



An
Coimisiún
Pleanála

Inspector's Report ABP-320233-24

Development

Retention permission for the oil spill store and overground bunded fuel tanks within the revised site boundaries. Planning permission for the demolition of the existing service station and construction of a new service station, together with all associated site works.

Location

Superoil Service Station, Caherline, Caherconlish, Co. Limerick

Planning Authority

Limerick City and County Council

Planning Authority Reg. Ref.

2460408

Applicants

Alan Cunningham and James Beechinor

Type of Application

Permission and retention permission.

Planning Authority Decision

Refuse permission

Type of Appeal

First Party

Appellants

Alan Cunningham and James Beechinor

Observers

None

Date of Site Inspection

9/4/2023

Inspector

Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Caherline, Caherconlish, Co Limerick. It has a stated area of 0.33 hectares. The site is situated 3.2m to the south of the town of Caherconlish and 680m to the south-west of the rural cluster of Caherline.
- 1.2. The is situated at the junction of the R513 and L5072. It has frontage of 97m along the R513 and 55m along the L5072. There are three detached dormer dwellings to the east and south-east of the appeal site on the opposite side of the L5072
- 1.3. The site contains a service station with a Spar retail unit with a floor area of circa 40sq m and 8 no. fuel pumps. There are existing vehicular entrances off the R513 to the west and the L5072 to the east. The roadside boundaries are defined by low capped sections of walls. To the northern section of the site there are a recycling area and diesel fuel tank.

2.0 Proposed Development

- 2.1. Retention permission for the oil spill store and overground bunded fuel tanks within the revised site boundaries. Planning permission for the demolition of the existing service station and construction of a new service station, together with all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority refused permission for the proposal in an order dated 25th of June 2024 for the following reasons;

1. The proposed development involves the creation of a new access onto a designated Strategic Regional Road (R513) where it is an objective of the Council under Objective TR O41 of the Limerick Development Plan 2022-2028 to prohibit developments that would generate additional traffic and require direct access onto a strategic regional road in areas where speed

limits in excess of 50km/h apply. Additionally in the absence of sufficient documentation the Planning Authority is not satisfied that the proposed development would not generate additional traffic movements onto the R513, designated Strategic Regional Road. The proposal would therefore materially contravene Objective TR O41 of the Limerick Development Plan 2022-2028, undermine the operational capacity of the road and would be contrary to the proper planning and sustainable development of the area.

2. 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 that the proposed development has adequately taken into account traffic, 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.
3. The proposed new service station located on a restricted site in rural unserviced area would constitute an over development of the site, would injure the residential amenities of properties in the vicinity and be contrary to the proper planning and sustainable development of the area.
4. Having regard to the information submitted, the applicant has not demonstrated that the proposed development would not be prejudicial to public health as there is no evidence to suggest the existing waste water treatment system on site has the capacity to serve the proposed development.
5. Having regard to the unauthorised developments on site, the Planning Authority cannot consider the redevelopment of the service station until such a time that 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 Reports

3.2.2. Planning report dated 21/06/2024 – It was concluded that the proposal is of an excessive size and scale at this rural location and that it would represent overdevelopment of the site. It was further concluded that it could not be determined what impact the proposal would have on the strategy regional road due to the lack of documentation submitted with the application and that there is unauthorised development on the site which is required to be regularised.

3.2.3. Other Technical Reports

3.2.4. Roads Department – Further information requested in relation concerns how drivers and pedestrians can move safely within the proposed site layout.

3.2.5. Environment Department – Further information requested in relation to the provision of an Asbestos survey, decommissioning of fuel tanks and land contamination.

3.2.6. Fire Officer – No objection to proposed development.

3.3. Prescribed Bodies

3.3.1. Uisce Éireann – No objection in principle

3.4. Third Party Observations

3.4.1. The Planning Authority received one submission/observation in relation to the application. The issues raised referred to the lack of documents submitted, location of the site on the junction of a regional road, Traffic and Transport Assessment should be submitted and Traffic/road safety reports should accompany the application.

