



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323088-25

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<b>Development</b>	Service station, retail area, seating areas, food/beverage courts, drive-thru and service bays and all associated site works.
<b>Location</b>	Moynehall, Cavan Town, Co. Cavan.
<b>Planning Authority</b>	Cavan County Council
<b>Planning Authority Reg. Ref.</b>	2460530
<b>Applicant(s)</b>	Cavan Motors Ltd
<b>Type of Application</b>	Planning Permission
<b>Planning Authority Decision</b>	Grant permission w. Conds.
<b>Type of Appeal</b>	Third Party v Decision
<b>Appellant(s)</b>	Philip Kiernan Transport Infrastructure Ireland
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	13 <sup>th</sup> January 2026
<b>Inspector</b>	Dan Aspell

## 1.0 Site Location and Description

- 1.1.1. The site is located in Moynehall, Cavan Town. The site comprises a former vehicle testing centre and car sales outlet (Cavan Motors). The premises comprises adjoining warehouse structures surrounding by associated yards and parking. The N55 is adjacent to the west. There are 3 no. dwellings on the far side of the N55. The roundabout at the junction of the N55 and R395 (Ballinagh Road) is to the north-west. The access road serving the site is to the north. Agricultural lands are to the east. The Corlurgan Business Park is to the south ('Kool Kids' Activity Centre and 'Aurora' Beds are adjacent the site).
- 1.1.2. There are two accesses to the site. The main access is off an access road to the north which runs east from the N55-R395 roundabout. The second egress/access is directly onto the N55 along the western boundary of the site. There is a bus stop outside the site along the N55.

## 2.0 Proposed Development

- 2.1.1. The proposed development comprises:
- Demolition of existing buildings (1,430sqm) and closure of entrance onto N55;
  - Construction of a new filling station consisting of:
    - Single storey service station building (957sqm) including new retail area (100sqm, of which 10sqm comprises ancillary off-licence); communal seating areas; 4 no. food/beverage offers; drive-thru; back of house;
    - detached service yard;
    - 4 no. pump islands with parking for 8 no. cars and canopy;
    - 51 no. parking spaces and 5 no. EV charging spaces; 3 no. service bays; 4 no. disabled spaces; 3 no. drive-thru waiting bays; 6 no. staff spaces; 10 no. HGV/bus spaces; 2 no. car wash bays; 2 no. HGV fuelling bays; and 10 no. cycle parking bays;
    - All associated works including landscaping; searing area; boundary treatments; substation; circulation; lighting; fill points; underground fuel tanks; and signage.

2.1.2. The applicant submitted to the Planning Authority a Design Statement & addendum; Outdoor Lighting Report; Planning Statement; Civil Engineering Design Report; Traffic Impact Assessment (TIA) and Stage 1/2 Road Safety Audit; Appropriate Assessment (AA) Screening report; further information traffic Report; Resource Waste Management Plan (RWMP) ; Asbestos Survey Report; Noise Impact Assessment; Construction Environmental Management Plan (CEMP); engineering, landscape, and architectural drawings; and related documents.

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. Cavan County Council issued a notification to grant permission subject to 25 no. Conditions. I note the following in particular:

- Condition 3: Full details of the design of the overall development including the forecourt canopy and signage, to be submitted for approval;
- Cond. 5: Restriction on operational hours;
- Cond. 6: Retail space and food offer areas to be as submitted and to not encroach on seating or ancillary use areas;
- Cond. 7: Construction details of works to roundabout arm and public footpath to be agreed;
- Cond. 8: Requirement to implement recommendations of Stage 1/2 of road safety audit;
- Cond. 9: Requirement for stage 3 road safety audit;
- Cond. 10: Requirement to update directional signage;
- Cond. 12: Requirements relating to public lighting;
- Cond. 13: Requirements relating to petrol vapour recovery;
- Conds. 4 and 20 – 25 relate to the management of waste during construction and operation;
- Conds. 14 – 19 relate to protection of water during construction and operation.

## 3.2. Planning Authority Reports

3.2.1. Planning reports: The Planner report in response to further recommended permission be granted subject to conditions. I note the following points:

- Principle: Petrol station, food & beverage and off-licence;
- Location & siting: The N55 is a National Secondary Route. The posted speed limit is 100kph. Location and siting is appropriate as it maximises use of the site for economic purposes. Proposal will generate employment of c.25 full / part time employees;
- Design: The proposed development includes 2 no. canopies. Design details of canopies are not included. Site is a gateway site on the approach to Cavan Town and is in a prominent location. The revised design is generally acceptable. Full details of the design including canopy & signage are required;
- Petrol station: Stage 1/2 petrol vapour recovery will be installed in accordance with current regulations for service stations. When the station is commissioned, both Stage 1/2 recovery assessments will be carried out and reports submitted to the Local Authority for certificates for same;
- Landscape / visual: Site is in a commercial area. Proposal will not result in negative visual impact on the landscape subject to design detail;
- Traffic: A submitted TIA stated that under the forecast future traffic conditions there will be sufficient practical reserve capacity at the roundabout junction to accommodate the traffic associated with the proposed development. It also stated that no mitigation was required. This is satisfactory;
- Roads: The development's access crosses Council-owned property to connect to the roundabout. The revised site layout shows the possible future strategic link to the north of the site and extending the existing roundabout spur eastward along the northern fringe of the site. Report stated that the strategic link road will have priority over the proposed site access and will form a priority T-junction. The Roads Design section and Area Engineer reports were noted including recommended condition. This is satisfactory;

- Wayfinding: Proposal is likely to attract pedestrians from residential areas along the R935. A drawing showing pedestrian routes through the site is submitted, including to the bus-stop on the N55. This is satisfactory;
- Road safety: A submitted Stage 1/2 RSA confirms the matters raised can be implemented at detailed design stage. The Roads Design section report recommends conditions. This is adequate;
- Parking: Provision is considered acceptable. A condition is required in relation to the provision of ducting / wiring for electric vehicle spaces;
- Residential amenity:
  - Boundaries/landscaping: Revised drawings incorporate anti-dazzle fencing/hedging. Landscaping & boundary treatments are acceptable;
  - Noise: A noise report & survey was submitted. The report indicates that operational noise from the development will not exceed prevailing background noise by a sufficient margin to give rise to significant adverse impacts, however mitigation is proposed as a matter of course in relation to operations, plants and services. This is satisfactory;
  - Lighting: The site is in a commercial area. There are 2 no. houses to the west. The submitted lighting plan and report indicates no light spill from the development. The proposal is considered satisfactory. The report from the Council Lighting Section is noted. Applicant will be required to provide an additional lighting column;
- Hours of operation: Opening hours will be 06:00–23:00 daily. The car wash will be 08:00-21:00 daily. This is satisfactory;
- Water/wastewater: A new connection to public mains water and sewer are proposed. Details of surface water management are submitted. 3 no. petrol/oil separators are incorporated (forecourt, by-pass separator and washdown separator). This is satisfactory;
- Waste: An Asbestos Survey and RWMP were submitted. This is satisfactory;
- Construction: A CEMP was submitted. Conditions are recommended;

- AA: The AA screening report submitted did not identify potential significant impacts to nearby European Sites. Stage 2 AA is not deemed necessary.

Other Technical Reports:

3.2.2. Road Design: Report in response to further information stated the following:

- Proposed development exits onto the existing N55 Moynehall Roundabout which is subject to a 100kmh speed limit;
- Report stated the TIA submitted identified no mitigation as being required, and stated that capacity assessments were carried out on the junction and the N55/R935/Site access roundabout junction which indicated that under the forecast future traffic conditions there will be sufficient practical reserve capacity at this junction to accommodate the traffic associated with the proposed development;
- Report recommends conditions in relation to detailed construction drawings; requirement to implement all recommendations of the Stage 1/2 Road Safety Audit (RSA); requirement to undertake a Stage 3 RSA; requirement to update directional signage; and completion of certain works prior to commencement of retail activity on the site.

3.2.3. Area Engineer: Report stated the Area Engineer liaised with the Road Design section and concurred with the recommended Planning conditions.

3.2.4. Public Lighting: Proposal fully compliant subject to one additional lighting column.

3.2.5. Senior Executive Scientist: No objection subject to conditions relating to inclusion of Stage 1/2 petrol vapour recovery, and construction & operational drainage management.

3.2.6. Environmental Services: Report stated no objection subject to conditions relating to construction and operational waste management.

