



An
Coimisiún
Pleanála

Inspector's Report

ACP-322784-25

Development

Construction of a canopy at existing car wash slab and construction of a fuel storage shed; Installation of bicycle shelters; Extension of hours of operation of fuel card pumps to 24 hours per day; Access to parking area for overnight truck parking.

Location

Cloghan Service Station, Ferbane St Creggan and Glosterboy Townland, Cloghan, Co. Offaly

Planning Authority

Offaly County Council

Planning Authority Reg. Ref.

2560096

Applicant(s)

Martin & Pat Grogan

Type of Application

Permission

Planning Authority Decision

Split Decision

Type of Appeal

First Party

Appellant(s)

Martin & Pat Grogan

Observer(s)

Gavin Yell

Date of Site Inspection

28th August 2025

Inspector

Barry Diamond

Contents

1.0	Site Location and Description	4
2.0	Proposed Development	4
3.0	Planning Authority Decision	4
4.0	Planning History	7
5.0	Policy Context	8
6.0	EIA Screening	9
7.0	The Appeal	10
8.0	Assessment	12
9.0	AA Screening	16
10.0	Water Framework Directive	17
11.0	Recommendation	17
12.0	Reasons and Considerations	18
13.0	Conditions	19
 Appendix A: Form 1 EIA Pre-Screening		22
Appendix B: Form 2 - EIA Preliminary Examination		24

1.0 Site Location and Description

- 1.1. The application site is located to the northeast of Cloghan Village and consists of an existing filling station 'Cloghan Service Station'. The site comprises an existing single storey roadside retail unit with a mono pitch roof, a canopy covering fuel pumps for cars, a second canopy covering fuel pumps for lorries, formal parking areas for cars and lorries and a single access point onto Ferbane Street (N62).
- 1.2. Opposite the site is a linear line of roadside dwellings while to the southwest is a dwelling followed by a car sales showroom and yard. To the east and northeast are agricultural fields.

2.0 Proposed Development

- 2.1. The proposed development seeks permission for a mix of elements including:
 - Construction of a canopy at existing car wash slab;
 - Construction of a fuel storage shed;
 - Installation of bicycle shelters;
 - Extension of hours of operation of fuel card pumps to 24 hours per day; and
 - Access to parking area for overnight truck parking.

3.0 Planning Authority Decision

3.1. Decision

On the 21st May 2025 the Planning Authority decided to issue a split decision to:

Refuse permission for the extension of hours of operation of fuel card pumps to 24 hours per day and access to parking area for overnight truck parking.

3.2 Refusal Reason

Standard DMS-61 'Motor Fuel Stations and Service Areas' as contained in Chapter 13 of the Offaly County Development Plan 2021-2027 details the requirements for the design and layout of filling stations. It is considered that the proposed extension of hours of operation of fuel card pumps to 24 hours per day and providing access to

parking area for overnight truck parking is contrary to the provisions of the aforementioned standard which states that proposed extensions shall have regard to that the effects of noise, general disturbance and hours of operation on the amenities of nearby residents. The proposed change in work hours and change of use would seriously injure the amenities of property in the vicinity and would set an undesirable precedent for the operation of a filling stations within close proximity to existing dwellings and would therefore be contrary to the proper planning and sustainable development of the area.

- 3.3 The decision also granted permission for the construction of a canopy at existing car wash slab, the construction of a fuel storage shed; and the installation of bicycle shed. The following conditions are considered relevant:

3.3.1 Conditions

(a) All wastes arising from/at the proposed development shall be managed in accordance with the Waste Management Acts 1996 as amended. While awaiting removal, all waste materials shall be stored in designated areas protected against spillage or leachate run-off.

(b) Noise emissions at the nearest noise sensitive location (such as dwellings, schools, places of worship or areas of high amenity) shall not exceed the following:

- LAeq (60 minutes) 55dB(A) 8am to 8pm
- LAeq (15 minutes) 45dB(A) 8pm to 8am

Audible tonal or impulsive components shall be minimised at any noise sensitive location.