4.0 Planning History

4.1.1. None

5.0 Policy Context

5.1. Limerick Development Plan 2022 – 2028

5.1.1. Chapter 8 refers to Infrastructure

5.1.2. Objective INO11 refers to Private Waste Water Treatment

It is an objective of the Council to:

(a) Promote the changeover from septic tanks to the public foul water collection networks where feasible and to strongly discourage the provision of individual septic tanks and domestic wastewater treatment systems, in order to minimise the risk of groundwater pollution.

(b) Ensure single house wastewater treatment systems in those areas not served by a public foul sewerage system comply with the EPA Code of Practice for Domestic Waste Water Treatment Systems 2021 as may be amended or updated.

(c) Require non-domestic wastewater treatment systems in those areas not served by a public foul sewerage system to demonstrate full compliance with EPA Wastewater Treatment Manuals (Treatment Systems for Small Communities, Business, Leisure Centres and Hotels) as maybe amended or updated.

(d) Ensure all private wastewater treatment systems shall be located entirely within the site boundary. Under no circumstances shall single domestic treatments units or septic tanks be shared between dwellings.

(e) Ensure that private wastewater treatment facilities, where permitted, are operated in compliance with their wastewater discharge license, in order to protect water quality.

5.1.3. Chapter 7 refers to Sustainable Mobility and Transport

5.1.4. Objective TRO41 refers to Strategic Regional Roads - It is an objective of the Council to:

(a) Improve, manage and maintain the strategic regional road network in Limerick, in a manner which safeguards the strategic function of the road network;

(b) Prohibit development generating additional traffic and requiring direct access onto a strategic regional road in areas where speed limits in excess of 50km/h apply;

(c) Consider permitting access onto a strategic regional road where members of the farming community wish to build houses for their own occupation, on their own land where the house is required for occupation by a member of the farming community in connection with the working of the farm and where no reasonable alternative access

is available to them and where that access is safe and the traffic levels generated are reasonably low. Such developments shall be subject to a Road Safety Audit and all relevant planning criteria;

(d) The above applies to the following strategic regional roads:

- R521 Foynes/Newcastle West; • R522 – Newcastle West/ Dromcolliher/County Boundary;
- R518-Askeaton/Rathkeale/ Ballingarry/Bruere/Kilmallock;
- R520-Newcastle West/Junction with R518 (towards Kilmallock);
- R511-Limerick/Fedamore/Junction with R516;
- R512/R517-Limerick/Bruff/Kilmallock/ Kilfinnane/County Boundary;
- R513-Junction with N24/ Caherconlish/ Herbertstown/ Hospital/ Knocklong/ Ballylanders/ County Boundary;
- R503 – Junction with N7 to County Boundary (towards Newport);
- R525- Castleconnell to O'Briens Bridge;
- R505-Junction N24/Cappamore/ Doon;
- R510-Junction with Raheen roundabout (R526)/ Quins' cross roundabout/ Mungret roundabout (N69);
- R526-City boundary to Colopys Cross-Patrickswell;
- R445 from the Mackey Roundabout to Annacotty Roundabout.

5.1.5. Chapter 11 refers to Development Management Standards

5.1.6. Section 11.6.3 refers to Petrol Stations

5.1.7. 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 15m 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 Guideline

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 5.1km to the east at the closest point.
- 5.4.2. Glen Bog SAC (Site Code 001430) is located approximately 8km to the south of the appeal site.
- 5.4.3. Slievefelim to Silvermines Mountains SPA (Site Code 004165) is located approximately 11.5km to the south 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 has been submitted by Boyce Architects on behalf of the applicants Alan Cunningham and James Beechinor. The issues raised can be summarised as follows:

