



An  
Bord  
Pleanála

## Inspector's Report

**ABP-320613-24**

<b>Development</b>	Retention of alterations to existing Petrol Station.
<b>Location</b>	Go Station Portumna, Bridge Road, Fairyhill, Portumna, Co. Galway.
<b>Planning Authority</b>	Galway County Council.
<b>Planning Authority Reg. Ref.</b>	24/60740.
<b>Applicant(s)</b>	Lissaon Coal Company (Ireland) Limited.
<b>Type of Application</b>	Retention Permission.
<b>Planning Authority Decision</b>	Grant Retention Permission.
<b>Type of Appeal</b>	Third Party.
<b>Appellant(s)</b>	1. Michael & Bernadette Murray. 2. Thomas Madden.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	11 <sup>th</sup> December 2024.
<b>Inspector</b>	Kathy Tuck.

## **1.0 Site Location and Description**

- 1.1. The subject site, which has a stated area of c. 0.235ha, is located at Bridge Road, Fairyhill, Portumna, Co. Galway. Portumna is located c. 70km to the south-east of Galway City Centre and c. 65m to the north-west of the County boundary between Galway and Tipperary. The River Shannon is located c.560m to the south-east of the site.
- 1.2. The site is on the northern side of the N65 and is occupied by a petrol station comprising of 4 no. pumping stations, a car wash facility, air and screen wash station and a single storey building which is not accessible to the public.
- 1.3. It is noted that the N52 is known as Bridge Road. There are 2 no. access points off the N56 and along which the boundary is formed by a raised section of paving with bollards above. The eastern boundary of the site is shared with the access road to Palmerstown Avenue, situated to the north of the site and comprises of 5 no. detached dwellings.

## **2.0 Proposed Development**

- 2.1. This is an application seeking retention permission for the following alterations to existing petrol which include:
  - The removal of stone wall and provision of bollards along Bridge Road.
  - Revisions to the height and design of the forecourt canopy inclusive of illuminated signage.
  - Additional signage inclusive of directional signage at entrance and exit of the site, the eastern and southern elevations of the former retail unit and interior of boundary fencing.
  - Replacement of 1 no. totem sign and replacement of vent pipes with 1 no. vent pipe totem sign.
  - Brick paving at the entrance, under canopy and at northern, eastern and western boundaries.
  - Relocation of offset fill and associated structure at eastern site boundary.

- Provision of 1 no. drive through car wash with associated signage and 1 no. lance car wash with associated signage, and associated pump house located to the north-west of the site.
- ACO drainage channels around forecourt, along tanker stand and at the entrance and exit to the site.
- Provision of apartment bin storage adjoining 'shop compound' comprising mini vent pipes, water tank, pumping station and oil and car wash interceptors to the north-east of the site.
- Provision of 4 no. car parking spaces to serve the existing apartments.
- Provision of new timber boundary fence on the northern, eastern and western site boundaries.
- Change of use of retail unit to storage.
- Addition of fresh water tank.
- All associated works inclusive of infrastructure, lighting, surface drainage, boundary treatments, and site works.
- Revised operating hours to provide a 24-hour self-service petrol station.

2.2. The gross floor space of work to be retained is detailed as a pumphouse of 25.77 sqm and a Change of use Commercial of 188.00 sqm.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Galway County Council granted retention permission for the development subject to 5 no. conditions. Condition no. 2 limited the development to what was included within the public notices and condition no. 3 limited the use of the car wash to operate only between the hours of 0700 and 2100.

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

##### **3.2.1. Planning Reports**

The Planners Report notes the location of the subject site, the planning history, relevant planning policy and details of the submissions received. The report concluded that having regard to the land use zoning, the location of the subject site and established pattern of development in the general area the proposed development would not be injurious to visual amenity of the area, would not give rise to a traffic hazard and would therefore be acceptable.

#### 3.2.2. Other Technical Reports

No internal reports were received.

### 3.3. Prescribed Bodies

The Planning Authority received a submission from Transportation Infrastructure Ireland. This considered that the proposal would be at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012). The report stated:

- Insufficient data has been submitted with the planning application to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site.
- It is recommended that a Road Safety Audit (RSA) should be carried out in accordance with TII Publications. The developer shall be responsible for the cost of the audit, which shall be undertaken by an independent qualified engineer. Any recommendations arising shall be incorporated in the proposed development by amendment to the existing planning application or as conditions on the permission, if granted. Any additional works required as a result of the RSA should be funded by the developer.

