



An
Coimisiún
Pleanála

Inspector's Report PL-501071-DL-26

Development	Erection of an acoustic fence on top of 2-meter-concrete block wall on western boundary of existing petrol filling station and extension of opening time to 24 hours for the delivery of fuel.
Location	Townparks & Coneyburrow, Lifford, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2660030
Applicant(s)	Daly Bros (Retail) Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Stephen Harte
Observer(s)	None
Date of Site Inspection	6 th July 2026
Inspector	Elaine Power

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Appendix 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The appeal site is located within Lifford, Co. Donegal. The site is bound to the north by a commercial premises, to the west by the N14 National Primary Road. To the east and south the site is bound by greenfield lands within the ownership of the applicant. On the opposite side of the N14 is Lifford National School and there are a number of dwellings on both sides, fronting onto the N14. The surrounding area is urban in nature.
- 1.2. The appeal site has a stated area of 0.38 ha and forms part of a larger landholding within the ownership of the applicant. It currently contains an existing operational 'Circle K' petrol station with a shop, forecourt with 4 no. pumps and canopy over, 2 no. HGV pumps to the rear of the site, a service area, laundry kiosk, dog wash facility, signage, picnic benches and parking area.
- 1.3. There is an existing access and egress onto the N14. The sites boundary treatments include a low block work wall with the N14, a high block work wall at the sites northern boundary with the commercial premises and remaining boundary treatment comprises a wooden fence.
- 1.4. The appeal site is located c. 100m west of the River Finn SAC and the larger landholding overlaps with the SAC.

2.0 Proposed Development

- 2.1. The proposed development comprises the erection of an acoustic fence on top of an existing 2m high concrete block wall, c. 3.6 in height, on the western boundary of the existing petrol station. The proposed development also includes extending the opening hours to 24 hours per day for the delivery of fuel.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to five conditions. The following conditions are considered relevant.

2. (a) Operational hours i.e. 24hours Monday – Sunday associated with fuelling facilities herein permitted shall only commence upon written confirmation to the Planning Authority of completion of the acoustic fence as detailed in the submitted documentation (drawing number 6722_PL_03).

(b) Signage shall be agreed in writing with the Planning Authority and erected along the completed acoustic fence prohibiting parking of refrigerated lorries along the southern boundary of the site.

Reason: To define the permission.

3. The site shall be monitored for the generation of noise and shall comply with the following:

(a) A suitably qualified person shall carry out monitoring of noise within the site, two times within the first 12 months upon commencement of operations associated with fuelling facilities 24 hours. Said monitoring shall be carried out between the hours of 22.00 – 07.00.

(b) A report on the results of the monitoring, prepared by the qualified person, shall be submitted to the Planning Authority.

(c) The noise level as a result of activities associated with fuelling facilities shall not exceed 55dB(A) rated sound level, as measured at the nearest noise sensitive location.

(d) Where noise levels exceed those specified, the developer shall submit detailed proposals to eliminate any noise nuisance experienced by the sensitive receptor.

Reason: In the interests of protecting residential amenities.

4. There shall be no deliveries to the commercial/retail element outside of the hours of 0800 to 2200. All deliveries shall take place within the confines of the site.

Reason: To protect the residential amenities of property in the vicinity of the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners report dated 3rd March 2026 notes the established use in operation on the site, the sites location within the settlement boundary of Lifford and the updated

acoustic report submitted with the application which demonstrates that there would be no adverse impacts the adjacent residential dwellings.

The report considered that given the location of the subject site, outside of and removed from any sensitive designations, to the nature and scale of the development and to the policies of the current development plan that the proposed development would not seriously injure the amenities of the area, would not be prejudicial to public health and would not endanger public safety by reason of a traffic hazard. The report recommended that permission be granted subject to conditions.