### 3.3. **Prescribed Bodies**

3.3.1. Transport Infrastructure Ireland (TII): Submissions made the following points:

- Application is at variance with official policy in relation to control of development on/affecting national roads, as outlined in Spatial Planning and National Roads

Guidelines for Planning Authorities 2012. The development by itself or by the precedent would adversely affect operation and safety of national road network;

- Policy in relation to development involving access to national roads and development along such roads is set out in Spatial Planning and National Roads Guidelines for Planning Authorities. The proposal would create an adverse impact on the national road where the maximum permitted speed limit applies and would be at variance with the foregoing national policy in relation to control of frontage development on national roads;
- Section 2.5 of the Guidelines states the policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmph apply. The proposal would result in the intensification of an existing direct access to a national road contrary to official policy in relation to control of frontage development on national roads;
- Section 2.7 of the Guidelines concerns development at National Road Interchanges or Junctions. The proposal would create an adverse impact on the national road and associated junction and would be at variance with the foregoing national policy;
- The Chief Executives Report on submissions received on the Draft Development Plan, in response to observations on the implications of zoning additional lands, the subject lands, 'General Enterprise and Employment' at this location accessing the N55, responded; *'It is considered appropriate to permit an extension of the small-scale enterprises that exist at this location in the adjoining lands'*. TII considers the development proposed is significantly beyond what represents extension of small-scale enterprise and will result in alteration to the nature and use of the access to the N55 significantly intensifying the direct access to the national road junction contrary to the provisions of policy and the Development Plan;
- Proposal is not plan-led in accordance with the provisions of Section 2.7 of the Guidelines and conflicts with Objective NR05;
- TII considers the application conflicts with Development Plan Objectives NR01 and NR02.

### 3.4. Third Party Observations

3.4.1. During the planning application stage 6 no. observers made submission to the planning authority. These were Philip Kiernan; Bridie Tighe; Alan O'Callaghan (on behalf of Circle K Energy Ltd); Ciaran Crowe, Enda Sheridan, and Susan Cronin. The points made are summarised as follows:

- Ciaran Crowe: Owner of land bordering the site and wishes for their access and boundary not to be affected, changed or obstructed, and ensure their property is secure and appropriately screened visually and from noise;
- Alan O'Callaghan (obo. Circle K Energy): Wished to be kept informed;
- Susan Cronin: Stated the proposal will have an adverse impact on the market value of their residence for the following reasons:
  - Traffic: Highlighted existing difficulties crossing the N55 when turning right to access their home, especially risk of rear-end collision. Proposal would increase traffic at the roundabout;
  - Noise & Light: Proposal will expose their home to increased noise & light pollution, and reduce privacy. There will be significant construction noise. No reference to trading hours. If the development operated 24 hours a day their dwelling would be subject to noise disturbance especially from trucks;
- Enda Sheridan: Submission made the following points:
  - Traffic: Highlights difficulty getting into/out of driveway at present, and risks of rear-end collision, and risks from car parked in hard shoulder. The footpath to the shop in front of their driveway will encourage cars to park there and enter the shop;
  - Noise: The increased noise will impact their lives day and night. Submission objects to 24hr service;
  - Light and privacy: Proposal will devalue their house due to movement & noise on the site. Objects to the boundary wall being small due to impact from light; wall height should increase to improve privacy & light disturbance;
- Philip Kiernan: Submission made the following points:
  - Hours of operation: Hours of former garage were not 24hr;

- Light: Impact on neighbours from light from vehicles including heavy goods vehicles (HGVs). Drive-thru will spill light onto roadside and adjacent properties. The lighting assessment does not take into account light spill; it should show none at roadside and to neighbouring dwellings/property;
- Noise: The external seating is at the side of the building and will cause noise for dwellings directly across the road;
- Car parking: Insufficient car spaces for staff (25 staff are stated however only 6 no. staff parking bays are shown);
- Traffic: Proposal will increase traffic on an already busy road and would impact a national road where the maximum speed limit applies. Submission refers to TII submission.
- Bridie Tighe: Submission made the following points:
  - Traffic: The increased traffic will lead to congestion and make access for residents more difficult. States that tailbacks already occur when the observer is turning right into their home and increase risk of collision. Closure of the N55 access is to be commended. The pedestrian access to the N55 is a greater hazard; cars may stop there and walk into the shop. The risk of collision of traffic chaos is substantial;
  - Privacy & Living environment: The Design Statement and Planning Statement are contradictory. The extent of glazing will cause an unacceptable level of visual intrusion. Proposal will not integrate with the surrounding area, and will be overbearing and intrusive, especially given the proximity to observer's home and lack of meaningful buffer zone. Proposal is taller than the existing bungalows and buildings on the site. Proposal faces existing dwellings and is in closer proximity, is more imposing, overly dominant, and not in keeping. The parking spaces along the N55 and seating areas will impact privacy of dwellings and have not been adequately addressed. Proposal is not sympathetic to semi-rural character of the area;
  - Security & Crime: Proposal infringes privacy & security. Layout will provide conditions for criminals to monitor residents and exacerbate security

concerns. Increased traffic and latenight operating will attract unsociable behaviour;

- Noise: Submission accepts N55 is already busy, however proposal will lead to more traffic and noise. HGV bays, car wash and fuelling will generate significant noise, especially from vehicles idling / starting in the early hours. Refrigerated trucks which require engines to remain on will contribute to nighttime noise. This will impact resident's sleep. Noise created by additional people/customers entering/exiting the premises and car sound systems. If the premises is open 24hrs it will become a constant issue. Air quality will also be affected and higher levels of pollution will impact health and wellbeing of local residents;
- Light, glare & reflection: Lighting from the development including signage will increase light pollution. The signage will be directly opposite and will shine directly into the observer's property, along with light from vehicles. This will increase visibility into the home at night and impact privacy. Light pollution affects sleep and health. The extensive glazing will be a source of glare. The lines of headlights in the drive-thru will confuse drivers on the N55;
- Local infrastructure: Water supply is already low. Increased water from the wash bays, toilets, showers and food areas will put pressure on local the wastewater system and will flow down the drain at the side of the observer's property and may erode the embankment along the road. The underground fuel tanks may contaminate soil and groundwater;
- Commercial need: As there are already 4 no. service stations on this side of Cavan town, submission queries if there is a need for another development;
- Mitigation & Design changes: Incorporating the following mitigation would significantly reduce impacts and allow the station to operate effectively: The height should be reduced, and the pedestrian access to the N55 should be removed; piping the existing drain to accommodate the additional stormwater to prevent erosion of the drain's embankment; clarity that the water connection won't affect local residents; limiting opening hours in line with a residential areas; and turning off lights after 22:00. A 3m or higher

privacy screen along the N55 would alleviate some concerns regarding privacy, security, light/glare/reflection and noise.

## 4.0 Planning History

### 4.1. Subject site

4.1.1. No recent applications.

### 4.2. Nearby sites:

Lands to south (Corlurgan Business Park):

- 4.2.1. Reg. Ref. 20384: Planning permission granted by the Planning Authority in 2020 for alteration and extension to rear of Block C ('Krazy Kids'). Works include associated site development works and replacement of existing effluent treatment plant and percolation area in accordance with conditions on Planning Permission Ref 20/186.
- 4.2.2. Reg. Ref. 20186: Planning permission granted by the Planning Authority in 2020 for alteration and extension to Block F ('Aurora' Beds). Works include replacement of existing effluent treatment plant, replacement of existing percolation area with a new polishing filter, installation of pumping main to new polishing filter located to adjoining lands and associated site development works.

## 5.0 Policy Context

### 5.1. National & Regional guidelines and strategies

Climate Action Plan 2025

National Planning Framework First Revision 2025, including NSO2;

National Development Plan Review 2025;

National Biodiversity Action Plan 2023-2030, including its Objectives and Targets;

Ireland's Government Road Safety Strategy 2021-2030;

National Investment Framework for Transport in Ireland 2021 (NIFTI);

Best Practice Guidelines for the Preparation of Resource & Waste Management Plans for Construction and Demolition Projects, EPA 2021;

Design Manual for Urban Roads & Streets (DMURS) 2019 & Advice Notes;

TII Traffic and Transport Assessment Guidelines 2014;

Spatial Planning and National Road Guidelines for Planning Authorities 2012, including Sections 2.5, 2.8 and 2.9;

Retail Planning Guidelines and Retail Design Manual 2012;

Northern & Western Regional Assembly Regional Spatial & Economic Strategy 2020-2032 including RPO 6.5.

## 5.2. Development Plan

5.2.1. The Cavan County Development Plan 2022-2028 states that it incorporates a Local Area Plan for Cavan Town 2022-2028, and that the visions, policies, objectives, standards and guidance contained within the Cavan County Development Plan 2022-2028 apply to the Cavan Town Local Area Plan 2022-2028. In the Development Plan the site is zoned 'General Enterprise and Employment', the objective for which is to *"Provide for and improve general enterprise and employment generating uses"*. 'Petrol Filling Station' is 'permitted in principle' in this zone.