### 3.4. Third Party Observations

The Planning Authority received 4 no. submissions. The concerns raised are summarised as follows:

- Negative impact on residential amenities.

- Location of washing facility contravenes Objective DM Standard 21 of the County Development Plan.
- Request that the Council insist the washing facilities be moved to the front of the premises or removed entirely and restricted to operation during reasonable hours (9am-6pm).
- Floodlighting from the petrol station, including the canopy lighting is intrusive.
- Wastewater from the washing facilities exiting the property into the road subsequently entering the River Shannon. This raises serious environmental concerns.
- Observed runoff potentially contravenes Water Pollution Act 1977.
- Removal of the stone wall and provision of bollards along Bridge Road compromises pedestrian safety.
- Antisocial behaviour.
- Wooden fencing won't be maintained well.

## 4.0 Planning History

PA Ref 99/3050	Permission GRANTED for a car wash at Bridge Road (Fairhill).
PA Ref 00/5206	Retention permission GRANTED for 2 apartments above petrol station.
PA Ref 07/3603	Retention permission GRANTED for diesel dispensing pump, underground storage tank and all associated ancillary development works at existing approved petrol filling station.

## 5.0 Policy Context

### 5.1. Galway County Development Plan 2022-2028

Portumna is identified as a Small Growth Town within the County Plan. The subject site is zoned under Objective C2 – Commercial/Mixed Use as indicated on the Land Use Zoning Map.

Other relevant sections of the County Plan include:

Chapter 15 - Development Management Standards

- DM Standard 21: Petrol Filling Stations

In assessing planning applications for service stations, the following considerations will be taken into account:

- The preferred location for petrol filling stations is within the 50-60kph speed limit of all settlements.
- Forecourt Store/Retail unit associated with a petrol filling station should generally not exceed 100sqm net floor area. Where an increase in this standard is sought, the Sequential Approach to retail development shall apply i.e. the retail element shall be assessed similar to an application for a standalone retail development in the same location.
- Forecourt shops should be designed and sited to facilitate safe pedestrian and bicycle access, with unimpeded access for delivery vehicles. The safety aspects of circulation and parking within the station forecourt should be demonstrated fully (i.e., Autotrack Analysis, TTA and Safety Audit).
- A low wall of an approximate height of 0.6 metres shall be constructed along the frontage with allowance for two access points each 8 metres wide.
- Design and layout of service stations and forecourts should be of high-quality and integrate with the surrounding built environment. In urban centres, where the development would be likely to have a significant impact on the historic or architectural character of the area, the use of standard corporate designs and signage may not be acceptable.
- Forecourt lighting, including canopy lighting, should be contained within the site and should not interfere with the amenities of the area.
- Ancillary services such as car wash services should be sited so as not to result in queueing onto the public road network or negatively impact on neighbouring residential amenities.
- Rapid EV charging point(s) should be provided and clearly demarcated with appropriate signage, in collaboration with ESB networks.

- Service stations and associated truck parking facilities in locations at or near national roads will be assessed having regard to the Spatial Planning and National Roads Guidelines for Planning Authorities (2012).
- Proposals for new on-line or off-line motorway service facilities will be assessed in accordance with the guidance set out in the TII Service Area Policy (2014).

## 5.2. Natural Heritage Designations

The subject site is not located within or is not immediately adjacent to any Natura 2000 sites. The site is located c.561m to the north-west of the River Shannon Callows SAC (site code 000216) and the Middle Shannon Callows SPA (site code 004096).

## 5.3. EIA Screening

The scale of the proposed development does not exceed the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

Two Third Party appeals have been received.

1. Michael and Bernadette Murray of 2 Palmerstown Grove, Portumna, Co. Galway.
2. Mr Thomas Madden, of 1 Palmerstown Grove, Portumna, Co. Galway.

