



An
Coimisiún
Pleanála

Inspector's Report

ACP-323424-25

Development	Change of station opening hours to allow for 24 hour opening on a daily basis.
Location	Circle K N21 Newcastlewest Service Station, Cullinagh, Newcastle West, Limerick.
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	25/60276
Applicant(s)	Ard Services Limited
Type of Application	Permission.
Planning Authority Decision	Grant, subject to conditions.
Type of Appeal	Third Party
Appellant(s)	Geraldine Geary.
Observer(s)	None.
Date of Site Inspection	25 th October 2025.
Inspector	Terence McLellan

1.0 Site Location and Description

- 1.1. The subject site refers to the Circle K petrol station located which is located on the southern side of the N21 Limerick – Kerry national primary route on the western edge of Newcastle West. The site is approximately 1 km from Newcastle West town centre. The stretch of the N21 between the town centre is characterised by ribbon style development consisting of large, detached dwellings on individual plots, the majority of which have vehicular access to the main road. The subject site effectively marks the edge of the town, save for four dwellings to the west that are set back significantly from the road frontage. There is a dwelling to the rear of the site, with a substantial set back from the road and hedge/tree screening from the subject site. This section of road has a 60kph speed limit which transitions to 100kph a short distance to the west. The footpath from the town is located on the southern side of the N21 and terminates at the subject site.

2.0 Proposed Development

- 2.1. Planning permission is sought to operate the petrol station (petrol services and retail) on a 24 hour basis. At Further Information stage it was confirmed that the 24 hour operation would not extend to the car wash, and the east boundary wall would be increased in height to 2.5 metres.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission was granted by Limerick City and County Council on the 25th July 2025, subject to four generally standard conditions. Conditions of note include:

4. The automated brush wash and other ancillary services on the site shall not operate after 22:00pm or before 7:00am.

Reason - In the interest of residential amenity.

3.2. Planning Authority Reports

3.2.1. The first Planner's Report noted that the development would be acceptable in terms of zoning and that compliance with Section 11.6.3 (Petrol Stations), Table DM7, would be required. The Planner's Report notes concerns raised in objections in addition to a similar development in a comparable location approved by the Commission. On that basis Further Information was requested as follows:

1. Submission of measures to minimise light overspill (fitting of cowls).
2. Submission of proposals to raise the block wall along the eastern boundary to assist mitigation of potential impact from vehicle lights.
3. Provide clarity on the uses that will take place during the extended opening hours, recommending that noise emitting uses such as the car wash, are not operational.

3.2.2. Further Information was submitted on 3rd July 2025. This included measures to address the issues raised above and included:

- Shields on lights to reduce light spill as well as a commitment to turn off all non-essential lighting, including the two lighting poles (east and west boundary) and five flood lights on the south west elevation during nighttime hours.
- Raising the existing boundary wall to 2.5 metres.
- Confirmation that the car wash would not operate outside of its current operating hours until 10pm and acceptance of a condition to secure this.

3.2.3. The Planning Authority assessed the information and did not consider it to be significant. As such there were no revised public notices. The second Planner's Report considered the Further Information submission to have appropriately addressed all matters raised, noting that the Roads Section raised no objections and recommended a grant of planning permission subject to conditions.

3.2.4. Other Technical Reports

3.2.5. No observations were received from internal departments.

3.3. Prescribed Bodies

3.3.1. **Mid-West Roads (29.04.2025):** No observations.

3.3.2. **Transport Infrastructure Ireland (06.05.2025):** No objections raised. TII recommend that the Planning Authority have regard to official policy including DoECLG Spatial Planning and National Roads -Guidelines for Planning Authorities.

3.4. Third Party Observations

3.4.1. A total of four Third Party observations were received. These are summarised in the Planner's Report and are on file for the Commission's information. The points raised are similar to the issues raised in the grounds of appeal which are set out in detail in Section 6 of this report. In summary:

- Impacts on residential amenity (noise, disturbance, light pollution, human activity).
- Increased traffic.
- Pedestrian and traffic safety.
- Adequate services provided elsewhere in other towns/villages.
- Applicant justifies proposal based on consumer demand but no survey appears to have been undertaken.

4.0 Planning History

Subject Site

4.1. **Planning Authority Reference 22/753:** Permission was granted in September 2022 for an automatic car wash, car wash plant room with water recycling system, replacement of existing lower-wall adjacent western boundary with proposed 2 metre high masonry wall, all associated structures, drainage and site development works.

4.2. **Planning Authority Reference 22/169:** Permission was granted in April 2022 to retain changes to the ground floor layout of the station's amenity building, to include an increase in net retail floor area to 129sqm.