3.2.2. *Other Technical Reports*

Senior Executive Chemist, The Lab: Report dated 20th January 2026 noted that the applicant provided an Acoustic Report based on monitoring over a week in October 2025. The Propagation Maps presented therein rely on a 3.6m high acoustic barrier to mitigate against noise nuisance during night-time hours at a neighbouring residential property, a sensitive receptor. The applicant is also reliant on management measures such as parking of refrigerated trucks in certain areas of the site. In the event that these measures fail to eradicate noise nuisance, the applicant shall identify alternative measures to eliminate any noise nuisance experienced by the sensitive receptor.

Roads Section: A handwritten note dated 27th January 2026 raised no objection to the proposed development and recommended that the dropped kerbs at each vehicular entrance to the filling station to be removed and replaced with asphalt concrete. Gullies to be installed at lowest point to collect storm water and a section of dropped kerbs at old entrance that is now blocked off to be raised to a height of 125mm above the carriageway. Footpath at the same location to be raised to proper height and reinstated with asphalt concrete.

Fire Service Section: Report dated 5th February 2026 raised no objection to the proposed development.

Donegal National Roads Office (NRO): Email dated 9th February notes that the application does not affect the progression of any current national road or active travel project managed by Donegal NRO.

3.3. Prescribed Bodies

Transport infrastructure Ireland (TII): The submission dated 15th January 2026 requests that regard is had to Spatial Planning and National Roads Guidelines and relevant TII Publications.

3.4. Third Party Observations

A submission was received from Stephen Harte. The concerns raised in the submission are similar to those raised in the appeal and generally relate to noise and residential amenity.

4.0 Planning History

There are a large number of planning applications relating to the appeal site. The most relevant are summarised below.

16/50280: Permission was granted in 2016 for (1) the construction of a restaurant, shop, petrol filling station, canopy, lorry filling point, underground storage tanks and associated signage, (2) storage building with raised levels, (3) construction of astro pitch, (4) provision of water harvesting facility, (5) all associated delivery areas, parking and ancillary site works and (6) restoration of part of the River Finn SAC within the subject site to include boardwalk, viewing point etc., all to be serviced by an on-site sewage treatment plant and pumped to the public sewer. This development site relates to the applicants overall landholding.

16/51232: Permission was granted in 2016 for the construction of a prefabricated building comprising of a shop with staff facilities and all associated site works including associated parking & connection to public foul sewer. This site has a similar boundary to the current appeal site.

19/50881: Retention permission was granted in 2020 for a petrol filling station consisting of a prefabricated shop and ancillary accommodation including toilets, dry fuel stores, parking area, canopy and pumps, lorry filling point, underground storage tanks, associated signage and all associated site works. This site has a similar boundary to the current appeal site. Condition 13 is relevant.

13. Noise levels as measured externally at nearest residence of the site boundaries shall not exceed 40dba. Where noise levels exceed those specified, the developer shall submit detailed proposals for ameliorating excessive noise levels.

Reason: To cater for orderly development.

20/52024: Permission was grant in 2021 for 1) the removal of existing temporary shop unit (2) erection of building containing shop, delicatessen, dining area, store and all associated uses (3) construction of an additional pump island for HGV's (4) upgrading of existing onsite sewerage treatment system prior to connection to public sewer and all other associated site works.

Conditions 4(b) and 6 of planning permission are considered relevant.

4(b) Operational hours of the shop and associated fuelling facilities herein permitted shall be confined to between 08:00 to 22:00 hours. Premises shall thereafter be restricted for use by vehicles by the erection of barriers/gates along both site frontage openings.

Reason: To cater for orderly development and in the interest of residential amenity of surrounding dwellings.

6. Noise measures shall not as a result of the operation of the activities on site at any site boundary

(a) contain any pure tones.

(b) exceed the background noise level by 5dBA or more or exceed 55 dBA by day (during permitted operational hours (08:00 am to 22:00 pm) whichever is the lesser.

Reason: To cater for orderly development.

ABP-318929-24, 23/51704: An application to amend conditions of previous decisions.