Each appeal is summarised in turn below:

#### 6.1.1. Michael and Bernadette Murray

1. Residential Amenity

- Proximity of automatic car wash facility to common boundary gives rise to continuous noise disturbance - Proposal negatively impacts on amenities.
- lance handwash facility set 20 metres from boundary of no. 2 Palmerstown Grove - proximity gives rise to overspray and noxious odour.
- The prevailing south-west wind carries noise from car wash facilities which disturb neighbouring properties.
- Hours of operation for car wash set by Planning Authority not appropriate.
- Original submission set out occurrence on two sample days of high-pitched noise – Planning Authority aware that restricting the nighttime hours will have negligible impact on applicant and will be beneficial in protecting amenities.
- Noise levels have affected mental and physical health.
- Proposal will set undesirable precedent.

## 2. Lighting

- 24 hour opening with lights flooding the site area and outside the boundaries of the site attracts noisy gatherings of people through night and day.

## 3. Traffic

- Number of near accidents as exit from filling station is adjacent to entrance to Palmerstown Grove – entry and exit sign are not readily visible and too small.

## 4. Surface Water

- Palmerstown Grove was flooded after work was undertaken to the filling station – waste-water is being discharged from the washing facilities into the surface water drain. This was backed up as builder failed to clear and remove debris.
- There is on-going consultation with the minister with regard to flooding on the Bridge Road. Site is located in flood zone A on Portumna area map.

## 5. Discrepancies

- There are a number of discrepancies within the Planners Report –
  - reference is made to the wrong location.
  - planning history omitted.



- consideration has not been given to relevant parts of the Development Plan.
- no consultation with other relevant department.
- the submission from the TII was ignored.
- There is a hydrological connection from the site to the River Shannon which was ignored – surface water discharges to surface water drain on Palmerstown Grove which flows to a ditch at the end of the road which connects to the River Shannon.
- Site does not have an established permission for 2 no. car washes.

The appeal has been accompanied by a copy of the original submission; a copy of the Planners Report with discrepancies highlighted; a copy of the TII submission; plans submitted by the applicant; log of noise occurrences; application for car wash submitted under PA Ref 99/3050, photographs and a copy of the flood risk management map.

#### 6.1.2. Thomas Madden

##### 1. Residential Amenity

- Proximity of the car wash and lance facilities to the common boundary gives rise to negative impact on adjoining property.
- The garage owner cannot control how people utilise the lance facility as such there is a constant spray from the facility into adjoining property.
- The proposal contravenes DM Standard 22 of the County Development Plan – clearly states “Ancillary services such as car wash services should be sited so as not to result in queueing onto the public road network or negatively impact on neighbouring residential amenities”.
- The condition limiting the time of use of the car wash fails to consider the location of the car wash facility which creates a daily disturbance that negatively impacts quality of life, health and residential amenity.
- Request that the lance facility is either omitted or relocated elsewhere on site – precedent set under ABP-305092-19.

- A higher screen would not adequately protect amenities but would be rather unsightly.

## 2. Noise

- Noise generated by car wash is persistent and intrusive.
- Noise pollution even with restricted hours is unacceptable.
- County development Plan mandates that petrol station should integrate with the surroundings.
- ABP-314104-22 permitted permission for a petrol station with restricted noise levels – request similar is done in this instance.

## 3. Light Interference

- Floodlight from petrol station intrudes into adjoining property at all hours of the night.
- Dm Standard 22 stipulates that forecourt lighting, including canopy lighting, should be contained within the site and should not interfere with the amenities of the area.
- Request that a condition of directional lighting measures be imposed.

The appeal has been accompanied by a copy of photos taken from the appellants property.

There is a degree of overlap of the concerns raised by both appellant parties which are addressed in sections 7.1, 7.2 and 7.3 of my assessment below.

## 6.2. **Applicant Response**

A response was received from the applicant on the 17th of September 2024 which addressed the topics raised by both appellants. Points to note include:

### 1. Traffic concerns

- Current entrance and exit to the facility do not represent a traffic hazard.
- On comparison to previous situation it is submitted that the current situation presents as a safer situation.
- Sightlines in accordance with 50km road speed.

- Proposal does not provide for an intensification of the permitted use on site.