5.2.2. Section 14.15 'General Enterprise and Employment'.

### Service station

5.2.3. Section 13.6.8 'Service Stations'

5.2.4. 'Service Stations Development Objectives':

- SERS01: *"Proposals for new or extended service stations will be carefully considered and will not generally be encouraged within the town/village centre areas of towns and villages or in rural areas outside of villages and community nodes and shall be located within the speed limit zones."*
- SERS02: *"Service stations will not generally be permitted in/adjoining residential areas, unless it can be clearly demonstrated that there will be no significant effect on residential amenities by reason of noise, traffic, visual obtrusion, safety considerations or fumes and smells. Hours of operation will be limited where a*

*service station is permitted in a residential area. Proposals to demonstrate the above will be required to be submitted with planning application.”*

- *SERS03: “The following shall be required to be submitted as part of planning application.*
  - *A detailed design statement for the proposed development*
  - *A high-quality design including roof design, layout and external finishes to ensure it integrates and complements the surrounding environment*
  - *Standard petrol station canopies are not acceptable and should be replaced with more sympathetic canopies of light steel and glass or slated roofs with no attached advertising*
  - *Developments shall be located within the 60kph speed limit and are usually acceptable within the edges of designated settlements.*
  - *Proposed developments which have the potential to restrict traffic flow and/or create traffic hazard will not be permitted. Generally, two access points to a minimum width of 7.3 metres and a maximum width of 9.1 metres will be required, with appropriate turning curve based on road design speed and relevant standards*
  - *The frontage of the site shall be defined by a boundary wall, not exceeding 0.5metres in height. Footpaths and lighting to ESB standards shall be provided to the roadside boundary.*
  - *The layout should provide for safe pedestrian access to the shop and rest facilities.*
  - *Adequate provision of rest areas and toilets accessible by pedestrians and cyclists.*
  - *Where the development would be likely to have significant impact on the historic or architectural character of the area, the use of standard corporate designs and signage may not be acceptable.*
  - *Proposals for the service station including method of disposal of wastewater from car-wash areas, surface water outlet and oil interceptors. The*

*development shall be designed and operated in such a manner that it does not adversely affect existing road drainage in the area.*

- *No pumps shall be located within 7 metres of the roadside boundary and no other structures other than pumps, shall be located within 15 metres of the roadside boundary.*
- *Retail uses not associated with the motor industry shall be considered in the context of the existing retail outlets in the vicinity. Only uses which contribute to the vibrancy and service level of the settlement shall be considered.*
- *Any retailing component shall not exceed 100sq.m of retailing area and shall be restricted to convenience goods only. Where permission is sought for retail floorspace in excess of 100sq.m, the sequential approach to retail development shall apply.*
- *Forecourt lighting, including canopy lighting, shall be limited.*
- *All external lighting shall be cowled and diverted away from the public roadway to prevent a traffic hazard.*
- *The placing of signs on footpaths, grass verges or any part of a public roadway will not be permitted. No advertisements or other structures, whether temporary or permanent, shall be placed on the forecourt, which would interfere with the sightlines of motorists entering/ existing the site.*
- *EV Charging points for electric cars shall be provided with every new/extended service station.*
- *Detailed landscaping proposals in order to effectively integrate the proposed development into its surroundings”.*

5.2.5. Section 13.6.9 ‘Fast Food / Takeaway Outlets’

5.2.6. Objective FFD03: “Only consider drive-through restaurants in locations where development will not interfere with the free flow of traffic or detract from the visual or residential amenities of the area”.

#### Signage

5.2.7. Section 13.6.7 ‘Signage’.

- 5.2.8. Objective SIGN01: *“Evaluate signage proposals in relation to the surroundings and features of the buildings and structures on which signs are to be displayed, the number and size of signs in the area (both existing and proposed) and the potential for the creation of undesirable clutter”*
- 5.2.9. Objective SIGN03: *“Have regard to Section 3.8 of the DOECLG Spatial Planning and National Roads Guidelines and TII’s Policy on the Provision of Tourist and Leisure Signage on National Roads.”*

#### Noise

- 5.2.10. Section 8.9 ‘Noise Pollution’ (N55)
- 5.2.11. Objective N02: *“Require all developments to be designed and operated in a manner that will minimise and contain noise levels having regard to relevant national guidelines and in the absence of national guidelines, to relevant international standards, where appropriate. Seek identification and implementation of noise mitigation measures, where warranted, for developments proposed in the vicinity of existing or proposed national roads”.*

#### National roads

- 5.2.12. Sections 6.14.3 ‘Road Network’ and 7.4.1 ‘National Roads’.
- 5.2.13. Objective NR01: *“Maintain and protect the safety, capacity and efficiency of National roads and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities, DECLG (2012)”*
- 5.2.14. Objective NR02: *“Protect national roads from inappropriate access in order to protect the substantial investment in the national road network, to preserve the carrying capacity and safety of the National Road Network”*
- 5.2.15. Objective NR05: *“To protect the capacity, efficiency and safety of the national road network in County Cavan by complying with the ‘Spatial Planning and National Roads -Guidelines for planning authorities’ (2012).”*
- 5.2.16. Road Development Objective GR03: *“Require Traffic Assessments for proposed trip intensive developments, as appropriate and in accordance with the TII Publication PE-PDV-02045 - Traffic and Transport Assessment Guidelines”*

### 5.3. Natural Heritage Designations

- 5.3.1. Lough Oughter and Associated Loughs SAC and Lough Oughter Complex SPA are approximately 6.15km to the west.

## 6.0 Environmental Impact Assessment screening

- 6.1.1. The proposed development has been subject to preliminary examination for environment impact assessment (See Form 1 & 2 Appendix 1 of this report). Having regard to the characteristics and location of the development and the types and characteristics of potential impacts, I consider that there is no real likelihood of significant effects on the environment. The development, therefore, does not trigger requirement for EIA screening and an EIAR is not required.

## 7.0 The Appeal

### 7.1. Grounds of Third-Party Appeals

- 7.1.1. Two third-party appeal was received, from TII and Philip Kiernan, the main points of which are summarised as follows:

#### TII

- 7.1.2. I summarise the appeal from TII as follows:

- Proposal relies on use of a direct private access to the N55 national secondary road roundabout, where a 100kmph speed limit applies. It will result in significant intensification of use of that access which is at variance with official policy. Proposal has the potential to compromise the safety and efficiency of the national road network;
- TII's submission was not fully addressed in the Council's technical & planning reports to demonstrate the proposal adheres to the provisions of policy and road user safety;
- National & Regional policy: Appeal refers to NPF NSO2, NDP Chapter 7, NIFTI, Spatial Planning & National Roads Guidelines 2012 ('the Guidelines'), national Road Safety Strategy 2021-2030, NWRA RSES including RPO 6.5. Appeal

states that Spatial Planning & National Roads Guidelines outline that creation of new accesses and intensification of existing accesses to national roads give rise to additional turning movements and introduce additional safety risks. Given the nature and character of the proposal the Council decision conflicts with the foregoing policy as the proposal results in intensification of a direct private access to the N55 at a roundabout junctions where a 100kmph speed limit applies. No reasons for departure from national policy that the proposal represents are outlined by the Council;

- Section 2.8 of Guidelines: Section 2.8 relates to service area facilities and applies to the proposal. The type of proposal at this location with a direct access to the N55 by a private access link to a national road roundabout junction where a 100kmph speed limit applies clearly conflicts with Section 2.8. Proposal would be at variance with policy to preserve the level of service, safety and carrying capacity of national roads and to protect public investment as per the Guidelines, and would establish an undesirable precedent;
- Development Plan policy: Proposal is inconsistent with Development Plan. Appeal notes Objectives NR01, NR02, NR05 and SERS01. The zoning of the area was subject to review by the OPR during the CDP review. Appeal states the Chief Executive response to TII's submission on the CDP stated that it was considered appropriate to permit an extension of the small-scale enterprises that exist at this location in the adjoining lands (extract provided). Proposal is significantly beyond an extension of small-scale enterprises. It will result in alterations of the nature and use of the access to the N55 and significantly intensify it contrary to Development Plan policy. The Council technical and planning reports do not appear to have considered and addressed the policy conflict arising or the justification. Appeal references Sections 2.5 and 2.7 of the Guidelines and related provisions. It states that retail uses are not considered sufficiently strategic to necessitate accessibility to the strategic national road network.
- The Council granted permission for intensification of a direct access to a high speed and highly trafficked national road in the absence of any exceptional reasons justifying departure from standard policy and road safety considerations. No strategic approach for development accessing national

roads has been incorporated into the Development Plan. The Council have not prepared the required evidence. This piecemeal approach has significant implications for policy and road safety on the strategic road network. The proposal would endanger public safety by reason of traffic hazard due to additional traffic including turning movements;

- Road & public safety: Appeal sets out information on national road network and road safety and the need to restrict direct accesses and intensification of access to the high-speed national road network. Appeal states policy identifies that the intensification of accesses to national roads generates additional turning movements that introduce additional safety risks. For road safety, proliferation of roadside developments accessing national roads where speed limits are greater than 50-60kmph must be guarded against. With concern TII finds it necessary to appeal the subject case;
- Precedence: Proposal by itself and the precedent it would set would endanger public safety and interfere with the free-flow of traffic and conflict with the Guidelines. Any proposal should not compromise or risk piecemeal erosion of the national road network. Council granted permission for a proposal reliant on an existing private access to the N55 in the absence of exceptional reasons;
- Protecting public investment: Appeal refers to need to ensure adequate maintenance of national road network to protect the value of investment, and refers to NPF NSO2 and NDP Chapter 7, NIFTI and the Guidelines in this regard. Proposal conflicts with Government policy to safeguard the strategic function of the national road network.