The Board considered that there was insufficient justification submitted to remove, or amend, the conditions in question. The Board had not been provided with sufficient information or evidence to demonstrate that the noise impacts from the operation of a 24-hour refuelling facility had been mitigated to a sufficient extent, including, but not limited to, noise impacts from additional traffic movements and the refrigerated HGV units either moving through or parking on the site beyond the permitted hours.

25/60828: Permission was refused in 2025 for (1) the erection of an acoustic fence on top of existing 2m high concrete block wall, maximum height of 3.6m on western boundary of existing petrol filling station and (2) extension of opening time to 24 hours for the delivery of fuel. The reason for refusal is outlined below.

1. The subject site is located within the Settlement Framework of Lifford, a designated Service Town as identified under the current County Donegal Development Plan, 2024-30, which designates Lifford as a Service Town. It is a policy (Policy ED-P-3: refers) of the aforementioned Plan to *consider proposals for the extension of an existing industrial or business use within a defined settlement provided the resultant scale and form of the enterprise is compatible with the character and scale of the settlement and locality and the proposal meets the criteria set out in Policy ED-P-9.*

Policy ED-P-9 of the Plan requires that any proposal for economic development use, in addition to other policy provisions of this Plan, will be required to meet all the following criteria including;

- a. It is compatible with surrounding land uses existing or approved; and
- c. It does not harm the amenities of nearby residents.

Having regard to (i) the absence of any noise monitoring report or rationale in support of the proposed acoustic fencing and associated night-time operations, (ii) to the proximity of the site to residential dwellings and (iii) to the detailed planning history of the site, in particular to recent planning permissions 23/51704 and 19/50881 and subsequent findings by An Coimisiún Pleanála – (Case reference: PL05E.318929 refers), the planning authority is not satisfied there is sufficient justification provided to allow for the consideration of night-time operational hours of the facility in question and, notwithstanding the submitted acoustic fencing proposal, considers that the development would, if permitted, materially contravene the aforementioned policies of the County Donegal Development Plan, 2024-2030 and therefore be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. ***National Planning Framework First Revision, April 2025***

The National Planning Framework is a high-level strategic plan for shaping the future growth and development of the county to 2040. It is a framework to guide public and private investment, to create and promote opportunities for our people, and to protect and enhance our environment - from our villages to our cities, and everything around and in between. It sets out 10 National Strategic Outcomes (NSO). Of particular relevance is NSO 8: Transition to a Carbon Neutral and Climate Resilient Society which states that adaption measure will be required to respond locally specific, place-based responses, which address not only climate impacts but also integrate coherently with local social, economic and ecological systems. The accelerated delivery of additional renewable electricity generation is therefore essential for Ireland to meet its climate targets, reduce its greenhouse gas emissions, and improve its energy security by reducing reliance on imported fossil fuels and diversifying its electricity supply.

5.2. ***Climate Action and Low Carbon Development (Amendment) Act 2021***

This Act amends the Climate Action and Low Carbon Development Act 2015. It sets out the national objective of transitioning to a low carbon, climate resilient and environmentally sustainable economy in the period up to 2050. The Act commits us, in law, to a move to a climate resilient and climate neutral economy by 2050. An Coimisiún Pleanála is a relevant body for the purposes of the Climate Act. As a result, the obligation of the Commission is to make all decisions in a manner that is consistent with the Climate Act.

5.3. ***Climate Action Plan, 2025***

The Climate Action Plan was published in June 2019 by the Department of Communications, Climate Action and Environment. The Climate Action Plan 2025 (CAP25) is the fourth annual update to Ireland's Climate Action Plan 2019. This plan is prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021, and following the introduction, in 2022, of economy-wide carbon budgets and sectoral emissions ceilings. Climate Action Plan 2025 builds upon [Climate Action Plan 24](#) (CAP24) by refining and updating the measures and actions required to

deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with CAP24.

The CAP provides a detailed plan to achieve a 51% reduction in overall greenhouse gas emissions by 2030 and to transition away from fossil fuels in energy systems to achieve net-zero emissions in 2050.