(c) The Applicant shall take reasonable measures to mitigate any environmental nuisance (noise and dust) which may arise during construction. Construction shall take place during working hours 7am to 6.30pm Monday to Friday and 8am to 1.30pm Saturday unless otherwise authorised by the Planning Authority.

Reason: In the interest of public health.

3.4 Planning Authority Reports

Planning Reports

- 3.4.1 The decision of the planner reflects the reasoning for the split decision. It includes the following points:

- A condition on a previous grant of planning permission limited the opening hours from 6.30am to 10pm. This condition was imposed by the Local Authority on the parent planning application in 2019 and was confirmed by An Bord Pleanála.
- Information from the Irish Road Haulage Association was considered.
- Environment & Water Services has reviewed the submitted documentation and have sought further information with regard to the increased opening hours and access to the car parking area overnight.
- While there is a need for suitable overnight parking facilities for truck drivers and access to fuel pumps there are serious concerns regarding the impact on the amenity of existing residential properties on the opposite side of the N62 and also the residential zoned land to the south of the subject site.
- The bicycle shed, fuel store and car wash canopy are considered acceptable.

3.4.2 Other Technical Reports

- District Engineer indicated that they had no objection subject to the previous conditions on the earlier grants of permission applying although no comment was made on the opening hour restriction.
- Roads Section – No objection
- Chief Fire Officer – No objection
- Environmental and Water Services - requested an Environmental Management Plan to include;
 - i) Detailed noise impact assessments, including predicated noise levels during nighttime hours taking account of vibration levels and truck idling/refrigeration units /generator noise levels and proposed mitigation measures;
 - ii) Comprehensive lighting plans, including specification for lighting equipment and mitigation measures to prevent lighting spill and headlight glare.

3.5 Prescribed Bodies

- Uisce Éireann - No comments received.

- Transport Ireland - Requests that the Planning Authority have regard to the policy provisions for development proposals impacting national roads, namely the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII Publications and proposals impacting the existing light rail network to TII's Code of Engineering Practice for Works on, or near, or adjacent the Luas Light Rail System.

3.6 **Third Party Observations**

- 3.6.1 The third party (Gavin Yell) indicates that the Commission has previously ruled under case Ref: ABP-307174-20 that the petrol filling station should not be open between 10pm and 6.30am. It is stated that there have been various breaches of this time restriction which has been reported to Offaly County Council and a Court Order is in place. Breaches of the opening hours have occurred and the owners of the site are now trying to legalise this activity. The third party's amenity is stated as being affected.
- 3.6.2 A second third party (Orla Cantwell) expressed their support for the development which she viewed as a wonderful asset to the locality and provides a great service to the community. The third party states that she has not witnessed any disruption from the vehicles when they ingress or egress the site, day or night. The overnight parking adds to the overall security of the neighbourhood and causes no issues to her amenity despite the parking area being close to her dwelling. As trucks can access the onsite parking overnight, it enhances road safety as the trucks will be parked in a safe, secure area and not in other areas around the village.

4.0 **Planning History**

Site

- 4.1 **19/420 and subsequent appeal ABP-307174-20** – Construction of a new single-storey service station with petrol/diesel filling station and canopies, retail with ancillary off-license, restaurant, underground storage tanks (for fuel), picnic area, parking for cars, trucks, heavy goods vehicles, buses and all associated site development works and services including: new entrance, two totem signs, boundary fencing, gates and construction of a car wash, service yard, gas storage area and associated plant and equipment. Permission was granted by Offaly County Council

and included the following notable condition which is relevant to the current planning application:

- 4.2 The petrol/diesel filling station and ancillary services shall operate between 06:30 hours and 22:00 hours on a daily basis. No deliveries shall take place outside these hours.

Reason: To safeguard the amenities of the area.