- It is stated that the Council did not assist the applicant in the submission of the application when they requested assistance in relation to the wording of the proposed development.
- They state that there was an agreement regarding the wording, type and description of the proposed development.
- It is detailed in the appeal that applicants Alan Cunningham and James Beechinor are the directors of Superoil Limited.
- An application was lodged under Reg. Ref. 24/0056 on the 26/1/2024 it was invalidated on the basis of it being an incomplete application. It is detailed that at a meeting on the 16/4/2024 the wording of an application was agreed between staff and representatives of Limerick City and County Council and a representative of the applicants.
- In response to the first reason for refusal which refers to the creation of a new entrance onto the R513 it is stated in the appeal that the existing service station has two existing accesses on to the main road. It is proposed to move the new entrance away from the junction to away from the junction to ensure safer movement of traffic. It is stated that the Planning Authority could have requested the submission of a Road Safety Audit and Traffic Assessment as part of a further information.
- The second reason for refusal refers to Table DM 7: Design Guidelines for Service Stations of the Limerick Development Plan 2022-2028 and states that the proposed development has not adequately taken into account the traffic, public health, environmental, amenity and retail impact considerations. In response to this refusal reason, it is stated in the appeal that it is not accepted that there was insufficient documentation submitted with the application to

demonstrate compliance with Table DM 7: Design Guidelines for Service Stations. The proposal is for an extensive upgrade of an established service station to bring it up to modern standards. It is stated that the Planning Authority could have requested the additional detail required as part of a further information request.

- The third reason for refusal refers to the site being in a rural unserved area and that the proposed development would constitute overdevelopment of the site and that it would injure the residential amenities of properties in the vicinity. In response to this refusal reason the applicants submit that there is an existing service station on the site with existing services and that the demolition of the service station with the development of a new service station would provide amenities and services which are needed by the rural community.
- The fourth reason for refusal refers to effluent treatment on site and states that it has not been demonstrated that the proposed development would not be prejudicial to public health in the absence of evidence to suggest that the existing wastewater treatment system on site has the capacity to serve the proposed development. In response to this refusal reason the applicants submit that there is an existing effluent treatment on the site and that if it is not considered fit for purpose then a site assessment could be carried out in accordance with the EPA guidelines.
- The fifth reason for refusal refers to unauthorised development on the site. In response to this issue the applicants submit that the purpose of the application is to deal with the minor enforcement issues with the existing service station and provide a modern service station to serve the local community.

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:

- Compliance with policy
- Access and Traffic
- Effluent treatment

7.1. Compliance with policy

- 7.1.1. The proposal comprises permission for the retention permission of the oil spill store and overground bunded fuel tanks within the revised site boundaries and permission for the demolition of the existing service station and construction of a new service station, together with all associated site works. The site is located in the rural townland of Caherline, Caherconlish, Co Limerick. It has a stated area of 0.33 hectares. The site contains an existing service station including a retail unit with a floor area of circa 40m².
- 7.1.2. The second 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 traffic, public health, environmental, amenity and retail impact considerations.
- 7.1.3. Table DM7: Design Guidelines for Service Stations is set out in Chapter 11 of the Development Plan 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.

- 7.1.4. In response to the matter, it is stated in the appeal that it is not accepted that there was insufficient documentation submitted with the application to demonstrate compliance with Table DM 7: Design Guidelines for Service Stations. They submit that the proposal is for an extensive upgrade of an established service station to bring it up to modern standards. It is stated in the appeal that the Planning Authority could have requested the additional detail required as part of a further information request.
- 7.1.5. 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 which is quite small and that the proposed service station having a ground floor with an area of 292m² is considered to be of an excessive scale at this rural location and out of character with the surrounding area. The report of the Planning Officer 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. Furthermore, I would note 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.
- 7.1.6. 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, I would share the concerns of the Planning Authority in respect of the scale of the proposed development relative the existing premises on site as it would appear to be over 9 times the size of the existing service station retail unit and located in an unserved

rural area. I would also highlight the proximity of the existing dwelling to the east from the proposed service station building which would be located circa 10m away at the closest point. Accordingly, the matter of potential impact on existing residential amenity arises and is one of the considerations which is required to be addressed under the standards set out under Table DM7: Design Guidelines for Service Stations. Therefore, having regard to the proximity of the proposed service station to the eastern boundary with the adjacent dwelling and the scale of the proposed development I would concur with the Planning Authority that the proposal would represent overdevelopment of the site.