7.1.3. The appeal includes extracts from the Cavan County Council Chief Executive's report on submissions received on the Draft County Development Plan.

Philip Kiernan

7.1.4. I summarise the appeal from Philip Kiernan as follows:

- Having regard to Spatial Planning & National Roads Guidelines the proposal would negatively affect a section of national road where the highest speed limit applies. This conflicts with national policy to restrict direct access to such roads to safeguard their safety and strategic role in the national transport network;

- Appeal refers to points made in the Chief Executive report on the Draft Development Plan and states TII considers the proposal is significantly larger than a small-scale extension and would intensify the N55 access in conflict with national policy and the Development Plan;
- TII considers the proposal conflicts with Development Plan Objectives NR01, NR02 and NR05;
- The operating hours of the Nissan Garage was Mon.-Fri. 09:00-18:00 and Sat.10:00-16:00, whereas the proposal will possibly operate for 24hrs;
- Impact of nuisance lighting from vehicles on neighbours directly adjacent the road. The submitted lighting assessment does not take account of light splayed onto properties outside the red-line boundary. It should show zero light at the roadside and to neighbouring dwellings and property. The position of the drive-thru will impact dwellings across the road as a result of light as there is a low-level wall proposed along the road;
- The proposed external seating is to the side of the building which will cause noise pollution for dwellings across the road;
- There is insufficient car parking for staff. 25 full time staff will be employed however only 6 no. spaces are proposed.

## 7.2. First-Party Response to Third-Party Appeals

7.2.1. A first-party response to the third-party appeals was received, which responds to each appeal separately, the main points of which I summarise as follows:

- All items sought by the Council Senior Executive Engineer (Roads Design) at further information stage were addressed. The Planner Report noted the TII submission and stated the proposal was acceptable based on the response from the Roads Dept. The Planner Report noted it is proposed to extend eastward the existing spur from the N55 roundabout to form the possible future strategic link to zoned land to the east. The strategic link will have priority over the access to the application site and will form a priority T-junction;

TII:

- National & Regional policy: The NPF referred to by TII has been replaced by the Revised NPF. The NDP referred to by TII has been replaced by the NDP Review 2025. Response accepts the core policy of seeking to maintain the strategic capacity and safety of the national roads network still applies;
- Proposal does not directly access the N55. Proposal accesses a spur off a roundabout junction which in turn accesses the N55. The spur was always intended to facilitate access to the zoned land to the east. The 100kmph speed limit does not apply to the spur and therefore this is a different situation than outlined by TII. Response considers that it does not contravene Government policy. If the Commission considers the existing access involves an access onto the N55, it would be entirely unreasonable to apply the 100kmph speed limit to a roundabout junction; Government policy only intended to apply to cases where a site has direct access to a national road. Proposal includes closure of an existing direct access to the N55 which is a notable improvement in traffic safety;
- Spatial Planning & National Roads Guidelines Section 2.8 relates to concerns about proliferation of service area facilities along rural section of national roads and/or associated junctions. The subject site is not located along a rural section of national road or an associated junction or a rural section of a national road. It is located at the edge of an established town and as such does not apply in this case. Section 2.8 states that in general sufficient roadside facilities exist on the non-motorway national road network, but infers there is flexibility where there is undersupply, which there is in this instance. There is no large fuel filling station between Enniskillen and Ballymahon which is a considerable distance for drivers without a rest facility. There are minor stations but no truck or bus parking or EV stations. Section 2.8 indicates urban towns and villages should be favoured for filling stations; the subject site is at the edge of Cavan Town and meets this criterion;
- Regarding the carrying capacity of the national road, the submitted Traffic Report notes there is no material concern in respect of the impact of the proposal on the capacity of the N55. Regarding road safety, the response refers to the Stage 1 Road Safety Audit submitted with the application;

- The function of the roundabout is to slow traffic to allow safe movement. TII made no comment as to improved traffic safety as a result of the closure of the existing N55 access;
- Development Plan policy: Regarding Objective SERS01, the site is not in a rural area or the town centre and as such the proposal does not contravene this objective. The requirement to be located within the speed limit zones is general rather than mandatory. The reasonable exception in this instance is that there is an established development and entrance on the site which is normally a very busy car showroom and CVRT centre;
- Road & Public Safety: Government policy restricting intensification onto national roads is for cases where there is an existing entrance directly onto the national road and not where the entrance is onto a roundabout junction where speed is not a concern. Roundabouts are designed to accommodate traffic movements whereas similar movements on a stretch of national road can give rise to traffic hazard given the speeds involved;
- Precedence: Response does not consider the case sets a precedent. Similar arguments were raised by TII in relation to a proposed petrol station and drive-thru at Navan Retail Park with access by a roundabout on a national road (Reg. Ref. 2460012) but it was granted by Meath County Council. No appeal was lodged by TII in that case;
- Protecting public investment: Proposal will not undermine public investment in the N55. The established use on the site generates traffic movement onto the N55 through the roundabout in a safe manner and which has no material impact on carrying capacity. The Traffic Report demonstrates the proposal will have no material impact on carrying capacity of N55 or associated junctions.

7.2.2. The response includes a Traffic Report as part of the submission, which I summarise as follows:

- Upgrade of the N55 and adjacent junction occurred in 2005. Parts of the application site were acquired to facilitate the upgrade. The junction design included the existing spur serving the site. It is reasonable to suggest turning movements associated with development into/out of this spur would have been assessed. Direct access from the site at the time was permitted;

- Applicant design team had numerous technical meetings with the Council Roads & Transportation Section and agreed access arrangements with the Council. The applicant proposes to close the existing direct access to the N55. The Council sought inclusion of the potential strategic link as outlined by the Council Road Design office to facilitate access to zoned lands to the east. That link road would have priority over access to the application site. As such the proposal is not accessed from a private direct access to the N55 roundabout;
- As per the submitted TIA, the N55 roundabout has ample capacity from 2005-2041. Calculations are provided. Assessment shows the existing roundabout design parameters do not require changes to accommodate the existing or future traffic growth projections. During AM & PM peaks the proposed junction would experience almost free flow traffic conditions with no material queuing projected, operating with reserve capacity of over 85% during peak times;
- Proposal was assessed by independent road safety experts with a Stage 1/2 Road Safety Audit. The matters raised will be implemented at detailed design;
- Considering the above it is evident the proposal does not breach national or local policies in relation to vehicular access points connecting with national roads. Proposal is to be accessed from a future strategic road link which will provide access to zoned lands. The relevant points raised by Mr Kiernan are dealt with above.

#### Philip Kiernan

- The response states Mr. Kiernan owned 2 no. filling stations in Cavan town and may have commercial interest in the development of this filling station, and does not reside in any of the dwellings opposite the site. Response states that much of the appeal focuses on points made by TII and that those matters have been addressed above;
- Lighting: Response sets out details of submitted lighting assessment (Domus Lighting). Light levels at the residential properties have an average lux of 0.04lux which is essentially zero. These measurements at the neighbouring property were inadvertently not included with the application but are now shown with the appeal response. Lighting levels for the road were not calculated in order to show light from the proposal only. It is likely the houses are already

affected by street lighting. The low-level wall is of a height sufficient to screen lighting. The appellants failed to note that a new hedge inside the wall is proposed which is to also reduce glare and screen light from vehicles using the drive-thru lane;

- Noise/External seating: Seating will be used weather-permitting in daylight hours, and as such will not be used daily, and use is likely to be intermittent. Noise from customers talking would not be of such volume over the ambient noise of traffic on the N55 to impact the dwellings which are over 50m from the seating on the opposite site of the road;
- Staff car parking: Not all 25 no. staff will be working at the same time, and the number on site will be much lower. 6 no. spaces is reasonable. If there is a higher demand on occasion, they can use the other spaces without having a material impact on customer spaces. Site is accessible by cycle, scooter & bus. A bus stop is outside the site. Staff will be encouraged to use public transport;
- Response considers none of the issues raised are substantive or have sufficient weight to overturn the grant of permission. Proposal reduces driver fatigue, and car check facilities to prevent breakdowns. Truck drivers rely on such stations for mandated breaks. Service stations can provide safe waiting areas during storms, and places to access assistance. Jobs will be created.

