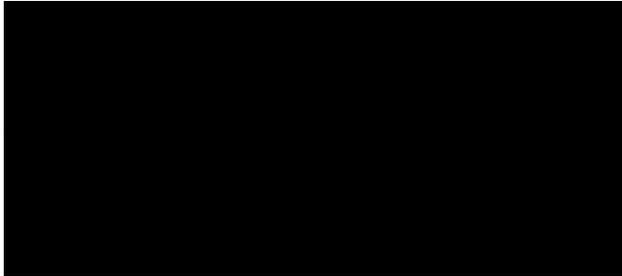


# Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997



16/02/2026

**RE: Section 5 Declaration R1000/25 Texaco, Bishopstown Road, Cork. T12 P268**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 03<sup>rd</sup> of November, 2025.

The Question before the Planning Authority related to the replacement of underground fuel tanks and associated pipework.

In considering this referral the Planning Authority had regard to:

- (a) Sections 2, 3 and 4 (1) (h) of the Planning and Development Act 2000 (as amended)
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (c) Details/drawings submitted on 03.11.2025 and Further Information and revised details received on 22.01.2026
- (d) Planning history documentation and drawings.

The Planning Authority has concluded that –

- (a) the works constitute development which come within the scope of Section 3(1) of the Planning and Development Act 2000
- (b) No intensification of usage would arise as a result of the replacement of the tanks;
- (c) The works would come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended) as they would consist of the carrying out of works for the maintenance/improvement of the existing petrol station and would not have any impact on the external appearance of the structure given their underground location so as to render it inconsistent with the character of the petrol station or of its neighbouring structures.



**We are Cork.**



# Comhairle Cathrach Chorcaí

## Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

Therefore, the Planning Authority in exercise of the powers conferred on it by Section 5(3)(a) of the 2000 Planning and Development Act (as amended), hereby decides that the replacement of underground fuel tanks and associated pipework with new underground fuel tanks and associated pipework at Texaco, Bishopstown Road, Cork

- **IS DEVELOPMENT and IS EXEMPTED DEVELOPMENT.**

all at Texaco, Bishopstown, Cork.

Is mise le meas,

*Anthony Angelini*

**Anthony Angelini**  
**Assistant Staff Officer**  
**Planning & Integrated Development**  
**Cork City Council**



**We are Cork.**

**Description:** Replacement of underground fuel tanks and associated pipework with new underground fuel tanks and associated pipework.  
**Applicant:** Valero Energy (Ireland) Limited.  
**Location:** Texaco, Bishopstown Road, Cork.  
**Received:** 03.11.2025  
**FI Received:** 22.01.2026

### 1. PURPOSE OF REPORT

This report relates to a request for a declaration under Section 5(1) of the Planning and Development Act 2000 (as amended) ("Request for a Declaration) regarding whether the replacement of underground fuel tanks and associated pipework with new underground fuel tanks and associated pipework is or is not exempted development in terms of the meaning assigned to "development" in the Act.

### 2. DESCRIPTION OF SITE

The subject site is a petrol station site located close to Looney's Cross. The site has frontage/vehicular access to both Curraheen Road and Bishopstown Road.

### 3. THE QUESTION

As per the Request for Declaration the question posed to the Planning Authority is as follows:

*'Whether the replacement of underground fuel tanks and associated pipework with new underground fuel tanks and associated pipework is or is not development and is or is not exempted development.'*

### 4. STATUTORY PROVISIONS

The exemption status of the subject works and use is appropriately assessed by the following interpretations and provisions:

- Section 2(1) of the Act:

"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and –

(a) where the context so admits, includes the land on in or under which the structure is situate...'

*"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

- Section 3(1),  
*In this Act, except where the context otherwise requires, "development" means—*  
*(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or*  
*(b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).*
- Section 4(1)(h) establishes that *'The following shall be exempted developments for the purposes of this Act... development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures';*
- Section 4(2) of the Act provides that the Minister may make regulations that provide for exempted development.
- Article 6(1) of the Planning and Development Regulations, ("the Regulations") establishes that, subject to other specified conditions and limitations, classes of development specified in Schedule 2, Part 1 of the Regulations constitute exempted development.

#### **Restrictions on exemption**

- Article 9(1)(a) of the Planning and Development Regulations 2001 (as amended) outlines sever restrictions on exemptions including the following:

*'Development to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would -*

*(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act..*

*(iii) endanger public safety by reason of traffic hazard or obstruction of road users..*

*(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.*

#### **5. PLANNING HISTORY**

R973/25: A Section 5 request was made on this site regarding the replacement of underground fuel tanks and associated pipework with new underground fuel tanks and associated pipework. A decision issued in 27.08.2025 date to the effect that the development was not 'exempted development'.