5.4. *Ireland's Long-term Strategy on Greenhouse Gas Emissions Reduction, 2024*

This strategy is an update to the 2023 strategy, and the first to be prepared under Ireland's Climate Action and Low Carbon Development Acts 2015 to 2021. It conforms to both EU and national requirements and is consistent with Climate Action Plan 2024. It provides indicative pathways towards achieving carbon neutrality for Ireland by 2050.

The Strategy covers:

- total greenhouse gas emission reductions and enhancements of removals by sinks.
- emission reductions and enhancements of removals in individual sectors, including electricity, industry, transport, the heating and cooling and buildings sector (residential and tertiary), agriculture, waste and land use, land-use change and forestry (LULUCF).
- expected progress on transition to a low greenhouse gas emission economy, including greenhouse gas intensity, CO₂ intensity of gross domestic product, related estimates of long-term investment, and strategies for related research, development and innovation.
- the expected socio-economic effect of the decarbonisation measures, including aspects related to macro-economic and social development, health risks and benefits and environmental protection and
- links to other national long-term objectives, planning and other policies and measures, and investment.

5.5. *Donegal Development Plan 2024 - 2023*

The subject site is located within the settlement framework of Lifford, to the south of the Town Centre, as defined on Map 21.52 of the Development Plan. Lifford is designated as a Service Town in the Settlement Strategy. Section 3.3.3 'Service

Towns' notes that such service towns provide important local retail and employment functions.

Relevant Policies include:

Policy CS-0-7: To support economic growth throughout the County through *inter alia* to continue to support 'County Growth Drivers' and 'Service Towns' as critical drivers of growth outside of Letterkenny.

5.4 Natural Heritage Designations

The appeal site is not located within or immediately adjacent to a designed area. The River Finn SAC is located c. 100m west of the appeal site.

6.0 EIA Screening

- 6.1. I refer the Commission to Appendix 1 of my report.
- 6.2. The proposed extension to the 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.
- 6.3. The proposed acoustic fence 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).

7.0 The Appeal

7.1. Grounds of Appeal

The third party appeal from Stephen Harte includes a copy of the Planners Report, a copy of the Notification of Decision to Grant and a copy of the applicants Acoustic Report. The main grounds of the appeal relate to the potential negative impact from noise generate by the extended operating hours. The main grounds are summarised below.

- The development description is for 'extension of opening time to 24 hours for the delivery of fuel'. The Planning Authority interpret this as also operating /

opening hours for the business. If the PA were unclear, they should have request clarification. The description is for delivery of fuel, meaning the delivery of fuel to the premises for resale. The PA should not be making interpretations of the meaning of the development description.

- At no time has the petrol station had permission to operation for 24 hours. There are on-going enforcement procedures for failure to comply with operating hours.
- The applicants acoustic report is not accurate.
- Concerns regarding the location of the noise monitoring equipment during the survey, which focuses on the N15 and not the appellants property which is the nearest residential property.
- There is no reference to the time the HGV's take to refuel. In the majority of instances HGV's are left idle for 20 minutes or are refrigeration units which can generate in excess of 100dB.
- The noise monitoring was unattended with no record of the actual number of HGV's refuelling at the filling station and no way of verifying that the noise was caused by road traffic on the N15 as suggested in the report.
- No evidence is provided for the estimate of c. 22 HGV's refuelling during the day and 6 HGV's refuelling at night.
- The appellants house is the nearest noise sensitive receptor. No monitoring was carried out at, or in the vicinity of, the appellants property.
- Traffic Monitoring data from the Station on the N15, c. 2km from the appeal site, indicates that nighttime traffic ranges from 15 – 54 vehicles per hour. The acoustic report fails to address nighttime figures and focuses on the total daily average of 400 movements.
- Condition 3 uses a daytime noise level (55 dBA). The nighttime noise level as recommended by the WHO is 45dBA.
- Condition 4 which restricts deliveries to the site to between 08:00 and 22:00 contradicts the grant of permission which is for delivery of fuel.