7.2.3. The response also includes an external lighting plan.

### 7.3. Planning Authority Response

7.3.1. A response was received from the Planning Authority comprising letters from the Senior Executive Planner and Senior Executive Engineer, which I summarise as follows:

#### Senior Executive Planner:

- The matters raised in the appeals were addressed in the Planner Report dated 17/06/2025. The letter refers to an updated report from the Council Road Design Office (below).

#### Road Design Office, Senior Executive Engineer:

- The technical assessment and conclusions in the SEE report dated 11/06/2025) remain valid and unchanged;
- Having regard to the existing and proposed layout, the roundabout has sufficient capacity to accommodate the proposal. The proposed access arrangement provides a safe and appropriate means of access to the site. Proposal includes for closure of an existing direct access onto the N55 which is beneficial in terms of road safety and network efficiency.

## 7.1. Further Responses

7.1.1. A further response was received from TII, summarised as follows:

- Direct Access to N55: The spur connecting to the east of the roundabout appears to be a private road. TII acknowledges it appears a 100kmph speed limit does not apply to this private spur from the roundabout. This was not contended by TII in the Authority's initial appeal submission. Notwithstanding where the private spur accesses the N55 roundabout the speed limit is 100kmph. The proposal which accesses the N55 roundabout by the private link road spur does so at a point on the national road network where a 100kmph speed limit applies. The additional traffic generated and the nature of the proposal will inevitably increase turning movements on the N55 and result in intensification of this private access onto the N55 contrary to policy;
- Closure of existing N55 access: No reference was made in TII's initial submission to the Commission as to any safety benefit arising from the closure of the existing direct access which will be undermined by the further significant intensification of access to the N55;
- Strategic link road and adjacent zoned lands: Regarding a future strategic road link to adjacent lands, such additional connectivity to the N55 would be required to progress in accordance with Section 2.6 or 2.7 of the Guidelines. TII is not aware that the Council has prepared the required evidence to demonstrate compliance with the Guidelines in this regard. The submission reiterates points made in TII's original submission to the Commission. TII remains of the opinion that the proposal is significantly beyond what represents 'extension of small-scale enterprise' and will result in alteration to the nature and use of the access to the N55 and significantly intensify. TII is concerned the Council technical and

planning reports do not appear to have considered and addressed the policy conflict arising or the justification for the zoning at this location. TII has not identified any Development Plan objective supporting provision of such a strategic road link. The proposal does not appear to be plan-led. TII does not consider that such a proposal should be relied upon to support the granting of permission in this case.

## 7.2. Observations

7.2.1. None.

## 8.0 Assessment

8.1.1. Having regard to the foregoing; having examined the application, appeal, Planning Authority reports, and all other documentation on file including all of the submissions received in relation to the appeal; and having inspected the area within and around the site; and having regard to relevant local, regional and national policies, objectives and guidance, I consider the main issues in this appeal are as follows:

- Principle of development;
- Roads, traffic and access;
- Residential amenity;
- Related matters raised in the course of the appeal.

## 8.2. Principle of Development

8.2.1. The proposal comprises a service station, with ancillary retail (approx. 100sqm floorspace) and food offer area. In the Development Plan the site is zoned 'General Enterprise and Employment', the objective for which is to *"Provide for and improve general enterprise and employment generating uses"*. 'Petrol Filling Station' is 'permitted in principle' in this zone. Having regard to the land use zoning objective for the area I am satisfied the proposed development is acceptable in principle subject to the considerations below.

8.2.2. I note the reference in the appeals to the Manager's report on the Draft Development Plan as it relates to the land use zoning of the site. Whilst I accept the points made, these are not contained in the adopted Development Plan. I consider that the substantive point in this regard is the appropriate nature and extent of development on the site and its impact on the road network, which I have addressed above.

### 8.3. **Roads, traffic and access**

8.3.1. I have reviewed the appeals, appeal responses, application documentation, Planning Authority technical reports, and related submissions on the file in this regard.

#### Proliferation of service stations

8.3.2. The appeals states that the Guidelines (Section 2.8) indicate that sufficient roadside facilities existing on non-motorway national road network. The applicant addresses this point, stating that the Guidelines infer flexibility where there is undersupply such as in this case, and states that there is no large fuel filling station between Enniskillen and Ballymahon (that is, an approx. 1.5hr drive along the N55/N3/A509 where Cavan is approx. half-way) and no rest facility, truck / bus parking, or EV stations.

8.3.3. Section 7.4.1 'National Roads' of the Development Plan states that regard will be made to the Spatial Planning and National Roads Guidelines for Planning Authorities. Objective NR01 seeks to maintain and protect the safety, capacity and efficiency of National roads and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities, DECLG (2012). Development Plan Section 13.6.8 'Service Stations' states that service stations and associated truck parking facilities in locations at or near national roads will be assessed having regard to Section 2.8 of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012). Objectives SERS01 states that proposals for new or extended service stations will be carefully considered.

8.3.4. Whilst the Guidelines indicate that there is sufficient roadside facilities existing on non-motorway national road network, I am concerned that rigid application of this guideline in this case could restrict improvement of service station facilities in the area. In addition, potential detrimental impacts in this location are not clearly illustrated within the appeals.

- 8.3.5. I note there is an existing petrol filling station approx. 1.1km north of the site along the R935, albeit one that does not provide the level of service proposed by the subject application. There are petrol stations on most the main roads in and out of Cavan town, including some being a short distance off the route referenced by the applicant. However, I note the scale and extent of the proposed station, and the applicant's comparison of that to existing small, older stations in the wider area.
- 8.3.6. On balance, and noting the provisions of the Guidelines, and provisions of Development Plan Section 7.4.1 and Objective NR01 I am satisfied the applicant has addressed this matter, and that the nature of the station represents a material enhancement of service station facilities in Cavan town, and would not have a significant detrimental impact on the area.

#### Location of development

- 8.3.7. Development Plan Section 13.6.8 'Service Stations' states that service stations should be located on the outskirts of a town or village and inside the 50km to 60 km speed limits. It also states service stations and associated truck parking facilities in locations at or near national roads will be assessed having regard to Section 2.8 of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012). Objective SERS01 states that proposals for new service stations will not generally be encouraged within the town/village centre areas of towns and villages or in rural areas outside of villages and community nodes and shall be located within the speed limit zones. Objective SERS03 states that developments shall be located within the 60kph speed limit and are usually acceptable within the edges of designated settlements.
- 8.3.8. I note the applicant's point that the site is not located along a 100kmph road, but is instead accessed off a road which in turn accesses the 100kmph zone. No information is provided as to the speed limit on the stretch of road from which the site is accessed. I note that the signed 60kmh zone in this area begins along Ballinagh Road (R935) approx. 90m to the north on the far side of the roundabout.
- 8.3.9. Given the wording of Objective SERS01, I note that the Objective states that service station development are usually acceptable within the edges of designated settlements, the Objective also states that developments shall be located within the

60kph speed limit. Whilst the proposal is outside the signed 60kmh zone, in line with the Objective it is located within the settlement boundary.

- 8.3.10. Conversely however, I consider that whilst the requirements of the Development Plan are clearly stated, the reasoning is less clear, as is the potential detrimental impact of a station being located outside of the 60kmh zone, but appears to seek to minimise impacts on amenity. As set out below, I am satisfied that impacts in this regard are acceptable in the subject case, and as such, whilst I am not satisfied the proposal has demonstrated the locational requirements of the Development Plan are met in full, neither am I satisfied there is a significant detrimental impact on the area in this regard. Accordingly I am not satisfied that refusal is warranted in this regard.

#### Access to N55

- 8.3.11. I note the points made in the appeals and submissions on the case file in relation to the impact on the adjacent road network, in particular in relation to any intensification of the existing accesses onto the N55 national secondary road roundabout, where a 100kmph speed limit applies. I note that in broad terms the appellants, including TII, indicate the proposal includes a direct access onto the N55, to which the applicant disagrees.
- 8.3.12. I consider that much of this point centres on whether the Guidelines Section 2.5 requirement to avoid the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmh applies, applies to this case. This arises on account of the existing and proposed road layout, where, rather than the station connecting directly to the N55, the existing site layout, and that proposed, connects to a road which in turn connects to the N55 roundabout spur. For clarity I note the submitted layout Drw. No. P4116-C012 from JA Gorman Consulting Engineers shows improvement works to the roundabout spur, including a footpath extension, and introduction of an island and crossing, as well as a proposed layout to upgrade the road which connects the site to the roundabout.
- 8.3.13. I acknowledge the point from TII that the Planning Authority internal report do not appear to deal with the policy aspects related to this matter in great depth, however I also note that technical assessment of capacity and safety in this regard provided by the applicant and Planning Authority.