- 4.3 The decision to grant permission and the proposed conditions were confirmed by An Bord Pleanála with one amendment to the above condition to include vehicle parking between 0630 to 2200 hours:

- 4.4 'The proposed Service Station and all ancillary uses shall not operate outside the period of 0630 to 2200 hours. No deliveries or parking of vehicles shall occur outside of these hours.

Reason: In the interest of residential amenity.'

5.0 Policy Context

5.1. Development Plan

- 5.1.1 The operative development plan for the site is the Offaly County Development Plan 2021 – 2027 (OCDP). The site is located within the settlement of Cloghan Village Plan and is zoned for Enterprise & Employment. There is an area zoned for new residential development to the south of the site.
- 5.1.2 The Cloghan Village Plan is set out in Volume 2 of the Development Plan which identifies that due to its strategic location, the village experiences high volumes of passing traffic. This strategic location should be exploited in the future development of the village and the need to protect the carrying capacity, efficiency, road safety and amenity of the R356 and R357 (Restricted Regional Routes) and the N62 through Cloghan.
- 5.1.3 DMS-61 Motor Fuel Stations and Service Areas – refers to the need to demonstrate that noise, traffic, visual obtrusion, fumes and smells will not detract unduly from the amenities of the area and in particular, sensitive land uses such as residential development.

- 5.1.4 Motor fuel stations should be of high quality design 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.
- 5.1.5 The hours of operation of shops ancillary to service stations and the use of wall/window/door hatches for shop sales shall be controlled, having regard to the following;
- The effects of noise, general disturbance, hours of operation, litter and fumes on the amenities of nearby residents; and
 - The need to safeguard the vitality and viability of convenience shopping areas in town centres and to maintain a suitable mix of retail uses.
- 5.1.6 Car wash facilities will require a specific wastewater design proposal along with petrol interceptors and a discharge licence.
- 5.1.7 Motor fuel stations and service areas located on the National Road network will be assessed with regard to the Spatial Planning and National Roads Guidelines for Planning Authorities DoECLG, 2012 and NRA Service Area Policy 2014.

5.2. Relevant National or Regional Policy / Ministerial Guidelines (where relevant)

Section 2.8 of the Spatial Planning and National Roads Guidelines for Planning Authorities addresses service areas.

NRA Service Area Policy August 2014

5.3 Natural Heritage Designations

The appeal site is located approx. 4km south of the Moyclare Bog SAC (000581), approx. 5km west of the Middle Shannon Callows SPA (004096) and approx. 7km south of Ferbane Bog (000575).

6.0 EIA Screening

- 6.1 Refer to Form 1 in Appendix 1 (EIA Pre-Screening). Class 10(b)(iv) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for a development comprising urban development

which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

- 6.2 Refer to Form 2 in Appendix 1 (EIA Preliminary Examination). Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), I have concluded that there is no real likelihood of significant effects on the environment arising. 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 aspect (Schedule 7) apply. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination (see Form 1 and Form 2 appended to the report).

7.0 The Appeal

7.1 Grounds of Appeal

- 7.1.1 The first party's grounds of appeal are provided by Kenny Lyons Associate Architects and are as follows:
- 7.1.2 The construction of a canopy at an existing car wash slab, the construction of a fuel storage shed and the installation of bicycle shelters do not impact on any existing parking, vehicle circulation and will not impact on the visual amenity. The proposed 24 hour fuel pumps and overnight truck parking does not impact upon the existing site layout.
- 7.1.3 The opening hours restriction which was attached to the original grant of permission (Ref: ABP-307174-20) was excessive and unwarranted. The Inspector accepted that there was adequate separate distances from the subject development and nearby residential properties.
- 7.1.4 The extension to opening hours represents an efficient use of existing facilities, which is aligned with the expectations of the modern consumer and is consistent with the relevant zoning objective of the site.
- 7.1.5 The proposal complies with the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) – the proposed development will meet the needs of

commercial drivers through the provision of a safe and secure rest area, refuelling opportunities, toilets, food facilities along a national primary road.