7.2. Applicant Response

In response to the appeal the applicant notes that no new matters arise in the appeal and refer the Commission to the Planning Statement and Acoustic Report submitted in support of the application. The main planning grounds raised in the Planning Statement are summarised below.

- The use is established and authorised. It is compatible with the sites zoning objective and surrounding land use.
- The original grant of permission under 16/51232 did not include a restriction on operating hours.
- The Acoustic Report demonstrates that the noise levels from the filling station operating 24 hours would have no material impact on the area. Mitigation is provided in the form of the proposed 3.6m high fence.
- The proposed development overcomes the previous reason for refusal.
- Noise from the N14 is the dominant source of noise and will remain the dominant source of noise. Residents should be unaware of any change in sound levels.
- The Acoustic Report provides evidence that the proposal is appropriate in its context with no adverse effects on adjacent residential dwellings.
- The provision of service stations at regular intervals, particularly 24 hours facilities are important to achieve the Road Safety Authority's and wider National and European Policy recommendations to improve road safety and allow motorists to pull into an appropriately located safe place.
- The site is ideally located for overnight EV charging. It is the applicants intention to install EV charging within the appeal site for night-time motorists.
- This is a relatively small filling station with no designated areas for long term HGV parking. Vehicles attending the site would be solely for refuelling or availing of services in the retail unit. No issues would arise from overnight / long term HGV parking.
- Condition 13 of 19/50881 requires that noise levels at site boundaries shall not exceed 40dBA. This condition remains applicable.

- Section 5 of the applicants report sets out similar developments in Donegal, which do not have a restriction on operating hours.
- The Acoustic Report concludes that the existing traffic sound on the N15 is dominant. The prevailing values of 62db (daytime) and 53 dB (nighttime) already exceed the ideal values described in the WHO Guidelines for the European region. There is a low likelihood of adverse impact at night and no adverse impact during the day.

7.3. **Planning Authority Response**

The response from the Planning Authority notes the content of the third party appeal. The response refers the Commission to the Planners report and states that there is no further comment to make on this appeal.

7.4. **Observations**

None

8.0 **Assessment**

8.1. Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, the report of the local authority and inspected the site, and having regard to relevant policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development.
- Residential Amenity / Noise.
- Transportation.
- Climate.

8.2. ***Principle of Development***

8.2.1. The appeal site currently contains an existing operational 'Circle K' petrol station with a shop, forecourt with 4 no. pumps and canopy over, 2 no. HGV pumps to the rear of the site, a service area, laundry kiosk, signage, picnic benches and parking area.

- 8.2.2. The proposed development comprises the provision of an acoustic fence on top of an existing 2m high block wall, with a maximum height of 3.6m, on the southern boundary of the existing petrol filling station in accordance with TII publication series ng 300 – fencing and environmental noise barriers. The development also includes extending the opening time to 24 hours for the delivery of fuel.
- 8.2.3. The site is located within the settlement framework of Lifford, to the south of the Town Centre, as defined on Map 21.52 of the Development Plan. Lifford is a designated ‘Service Town’ in the Settlement Strategy. Section 3.3.3 ‘Service Towns’ of the Development Plan notes that such service towns provide important local retail and employment functions. Policy CS-0-7 aims to support economic growth throughout the County through *inter alia* to continue to support ‘County Growth Drivers’ and ‘Service Towns’ as critical drivers of growth outside of Letterkenny.
- 8.2.4. Having regard to the existing use on site and the sites location within the settlement boundary of Lifford I have no objection in principle to the proposed development and consider that the proposed development is in accordance with Policy CS-0-7 of the Development Plan.