- 8.3.14. Section 2.5 'Lands adjoining National Roads to which speed limits greater than 60kmh apply' states that the policy of the Planning Authority will be to avoid the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmh apply. Development Plan NR01 seeks to maintain and protect the safety, capacity and efficiency of national roads and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities, DECLG (2012). Development Plan Objective NR02 seeks to protect national roads from inappropriate access in order to protect the substantial investment in the national road network, to preserve the carrying capacity and safety of the National Road Network.
- 8.3.15. I consider that in broad terms the appellants and applicant differ on the point of whether the proposed access is onto the national road network (N55) or onto a road which accesses the N55. I note the points made by the parties in this regard. As the applicant states, the site does not actually access the N55 directly, but instead accesses a short stretch of existing road which runs for some 30m approx. The proposed station again would not access the N55, but instead an upgraded layout of the existing road. I note the applicant's additional points that, as requested by the Council, the proposed layout was revised to incorporate an upgrade of this existing road which was provided by the Council. This road is intended by the Council to provide future access to zoned lands to the east.
- 8.3.16. I note TII's point that the additional traffic generated and the nature of the proposal will inevitably increase turning movements on the N55 and result in intensification of this private access onto the N55 contrary to the provisions of policy. I also note TII's points regarding the proposed upgraded link road. Whilst I accept these points, given the fact that the site accesses an existing road rather than the N55 directly, on balance I am not satisfied the proposal infringes this provision of the Guidelines in this regard. I note in particular TII's point that traffic from the proposal will inevitably join the N55, however I consider that the existing and proposed arrangement is a materially different arrangement in terms of impact on the national road network than a site access directly onto a national road (for example the existing direct access to the N55 from the site). I note in particular too the technical assessment submitted by the applicant in terms of road capacity and safety, and the internal reports from the Council Road's Office, which show minimal if any detrimental impact on the road

network to the horizon year. I note too the absence of countervailing assessment from TII in this regard.

8.3.17. Regarding the proposed closure of the existing direct access from the site onto the N55, I have considered this element of the proposal and consider it to be a significant benefit to the operation of the national road network in the area.

8.3.18. Section 2.6 'Exceptional Circumstances' of the Guidelines sets out provisions for where Planning Authorities may identify stretches of national roads where a less restrictive approach may be applied. Whilst the Planning Authority and applicant have not responded in detail to these provisions, I am not satisfied that such provisions are relevant in this case.

#### Safety and efficiency of the road network

8.3.19. I note the points made by the appellants, generally that the proposal has the potential to compromise the safety and efficiency of the national road network. The appeals state the proposal would be at variance with policy to preserve the level of service, safety and carrying capacity of national roads and protect public investment. In this regard the applicant states the Traffic Report notes there is no material concern in respect of the impact of the proposal on the capacity of the N55. Regarding road safety it refers to the submitted Road Safety Audit and states that the roundabout functions to slow traffic. The Planning Authority Road Design Office reports state the roundabout has sufficient capacity to accommodate the proposal, and that the proposed access provides a safe and appropriate means of access.

8.3.20. I have reviewed the submitted TIA and appeal response from the applicant's engineers. In relation to capacity of the road network to accommodate the development, the appeal response states that during morning and evening peaks the proposed junction would experience almost free flow traffic conditions with no material queuing projected, operating with reserve capacity of over 85% during peak times. The submitted TIA concludes that the traffic associated with the proposed development can be readily accommodated within the existing road network. It states that capacity assessments were carried out on the roundabout junction which indicate that under the forecast future traffic conditions there will be sufficient practical reserve capacity to accommodate the traffic associated with the proposed development and future land uses accessing via this junction.

8.3.21. I have reviewed the Road Safety Audit and review of same in the TIA. I note the issues identified, including risk of glare, need to update directional signage, and alteration of dropped kerbs, as well as the recommendations proposed. The applicant undertakes to implement the recommends as part of detailed design. Given the nature of the matters raised I am satisfied this matter can be addressed by condition.

8.3.22. I have addressed the Development Plan policy and national Guidelines provisions in this regard. In relation to the safety and efficiency of the road network, having considered the information above, including the technical aspects of the appellants, applicant and Planning Authority submissions, as well as the proposed layout, layout of the existing road network and link to the N55 roundabout. On balance, I am satisfied the proposed development would maintain the safety and efficiency of the road network, in line with Objective NR02 of the Development Plan.

#### Local / Neighbouring residential accesses

8.3.23. I note points made in the submissions on file in relation to impacts on existing residential accesses along the N55, and concerns regarding impacts on neighbouring accesses and boundaries.

8.3.24. Having regard to the proposed layout, I am generally satisfied there would be no unacceptable impacts on neighbouring lands, accesses or boundaries.

8.3.25. Regarding existing turning movements into residential accesses along the N55, I note existing road markings and signage along the N55, the arrangement of existing accesses, the road width; the presence of a hard shoulder, and proposed closure of the site access at this point. Overall I am satisfied that the proposed layout would not have a significant detrimental impact in this regard.

8.3.26. I also note concerns raised regarding the potential for vehicles to stop along the N55 adjacent the proposed path and 'hop in' to the shop. I am satisfied the proposed path is warranted to provide western access from the site and to the existing buss top. Given the ease of vehicular access to the site, including by the roundabout, I am satisfied that no significant undue issues are likely to arise in this regard.

#### Summary

- 8.3.27. Petrol filling station is permissible in principle on the site. I do not consider the applicant has fully addressed Development Plan and national Guideline provisions in relation to proliferation of service stations, or in relation to the location of the site outside the defined 60kmh zone. Conversely however, I am not satisfied the Development Plan, national guidelines or appeals clearly indicate what detrimental impact would arise in these regards in the subject case.
- 8.3.28. In relation to the impact on the national road network, whilst I acknowledge the points made in the appeals and submissions on file, I am not satisfied the subject proposal conflicts with the Development Plan or national guidelines in relation to accessing the N55 national road. In addition, given the assessments and technical information on file from both the applicant and Planning Authority, I am not satisfied that the proposal would have a detrimental or undue impact on the safety and efficiency of the national road network, including both the N55 and associated roundabout junction. Similarly, I am not satisfied that granting permission for the proposed development in this regard would set an undesirable precedent.
- 8.3.29. Having regard to the foregoing, on balance I am satisfied the proposed development is acceptable in these regards, subject to conditions regarding agreement of construction management and construction traffic management (Planning Authority Conditions 4 and 20-25), road/access design details (Conditions 7 & 11), road safety audit (Conditions 8 & 9), directional signage (Condition 10).

#### Staff parking

- 8.3.30. I note the concerns raised in the appeals in relation to the number of staff to be employed at the station (25 no.) and the number of on-site staff parking spaces proposed. I note the applicant's points that not all staff will be on site at one time; that the proposed provision is acceptable; and that if there were a higher demand on occasion that customer spaces could be used (58 no.). The site is served by footpaths and there is a bus stop directly outside the site. I have had regard to Section 7.6 'Car Parking' and Table 7.4 'Parking Standards' of the Development Plan, and the submitted floorplans and parking schedule. I am generally satisfied the proposed provision is acceptable.

## 8.4. Residential amenity

### Light

- 8.4.1. I note the points made in the submissions on file, including in relation to light pollution, glare and reflection. I note the information submitted by the applicant including in the Outdoor Lighting Report, signage drawings, boundary treatments, related information and the response to the appeals, and the revised lighting plans submitted in response to further information. I note the assessment of the Planning Authority, including that there would be no light spill from the development and that the proposal is satisfactory in this regard. I further note the report from the Lighting Section and the related condition (No. 12) attached to the decision.
- 8.4.2. Regarding proposed lighting, I am satisfied the lighting information submitted indicates there will be a low/modest degree of light-spill from the proposed lighting, including signage. The lighting plan submitted with the appeal response indicates low levels of light spill from the development on adjacent properties, particularly in the context of existing public lighting along this stretch of the N55. I note the proposals for illuminated and non-illuminated signage submitted with the application.
- 8.4.3. Regarding glare from vehicles, the drive-thru exit lane would be orientated west generally toward the side garden of the southernmost of the three dwellings across the N55 from the site (Eircode H12 F2K1). I am satisfied the proposed building, low-level wall (0.6m in height) and boundary planting would provide a reasonable degree of screening, and that headlights from vehicles would shine only intermittently toward that dwelling as drive-thru customers turn to exit the drive-thru. I note the submitted landscape plan shows boundary hedging and tree planning at this point to reduce glare. Details of the hedge height are not provided. I note too the distance at this point to the referenced dwelling is approx. 48m. I am satisfied the proposed arrangement will provide a reasonable degree of screening from vehicles orientated toward the dwellings queuing in the drive-thru, subject to landscaping conditions.
- 8.4.4. I am also satisfied that the western-orientated vehicle routes shown within the layout are not aligned directly toward the proposed dwellings and would be at a reasonable distance away (approx. 50m). I note again the boundary wall along the western boundary along the N55. The properties to the south comprise commercial units.