- 7.1.6 NRA Service Area Policy (2014), emphasises that the provision of parking areas providing rest break opportunities for road users is an essential part of the safe road network.
- 7.1.7 The proposal complies with the Offaly County Development Plan 2021-2027 as it provides for an enhancement of local infrastructure and amenities within an existing service station to strengthen services and assist growth in the village in accordance with the Plan.
- 7.1.8 Given the sites location on a heavily trafficked route and the separation distances provided, the subject development will not detract unduly from residential amenity in the area. It is submitted that the minor impact on residential amenity is overridden by national planning policy. DMS 61 seeks to control the hours of operation of the retail unit and does not relate to parking or the fuel pumps.
- 7.1.9 A similar opening hours restriction on a service station was removed under appeal Ref: ABP-3034070-19 (Abbeyleix Road, Portlaoise, Co. Laois). This appeal sets a precedent for the subject appeal as the previous case was separated from residential properties by a national road (N77) and was found to be acceptable.
- 7.1.10 Viability and Vitality – The removal of the restriction on opening hours ensures that the service station can reach its full potential which will ensure the future viability of the business is secured.

7.2 Applicant Response

None

7.3 Planning Authority Response

None

7.4 Observations

The third party observer (Gavin Yell) indicates that the Commission has previously ruled under case Ref: ABP-307174-20 that the filling station should not be open between 10pm and 6.30am. There have been various breaches of this time restriction with Offaly County Council issuing an enforcement Notice and a Court Order being in place. It is stated that breaches of the opening hours has occurred with the third party indicating that they have been deprived of sleep as a result.

7.5 Further Responses

None

8.0 Assessment

8.1 Having examined the application details and all other documentation on the file including the appeal, having inspected the site, and having regard to the relevant local, regional, national policies and guidance, I consider that the the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Design
- Residential Amenity
- Other Matters

8.2 Principle of Development

8.2.1 The proposed development comprises three built elements, the construction of a canopy at an existing car wash slab, the construction of a fuel storage shed and the installation of bicycle shelters. I consider that these are ancillary elements to the existing service station and in principle are acceptable within the curtilage of the existing service station.

8.2.2 The issue of unrestricted opening hours and the access to parking area for overnight truck parking is not a matter for the principle of development, rather, it is a subject that must be assessed on the site specific circumstance and the impact on the amenity of nearby sensitive receptors.

8.3 Design

8.3.1 The proposed structures listed above are considered to be subordinate in height and scale to the existing structures on the site. The design of the individual buildings are acceptable in the context of the existing commercial character and design of the existing buildings on the site. There are no finishes indicated to the proposed carwash canopy and a condition requiring the details of the finishes will need to be submitted to and agreed with the Planning Authority prior to development commencing.

8.4 Residential Amenity

- 8.4.1 I have reviewed the National Policy referred to by the applicant which highlights the important role that service stations play in the provision of services for drivers, including areas for rest breaks and access to fuel, food, toilets and other facilities. There is no indication in either of the policy documents that service stations must operate on a 24 hour basis or that the provision of 24 hour facilities is a matter which should be determining over other important matters such as the impact on residential amenity.
- 8.4.2 It is accepted that objective DMS 61 of the OCDP makes a specific reference to controlling the hours of operation of the retail unit when assessing motor fuel stations and service areas. However, DMS 61 also refers to the need to demonstrate that noise, traffic, visual obtrusion, fumes and smells will not detract unduly from sensitive land uses such as residential development. The appropriate way to mitigate the impacts of such matters is through the use of planning conditions, otherwise, the only avenue open to the Planning Authority would be to refuse development.
- 8.4.3 I do not consider that there are any overriding national policy objectives which would allow the impacts on residential amenity to be overridden, nor is there any limitations in the OCDP which would restrict the use of opening hours on the operation of the fuel pumps or parking areas. In contrast the OCDP refers to the need to demonstrate that adverse impacts on residential amenity will not occur for development proposals to be acceptable.
- 8.4.4 It is noted that the Environmental & Water Services requested an Environmental Management Plan to include a Noise Impact Assessment, including predicted noise levels during night time hours taking account of vibration levels and truck idling/refrigeration units /generator noise levels and proposed mitigation measures and comprehensive lighting plans. This information was not requested by the Planning Authority nor was it submitted during the processing of the application or as part of the appeal documentation. In addition, no Noise Impact Assessment accompanied the application for the previously approved scheme on the site (Ref: ABP-307174-20).
- 8.4.5 In the absence of expert reports around noise impacts it falls that I must make a judgment on the potential impacts of noise. It is understood that the applicant resides on Ferbane Street directly opposite the portion of the site which forms the truck park.