- 7.1.7. 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 this is addressed in Section 7.2 of this report.
- 7.1.8. The report of the Roads Department 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 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.
- 7.1.9. 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 vehicular access and pedestrian access arrangements 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. 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.

- 7.1.10. 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.
- 7.1.11. In relation to the fifth reason for refusal it refers to unauthorised developments on site, and it stated that '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'.
- 7.1.12. In response to this reason for refusal the applicants state that the purpose of the application is to deal with the minor enforcement issues with the existing service station and provide a modern service station to serve the local community. 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. Access and Traffic

- 7.2.1. The first reason for refusal issued by the Planning Authority refers to the creation of a new access onto a designated Strategic Regional Road (R513). It is set out in the reason for refusal that in absence of sufficient documentation that the Planning Authority was not satisfied that the proposed development would not generate additional traffic movements on to the R513, Strategic Regional Road. It was stated in the refusal reason that it is an objective of the Council under Objective TR O41 of the Limerick Development Plan 2022-2028 to prohibit developments that would generate additional traffic and require direct access onto a strategic regional road in areas where speed limits in excess of 50km/h apply and it was concluded that on the basis of additional traffic which would be generated that the proposal would therefore materially contravene Objective TR O41 of the Limerick Development Plan 2022-2028, undermine the operational capacity of the road and would be contrary to the proper planning and sustainable development of the area.

- 7.2.2. In response to the first reason for refusal, it is stated in the appeal that the existing service station has two existing accesses on to the main road and that it is proposed to move the new entrance away from the junction to ensure safer movement of traffic. It is further submitted in the appeal that the Planning Authority could have requested the submission of a Road Safety Audit and Traffic Assessment as part of a further information to address their concerns.
- 7.2.3. In relation to the existing layout of the forecourt, I observed on inspection of the site that vehicular access and egress was provide from both the R513 to the west and the L5072 to the east. As illustrated on the proposed site layout Drawing No. 004 the proposed vehicular access and egress is from the R513 with two separate vehicular access and exit locations proposed on the western site boundary. I note that there is a revised location of a vehicular access to the north-western side of the proposed retail unit.
- 7.2.4. The report of the Planning Officer highlighted that the submitted site layout does not provide a strategy for how vehicles will move throughout the site. I note that this is required under the provisions of Table DM 7 of the Development Plan which refers to Design Guidelines for Service Stations and it specifies that the layout shall demonstrate safe pedestrian and cycle access and sufficient circulation for delivery vehicles. It is also highlighted in the report of the Planning Officer that in the absence of a Traffic and Transport Assessment that it cannot be concluded that the proposal would not have an impact on the carrying capacity of the adjacent roads and junction.
- 7.2.5. The report of the Roads Section dated 17/6/2024 raised concerns in relation to the proposed layout in terms of how drivers and pedestrians can move safely with the proposed layout. It was recommended in the report that a detailed request for further information be issued addressing the following matters the provision of a Traffic and Transportation Assessment, revised plans indicating sightlines, stopping sight distances and forward visibility of 160m, plans indicating appropriate road markings and signage in line with "Traffic Sign Manual", plans indicating what direction drivers should take to access/leave the petrol and diesel pumps, plans indicating safe staff and pedestrian routes from the car park to the service station and plans to show swept path analysis for cars, agricultural vehicles and for fire tender/refuse vehicles. The Roads Section also required the submission of a Stage 1 Road Safety Audit.

Regarding these detailed issues raised in the report of the Roads Section, I would highlight that the applicant did not directly address any of these matters in their appeal in terms of the submission of revised plans and documents.