8.4.5. Given the existing location of those dwellings adjacent the N55, public lighting, and across from the former CVRT testing centre and car sale outlet, I am satisfied the proposal is acceptable in these regards. Regarding conditions, I consider that conditions relating to public lighting, signage, and boundary treatments & landscaping are required, for the agreement of details in this regard.

#### Privacy & Security

8.4.6. I note the points made in the submissions on file regarding privacy, overlooking / security and impacts in this regard on the dwellings across the N55 to the west.

8.4.7. I note the proposed layout adjacent the N55, which generally comprises a wall (0.6m in height) & hedge planting and vehicular circulating. I also note the location of the proposed external seating, the proposed western elevations, and internal layout which comprises seating and retail area at this point. I further note the distances to the nearest dwelling from the proposed seating area and western elevation, which is approximately 40-42m. Whilst I acknowledge the increased activity that would occur on the site, on balance, I am satisfied there would be no undue impact in terms of privacy and overlooking. I consider that a condition in relation to the agreement of boundary & landscaping details in this regard, to include for appropriate height hedging along the western site boundary is warranted.

8.4.8. Regarding security, I note the concerns raised regarding potential detrimental impacts on neighbouring dwellings in this regard. Overall, however I am satisfied the proposed development would improve passive surveillance in the area, particularly in the context of the current vacant site.

#### Hours of operation

8.4.9. Regarding opening hours, I note the concern raised in submissions that the station may operate 24hrs per day, with submissions seeking for hours to be limited in the interests of residential amenity.

8.4.10. The response to further information indicated the station will operate from 06:00–23:00 daily, with the car wash restricted to 08:00-21:00 daily. The Planner Report deemed this satisfactory. Condition 5 attached by the Planning Authority restricted operating hours to in line with those proposed.

8.4.11. Development Plan Objective SERS02 states that hours of operation will be limited where a service station is permitted in a residential area. Whilst I would not characterise the site as being in a residential area, I am conscious of the potential impact on the dwellings to the west across the N55. I am satisfied the approach of the applicant and Planning Authority is broadly reasonable and aligns with the Development Plan, and will have the effect of restricting noise and light spill/glare from the premises. Given the location of the site and dwellings alongside a national road, in an area with public lighting, and close to an existing commercial area, I am generally satisfied with the approach of the Planning Authority in this regard.

#### Noise

8.4.12. I note the concerns raised in the appeals regarding noise impacts on nearby dwellings, including points in relation to noise screening, the car-wash, vehicles/HGVs, customers, and use of the proposed benches. I consider that a primary concern raised in this regard is the potential for 24hr operation of the station.

8.4.13. The Planner Report deemed the proposal to be satisfactory in this regard. It indicates operational noise from the development will not exceed background noise by such a margin to give rise to significant adverse impacts, however mitigation is proposed as a matter of course in relation to operations, plant and services.

8.4.14. I have reviewed the submitted Noise Impact Assessment. It includes a noise survey. It identifies that the noise climate is dominated by the N55. It states the predicted noise levels indicate operational noise levels from the proposed development shall not exceed the prevailing background noise levels by a sufficient margin to give rise to significant adverse impacts. Notwithstanding, the report recommends noise mitigation in the form of station operation, plant and services.

8.4.15. I note the car-wash would be approx. 75m from the nearest dwelling. The proposed seating area would be approx. 40m at closest to the nearest dwelling. These dwellings are on the far side of the N55. The station is intended to operate between 06:00–23:00 daily, with the car wash restricted to 08:00-21:00 daily. The Planning Authority attached conditions in this regard. Having regard to the foregoing, including the findings of the submitted Noise Impact Assessment, I am satisfied the proposed development would not have a significant detrimental impact on the residential amenity of neighbouring dwellings in terms of noise, subject to the attachment of

conditions relating to hours of operation and the mitigation set out in the Noise Impact Assessment report.

## 8.5. **Related matters raised in the course of the appeal**

### Design

- 8.5.1. I note the concerns raised in relation to the proposed design, and whether it is in keeping with the area, and the design alterations submitted in response to further information. I acknowledge the form of existing residential development across the N55 is different than that proposed on the subject site. However, on the eastern side of the N55 I am satisfied the design and form of development proposed is broadly in keeping with the existing development on the site and the commercial development adjacent to the south. In broad terms I would characterise the existing development on the site and adjacent, and that proposed, as commercial. I have had regard to the drawings submitted, and I am broadly satisfied with the proposed design, subject to conditions in relation to signage, lighting and boundaries. Regarding conditions, Condition 3 of the Planning Authority decision sought agreement of details of the overall development including canopy and signage; I consider this condition to be insufficiently specific. I consider only that a condition in relation to signage and boundaries & landscaping is warranted, alongside agreement of materials.
- 8.5.2. I note the proposal includes for a Stage 1 & 2 Petrol Vapour Recovery facilities. I consider that a condition in this regard is warranted (Condition 13).

### Local surface water infrastructure

- 8.5.3. I note the points raised in the submission on file regard local surface water infrastructure and drainage arrangements.
- 8.5.4. I have reviewed the plans and the Civil Engineering Report submitted. Surface water runoff is to drain to the existing mains connection. The proposed arrangement includes attenuation and flow control. The response to further information and Drw. No. P4166-C004 indicated that a petrol/oil interceptor (Class 1 Forecourt Interceptor) is proposed, however none is clearly indicated in the submitted plans. The proposed car wash is to connect to the foul network and incorporates a silt-trap. Connections to the foul and water supply mains networks are proposed. Calculations are included in the submitted Engineering Report.

- 8.5.5. The Planning Authority internal reports raised no objection in this regard, including in relation to the capacity of the local surface water network, subject to standard construction and operational conditions (Conditions 14-19). A confirmation of feasibility letter from Irish Water is submitted; connection is stated as being feasible subject to inclusion of a pumping station.
- 8.5.6. I am broadly satisfied with the proposal in this regard, subject to the attachment of standard conditions, including in relation to the proposed petrol/oil interceptor.
- 8.5.7. I note that one submission on the case file raised a concern regarding potential impacts of runoff from the proposal escaping the site and undermining and embankment along the road. Having reviewed the submitted plans and having visited the site, I am satisfied no significant risks of same arise.

#### Impact on property values

- 8.5.8. I note the concerns raised in the grounds of appeal in respect of the potential devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

#### Conditions

- 8.5.9. Having regard to the foregoing, in addition to the conditions identified above, I consider the following:
- Planning Authority Condition 3: As set out above, having regard to the level of information provided with the application, I do not consider that full details of the design of the overall development require to be agreed, however I am satisfied that details of signage and lighting require agreement;
  - Planning Authority Conds. 4 and 20 – 25: Having regard to the nature of the site and the proposed development, and the location adjacent the N55, I consider that standard conditions relating to construction management and construction & operational waste management, including asbestos construction waste are required;
  - Planning Authority Cond. 6: Given the information provided in relation to floor areas and ancillary uses, and given the provisions of standard condition No. 1, I

do not consider that conditions relating to encroachment of retail space & food offer areas is required, however I consider that a condition it required to ensure the proposed retail floorspace is restricted.

8.5.10. Conditions relating to development contributions are also required.

## 9.0 **Appropriate Assessment screening**

9.1.1. Refer to Section 8 and Appendix 2 of this report.

9.1.2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites including Lough Oughter and Associated Loughs SAC (Ref. 000007) and Lough Oughter Complex SPA (Ref. 004049) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on the nature of the proposed works and the location and distance from nearest European site and lack of connections

## 10.0 **Water Framework Directive**

10.1.1. The subject site is located approx. 830m north-east of the Cavan River. The proposed development comprises service station, retail area, seating areas, food/beverage courts, drive-thru and service bays and all associated site works. Water deterioration concerns were raised in the planning appeal. I have assessed the project 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 prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied 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, or otherwise jeopardise any water body in reaching its WFD objectives. The reason for this conclusion is as follows: Nature of works and associated drainage and tanking;

Location-distance from nearest Water bodies and lack of hydrological connections. I conclude that on the basis of objective information, 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

11.1.1. I recommend permission be **Granted**, for the reasons and consideration set out below.

## 12.0 Reasons and Considerations

Having regard to the nature and extent of the proposed development of a service station and related works; to the nature of the site; to the existing and permitted pattern of development in the area; and to the road network in the area, it is considered the proposed development generally accords with the Policies and Objectives of the Cavan County Development Plan 2022-2028, including having regard to the 'General Enterprise and Employment' land use zoning objective of the area, and would not impact unduly on the amenities of the area, or on the safety and efficiency of the road network, including national road network. It is considered therefore that the proposed development generally accords the proper planning and sustainable development of the area, subject to the conditions set out below.