There are two other residential properties opposite the site on Ferbane Street, one of which is occupied by the third party to the appeal. In addition, there is one other residential property located to the southwest of the site on the same side of the road as the application site, while an area zoned for new residential land abuts the site to the south. I am of the view that these are the properties most likely to be affected by the proposed change in operating times.

- 8.4.6 The fuelling islands for cars and trucks are located centrally within the site and are contained under existing canopies. When measured from the closest point of the fuelling canopies to the nearest residential property it is noted that a minimum separation distance of 50 metres exists with the distance to the third party's property being 66 metres. In addition, the existing service station shop provides a level of visual screening and acoustic attenuation to those properties directly opposite the site.
- 8.4.7 I am of the opinion that an adequate separation distance exists between the fuelling islands and parking areas so that a detrimental impact on residential amenity would not occur as a result of these activities, however, the core concern is with vehicles accessing and egressing the service station along its associated service road.
- 8.4.8 When considering the vehicles moving along the service road, the new residential land zoning comes within 26 metres of the service road, while the third party's dwelling house is within 20 metres of the service roads junction with Ferbane Street. This distance shortens considerably when considering the manoeuvring of vehicles onto Ferbane Street itself as they enter or leave the site.
- 8.4.9 At the time of inspection there were no lorries parked on the site, nor did any enter or exit the site, however, lorries were witnessed passing the site which created a significant noise impact compared to cars/vans either passing or entering/exiting the site. While there are no established government guidelines for assessing noise the general practice has been to assign a lower decibel level to night time noise with most Planning Authorities specifying a daytime and night-time limits of 55dB and 45dB respectively. These noise levels are reflected in the Planning Authority's condition No. 4.
- 8.4.10 No noise measurements were taken or provided, however, it is recognised that noise nuisance during night time hours is likely to be caused at lower levels than during the day time operations. Lorries were observed exiting a road junction at another proxy

location and it is considered that the noise level created by the sound of trucks braking on entering the site or revving up as they exit the site, especially those towing trailers would have an unacceptable adverse impact during night time hours.

- 8.4.11 I acknowledge the applicant's comments that a considerable level of noise is already present at any of the roadside dwellings along Ferbane Street given that it forms part of the N62. However, I am of the view that trucks entering and emerging from the site during night time hours would result in a considerable additional impact in terms of the level and duration of the noise as trucks emerge or enter the site. This would have an adverse impact upon the residential amenity of nearby properties and to some extent may impact upon the new residential zoning to the south of the site. In the absence of any detailed expert survey to evaluate noise impact I am of the opinion that vehicles entering/exiting the site during night time hours are likely to have a significant impact upon nearby residential dwellings.
- 8.4.12 It is stated that the Inspector under the previous appeal on the site (Appeal Ref: ABP-307174-20) considered that the impact on residential amenity was acceptable in terms of light, odour and noise. Having reviewed this previous appeal decision and the history file I am of the opinion that while the Inspector did not make a distinction between day time impacts and night time impacts, they clearly addressed the issue of the proposed opening hour restriction (10pm-6am) condition put forward by the Planning Authority and then extended the use of the condition to also restrict the use of the site for overnight truck parking. I am of the opinion that the Inspector considered the issue of residential amenity and mitigated the potential impacts through the use of a condition. In any case, it was ultimately the decision of the Bord that a restriction on opening hours and overnight parking was a necessary requirement to the grant of permission.
- 8.4.13 Reference was made to a previous appeal case at Abbeyleix Road, Portlaoise, Co. Laois (Ref: ABP-304070-19). In that case An Bord Pleanála considered that there was not a detrimental impact on the residential amenity of nearby properties based on the circumstances of that case which notably did not include a fuelling area for lorries and had a single pump island. I am of the view that the case does not set a precedent for the subject appeal case which has to be assessed on its own merits.
- 8.4.14 The Planning Authority proposed condition 04 to control waste, dust and the level of noise from the site during different times. This condition is considered necessary in order to ensure that there is no loss of amenity at nearby sensitive receptors. In