Adjacent Sites

4.3. None of specific relevance.

5.0 Policy Context

5.1. Limerick Development Plan 2022-2028

5.1.1. **Objective CGR O11:** Level 2 Key Town Newcastle West - It is an objective of the Council to:

- a) Promote Newcastle West as a key service centre and to promote the sustainable growth of the town to become a self-sufficient settlement and act as a service centre for its inhabitants and rural hinterland. At least 30% of all new homes shall be located within the existing built-up footprint of the settlement, in order to deliver compact growth and reduce unsustainable urban sprawl.
- b) Support and promote the role of Newcastle West as a strategically located urban centre of significant influence in a sub-regional context. In particular, it is an objective to promote the opportunity for inter-regional collaborations across county boundaries with Abbeyfeale, Listowel and Rathkeale and locations identified in the Strategic Integrated Framework Plan for the Shannon Estuary, which offer collective strengths and potential for project partnerships to drive sustainable economic growth in the West Limerick/ North Kerry area;
- c) Support the initiatives of the Atlantic Economic Corridor to realise the full potential of the Newcastle West enterprise assets to support job creation, improve competitiveness, attract investment and create future economic growth;
- d) Support the delivery of the infrastructural requirements identified for Newcastle West subject to the outcome of the planning process and environmental assessments;
- e) Support and promote the tourism potential of Newcastle West's historical heritage to facilitate the expansion of the existing tourism offer and to develop connectivity to, and synergies with, Newcastle West and the Great Southern Greenway;
- f) Support the identification of opportunities for investment in incubation and innovation infrastructure for ICT and related companies and capitalise on

Newcastle West's ability to accommodate remote working, enterprise start-ups and up-scaling companies.

5.1.2. **Section 11.6.3 (Petrol Stations), Table DM7: Design Guidelines for Service Stations** – Sections of the table of specific relevance include:

Design

- Service stations are generally not encouraged in the retail core of urban areas or in rural areas.
- The application must demonstrate that noise, traffic, visual obstruction, fumes/odours do not detract unduly from residential amenity in the area.

Lighting

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

5.1.3. **Newcastle West Local Area Plan 2023-2029**

5.1.4. The site is zoned Local Centre, the stated objective of which is to protect and provide local centre facilities to serve the needs of new/existing neighbourhoods and residential areas. Petrol stations are permitted in principle.

5.1.5. The purpose is to provide a mix of community and commercial neighbourhood facilities to primarily serve the immediate needs of the local working and residential population and complement, rather than compete with the Town Centre. A mix of appropriate convenience retail, commercial, community, childcare and medical facilities, residential and recreational development of a local scale will be considered. The retail scale and type will be controlled to prevent negative impacts on the retail function of Newcastle West Town Centre. Any proposal for retail development shall comply with the Retail Strategy for the Limerick Shannon Metropolitan Area and County Limerick 2022 -2028.

5.2. **Natural Heritage Designations**

5.2.1. None of relevance.

5.3. EIA Screening

- 5.3.1. The proposed increase in opening hours does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Furthermore, the proposed minor increase in the height of the boundary wall is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A Third Party appeal has been received from Geraldine Geary of Cullinagh, Newcastle West, against the decision of Limerick City and County Council to grant permission for the proposed development. The main points of the grounds of appeal can be summarised as follows:

- The service station is in a predominantly residential area on the outskirts of town on the main Limerick – Kerry road. The road is subject to a high volume of traffic and causes much disruption.
- The service station is already at capacity, currently operates from 6am which contravenes approved hours of 7am-10pm.
- Extension of operation to 24 hours would increase disruption to residents with no respite.
- 24 hour operation would create unwelcome attention/unsocial behaviour. Compromising the safety and peace of mind of residents, many of whom are old and live alone. Residents near the 24 hour Applegreen on the other side of town attest to this.
- Road and operational noise are a constant nuisance and have worsened yearly. The town should be bypassed.

- 24 hour operation would impact on residential amenity due to noise, light overspill, traffic and general disturbance during the nighttime. Property values would be reduced.
- The application documentation is contradictory, stating that there would be an intensification of use but that it would not give rise to any significant intensification of pedestrian/traffic movement or loss of amenity.
- The Applicant submits that the increased hours would result in low levels of traffic. If this is the case, why seek to remain open 24 hours.
- The forecourt is limited in size leading to dangerous turning and stopping movements when entering and leaving.
- Ms Geary submits that there is no safe access to the family home, sightlines are impacted due to large vehicles parking on the main road. This is also the case for other residents and local roads in the immediate area.
- The Commission should scrutinise parking availability at the service station and TII road standards as 24 hour use will only exacerbate the situation.
- The service station is currently unable to accommodate current traffic levels.
- The service station impacts on the national road network and causes hazardous conditions.
- Five objections were submitted to the application. The various points raised do not appear to have been borne in mind.
- No survey of residents was undertaken prior to the submission of the application.
- The established commercial use alone should not justify the extension of opening hours at night.