## 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 24 <sup>th</sup> October 2024, and as further revised by plans and particulars received by the Planning Authority on the 2 <sup>nd</sup> May 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
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	<p>Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of the development, the developer shall submit to the Planning Authority for approval, detailed construction drawings for the proposed works to the public footpaths and roundabout arm. All works to the public road shall be to TII Standards &amp; Specifications and designed and certified by a Chartered Civil Engineer.</p> <p>Reason: In the interest of clarify, traffic safety and proper planning.</p>
3.	<p>The developer shall implement, at their own expense, all recommendations of the Stage 1/2 Road Safety Audit.</p> <p>Reason: In the interest of traffic safety.</p>
4.	<p>Upon completion of construction and prior to the commencement of commercial operations, a Stage 3 Road Safety Audit of the development and its junction with the public road shall be carried out by an independent, qualified engineer in accordance with TII Publication GE-STY-01024. The audit shall be submitted to the Planning Authority, and all recommendations, once agreed with the Authority, shall be implemented in full by the developer at their own cost.</p> <p>Reason: In the interest of traffic safety</p>
5.	<p>The developer shall, at their own expense and in consultation with Cavan County Council, provide or update advance directional signage to meet TII requirements.</p> <p>Reason: In the interest of traffic safety and visual amenity.</p>
6.	<p>The total net retail sales space of the forecourt shop shall not exceed 100 square metres.</p> <p>Reason: To comply with national policy, as set down in the Guidelines for Planning Authorities Retail Planning issued by the Department of the Environment, Community and Local Government in April, 2012.</p>
7.	<p>All external signage shall be in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to the provision of such signage. Where agreement cannot be reached between the applicant/developer</p>

	<p>and the local authority the matter shall be referred to An Bord Pleanála for determination. The signage shall be lit by external illumination only.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-</p> <p>(a) details of all proposed hard surface and/or permeable surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;</p> <p>(b) proposed locations of trees and other landscape planting in the development, including details of proposed species, height and settings;</p> <p>(c) details of proposed street furniture, including bollards, lighting fixtures and seating;</p> <p>(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.</p> <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interest of visual amenity.</p>
9.	<p>Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the proposed development.</p> <p>Reason: In the interest of amenity and public safety.</p>
10.	<p>The mitigation measures set out in the Noise Impact Assessment prepared by Modulate Acoustic Noise &amp; Vibration as submitted to the Planning Authority on the 2<sup>nd</sup> day of May 2025 shall be implemented in full.</p> <p>Reason: In the interest of amenity.</p>

11.	<p>The developer shall include Stage 1 and Stage 2 Petrol Vapour recovery as part of the proposed development and apply to the Environmental Services Section, Cavan County Council for same.</p> <p>Reason: In the interest of the environment and proper planning.</p>
12.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements, in writing where necessary, of the planning authority for such works and services. The location and details of the proposed petrol/oil interceptor (Drw. No. P4166-C004 received by the Planning Authority on the 24<sup>th</sup> day of October 2024) shall be agreed in writing with the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p>
13.	<p>Operational hours shall be 6am-11pm daily for the operation of the service station, retail and fuel. The opening hours for the car wash will be 8am-9pm daily.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity</p>
14.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and amenity.</p>
15.	<p>A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>Reason: In the interest of traffic safety and convenience.</p>
16.	<p>Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written</p>

	<p>agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste, asbestos and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of reducing waste and encouraging recycling.</p>
17.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.</p>
18.	<p>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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</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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Dan Aspell  
Inspector  
3<sup>rd</sup> February 2026

## APPENDIX 1

### Form 1: EIA Pre-Screening

<b>Case Reference</b>	ABP-323088-25
<b>Proposed Development Summary</b>	Service station, retail area, seating areas, food/beverage courts, drive-thru and service bays and all associated site works
<b>Development Address</b>	Moynehall, Cavan Town, Co. Cavan
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>	
	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. <b>Proceed to Q3</b>	
<b>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?</b>	
<input type="checkbox"/> 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. <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required.</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. <b>Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	Class 10(b)(iv) Urban development.
<b>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)?</b>	
<b>Yes</b> <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

Inspector: \_\_\_\_\_ Date: \_\_ 30<sup>th</sup> January 2026 \_\_

**Form 2: EIA Preliminary Examination**

<b>Case Reference</b>	ABP-323088-25
<b>Proposed Development Summary</b>	Service station, retail area, seating areas, food/beverage courts, drive-thru and service bays and all associated site works
<b>Development Address</b>	Moynehall, Cavan Town, Co. Cavan
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>	Proposed development comprises a service station at the edge of Cavan town. The proposed development has a modest footprint, comes forward as a standalone project, requires modest demolition works, does not require the use of substantial natural resources, or give rise to production of significant waste, significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, human health or is vulnerable to climate change.
<b>Location of development</b>	The development is located at the edge of Cavan town on commercial land. The receiving location is not particularly environmentally sensitive and is removed from sensitive natural habitats, designated sites and identified landscapes of significance in the County Development Plan. The site is not of historic or cultural significance. Given the scale and nature of development and mitigation proposed there will be no significant environmental effects arising.
<b>Types and characteristics of potential impacts</b>	Having regard to the characteristics and modest nature of the proposed development, the sensitivity of 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.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.

**Inspector:** \_\_\_\_\_ **Date:** 30<sup>th</sup> January 2026 \_\_\_\_\_  
**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## APPENDIX 2

Screening for Appropriate Assessment - Test for likely significant effects				
<b>Step 1: Description of the project and local site characteristics</b>				
<b>Brief description of project</b>		Service station, retail area, seating areas, food/beverage courts, drive-thru and service bays and all associated site works		
<b>Brief description of development site characteristics and potential impact mechanisms</b>		Site measures 1.155ha and comprises vacant warehouse premises on a commercial site. Lough Oughter and Associated Loughs SAC and Lough Oughter Complex SPA are approximately 6.15km to the west		
<b>Screening report</b>		Yes		
<b>Natura Impact Statement</b>		No		
<b>Relevant submissions</b>		Planning Authority screening		
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>				
European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connection	Consider further in screening Y/N
The submitted Appropriate Assessment screening report from Oakwin Ltd identifies a large number of European Sites within a 15km zone of influence. It concludes that no potential to impact Annex I habitats or Annex II species associated with European Sites, namely Lough Oughter and Associated Loughs SAC and Lough Oughter SPA. I identify the following Sites on grounds the source-pathway-receptor model. These European Sites were also considered and discounted in the submitted Appropriate Assessment screening report				
Lough Oughter and Associated Loughs SAC (000007)	<a href="https://www.npws.ie/protected-sites/sac/000007">https://www.npws.ie/protected-sites/sac/000007</a>	6.15km	No feasible connection.	No
Lough Oughter Complex SPA (004049)	<a href="https://www.npws.ie/protected-sites/spa/004049">https://www.npws.ie/protected-sites/spa/004049</a>	6.15km	No feasible connection.	No
<b>Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites AA Screening matrix</b>				
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*			
	Impacts	Effects		
Lough Oughter and Associated Loughs SAC (000007) 1355 Otter Lutra lutra 3150 Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation 91D0 Bog woodland* The Conservation Objectives for the SPA are to maintain and restore the favourable conservation conditions of the identified Qualifying Interests. I consider the project would not compromise the objective of restoration or make restoration more difficult.	No direct, indirect, ex situ or in combination impacts.	No significant effects likely.		

<b>No</b>	<b>Likelihood of significant effects from proposed development (alone): No</b>	
<b>No</b>	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b>	
<b>No</b>	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site No</b>	
	<b>Impacts</b>	<b>Effects</b>
Lough Oughter Complex SPA (004049) A005 Great Crested Grebe Podiceps cristatus A038 Whooper Swan Cygnus cygnus A050 Wigeon Anas penelope A999 Wetlands The Conservation Objectives for the SPA are to maintain and restore the favourable conservation conditions of the identified Qualifying Interests. I consider the project would not compromise the objective of restoration or make restoration more difficult.	No direct, indirect, ex situ or in combination impacts.	No significant effects likely.
<b>No</b>	<b>Likelihood of significant effects from proposed development (alone): No</b>	
<b>No</b>	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b>	
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		
I conclude that the proposed development (alone) would not result in likely significant effects on European site(s) including the Lough Oughter and Associated Loughs SAC and Lough Oughter Complex SPA. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.		