- 7.2.6. The proposed development entails the demolition of the existing service station which contains a retail unit of circa 40sq m and the construction of a two-storey service station. The proposed area of the ground floor of the new retail shop with deli, coffee area, kitchen, stores, freezer rooms, service room and customer toilets is 292m² as detailed in the report of the Planning Officer. At first floor level offices, meeting room, staff canteen, camera room and a staff toilet are proposed. The proposed first floor has a floor area of circa 90 m². Therefore, it is clear that the proposed service station is significantly larger than the existing and as such would be likely to generate more business and require more staff than the existing service station.
- 7.2.7. The refusal reason issued by the Planning Authority highlighted that sufficient documentation was not submitted to determine the level of traffic which the proposed development would generate and that in the absence of such documentation including a Traffic and Transport Assessment that it could not be determined that the proposed development would not generate additional traffic movements onto the R513 designated Strategic Regional Road. The generation of additional traffic movements onto the R513 which is a designated Strategic Regional Road at this location at Caherline, Caherconlish, Co Limerick (R513-Junction with N24/ Caherconlish/ Herbertstown/ Hospital/ Knocklong/ Ballylanders/ County Boundary) as set out in Objective TRO41 of the Limerick Development Plan 2022-2028 would contravene part (b) of in Objective TRO41 which specifically prohibits development generating additional traffic and requiring direct access onto a strategic regional road in areas where speed limits in excess of 50km/h apply.
- 7.2.8. Accordingly, I would concur with the Planning Authority that the applicant has not demonstrated that the proposed development would not generate additional traffic movements onto the R513 designated Strategic Regional Road and in the absence of such information the proposed development would contravene Objective TRO41 of the Limerick Development Plan 2022-2028 which seeks to improve, manage and maintain the strategic regional road network in Limerick, in a manner which safeguards the strategic function of the road network.

Material Contravention

- 7.2.9. The Commission will note that the refusal reason no. 1 of the decision issued by Limerick City and County Council states that the proposed development would materially contravene Objective TRO41 of the Limerick Development Plan 2022-2028. I would concur with this on the basis that part (b) of Objective TRO41 states, 'that it is an objective of the Council to prohibit development generating additional traffic and requiring direct access onto a strategic regional road in areas where speed limits in excess of 50km/h apply'. The appeal site is located on the eastern side of R513 at Caherline, Caherconlish, Co. Limerick which is referred to in part (d) of Objective TRO41 which states, 'The above applies to the following strategic regional roads: R513-Junction with N24/ Caherconlish/ Herbertstown/ Hospital/ Knocklong/ Ballylanders/ County Boundary. Therefore, the appeal site is subject to the objective on the basis that it is located on this designated section of regional road as set out in Objective TRO41 and that the proposed development would generate additional traffic onto the strategic regional road in an area where speed limits in excess of 50km/h apply.
- 7.2.10. Accordingly, one or more of the criteria as set out in Section 37 (2)(b) of the Planning and Development Act, 2000 (as amended) applies, and must be met should the Commission be disposed to a favourable decision in this instance.
- 7.2.11. Having considered the file, and the provisions of the Plans, as outlined above, I do not believe that one or more of the criteria are met. In my opinion the proposed development is not of strategic or national importance, the objectives in the development plan are clearly stated, and I am not aware of any other comparable applications that have been granted since the adoption of the Limerick County Development Plan 2022-2028.

7.3. Effluent treatment

- 7.3.1. The fourth reason for refusal issued by the Planning Authority refers to the matter of effluent treatment. It states that the having regard to the information submitted, that

the applicant has not demonstrated that the existing waste water treatment system on site has the capacity to serve the proposed development.

- 7.3.2. In response to the matter the first party submit that there is an existing effluent treatment on the site and that if it is not considered fit for purpose then a site assessment could be carried out in accordance with the EPA guidelines. The report of the Planning Officer notes that the location of the existing septic tank is shown on the Site Layout of the existing general arrangement on Drawing No. 001, but that it is not shown on the proposed Site Layout on Drawing No. 004 and that works are proposed in that section of the site. Having reviewed the submitted plans I would concur with the assessment of the Planning Officer that while the location of the existing septic tank and percolation area is indicated on Drawing No. 001 that it is not indicated on the proposed site layout Drawing No. 004. Therefore, it would appear that the area of the proposed extended forecourt is in an area where the existing septic tank and percolation area is located. Furthermore, I would also concur with the assessment of the Planning Officer that the applicant has not demonstrated that the existing waste water treatment system on the site has the capacity to serve the proposed development on the basis that the existing retail unit has a floor area of circa 40sq m and the proposed gross floor area of new development is 383sq m.
- 7.3.3. Accordingly, on the basis of the documentation submitted with the application and appeal, I do not consider that the applicant has demonstrated that the existing waste water treatment system on site has the capacity to serve the proposed development having regard to the scale of development proposed. Accordingly, notwithstanding the proposed use of the existing septic tank and percolation I do not consider that the applicant has demonstrated that the existing waste water treatment system can satisfactorily treat and dispose of the effluent generated by the proposed development on site. Accordingly, the proposed development would be prejudicial to public health and I would recommend a refusal of permission 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.