16/36927: Permission granted for a change of use of 21 sq.m. of retail unit to use as an off licence.

07/32720: Permission granted for the erection of a timber fence storage area and waste storage compound.

07/32397: Permission granted for the installation of a car washing facility including wash slab, silt trap brush washing machine and enclosure building.

18277/93 and PL28.092111: Permission granted by Cork Corporation and An Bord Pleanála on appeal to rebuild service station including new canopy, pumps and shop building.

11828/84: Permission granted for alterations to already approved plans for Firgrove Service Station (under 11632/83 below).

11632/83: Permission granted for alterations, extension and provision of additional underground petrol storage facilities.

2644/70: Permission granted for the erection of a protective canopy to an existing service station.

## **6. RELEVANT REFERRAL DECISIONS FROM AN BORD PLEANALA:**

**RL2850:** The renovation of a service station that included the removal of 2 underground tanks of 20,000l and the installation of 2 underground tanks of 30,000l at Athy, Co. Kildare.

Decision: *'Is development and is exempted development'*.

**RL3069:** The removal of oil tanks to be replaced with larger or new fuel tanks at Marmullane, Pembroke, Passage West. Co. Cork.

Decision: *'Is development and is exempted development'*.

The Board declared that the works would not result in a material alteration in the appearance of the site and would not raise new planning issues. As such it would be exempted development under section 4(1)(h).

**RL3233:** The replacement of 4 no. underground fuel storage tanks (86,000 litres) with 4 no. underground fuel storage tanks (160,000 litres) at Chawke's Service Station, Castletroy, Co. Limerick.

Decision: *'Is development and is exempted development'*.

**RL3489** The installation of 2 underground fuel storage tanks of 40,000 litres capacity each and decommissioning of an existing 28,000 litres tank at an existing filling station at Ballyraine, Letterkenny, County Donegal.

Decision: *'Is development and is not exempted development'*.

In this case An Bord Pleanála concluded that the development could not be considered as being within the scope of section 4(1)(h) of the Planning and Development Act, 2000 as the new tanks were to be located in a different location to the tank which was being de-commissioned and the existing tank was not being replaced but being left in situ, albeit that it is being taken out of use, and could not, therefore, be considered as works for the maintenance, improvement or other alteration of a structure.

## **7. PLANNING ASSESSMENT**

Assessment under Section 5(1) of the Act is a two-part process. Firstly, it must be determined whether the works in question constitute development. Secondly, it must be determined whether the works constitute exempted development or not.

I consider that the proposed works constitute "development," having regard to:

- the definition of development set out in Section 3(1) of the Act (which includes "the carrying out of any works...under land")

- the definition of “works” as set out in Section 2(1) of the Act (which includes any act of construction or excavation).

In terms of whether such development constitutes exempted development or not I make the following assessment:

In this case the structure having regard to its definition outlined above is taken to mean the petrol station and its associated underground tanks.

It is stated that at present there are 5 No. underground tanks with a combined storage capacity of 145,000 litres and that the replacement tanks would be fewer in number and less in capacity being 4 No. with a combined storage capacity of 120,000 litres. It is also stated that the tanks are over 25 years old and single skin, so it is best practice to replace them and that the replacement tanks would be located in the same location i.e. to the east of the fuel pumps.

Under 11632/83 permission was granted for development which included the provision of additional underground petrol storage facilities. The drawings on that file show that the works proposed included the removal of Tank 1 and the installation of 3 No. 20,000 litre (Tanks T1, T3 and T6) and 1 no 1,000 litre tank (Tank T5) (Total: 61,000 litres) in addition to 2 no. existing tanks (Tank T4) which appears as a small tank on the drawings and Tank 2 which in area appears similar to Tanks 1, 3 and 6. The capacity of same not specified.

Permission was subsequently granted under 11828/84 for alterations to the already approved plans (relating mainly to the canopy and signage) with Condition 1 of that permission stating that the conditions attached to permission T.P. 11632 shall apply to this permission.

The current Section 5 application has provided a reference number for another permission granted in 1993 (18277/93 and PL28.092111) which had not been referred to in the submitted application form of the previous referral (R973/25) and which did not show up when the planning search was conducted. This planning application was not recorded on the written register (as had the other references) under street address (i.e. Curraheen Road or Bishopstown Road) rather it was recorded under ‘Firgrove’ hence the omission from the previous Section 5 planning report. Under this application permission was granted to rebuild the service station including a new canopy, pumps and shop building.