addition, the reason should be adjusted to indicate that the condition is necessary to control noise.

8.5 Other Matters

- 8.5.1 Issues in relation to the enforcement of alleged breaches of the previous planning conditions, these are matters which lie outside the jurisdiction of this appeal and are matters for the Planning Authority and the Courts.

9.0 AA Screening

- 9.1 The subject site is located at Cloghan Service Station, Ferbane St Creggan and Glosterboy Townland, Cloghan, Co. Offaly and there are no relevant designated sites close by.
- 9.2 The proposed development comprises the construction of a canopy at an existing car wash slab; construction of a fuel storage shed; installation of bicycle shelters; extension of hours of operation of fuel card pumps to 24 hours per day; and access to parking area for overnight truck parking. No nature conservation concerns were raised in the planning appeal. 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.
- 9.3 The reason for this conclusion is as follows:
- Small scale and nature of the development
 - Distance from nearest European site and lack of connections.
- 9.4 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.

10.0 Water Framework Directive

- 10.1 The subject site is located at Cloghan Service Station, Ferbane St Creggan and Glosterboy Townland, Cloghan, Co. Offaly which is located 0.3km from the nearest known watercourse.
- 10.2 The proposed development comprises the construction of a canopy at existing car wash slab; construction of a fuel storage shed; installation of bicycle shelters; extension of hours of operation of fuel card pumps to 24 hours per day; and access to parking area for overnight truck parking. No water deterioration concerns were raised in the planning appeal.
- 10.2 I have assessed the development 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 satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.3 The reason for this conclusion is as follows:
- Small scale and nature of the development; and
 - Distance from nearest water bodies and lack of hydrological connections.
- 10.4 I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

- 11.1 That a split decision be issued.

- 11.2 To refuse planning permission for the extension of opening hours for the operation of the fuel card pumps to 24 hours per day and access to the parking area for overnight truck parking for the reasons and considerations set out in Schedule 1 below.
- 11.3 To grant permission for the construction of a canopy at the existing car wash slab, the construction of a fuel storage shed and the installation of the bicycle shelter for the reasons and considerations and subject to the conditions set out in Schedule 2 below.

12.0 Reasons and Considerations

Schedule 1

- 12.1 Having regard to the proposed extension of opening hours, I consider that, this element of the proposed development would seriously injure the residential amenity of neighbouring properties in the vicinity and would not be in accordance with the proper planning and sustainable development of the area and that permission be refused for the following reason:
- 12.2 1) Standard DMS-61 'Motor Fuel Stations and Service Areas' as contained in Chapter 13 of the Offaly County Development Plan 2021-2027 details the requirements for the design and layout of filling stations. It is considered that the proposed extension of hours of operation of fuel card pumps to 24 hours per day and providing access to parking area for overnight truck parking is contrary to the provisions of the aforementioned standard which states that proposed extensions shall have regard to that the effects of noise, general disturbance and hours of operation on the amenities of nearby residents. The proposed change in work hours and change of use would seriously injure the amenities of property in the vicinity and would set an undesirable precedent for the operation of a filling stations within close proximity to existing dwellings and would therefore be contrary to the proper planning and sustainable development of the area.