## 2. Residential amenity

- Forecourt lighting
  - i. Planners report made no reference to the forecourt lighting.
  - ii. Development complies with Section 15.4 and DM Standard 21 of the County Development Plan.
  - iii. All lighting is contained within the site and has been appropriately designed with mitigation to avoid any adverse impacts on amenities of the area.
  - iv. Willing to accept a condition to cowl and/or divert the lighting on site.
- Noise from Car Wash
  - i. Welcome the condition from Planning Authority to limit hours of operation.
  - ii. Willing to accept a condition limiting the noise levels as per the precedent noted by the 3<sup>rd</sup> Party Appellants.
  - iii. Previous filling station on site contained a similar car wash which was located at the same position at the roller drive through.
- Spray Impacts
  - i. Appropriate level of screening has been provided to the Lance car wash facility- 2.4m fence has been erected along northern boundary to contain spray within the site.
  - ii. Amended layout provides for additional drainage measures – provision of ACO drain channels around the forecourt.

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

No response received.

### 6.4. **Observations**

None received.

## 7.0 Assessment

Having examined the application details and all other documentation on file, including the two appeals, and having inspected the site and having regard to the relevant local policy guidance, I consider the main issues in relation to this appeal are as follows:

- Impact on Amenity
- Traffic
- Other Issues

### 7.1. Impact on amenity

- 7.1.1. Both of the Third Party Appellants raise significant concerns regarding the impact the location of both car wash facilities have upon residential amenity in terms of noise and over spray of the car wash facilities and the overspill of light from the forecourt floodlighting.

#### Noise/Overspray

- 7.1.2. It is stated by both appellants that the noise generated from the facilities have impacted upon the use of their private amenity space. Furthermore, it is contended that the spray from the lance facility has not been contained within the site and there has been overspray and noxious odour from the facility experienced within the private amenity space serving the adjoining dwellings. Overall, the third party appellants contend that the location of the car wash facilities do not comply with the requirements of Dm Standard 22 of the Galway County Development Plan 2022-2028.
- 7.1.3. The applicant in their response to the grounds of appeal submit stated that the Previous filling station on site contained a similar car wash which was located at the same position as the roller drive through and that they are willing to accept a condition which would further restrict the hours of operation and noise levels of both facilities. It is further stated with regard to overspray, that screening has been provided to the Lance car wash facility, which comprises of a 2.4m fence. This has been erected along the entire northern boundary to contain spray within the site.
- 7.1.4. The Planning Authorities did not address the potential impact on residential amenities. Development Management Standard 22 of the Galway County Development Plan 2022-2028 specifically states that “*Ancillary services such as car wash services should*

*be sited so as not to result in queueing onto the public road network or negatively impact on neighbouring residential amenities".* I note that the lance car wash was a new introduction to the site and was not in situ as part of the previous filling station. This element has been located in the north-western corner of the site and shares its northern boundary with the private amenity space serving no. 1 Palmerstown Grove.

- 7.1.5. I consider that the location of the lance car wash facility is not be in keeping with the requirement Dm Standard 22 of the Galway County Development Plan 2022-2028. Notwithstanding the provision of additional boundary treatment, I consider that the noise of the facility together with the overspray which is not contained by the boundary treatment, gives rise to undue levels of negative impact upon the private amenity space serving the adjoining dwelling to the north. In the event that the Board are minded to grant retention permission for the works to the filling station, I recommend inclusion of a condition requiring the omission of the lance car wash facility.
- 7.1.6. With regard to the roller drive through facility, I note that this facility was in place as part of the original filling station which was previously operational on site. However, I note this did not operate on a 24 hour basis. The roller facility is set c.13m from the northern boundary of the subject site.
- 7.1.7. No noise assessment was submitted as part of the planning application documentation. The Environmental Protection Agency's NG4 commercial noise guideline limits recommends a 50dBA limit for evening time be prescribed between 1900 to 2200hours. I consider that the condition attached by the Planning Authority should be retained and amended so that the roller car wash facility does not operate after 1900 hours. In addition, given the concerns raised with regard to noise and the applicants willingness, a further condition should be included to limit the noise levels so that they do not exceed 55 dB(A) at the nearest noise-sensitive location, that being the boundary with 1 Palmerstown Grove to the north.