Some discrepancies were noted between various drawings in the current section 5 application in terms of the location of the tanks when checked against the permitted drawings of 18277/93 and therefore Further Information was requested on 12.12.2025 as per the following:

*‘The Planning Authority requests Further Information to clarify the existing site layout noting Figure 5 in the Planning Report and also previous ‘existing site plans’ submitted under R973/25.*

*The Planning Authority requests:*

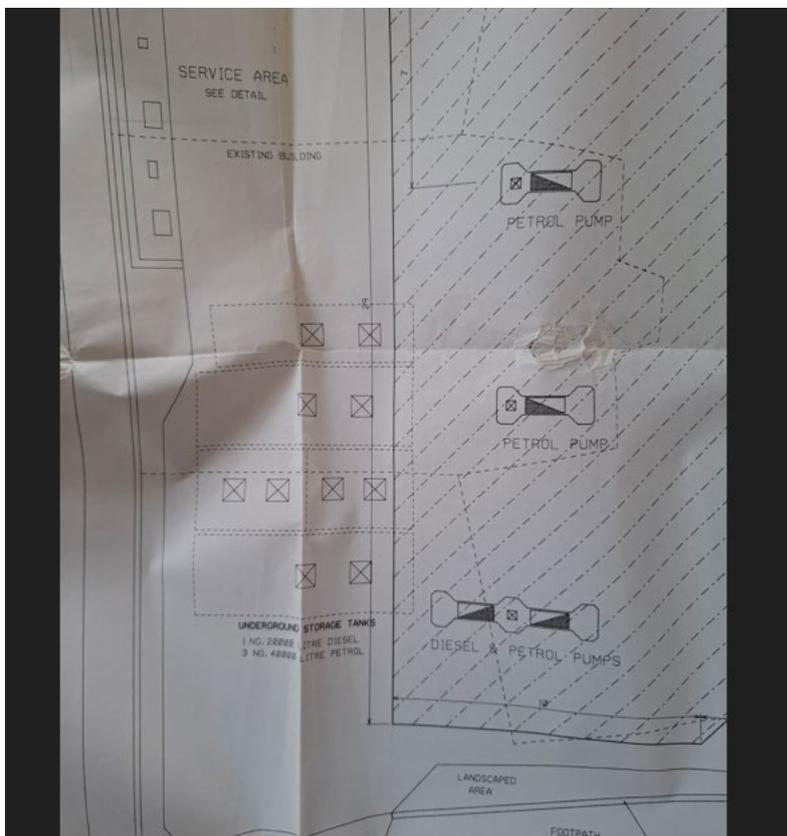
- *An explanation as to why the existing layout drawing has altered.*
- *Clarification of the situation on site including any supporting evidence.’*

The applicant responded to the F.I. request on 22.01.2026. In the response it is stated that:

*there was a discrepancy between the Planning Statement and the Existing Site Plan submitted with the application. It is stated that the existing north-south alignment of the underground tanks as per Figure 5 of the Planning Statement is incorrect. The east-west alignment of the tanks in the Existing Site Plan is correct (drawing P4924-C002) This is consistent with the*

location and alignment of the underground tanks under 18277/93. It is also stated that this application was for a complete 'knock and rebuild' and it was inherent in the application that the underground tanks formed part of the application or else the development could not operate. J.A. Gorman Consulting Engineers have been assured by the applicant that the drawings provided with the application accurately represent the situation underground at the site.

While the planning application 18277/93 makes no mention in the development description of the replacement of underground tanks – a drawing attached to the file shows 4 No. underground tanks and a note on the drawing states that these are 1 No 20,000l and 3 No 40,000l tanks (i.e total 140,000l capacity). It is therefore considered that the tanks formed part of the inherent works granted permission under 18277/93. I note that the Existing Site Plan submitted with this Section 5 is v similar to that shown on the drawings under 18277/93 (see below) with T5 being smaller in footprint with a slightly larger stated capacity of 25,000l (as opposed to 20,000l in the 18277/93 drawing. It is not considered that there would be a material intensification of use as a result of the proposed development.



Section 4(1)(h) of the Planning and Development Act 2000 (as amended) is noted in relation to the proposed works which appear to consist of works for the maintenance/improvement of the existing petrol station and would not have any impact on the external appearance of the structure. Given their location underground they would not materially affect the character of the petrol station so as to render the appearance inconsistent with the character of the structure or of neighbouring structures'.