Schedule 2

- 12.3 Having regard to the design, appearance and siting of the proposed the construction of a canopy at existing car wash slab, the construction of a fuel storage shed and the installation of the bicycle shelter, and the pattern of development in the vicinity and, subject to compliance with conditions below, these elements of the proposed

development would not seriously injure the amenities of the area or residential amenities of property in the vicinity and would not adversely impact on the character of the area. These aspects of the proposed development, therefore, would be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the Planning Authority on the 27th March 2025 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2.	(a) All wastes arising from/at the proposed development shall be managed in accordance with the Waste Management Acts 1996 as amended. While awaiting removal, all waste materials shall be stored in designated areas protected against spillage or leachate run-off. (b) Noise emissions at the nearest noise sensitive location (such as dwellings, schools, places of worship or areas of high amenity) shall not exceed the following: • LAeq (60 minutes) 55dB(A) 8am to 8pm • LAeq (15 minutes) 45dB(A) 6am to 8am Audible tonal or impulsive components shall be minimised at any noise sensitive location. (c) The Applicant shall take reasonable measures to mitigate any environmental nuisance (noise and dust) which may arise during construction. Construction shall take place during working hours 7am to 6.30pm Monday to Friday and 8am to 1.30pm Saturday unless otherwise authorised by the Planning Authority. Reason: In the interest of public health and to control the level of noise.

3.	a) All necessary measures shall be taken by the applicant to prevent any spillage or deposition of clay, dust, rubble or other debris, whether arising from vehicle wheels or otherwise, on the adjoining and/or adjacent public road and footpath network during the course of the construction works. b) Any damage to roads, footpaths or other public property caused by the development shall be made good to the satisfaction of the District Engineer. Reason: In the interest of traffic safety and proper control of development.
4.	All development works shall be carried out in accordance with Recommendations for Site Development Works in Housing Areas, DECLG, 1998. Reason: In the interest of proper planning control.
5.	Prior to the commencement of development of the carwash canopy, details of the external finishes shall be submitted to and agreed in writing with the Planning Authority. Reason: To define the scope of permission, in the interest of orderly development.
6.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme. Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Barry Diamond
Planning Inspector

12 September 2025

Appendix A: Form 1 EIA Pre-Screening

Case Reference	ACP-322784-25
Proposed Development Summary	Construction of a canopy at existing car wash slab; construction of a fuel storage shed; installation of bicycle shelters; extension of hours of operation of fuel card pumps to 24 hours per day; and access to parking area for overnight truck parking.
Development Address	Cloghan Service Station, Ferbane St Creggan and Glosterboy Townland, Cloghan, Co. Offaly
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 <u>Part 1</u>, 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.	Class 10(b)(iv), of Part 2 of Schedule 5
☐ No, it is not a Class specified in Part 1. Proceed to Q	
7. Is the proposed development of a CLASS specified in <u>Part 2</u>, 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)	Class 10(b)(iv) – Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (“business district” means a district within a city or town in which the predominant land use is retail or commercial use). The appeal site is located within the development limits of Cloghan Village. It comprises of an established service station with a stated site area of 1.47 ha.
8. 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: _____

Appendix B: Form 2 - EIA Preliminary Examination

Case Reference	ACP-322784-25
Proposed Development Summary	Construction of a canopy at existing car wash slab; construction of a fuel storage shed; installation of bicycle shelters; extension of hours of operation of fuel card pumps to 24 hours per day; and access to parking area for overnight truck parking.
Development Address	Cloghan Service Station, Ferbane St Creggan and Glosterboy Townland, Cloghan, Co. Offaly
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 development comprises 3No. small structures within the curtilage of the existing service station and the change of operating hours for the filling pumps and truck parking. The development comes forward as a standalone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risk to human health.
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).	This small development is situated in an urban area within the curtilage of an existing service station on the edge of a rural village with residential to the west and southwest with agricultural lands to the north and east. The site is not located within or immediately adjacent to any designated site. The subject development would drain to the existing drainage system which connects to the wastewater services upon which its effects would be marginal. It is considered 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.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration,	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.

cumulative effects and opportunities for mitigation).	
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)