermine the approach to retail development in the development plan. The floorspace of the shop should not exceed 100m² net; where permission is sought for a floorspace in excess of 100m², 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/diesel filling facilities) in the same location.

Retail Design Manual

- 5.3.6. The companion document to the Retail Planning Guidelines promotes high quality urban design in retail development, to deliver quality in the built environment. It sets out 10 principles of urban design to guide decisions on development proposals.

5.4. Natural Heritage Designations

- 5.4.1. Lower River Shannon SAC (Site Code 002165) is situated to the east and west of the appeal site. It lies circa 744m to the east at the closest point.
- 5.4.2. Slievefelim to Silvermines Mountains SPA (Site Code 004165) is located approximately 3.4km to the north-east of the appeal site.
- 5.4.3. Phillipstown Marsh SAC (Site Code 001847) is located circa 12.9km to the south-east of the appeal site.
- 5.4.4. Lower River Suir SAC (Site Code 002137) is located approximately 14.4km to the east of the appeal site.

5.5. EIA Screening

- 5.5.1. See Forms 1 and 2 in Appendices 1 and 2 attached below. 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, or an EIA determination therefore is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was submitted by Boyce Architects on behalf of the applicant Superoil Limited. The issues raised are as follows:

- The context of the recent development at the site is set out. The applicant, Superoil Limited acquired the petrol service station at Drumsally Cappamore, Co. Limerick in 2020. The company sought to modernise and refurbish the service station to comply with regulations for such a business premises. The

works involved the creation of recycling areas, food and minerals storage areas and the erection of fuel pumps.

- During the course of this development the applicant, Superoil Limited was advised by the Planning Authority that they would be required to submit a retention planning application.
- Under Reg. Ref. 21/1807 permission was sought for the shop renovations/alterations and revised internal layout to the existing shop. Retention of rear extension to shop including store room, office, staff toilet and cold rooms. Retention of the rear disabled access public toilet, fuel stores, goods stores, recycling area and room, staff car park, yard and all associated site works. Retention of the side boundary walls, diesel and agricultural & kerosene pumps delivery area, car wash area and associated concrete bases. An objection was submitted in relation to the application which raised a number of matters. The application was subsequently withdrawn and the applicant states that they were advised to submit a new application by the Planning Authority. The Council issued an enforcement notice DC-181-21 in relation to unauthorised works on the site.
- The applicant submitted two further applications in March and April 2024 which were invalidated on the basis of the wording of the applications.
- To address the issue of the invalidation of applications, a meeting was held between staff and representatives of Limerick City and County Council and representatives of the applicant Superoil Limited. It is stated by the applicant that the wording of the development description was agreed.
- The applicant highlights that the refusal of permission refers to the wording.
- In relation to the siting and design of the proposal it is stated that existing sites are more difficult as they will not conform to some of the Guidelines in Table 7 of the Development Plan Guidelines for new service stations.
- It is stated that as the planning application process does not require construction details that most of the issues in Table 7 can be designed with a request for further information and as part of conditions.

- It is submitted that the new service station will create a sense of community space. The coffee shop and deli create an open plan seating area with indoor and outdoor options to encourage social interactions.
- The design incorporates eco friendly features including solar panels, rainwater harvesting and energy efficient appliances and EV charge points. Features of the design include ramps, wide doorways and accessible toilets to provide for universal access.
- In relation to the making of the current planning application the applicant states that they did not receive assistance from the Planning Department regarding the submission of the case.
- It is submitted that the issues raised in the refusal of permission could have been addressed with a request for further information.

6.2. Planning Authority Response

- None received

7.0 Assessment

Having examined the application details and all other documents on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issue in this appeal to be considered is as follows:

- Planning history and nature of proposal
- Compliance with policy

7.1. Planning history and nature of proposal

- 7.1.1. The grounds of appeal have set out the planning history and context of the site. The applicant Superoil Limited purchased the premises in 2020 and they carried out a refurbishment and modernisation of the service station which included renovations to the existing retail unit, a revised internal layout and an extension to the rear of the existing retail unit. The refurbishment also included the provision of storage buildings

and a customer toilet and additional fuel pumps. The applicant states that during the course of the works being carried out they were advised by the Planning Authority that the works required planning permission. The Council issued an enforcement notice DC-181-21 in relation to unauthorised works on the site.