6.2. Applicant Response

6.2.1. A First Party response has been received from Coakley O'Neill Town Planning Limited, for and on behalf of the Applicant, Ard Services Limited. The response can be summarised as follows:

- The development would allow the Applicant to improve their overall service offering for residents and users of the road network without compromising the retail function of Newcastle West.

- The site is located on the N21. The services on site are consistent with the standard and offerings expected at service stations.
- The service station has been in operation for the past 40 years, it provides an important local convenience service function.
- The application is driven by the need to address the commercial challenges and pressures in the retail fuel environment. Permitting increased opening hours would be a benefit to the surrounding area.
- The extension to operating hours would be in keeping with the established use. There will be no material change in use. 24 hour services would be restricted to fuel and retail only and would not include the car wash or other ancillary services.
- Potential amenity issues were addressed at Further Information stage, including fitting lighting with cowls to reduce overspill and increasing the height of the eastern boundary wall.
- The site is on a National Road and ambient noise levels in the surrounding area are already moderate to high. The development would not significantly change this.
- The Appellant has not provided information to support the claim that the size of the forecourt results in large buses and HGVs parking on the roadside. TII and the Planning Authority have not raised any concerns. Additionally, road safety and traffic calming measures were introduced in 2018, including bollards on both sides of the road to prevent parking.
- Parking provided on site is in line with the parent permission and remains unaltered as part of the proposal.
- Parking on the national road is a matter for the Roads Authority.

6.3. Planning Authority Response

6.3.1. No further comments beyond the Planner's Reports.

6.4. Observations

6.4.1. None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the Local Authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Residential Amenity
- Traffic and Transport Safety

7.2. Residential Amenity

7.2.1. The Appellant submits that the N21 is subject to a high volume of traffic that causes much disruption to residents, with road/operational noise getting worse year on year. It is argued that the petrol station is already at capacity and that operating on a 24 hour basis would result in increased disturbance with no respite. Of primary concern is that residential amenity would be compromised as a result of noise, light overspill, traffic and general disturbance. It is submitted that the increased opening hours would create unwelcome attention and potential anti-social behaviour issues that would compromise safety and peace of mind. It is the view of the Appellant that that property values would be reduced as a result of the proposed development.

7.2.2. The Applicant considers that the increased opening hours would be a benefit to the surrounding area, that ambient noise levels are already moderate to high given the location on a national road, and that potential amenity issues have been addressed in the application and conditions.

7.2.3. Given the nature of the operation as a petrol station and its location on the edge of the town, the vast majority of visits/customers are vehicle based and as such the pace of business is well aligned/ correlated to traffic levels. I acknowledge the high traffic volume of the N21, which is the main arterial route from Limerick to Kerry. Traffic levels are highest during daytime hours, with more pronounced increases during the

traditional morning and evening peak hours. However, traffic levels drop off considerably in the evening and further again during nighttime hours. This was clearly evident during my site inspection. Whilst I acknowledge the Appellant's complaints regarding the current operation of the petrol station under its existing opening hours, I don't agree that there would be the same intensity during the nighttime hours, as a result of the much reduced traffic levels.

- 7.2.4. As noted by the Applicant, the N21 by its nature has fairly high ambient noise levels. However, the increased opening hours would not in my opinion have any measurable impact on traffic levels on the N21. It is my view that custom during the increased hours would primarily be from vehicles already on the N21, or from people who live in the immediate area local area. I do not consider that 24 hour operation would lead to significant numbers of customers that would increase noise levels to the extent that amenity would be compromised, nor do I agree that there would be a reduction in safety/anti-social behaviour. On this matter I note the Appellant's questioning of the rationale for opening at night if low numbers are anticipated, this is a commercial decision for the Applicant rather than a planning matter.
- 7.2.5. In regard to potential light overspill, I note the proposal to fit cowls to the lighting poles and the commitment from the Applicant to turn off all non-essential lighting during nighttime hours, including the two lighting poles and the floodlights. In my opinion this would effectively manage any potential light overspill impacts.
- 7.2.6. On the matter of potential disturbance to the neighbouring property as a result of glare from headlights, I note the existing boundary wall which is generally 2 metres in height with the exception of the lower portion at the entrance to the petrol station and adjoining the pavement. At Further Information stage the Planning Authority requested that parts of this wall be increased to 2.5 metres to further mitigate any potential impact.
- 7.2.7. The Planning Authority assessed this information, which was submitted at their request, and did not consider it to be significant. As such there were no revised public notices. I note that this matter has not been raised in the appeal, and the affected neighbour did not comment on the planning application. Furthermore, the land on both sides of the raised portion of wall is in the ownership of the Applicant and within the red line. In my opinion 2.5 metres would effectively eliminate any potential impact from

car headlights. I do not consider the increased height to be significant, nor would it have any measurable negative impact on the amenity or outlook of the dwelling adjacent to the eastern boundary given the existing height of the wall, the proposed increase in height and the separation distance.