- 8.1.1. The subject site is located approximately 5.1km, at the closest point from Lower River Shannon SAC (Site Code 002165). Glen Bog SAC (Site Code 001430) is located approximately 8km to the south of the appeal site. Slievefelim to Silvermines Mountains SPA (Site Code 002145) is located circa 11.5km to the north-west of the appeal site.
- 8.2. The proposed development comprises the retention for the oil spill store and overground bunded fuel tanks within the revised site boundaries and permission for the demolition of the existing service station and construction of a new service station, together with all associated site works.
- 8.3. No nature conservation concerns were raised in the planning appeal.
- 8.4. No streams/watercourses are identified on site.
- 8.5. 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.
- 8.6. 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 and assessment for Water Framework Directive Assessment (refer to Appendix 3 of this report).
- 9.2. The subject site is located within the rural townland of Caherline, Caherconlish, village of Co. Limerick. The River Camoge (CAMOGE_10) is situated circa 191m to the south-east. The River Mulkear (MULKEAR (LIMERICK)_020) a tributary of the

River Shannon is situated circa 636m to the north-east. The Herbertstown (IE_SH_G_106) groundwater body underlies the site.

- 9.3. The proposed development comprises the retention of the oil spill store and overground bunded fuel tanks within the revised site boundaries and permission for the demolition of the existing service station and construction of a new service station, together with all associated site works.
- 9.4. No water deterioration concerns were raised in the appeal.
- 9.5. I have assessed the proposed development which comprises the retention for the oil spill store and overground bunded fuel tanks within the revised site boundaries and permission for the demolition of the existing service station and construction of a new service station, together with all associated site works and 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 uncertain that it can be eliminated from further assessment because it cannot be demonstrated that the site is suitable for the treatment of waste water. Please refer to section 7.3 of this report.
- 9.6. The reason for this conclusion is as follows:
- The lack of information demonstrating the suitability of the site for the treatment of wastewater that will arise from the proposed development.
- 9.7. Conclusion I conclude that on the basis of a lack of objective information, it is uncertain 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 jeopardize any water body in reaching its WFD objectives and consequently cannot be excluded from further assessment.

10.0 Recommendation

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

11.0 Reasons and Considerations

1. Having regard to the design, scale and nature of the proposed development comprising a significantly larger new service station than the existing premises and which would be located on a restricted site in an unserved rural area 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.
2. The proposed development involves the creation of a new access onto a designated Strategic Road (R513) where it is an objective of the Council under Objective TRO41 of the Limerick Development Plan 2022-2028 to prohibit developments that would generate additional traffic and require direct access onto a strategic regional road in areas where speed limits in excess of 50km/h apply. Furthermore, in the absence of sufficient documentation the Commission is not satisfied that the proposed development would not generate additional traffic movements onto the R513 designated Strategic Regional Road. The proposal would therefore materially contravene Objective TRO41 of the Limerick Development Plan 2022-2028, undermine the operational capacity of the road and would be contrary to the proper planning and sustainable development of the area.
3. On the basis of the documentation submitted with the application and appeal, the Commission is not satisfied that the applicant has demonstrated that the existing waste water treatment system on site has the capacity to serve the proposed development having regard to the scale of development proposed. Furthermore, it is noted that the proposed forecourt extension would be located within the area of the existing septic tank and percolation.