#### Light pollution

- 7.1.8. With regard to light pollution, all Appellants assert that the floodlights from the petrol station intrudes into the adjoining properties, along Palmerstown Grove, at all hours of the night. It is contended that the floodlight provided do not comply with Dm Standard 22 which stipulates that forecourt lighting, including canopy lighting, should be contained within the site and should not interfere with the amenities of the area. All

Appellants have requested that in the event the appeal is successful that a condition for directional lighting measures be imposed.

- 7.1.9. The applicant in their response to appellants state that the application complies with Section 15.4 and DM Standard 22 of the County Development Plan and contended that all lighting is contained within the site and has been appropriately designed with mitigation to avoid any adverse impacts on amenities of the area. The applicant has also outlined their willingness to accept a condition to cowl and/or divert the lighting on site if considered appropriate.
- 7.1.10. Having regard to the foregoing, I consider that having regard to the quantum of lighting operating on site, the hours of operation, the proximity of the site to the residential dwellings located along Palmerstown Grove, and the willingness of the applicant a condition should be included to ensure that light overspill does not occur.

## **7.2. Traffic**

- 7.2.1. Both Appellants have contended that there have been a number of near accidents at the exit from filling station which is located adjacent to entrance road to Palmerstown Grove. It is further contended that the entry and exit sign are not readily visible and are too small.
- 7.2.2. The applicant in their response has stated that the required sightlines for a road with a posted speed limit of 50km/hr have been provided and that the current egress and access is an improvement on that of the previous situation. It is further stated that the application does not provide for an intensification of use on site.
- 7.2.3. While the applicant in their response noted that Galway County Council Transportation Department has no objection to the proposed development and noted that the access to and from the site is via the existing entrances, I note that there is no report on file from the Transportation Section and that the Planning Officer within their assessment made no reference to any such report. The Planning Officer concluded, within their assessment, that the works would not warrant a traffic hazard.
- 7.2.4. TII in their submission to the Planning Authority consider that the works are at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012) and stated that the applicant should be requested to submit a Road Safety Audit.

- 7.2.5. The Planning Authority in their assessment noted the comments of the TII but did not include for a condition requiring the submission of a Road Safety Audit. The applicant is seeking retention permission for works which have been undertaken to a previously operating filling station. I note that the only works proposed to the front boundary of the site, which is shared with the N65, included the removal of stone wall and provision of bollards. Having regard to my assessment above and the omission of the additional car wash, I do not consider that the works seeking retention permission quantify an intensification of use on site and as such a Road Safety Audit is therefore not required.
- 7.2.6. Having regard to the fact that a filling station was previously operational on the subject site and that the entrance and egress has not been amended since the previous permission and from undertaking a site visit, I consider that the entrance and egress serving the subject site is provided with adequate sightlines and would not give rise to a traffic hazard.

### **7.3. Other Issues**

#### **7.3.1. Water Surface/Flooding**

The 3rd Party Appellant has raised concerns with regard to surface water being discharged from the washing facilities into the surface water drain which could give rise to an impact upon Palmerstown Grove. It is contended that the street has been subject flooding on foot of the surface water from the filling station. The Appellant has further stated that there is on-going consultation with the minister with regard to flooding on the Bridge Road and that the site is located in flood zone A on Portumna area map.

The Planning Authority in their assessment states that following relevant GIS information in relation to flood risk assessment, the site of the development is not within a fluvial, pluvial, coastal or groundwater flood vulnerable area. Furthermore, the applicant has indicated as per application submitted that the site has never flooded. As such, the Planning Authority concluded that a Flood risk assessment was therefore not required.

On foot of a review of the Flood Risk Management Map, included in the Galway County Development Plan 2022-2028, I note that the subject site is located in Indicative Flood Zone C and is not indicated as being vulnerable in terms of fluvial, pluvial, coastal or groundwater flooding. Having regard to the omission of the additional car wash facility

and the inclusion of additional SUDs features on the site and the location of the site within flood zone C, I do not consider that the proposed development would give rise to issues of flooding.

#### 7.3.2. Precedent

I note that the applicant within their response to the 3<sup>rd</sup> party appeals received have set out a number of precedents of other permissions granted by both Galway County Council and An Bord Pleanála for similar types of developments. While consideration is given to precedent, all appeals must be determined on their own merits having regard to the sensitivity of the receiving environment and the specifics of the development.