- 7.2.8. Having regard to the foregoing, I do not consider that the development would have any significant amenity impacts that would equate to a reduction in property values. In my opinion, the site is appropriate for the proposed hours of use having regard to its position on the N21, its location on the edge of the town and the surrounding pattern of development.

7.3. Traffic and Transport Safety

- 7.3.1. The Appellant raises concerns regarding forecourt space and parking arrangements at the petrol station, which are considered to be inadequate and results in the inappropriate parking of large buses and HGVs on the roadside, thereby compromising safety. It is submitted that there is no safe access to the Appellant's home, as sightlines are impacted due to large vehicles parking on the main road. It is further stated that the petrol station is unable to accommodate current traffic levels and that it impacts on the national road, causing hazardous conditions.
- 7.3.2. The Applicant argues that parking provided on site is in line with the permitted use and that the Appellant has not provided information to support the claim that the size of the forecourt results in large buses and HGVs parking on the roadside. It is submitted that parking on the national road is a matter for the Roads Authority.
- 7.3.3. My site inspection included a nighttime visit at 22:30. Traffic levels were very low, and no vehicles were parked on the roadside. During my daytime site inspection, the petrol station was moderately busy and sufficient on-site parking was available. The only vehicle parked on the roadside was an AA roadside assistance vehicle parked some distance to the west.
- 7.3.4. Despite not seeing any evidence of roadside parking by HGVs or buses and no evidence of congestion/inappropriate traffic movements, I accept that this may occur on occasion during peak traffic/trading hours. However, this does not change my opinion that such issues are not likely during nighttime hours due to the low traffic levels on the road, as was evident from my evening site inspection.

- 7.3.5. Having regard to access and egress, I am content that there are sufficient visibility splays from both access points to the petrol station as well as from the Appellant's property and I note the bollards that have been installed to prevent inappropriate parking. In any event, I agree with the Applicant that matters regarding parking on the roadside of the N21 are for the roads authority and are outside the scope of the appeal, which solely relates to increased opening hours at night.

8.0 AA Screening

- 8.1. I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in Newcastle West, approximately 4km from the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (Site Code 004161), which is the nearest European site. The development primarily comprises an extension to the operating hours of a petrol station. No appropriate assessment issues were raised as part of the appeal. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European site. The reason for this conclusion is as follows:

- The nature and small scale of the works.
- The significant separation distance from the nearest European site, the change in elevation and lack of connections.
- The screening determination of the Planning Authority.

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

9.0 Water Framework Directive

- 9.1. There are no water courses within or immediately adjacent to the appeal site. The proposed development primarily comprises an extension to the operating hours of the existing petrol station. No water deterioration concerns were raised in the planning

appeal. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

9.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- The nature and scale of the works;
- The location of the site in a serviced urban area and the distance from nearest water bodies and lack of direct hydrological connections.

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

10.0 Recommendation

10.1. I recommend that the Commission grant planning permission, subject to conditions, for the reasons and considerations set out below.

11.0 Reasons and Considerations

11.1. Having regard to the zoning objective of the site, the long term established use and the nature of the proposed development, the location of the site and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity or the visual amenities and character of the area, and would, therefore, be in accordance with the provisions of the Limerick Development Plan 2022-2028 and the Newcastle West Local Area Plan 2023-2029 and with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out in accordance with the plans and particulars submitted with the planning application and amended by Further Information received on 3rd July 2025, except as may be otherwise required by the following conditions.

Reason: To clarify the plans and particulars for which permission is granted.

2. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health.

3. Prior to the implementation of the opening hours hereby approved, certification from the Lighting Design Engineer shall be submitted for the written agreement of the Planning Authority to confirm that the lighting has been installed in line with the approved design. Furthermore, as provided for within the application documents, the two lighting poles (east and west boundary) and five flood lights on the south west elevation shall not operate between 10pm and 7am.

Reason In the interests of amenity.

4. The automated car wash/brush wash and other ancillary services on the site shall not operate between 10pm and 7am.

Reason - In the interest of amenity.

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.

Terence McLellan
Senior Planning Inspector

28th October 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-323424-25
Proposed Development Summary	Change of station opening hours to allow for 24 hour opening on a daily basis.
Development Address	Circle K N21 Newcastlewest Service Station, Cullinagh, Newcastle West, Limerick.
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input checked="" type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	

<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