- 7.1.2. The applicant Superoil Limited under Reg. Ref. 21/11807 submitted an application for renovations/alterations and revised internal layout to the existing shop. The retention of rear extension to the shop including store room, office, staff toilet and cold rooms. The retention of the rear disabled access public toilet, fuel stores, goods stores, recycling area and room, staff car park, yard and all associated site works. The retention of the side boundary walls, diesel and agricultural & kerosene pumps delivery area, car wash area and associated concrete bases. The application was subsequently withdrawn. It is stated in the appeal that the applicant was advised to submit a new application by the Planning Authority which is the current application on appeal Reg. Ref. 24/60394.
- 7.1.3. The proposal comprises (1) retention permission sought for a period of three years for the extended shop, sheds on the western boundary, shed and toilet block on the eastern boundary, skip yard, car wash, totem pole all within the revised site boundaries. (2) permission is sought to demolish the existing service station and to construct a new service station which will include a new forecourt canopy, a retail shop, a deli, coffee area and kitchen stores and freezer rooms, service rooms, manager and accounts offices, meeting room, customer and staff toilets, staff canteen, Electric vehicle charging points, air and water service area, car wash, vehicle parking, signage and all associated works.
- 7.1.4. In terms of the current proposal the report of the Planning Officer sets out that the Planning Authority has determined that unauthorised development has taken place on the site and there are ongoing enforcement proceedings. The second refusal reason issued by the Planning Authority states that 'having regard to the unauthorised developments on site, the Planning Authority cannot consider the redevelopment of the service station until such a time as these elements have been regularised and that the proposal is considered to be contrary to the proper planning and sustainable development of the area'.

7.1.5. In response to this reason for refusal the applicant state that they were advised in a meeting held between staff and representatives of Limerick City and County Council and representatives of the applicant Superoil Limited in relation to the wording of a planning application due to a number of submitted previous applications being invalidated. I would note this matter, however it is clear from the report of the Planning Officer that the Planning Authority require that the issue of the unauthorised development on the site is regularised prior to a proposal for new development on the site to being assessed.

7.2. Compliance with policy

7.2.1. The site is located within the development boundary of Cappamore and the northern section of the site is located on lands zoned objective 'Local Centre' in the Limerick Development Plan 2022-2028. The site contains an existing service station, accordingly the use has been established on the site. As detailed in the Land Use Zoning Matrix in section 12.4 of the Limerick Development Plan 2022-2028, the use a petrol service station is generally permitted within this zoning with the proviso that petrol station shops shall not exceed 100m² (net).

7.2.2. The first refusal reason issued by the Planning Authority referred to the absence of sufficient documentation submitted with the application to demonstrate compliance with Table DM 7: Design Guidelines for Service Stations as set out in the Limerick Development Plan 2022-2028 and stated that the Planning authority were not satisfied the proposed development has adequately taken into account, public health, environmental, amenity and retail impact considerations.

7.2.3. Table DM7: Design Guidelines for Service Stations is set out in Chapter 11 of the Development which refers to Development Management Standards. It sets out the standards and guidelines in relation to the design of service stations under a number of relevant topics including design, retail unit, access and circulation, sightlines, boundary, lighting, advertising, landscaping, parking, surface water, EV charging points and ancillary services.

7.2.4. In response to the matter, it is stated in the appeal that for existing sites it is more difficult because they will not conform to some of the Guidelines in Table DM7 of the Development Plan. It is stated in the appeal that the design criteria required under Table DM7 could have been addressed with a request for further information or as

part of conditions. It is submitted in the appeal that the proposed new service station will create a sense of community space with the provision of the coffee shop with indoor and outdoor seating. It is highlighted in the appeal that the proposed design incorporates eco friendly features including solar panels, rainwater harvesting and energy efficient appliances and EV charging points.

7.2.5. In relation to the proposed design, it is stated in the report of the Planning Officer that the proposed new shop building will be much larger than the existing one with a deli and coffee area proposed. The report states that it is not clear from the drawings in terms of the size of each of the retail floor area, coffee area and ancillary storage/office space. It is further highlighted in the Planning Officer's report that the applicant has not submitted a design statement or evidence that the proposal complies with Table DM7: Design Guidelines for Service Stations of the Limerick Development Plan 2022-2028. I would highlight that this detail was not provided with the first party appeal.

7.2.6. Having reviewed the plans and documentation submitted with the application and appeal I would concur with the assessment of the Planning Officer that it is not clear from the drawings in relation to the size of each of the retail floor area, coffee area, deli and ancillary storage/office space. In the absence of such information provided on the plans or within a design statement it cannot be clearly established that the proposed floor area of the new retail unit is in accordance with the standard set out under Table DM7: Design Guidelines for Service Stations which specifies that the retail unit shall not exceed 100m² net floor area and that where applications are made for retail units associated with a petrol station, with a retail unit in excess of 100m², the sequential approach to retail development will apply. I would note that the documentation submitted with the application and appeal do not address the matter of the sequential approach to retail development. Furthermore, under the provisions of the 'Local Centre' zoning objective which apply to the appeal site the use a petrol service station is generally permitted within this zoning with the proviso that petrol station shops shall not exceed 100m² (net) and therefore a petrol station shop with a greater floor area would not necessarily accord to the zoning provisions of the site depending on the floor area of retail area and subject to the sequential approach in assessing its merits.