#### 7.3.3. Discrepancies

I note that concern was raised by the 3<sup>rd</sup> Party with regard to a number of discrepancies within the assessment of the Planning Authority. I am of the opinion that the Planning authority undertook a robust assessment of the application.

### 8.0 AA Screening

8.1. The applicant is seeking retention permission for a number of works to the existing petrol station which have been detailed in section 2.0 of my report above. On foot of my assessment, I have recommended that the Lance Car Wash Facility be removed by way of condition. As such, this screening report is considering the retention of the following works:

- removal of stone wall and provision of bollards along Bridge Road;
- revisions to the height and design of the forecourt canopy inclusive of illuminated signage;
- additional signage inclusive of directional signage at entrance and exit of the site, the eastern and southern elevations of the former retail unit and interior of boundary fencing;
- replacement of 1 no. totem sign and replacement of vent pipes with 1 no. vent pipe totem sign;



- brick paving at the entrance, under canopy and at northern, eastern and western boundaries;
- relocation of offset fill and associated structure at eastern site boundary;
- provision of 1 no. drive through car wash with associated signage;
- ACO drainage channels around forecourt, along tanker stand and at the entrance and exit to the site;
- provision of apartment bin storage adjoining 'shop compound' comprising mini vent pipes, water tank, pumping station and oil and car wash interceptors to the north east of the site;
- provision of 4 no. car parking spaces to serve the existing apartments;
- provision of new timber boundary fence on the northern, eastern and western site boundaries;
- change of use of retail unit to storage;
- addition of fresh water tank; and
- all associated works inclusive of infrastructure, lighting, surface drainage, boundary treatments, and site works; and
- revised operating hours to provide a 24-hour self-service petrol station.

8.2. Both Appellants in this instance have raised concern over the impact the proposal could have upon the nearby Natura 2000 sites and on the River Shannon. It is stated that surface water runoff from the subject site is entering into a surface water drain which serves the dwellings located along Palmerstown Grove which flows to a ditch at the end of the road which connects to the River Shannon.

8.3. The application was not accompanied by an Appropriate Assessment Screening Report. The Planning Authorities screening determination concluded that the proposed development, by itself or in combination with other development in the vicinity, would not likely have a significant effect on European sites, their qualifying interests or conservation objectives and therefore, no further assessment is required.

The assessment also stated that there are no apparent direct hydrological connectivity within the application site or immediately adjacent lands to these designated sites.

8.4. I have considered the proposed development in light of the requirements of S.177U the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to any European Site. The subject site is located c.561m to the north-west of the River Shannon Callows SAC (site code 000216) and the Middle Shannon Callows SPA (site code 004096).

8.5. From assessment of the EAP Mapping tool on the 7th January 2024, I note that there is no ditch mapped at the location identified by 3<sup>rd</sup> Party Appellants and further note that there is no direct hydrological connection from the subject site to the River Shannon Callows SAC or the Middle Shannon Callows SPA. The Qualifying Interests relating to the Middle Shannon Callows SPA pertain mainly to wetland and waterbirds and as such I do not consider that the proposal will negatively impact upon such.

The subject site has been in operation as a filling station previous to the work been undertaken. The applicant as part of the works seeking retention permission has provided for additional onsite SUDs features which aid in the treatment of the runoff from the existing car wash facility in the form of ACO drainage. The inclusion of an aco drainage channel will ensure that surface water on site will be captured and directed into the drainage network. This is considered to be a standard SUDs feature which is not being included to specifically mitigate against any impact upon a Natura 2000 Site. As such, considering the qualifying Interests River Shannon Callows SAC, I consider that the use of appropriate Suds features on site will ensure that there is no impact on such.

8.6. Having considered the nature of the works to be retained and considering my assessment with regard to the omission of the lance car wash facility, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- The proposed works are limited in scale.
- Due to the distance of the site and intervening land uses from any SAC and SPA, no impacts/ effects are predicted in this regard.

- There are no identifiable hydrological/ecological connector pathways between the application and the SAC or SPA.