8.3. ***Residential Amenity / Noise***

- 8.3.1. The main ground of the appeal relates to the negative impact that noise generated by the extended opening hours would have on the residential amenity of the appellants property. Specific concerns are raised regarding noise and nuisance cause by HGV’s vehicles left running while refuelling at the petrol filling station at night. The appellant’s house is the nearest residential property to the appeal site, located c. 25m south of the boundary with the petrol filling station and internal access road and c. 40m to the petrol pumps. There is a greenfield site located between the existing house and the petrol filling station, which is within the ownership of the applicant.
- 8.3.2. The applicant submitted an Acoustic Report in support of the application. Concerns are raised by the third party that the applicants acoustic report is not accurate and that no monitoring was carried out at, or in the vicinity of, the appellants property. The applicants Acoustic Report states that baseline noise monitoring was carried out continuously between the 14th – 21st October 2025. Concerns are raised by the third party that the location of the noise monitoring equipment during the survey focused on

the N14 and not the appellants property. The information provided in the Acoustic Report indicates that there was one noise monitoring location within the site. The monitoring location is given as 54:8258664 -7:48536, which appears to be the location of the petrol filling station's southern boundary with a greenfield site adjacent to the appellants property. Given the relatively small size of the site (0.38 ha) I have no objection to the number of locations of the monitoring equipment, and I am satisfied that the assessment was carried out in accordance with relevant and appropriate standards and Guidelines.

- 8.3.3. A summary of the data from the noise monitoring is illustrated in Figure 3 of the Acoustic Report. The report provides a breakdown of average sound level (LAeq) and the noise level that is exceeded for 90% of the measurement time period (LA90) which is a measurement of the more consistent background noise level when louder, intermitted sounds are excluded. The monitoring indicates the following:

	LAeq	LA90
Daytime	62	50
Evening	60	45
Nighttime	53	36

- 8.3.4. Using this information the applicant has provided a 24-hour equivalent continuous sound level of 63 Lden (Day-Evening-Night level). The WHO guidelines recommend 53 dBA Lden of and 45 dBA Lnight. Therefore, the existing baseline exceeds both of these recommended standards.
- 8.3.5. The proposed development would extend the hours of operation of the existing petrol station. The Acoustic Report notes the that the specific sound of interest to the assessment is noise potentially generated by HGV's within the appeal site during the extended operational hours. The information provided indicates that c. 28 HGV's refuel at the site per day. For the purpose of modelling the impact of the proposed extended opening hours it is envisioned that 22 no. HGV's would refuel during the daytime and 6 no. would refuel during the nighttime. It is noted that the third party raised concerns that there is no evidence of the number of HGV's that would utilise the site during the nighttime hours. It is acknowledged that this is an estimated figure. However, in my

opinion, this is a reasonable assumption given the sites size, location and the number of HGV's currently utilising the site during operational hours.

- 8.3.6. To mitigate against any noise disturbance the proposed development include an acoustic fence. The proposed fence is designed in accordance with Series NG 300 – Fencing and Environmental Noise Barriers (TII Publications). The proposed fence has a height of c. 1.6m. It would sit above the existing 2m high concrete block wall with timber sheeting which is the existing boundary with the adjacent house. The proposed boundary fence would have an overall height of 3.6m and a length of c. 50m at the sites southern boundary. The modelling was carried out with the fence in place and indicates that subject to the acoustic fence being installed there would be no increase in sound during the extended opening hours at the nearest dwelling.
- 8.3.7. The concerns of the third party are noted. However, given the existing background noise levels which are generated by vehicular movements on the N15 and which exceed the WHO recommended values and the information provided in the Acoustic Report, which is evidence based, I am satisfied that subject to the provision of the 3.6m high acoustic fence, that the extended operating hours of the existing petrol filling station would have a negligible impact on noise at the nearest noise sensitive receptor. In addition, it is noted that the report of the Planning Authority's Senior Executive Chemist raised no objection to the proposed development.
- 8.3.8. The applicant Acoustic Report also recommends that parking for refrigerated lorries should be confined to the northeast corner of the site. The layout of appeal site does not provide for any long-term parking of HGV's. However, in the interest of clarity it is considered appropriate that a condition be attached to any grant of permission that long term parking of HGV's is not permitted within the site.
- 8.3.9. Condition 3 of the Planning Authority's grant of permission required noise monitoring to be carried out within the first 12 months upon commencement of 24-hour operations. It is noted that this condition required that the noise level as a result of activities associated with fuelling facilities shall not exceed 55dB(A) rated sound level, as measured at the nearest noise sensitive location. The third party raised notes that nighttime noise level recommended by the WHO is 45dBA. In response the applicant notes that condition no. 13 of previously approved retention of a petrol filling station (19/50881) at the appeal site required that noise levels as measured externally at the