Accordingly, notwithstanding the proposed use of the existing septic tank and percolation area it has not been demonstrated that that effluent from the development can be satisfactorily treated and disposed of on site. The proposed development would, therefore, be prejudicial to public health.

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

21st October 2025

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	320233-24
Proposed Development Summary	Retention permission for the oil spill store and overground bunded fuel tanks within the revised site boundaries. Planning permission for the demolition of the existing service station and construction of a new service station, together with all associated site works.
Development Address	Superoil Service Station, Caherline, Caherconlish, 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 ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	320233-24
Proposed Development Summary	Retention permission for the oil spill store and overground bunded fuel tanks within the revised site boundaries. Planning permission for the demolition of the existing service station and construction of a new service station, together with all associated site works.
Development Address	Superoil Service Station, Caherline, Caherconlish, 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 the retention of the oil spill store and overground bunded fuel tanks within the revised site boundaries. Planning permission for the demolition of the existing service station and construction of a new service station, together with 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)

Appendix 3: Water Framework Directive Screening and Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	320233-24	Townland, address	Superoil Service Station, Caherline, Caherconlish, Co. Limerick.
Description of project		The proposal comprises the retention permission for the oil spill store and overground bunded fuel tanks within the revised site boundaries. Planning permission for the demolition of the existing service station and construction of a new service station, together with all associated site works.	
Brief site description, relevant to WFD Screening,		The site is located within a rural area at an elevation of approximately 80m contour. The soil type on site is BminDW (Deep well drained mineral soil derived from mainly basic parent material. The bedrock is Dromkeen Limestone Formation. The River Camoge (CAMOGE_10) is situated circa 191m to the south-east. The River Mulkear (MULKEAR (LIMERICK)_020 a tributary of the River Shannon is situated circa 636m to the north-east. The Herbertstown (IE_SH_G_106) groundwater body underlies the site.	
Proposed surface water details		On site attenuation with discharge to surface water drainage network.	
Proposed water supply source & available capacity		Uisce Éireann mains water connection	

Proposed wastewater treatment system & available capacity, other issues			Existing on-site septic tank and percolation area. No details submitted in relation to the capacity of the existing on site waste water treatment system to serve the proposed development.			
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	191m	The River Camoge (CAMOGE_10)	Poor	At risk	Agriculture and urban runoff	Not hydrologically connected to the watercourse.
River Waterbody	636m	River Mulkear (MULKEAR) (LIMERICK)_020	Moderate	At risk	Agriculture	Not hydrologically connected to the watercourse

Groundwater Waterbody		Underlying Site	Herbertstown (IE_SH_G_106)	Good	At risk	Agriculture	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	Herbertstown (IE_SH_G_106)	Pathway exists	Siltation, pH (concrete), hydrocarbon spillages Deterioration of water quality	Standard construction practice	No	Screened out
OPERATIONAL PHASE							
2.	Discharges to Ground	Herbertstown (IE_SH_G_106)	Pathway exists	Spillages Deterioration of water quality	SUDs features	No	Screened out

3.	Discharges to Ground	Herbertstown (IE_SH_G_106)	Pathway exists	Treated effluent to discharge to groundwater	Absence of information in relation to the WWTS to determine this.	Yes	Yes, screened in
DECOMMISSIONING PHASE							
4.	NA	NA	NA	NA	NA	NA	NA

STAGE 2: ASSESSMENT					
Details of Mitigation Required to Comply with WFD Objectives – Template					
Surface Water					
Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<u>Objective 1:Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2:Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3:Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	<u>Objective 4: Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)

	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
Construction works	N/A	N/A	NA	NA	N/A
Stormwater drainage	N/A	N/A	NA	NA	N/A
Details of Mitigation Required to Comply with WFD Objectives – Template					
Groundwater					
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2 :</u> <u>Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<u>Objective 3:Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, & 3? (if answer is no, a development cannot proceed without a derogation under art. 4.7)	
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:		

Operation on site wastewater treatment	Septic tank and percolation area. Uncertainty of site suitability.	N/A	Septic tank and percolation area. Uncertainty of site suitability.	Uncertain
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