### **3. FURTHER ENVIRONMENTAL ASSESSMENT**

Pursuant to article 103(1) of the Planning and Development Regulations 2001 as amended, having regard to the nature and scale of the proposed development and following a preliminary examination of, at the least, the nature, size or location of the proposed development, it is considered that there is no real likelihood of significant effects on the environment and it is consequently concluded that E.I.A. is not required.

It is not considered that the response to the F.I. gives rise to a significant change or modification to the proposed development so that it would now have a significant impact on a European Site, or that it would require environmental impact assessment. Consequently, it is considered that appropriate assessment and environment impact assessment are not required.

### **4. CONCLUSION**

In considering this referral the Planning Authority had regard to:

- (a) Sections 2, 3 and 4 (1) (h) of the Planning and Development Act 2000 (as amended)
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (c) Details/drawings submitted on 03.11.2025 and Further Information and revised details received on 22.01.2026
- (d) Planning history documentation and drawings.

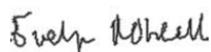
The Planning Authority has concluded that –

- (a) the works constitute development which come within the scope of Section 3(1) of the Planning and Development Act 2000
- (b) No intensification of usage would arise as a result of the replacement of the tanks;
- (c) The works would come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended) as they would consist of the carrying out of works for the maintenance/improvement of the existing petrol station and would not have any impact on the external appearance of the structure given their underground location so as to render it inconsistent with the character of the petrol station or of its neighbouring structures.

Therefore, the Planning Authority in exercise of the powers conferred on it by Section 5(3)(a) of the 2000 Planning and Development Act (as amended), hereby decides that the replacement of underground fuel tanks and associated pipework with new underground fuel tanks and associated pipework at Texaco, Bishopstown Road, Cork

- is development and is exempted development.

all at Texaco, Bishopstown, Cork.



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Evelyn Mitchell,  
Senior Executive Planner,  
12.02.2026

<b>DM</b>	<b>DAVID MULCAHY PLANNING CONSULTANTS LTD</b>
	67 The Old Mill Race, Athgarvan, Co. Kildare  PH: 045 405030/086 350 44 71 E-mail: <a href="mailto:david@planningconsultant.ie">david@planningconsultant.ie</a> <a href="http://www.planningconsultant.ie">www.planningconsultant.ie</a>
Company No: 493 133 Directors: D. Mulcahy & M. Mulcahy	

Planning Department  
Cork County Council  
City Hall, Anglesea Street,  
Cork

4<sup>th</sup> November 2025

**Re: Section 5 Application Texaco, Bishopstown Road, Cork, T12P268.**

Dear Sir/Madam,

We act on behalf of Valero Energy (Ireland) Ltd who seek a section 5 declaration in respect of underground fuel tanks at Texaco, Bishopstown Road, Cork, T12P268.

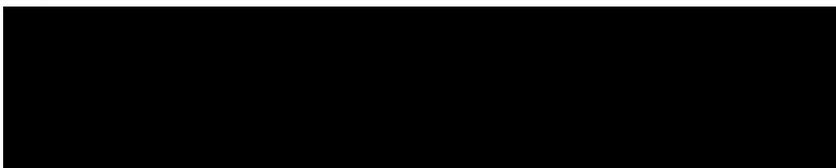
As the Council will be aware a recent section 5 application was submitted with the Council relating to the same issue but a historic planning application has since come to light that we consider to be material in terms of the assessment.

We enclose copy of:

- Application form
- Planning Report
- Site location map
- Existing site layout plan
- Proposed site layout plan
- Fee for €80

We trust this is in order.

Signed:



**David Mulcahy Planning Consultants Ltd  
CHARTERED PLANNING CONSULTANTS**

**DM**

**DAVID MULCAHY  
PLANNING CONSULTANTS LTD**

67 The Old Mill Race, Athgarvan, Co. Kildare

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Company No: 493 133 Directors: D. Mulcahy & M. Mulcahy

## **PLANNING REPORT**

TO SUPPORT SECTION 5  
APPLICATION FOR

### **REPLACEMENT OF UNDERGROUND FUEL TANKS**

AT

**TEXACO, BISHOPSTOWN ROAD, CORK, T12 P268**

Client: VALERO ENERGY (IRELAND) LTD

4<sup>th</sup> November 2025

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## 1.0 INTRODUCTION

David Mulcahy Planning Consultants Ltd have been instructed by **Valero Energy (Ireland) Ltd** to prepare a planning report to support a section 5 application in relation to replacement of underground replacement fuel tanks at Bishopstown Road, Cork, T12 P268.