nearest residents shall not exceed 40dba. The applicant states that this condition remains applicable and will ensure noise levels are within acceptable parameters. It is my view that a noise monitoring condition should be attached to any grant of permission with an additional requirement for monitoring during the first year of operation of the extended operating hours.

8.4. *Transportation*

- 8.4.1. Access to the site is from the N14 and is within a 50km per hour zone. Figure 1 of the applicants Acoustic Report summarises typical daily traffic flows along the N15. It is noted that traffic on the N14 is greatest between 10:00 and 20:00 with between c. 200 and c. 400 vehicular movements per hour. Having regard to the nature and scale of the existing petrol filling station and the volume of traffic on the N14 I am satisfied that there is capacity on the existing road network to accommodate the proposed extended opening hours.
- 8.4.2. The proposed development does not include any alterations to the existing access arrangements, parking areas manoeuvring and servicing areas currently serving the existing petrol filling station on site. The report of the Planning Authority's Road Section recommended that the existing dropped kerbs at each vehicular entrance to filling station be removed and replaced with asphalt concrete with gully's installed at the lowest point to collect storm water and that a section of dropped kerbs at the old entrance, that is now blocked off, to be raised to a height of 125mm above the carriageway. Furthermore, the footpath at the same location should be raised to proper height and reinstated with asphalt concrete. It is noted that the Planning Authority did not require these works by way of condition. In my opinion, as the proposed development would intensify the existing use at the appeal site it is appropriate that a condition be attached to any grant of permission that the final access and egress arrangements and surface water management details be agreed with the Roads Section of the Planning Authority.

8.5. *Climate*

- 8.5.1. The Climate Action and Low Carbon Development Act, 2015, as amended, commits Ireland to becoming a carbon-neutral economy by 2050 and reducing Greenhouse Gas (GHG) emissions by 51% by the end of the decade. Section 17 of the Climate Action and Low Carbon Development (Amendment) Act, 2021 amends the principal

act such that Section 15(1) requires a relevant body shall, in so far as practicable, perform its functions in a manner consistent with relevant climate related plans and strategies including the most recent approved climate action plan (CAP), being CAP 24 and CAP 25.

- 8.5.2. The purpose of the CAP is to lay out a roadmap to deliver on Ireland's climate ambition of 51% reduction in GHG emissions from 2021-2030 and net-zero emissions by 2050. The proposed development would extend the hours of operation of an existing petrol filling station. In my opinion the primary function of the filling station, does not directly support Ireland's ambitions for net-zero emissions by 2050. However, petrol stations will continue to be a necessary infrastructure until such a time that ambitions for zero carbon emissions from motor vehicles is realised. It is also noted that the petrol filling station at this site was previously permitted and is an established use and, therefore, extending the operating hours is considered acceptable.

8.6. Other Issues

Development Description

- 8.6.1. The third party raised concerns regarding the development description. It is considered that the 'delivery of fuel' means the delivery of fuel to the premises for resale and that the Planning Authority misinterpreted this as also including operating / opening hours for the business. Having regard to the nature of the existing business, which delivers fuel to customers, I agree with the Planning Authority that the proposed development is to extend the operating hours of the petrol filling station to 24 hours per day and not to facilitate the delivery of fuel to the premises from fuel tankers. The information provided in the documentation submitted by the applicant also clearly indicates that the proposed development is to extend the hours of operation of the fuelling facilities to 24 hours per day. I am satisfied that the proposed development is adequately described in the public notices.