7.2.7. Regarding the matter of vehicular access and circulation within the proposed scheme in terms of the traffic safety considerations and compliance with the standards set out under Table DM7: Design Guidelines for Service Stations which specifies that generally, two access points with a minimum width of 7.3m and a maximum width of 9.1m with appropriate radius of curvature based on road design speed, that the layout demonstrate safe pedestrian and cyclist access and sufficient circulation for delivery vehicles and that the pump island shall not be located closer than 7m from the roadside boundary. The report of the Roads Department raised concern in relation to how drivers and pedestrians can move safely within the proposed site layout. In relation to the proposed site accesses, it was highlighted that the scheme as proposed did not provide for control and direction in terms of their usage. It was also highlighted that there was an absence of proposals in terms of road markings and signage on the submitted site plan and that in the absence of such markings and signage that this would result in unsafe vehicular movements within the site, the car parking areas, access road and junction which would result in a traffic hazard. The report of the Roads Department also stated that a Stage 1 Road Safety Audit would be required in respect of the proposed development. The report further required that drawings and supporting information showing compliance with the Council's surface water and SuDS specifications. Having regard to the nature of the proposed development a service station which sells petrol, diesel, kerosene and agri diesel it is imperative that satisfactory surface water drainage proposals including attenuation tanks and forecourt interceptors are provided by the applicant in order to ensure that any spillages are appropriately dealt with to prevent environmental pollution. I would highlight that the applicant did not properly address these design issues in their appeal in terms of the submission of revised plans and document.

7.2.8. In the absence of the design details specifically in relation to the floor areas of the proposed retail unit, the coffee area, deli and ancillary storage/office space it is not possible to determine if the proposal is in accordance with the design requirements of Table DM7: Design Guidelines for Service Stations of the Development Plan. Furthermore, in the absence of design details and specifications including a revised site layout plan indicating the vehicular access and pedestrian access arrangements and a Stage 1 Road Safety Audit it is not possible to determine that the proposed

scheme is in accordance with the requirements of Table DM7: Design Guidelines for Service Stations of the Development Plan. Finally, in the absence of design details and specifications in relation to surface water drainage proposals it is not possible to determine that the proposal is in accordance with the design requirements of Table DM7: Design Guidelines for Service Stations of the Development Plan.

- 7.2.9. In conclusion I would concur with the assessment of the Planning Authority that it has not been adequately demonstrated that the proposed development has addressed public health, environmental, amenity, traffic safety and retail impact considerations. Accordingly, I would recommend that permission be refused on that basis.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000, as amended.
- 8.2. The subject site is located approximately 744m, at the closest point from Lower River Shannon SAC (Site Code 002165). Slievefelim to Silvermines Mountains SPA (Site Code 002145) is located circa 3.4km to the north-west of the appeal site. Phillipstown Marsh SAC (Site Code 001847) is located circa 12.9km to the east of the appeal site. Lower River Suir SAC (Site Code 002137) is located approximately 14.4km to the east of the appeal site.
- 8.3. The proposed development comprises the retention for a period of three years for the extended shop, sheds on western boundary, shed and toilet block on eastern boundary, skip yard, car wash, totem pole, all within the revised site boundaries and the demolition of the service station and for the construction of a new service station and all associated site works.
- 8.4. No nature conservation concerns were raised in the planning appeal.
- 8.5. No streams/watercourses are identified on site.
- 8.6. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European site. The reason for this conclusion is as follows:
- The small scale and nature of the development.

- The distance to the nearest European sites, and the absence of any hydrological or other pathways.
- Taking into account the screening report of Limerick City and County Council.

8.7. I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000, as amended, is not required.

9.0 Water Framework Assessment

- 9.1. The proposed development has been subject to a screening for Water Framework Directive Assessment (refer to Appendix 3 of this report).
- 9.2. The subject site is located within the village of Cappaghmore, Co. Limerick. The Bilboa River (BILBOA_020) is situated circa 755m to the east. The Dooglasha River (DOOGLASHA (CAPPAMORE)_10 is situated circa 325m to the south. The River Mulkear (MULKEAR (LIMERICK)_010 a tributary of the River Shannon is situated circa 3km to the south. The Slieve Phelim (IE_SH_G_213) groundwater body underlies the site.
- 9.3. The proposed development comprises the retention for a period of three years for the extended shop, sheds on western boundary, shed and toilet block on eastern boundary, skip yard, car wash, totem pole, all within the revised site boundaries and the demolition of the service station and for the construction of a new service station and all associated site works.
- 9.4. No water deterioration concerns were raised in the appeal.
- 9.5. I have assessed the proposed the retention for a period of three years for the extended shop, sheds on western boundary, shed and toilet block on eastern boundary, skip yard, car wash, totem pole, all within the revised site boundaries and the demolition of the service station and for the construction of a new service station and all associated site works.
- 9.6. I have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground

water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

9.7. The reason for this conclusion is as follows:

- The nature and scale of the development

Conclusion

9.8. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

10.1. I recommend that permission be refused for the following reasons and considerations.

11.0 Reasons and Considerations

1. Having regard to the design, scale and nature of the overall scheme which is proposed to be retained for a period of three years then demolished and the development of a new service station and in the absence of sufficient information to demonstrate that the proposed development is in compliance with the policies and design standards set out in Table DM7: Design Guidelines for Service Stations of the Limerick Development Plan 2022-2028, the Commission is not satisfied that it has been adequately demonstrated that the proposed development has addressed public health, environmental, amenity, traffic safety and retail impact considerations. Accordingly, the proposed scheme would be contrary to that provision of the Limerick Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Siobhan Carroll
Planning Inspector

15th October 2025

Form 1 - EIA Pre-Screening

Case Reference	320210-24
Proposed Development Summary	Retention permission for extended shop, sheds, toilet block, skip yard, car wash, totem pole within the revised site boundaries. Permission for the demolition of the service station and for the construction of a new service station and all associated site works.
Development Address	Superoil Service Station, Dromsally Road, Cappamore, Co. Limerick.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	10. Infrastructure projects (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	320210-24
Proposed Development Summary	Retention permission for extended shop, sheds, toilet block, skip yard, car wash, totem pole within the revised site boundaries. Permission for the demolition of the service station and for the construction of a new service station and all associated site works.
Development Address	Superoil Service Station, Dromsally Road, Cappamore, Co. Limerick.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development is for, retention permission for extended shop, sheds, toilet block, skip yard, car wash, totem pole within the revised site boundaries. Permission for the demolition of the service station and for the construction of a new service station and all associated site works. It is considered that there will not be excessive use of natural resources. Given the scale of the development, it is not considered that there will be a risk of pollution, accidents and disasters. There will not be an excessive production of waste.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan. There are no protected species/habitats on site.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.

Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA <i>[Delete if not relevant]</i>
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.
There is a real likelihood of significant effects on the environment.	EIAR required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	320210-24	Townland, address	Superoil Service Station, Dromsally Road, Cappamore. V94N88F
Description of project		The proposal comprises the retention for a period of three years for the extended shop, sheds on western boundary, shed and toilet block on eastern boundary, skip yard, car wash, totem pole, all within the revised site boundaries and the demolition of the service station and for the construction of a new service station and all associated site works. It is proposed to connect to Uisce Éireann mains wastewater and water supply infrastructure.	
Brief site description, relevant to WFD Screening,		The site is located within an urban area at an elevation of approximately 60m contour. The soil type on site is AminPD (Deep poorly drained mineral soil derived from mainly acidic parent material. The bedrock is wavy-bedded cherty limestone, thin shale. The Bilboa River (BILBOA_020) is situated circa 755m to the east. The Dooglasha River (DOOGLASHA (CAPPAMORE)_10 is situated circa 325m to the south. The River Mulkear (MULKEAR (LIMERICK)_010 a tributary of the River Shannon is situated circa 3km to the south. The Slieve Phelim (IE_SH_G_213) groundwater body underlies the site.	
Proposed surface water details		Discharge to surface water drainage network.	

Proposed water supply source & available capacity			Uisce Éireann mains water connection (no capacity issues) and private well			
Proposed wastewater treatment system & available capacity, other issues			Uisce Éireann mains wastewater connection– no capacity issues Connection to public Mains.			
Others?			No			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	755m	Bilboa River (BILBOA_020)	Good	Not at risk	-	Not hydrologically connected to the watercourse.
River Waterbody	325m	Dooglasha River (DOOGLASHA (CAPPAMORE)_10	Poor	Under review	-	Not hydrologically connected to the watercourse.

River Waterbody	3km	River Mulkear (MULKEAR) (LIMERICK)_010	Moderate	At risk	Nutrients and Agriculture	Not hydrologically connected to the watercourse	
Groundwater Waterbody	Underlying Site	Slieve Phelim (IE_SH_G_213)	Good	Not at risk	-	Underlying GWB	
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.

1.	Site clearance/Construction	Slieve Phelim (IE_SH_G_213)	Pathway exists	Siltation, pH (concrete), hydrocarbon spillages Deterioration of water quality	Standard construction practice	No	Screened out
OPERATIONAL PHASE							
2.	Discharges to Ground	Slieve Phelim (IE_SH_G_213)	Pathway exists	Spillages Deterioration of water quality	Oil and fuel interceptor	No	Screened out
DECOMMISSIONING PHASE							
3.	NA	NA	NA	NA	NA	NA	NA