8.7. I conclude that 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) is not required.

## 9.0 Recommendation

9.1. Having regard to the above, I recommend that retention permission be granted for the development based on the following reasons and considerations.

## 10.0 Reasons and Considerations

10.1. The development which is seeking retention permission for alterations to a filling station complies with the provisions of the Galway County Development Plan 2022-2028. It is considered that, subject to compliance with the conditions set out below, the proposed development would not be out of character with the surrounding area, would not be visually detrimental to the area, would not impact negatively upon the current levels of residential amenity enjoyed at this location and is in keeping with the proper and sustainable development of the area.

## 11.0 Conditions

1.	The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 18 <sup>th</sup> June 2024 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.
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	<b>REASON:</b> In the interest of clarity
2.	<p>The lance car wash facility located adjoining the northern site boundary shall be omitted from the development.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
3.	<p>The roller car-wash shall only operate between 0700 and 1900 hours.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
4.	<p>The noise level from the roller car-wash shall not exceed 55 dB(A) rated sound level at the nearest noise-sensitive location (boundary with '1 Palmerstown Grove to the north) between the hours of 0700 and 1900 on any day. Procedures for the purpose of determining compliance with this shall be submitted to, and agreed in writing with, the planning authority within 3 months of the date of this Board order.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity</p>
5.	<p>The floodlights shall not be lit in such a manner so as to cause excessive glare or distraction to road users and adjoining resident properties. The floodlights shall be mounted in horizontal orientation. The developer/operator shall comply, at their own expense, with any future requirement of the planning authority in relation to adjusting the floodlight aiming or fitting appropriate additional louvres to deal with remaining glare issues that may arise for road users and residents but may only become apparent when the installation is commissioned.</p> <p><b>Reason:</b> In the interest of the amenities of the area.</p>
6.	<p>No signage, advertisement or advertisement structure (including that which is exempted development under the Planning and Development Regulations, 2001 (as amended)), other than those shown on the drawings submitted with the application, shall be erected or displayed on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> In the interest of visual amenity</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Kathy Tuck  
Planning Inspector

29<sup>th</sup> January 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-320619-24		
<b>Proposed Development Summary</b>	Retention of alterations to existing Petrol Station.		
<b>Development Address</b>	Go Station Portumna, Bridge Road, Fairyhill, Portumna, Co. Galway.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	X	10(b)(iv) of Part 2 of Schedule 5	Proceed to Q3.
<b>No</b>			Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	X	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>
-------------------------------------------------------

<b>No</b>	X	<b>Screening determination remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP- 320613-24</b>	
<b>Proposed Development Summary</b>	Retention of alterations to existing Petrol Station.	
<b>Development Address</b>	Go Station Portumna, Bridge Road, Fairyhill, Portumna, Co. Galway	
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development.</b> Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>This is an application for retention permission for alterations to an existing petrol station.</p> <p>The subject site is zoned Objective C2 – Commercial/Mixed Use. The proposed development is not exceptional in the context of existing environment.</p>	
<p><b>Size of the Development</b> Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>No. The total site area within the red line boundary is c. 0.235ha ha</p> <p>No.</p>	
<p><b>Location of the Development</b> Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly</p>	<p>The subject site is not located within or is not immediately adjacent to any Natura 2000 sites. The site is located c.561m to the north-west of the River Shannon Callows SAC (site code 000216) and the Middle Shannon Callows SPA (site code 004096).</p>	



affect other significant environmental sensitivities in the area, including any protected structure?	There are no other locally sensitive environmental sensitivities in the vicinity of relevance.	
<b>Conclusion</b>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

Appendix 2  
Appropriate Assessment Screening

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is not located within or is not immediately adjacent to any Natura 2000 sites. The site is located c.561m to the north-west of the River Shannon Callows SAC (site code 000216) and the Middle Shannon Callows SPA (site code 004096).

The application is seeking retention permission for a number of works to an existing petrol station.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- The proposed works are limited in scale. There are existing connections into the public sewer available to serve the subject site. There are no impacts/effects predicted in this regard.
- Due to the distance of the site and intervening land uses from any SAC and SPA, no impacts/ effects are predicted in this regard.
- There are no identifiable hydrological/ecological connector pathways between the application and the SAC or SPA.

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

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_