Condition 4

- 8.6.2. Condition 4 of the Planning Authority's grant of permission states that there shall be no deliveries to the commercial / retail element outside of the hours of 0800 to 2200. The third party considers that this contradicts the grant of permission which is for delivery of fuel. It is my opinion that Condition 4 is clear in that it relates to the delivery of goods to the retail (shop) use within the site and does not relate to the 24-hour

refuelling element of the proposed development. If permission is being granted it is considered appropriate to attach a similar condition to restrict the hours of operation of the shop.

9.0 AA Screening

- 9.1. I have considered the appeal in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended.
- 9.2. The proposed development is located within the urban area of Lifford, Co. Donegal. It comprises the erection of an acoustic fence with a maximum height of c. 3.6m and the extension of operating hours of an existing petrol filling station. The River Finn SAC (002301) is located c. 100m west of the appeal site.
- 9.3. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment as it could not have any effect on a European Site. The reason for this conclusion is as follows:
- The location of the development in a serviced urban area.
 - The nature and extent of the proposed development.
 - The distance to the nearest European Site.
 - The lack of a direct hydrological or ecological pathway to a European Site.
- 9.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.5. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 is not required.

10.0 Water Framework Directive

- 10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.
- 10.2. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of

any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

- 10.3. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.
- 10.4. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

It is recommended that permission be granted subject to conditions.

12.0 Reasons and Considerations

Having regard to the site's urban location within the settlement boundary of Lifford, which is a designated as a Service Town, the existing petrol filling station on the site, the provisions of Policy CS-0-7, Policy ED-P-3 and Policy ED-P-9 of the Donegal County Development Plan 2024 – 2030 which support economic growth, the existing pattern of development in the area and to the nature and scale of the proposed development it is considered that subject to compliance with the conditions set out below the proposed development would not seriously injure the residential or visual amenities of the area or of any adjacent property, would be acceptable in terms of noise, traffic safety and convenience and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement

of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The acoustic fence shall be completed in accordance with the plans and particulars submitted with the application, prior to the commencement of the 24-hour operation hours of the fuelling facilities.

Reason: In the interest of residential amenity.

3. Prior to commencement of development the applicant shall agree in writing with the Planning Authority signage to be erected within the site prohibiting long term parking of HGV's within the site.

Reason: In the interest of residential amenity.

4. During the operational phase of the proposed development noise levels as measured at the nearest noise sensitive receptor shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and (b) 45 dB(A) at all other times. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

5. Prior to commencement of development the applicant shall agree in writing with the Planning Authority amendments to the existing access and egress arrangements, in accordance with the requirements of the planning authority, and shall comply, in all respects, with the standards set out in the Design Manual for Urban Roads and Streets (DMURS). All works shall be at the developers expense.

Reason: In the interests of pedestrian and traffic safety.

6. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001 (as amended), shall be displayed or erected on

the acoustic fence, or within the curtilage of the site, without a prior grant of planning permission.

Reason: To allow further assessment of the impact of the permitted advertisement on the amenities of the area and in the interest of visual amenity.

7. Drainage arrangements at the sites boundary with the N14, including the disposal of surface, shall comply with the requirements of the planning authority for such works and services. All works shall be at the developers expense.

Reason: In the interest of public health.

8. The existing retail unit shall operate between the hours of 08:00 and 22:00 with no deliveries outside of these hours. All deliveries shall take place within the confines of the site.

Reason: In the interest of residential amenity.

9. The erection of the acoustic fence shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way

Elaine Power
Senior Planning Inspector

16th July 2026

Appendix 1: EIA Pre-Screening

Case Reference	PL-501071-DL-26
Proposed Development Summary	Erection of an acoustic fence on top of 2-meter-concrete block wall on western boundary of existing petrol filling station and extension of opening time to 24 hours for the delivery of fuel.
Development Address	Townparks and Coneyburrown, Lifford, Co. Donegal.
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?	☒ Yes, it is a 'Project'. Proceed to Q.2. The acoustic fence comes within the definition of a project.
	☐ No, No further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required).	
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____