A declaration is sought under Section 5 of the Planning and Development Act 2000 (as amended) from Cork City Council to establish:

*"Whether the replacement of underground fuel tanks and associated pipework, with new underground fuel tanks and associated pipework at Texaco, Bishopstown Road, Cork is or is not development and is or is not exempted development".*

This report will demonstrate that the proposed replacement of underground fuel tanks with new fuel tanks is development and is exempted development.

As the Council will be aware a recent Section 5 declaration from Cork City Council (Ref.) which declared that that the said works were not exempted development. However, this report will demonstrate that when account is taken of the planning permission granted by An Bord Pleanala (as it was then) in December 1993 under Ref. Ref. PL.28.092111<sup>1</sup> (Cork City Council Reg. Ref. 18,277/93). This 1993 permission was for a full knock & rebuild and reflects what is on site now, including the fuel tanks. **This planning permission was overlooked in the assessment of the previous section 5 application.**

It is critical to highlight that while the same question is being raised under this Section 5 referral, the facts are materially different. Therefore, this is not the same situation as per the Narconon Trust v An Bord Pleanála case where the same

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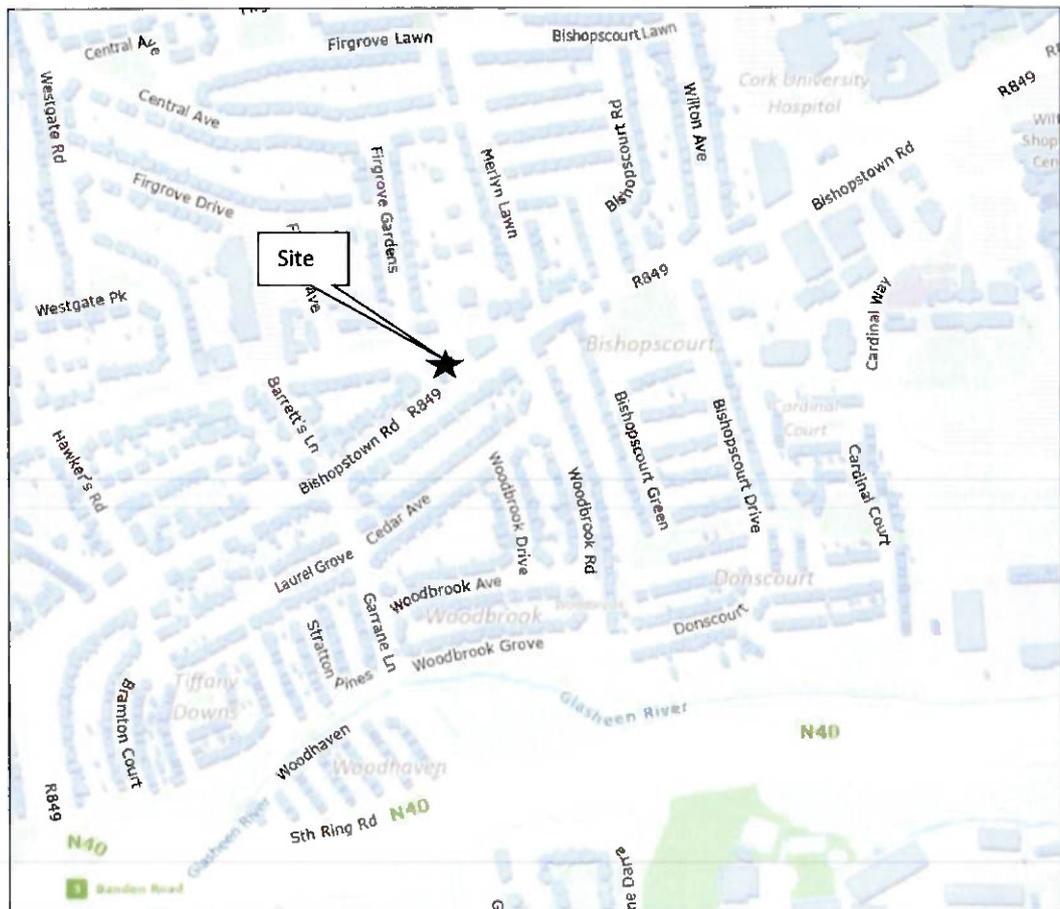
<sup>1</sup> The ABP reference on the document made available to us has the top portion 'cut off' so it is assumed that this is the correct reference – but it could be PL.28.092777.

question was asked via Meath County Council and An Bord Pleanála resulting in two different decisions on the same matter.

## 2.0 SITE LOCATION & DESCRIPTION

### 2.1 Site Location

The subject site is located on the north side of Bishopstown, Cork - see Fig No.1 below.

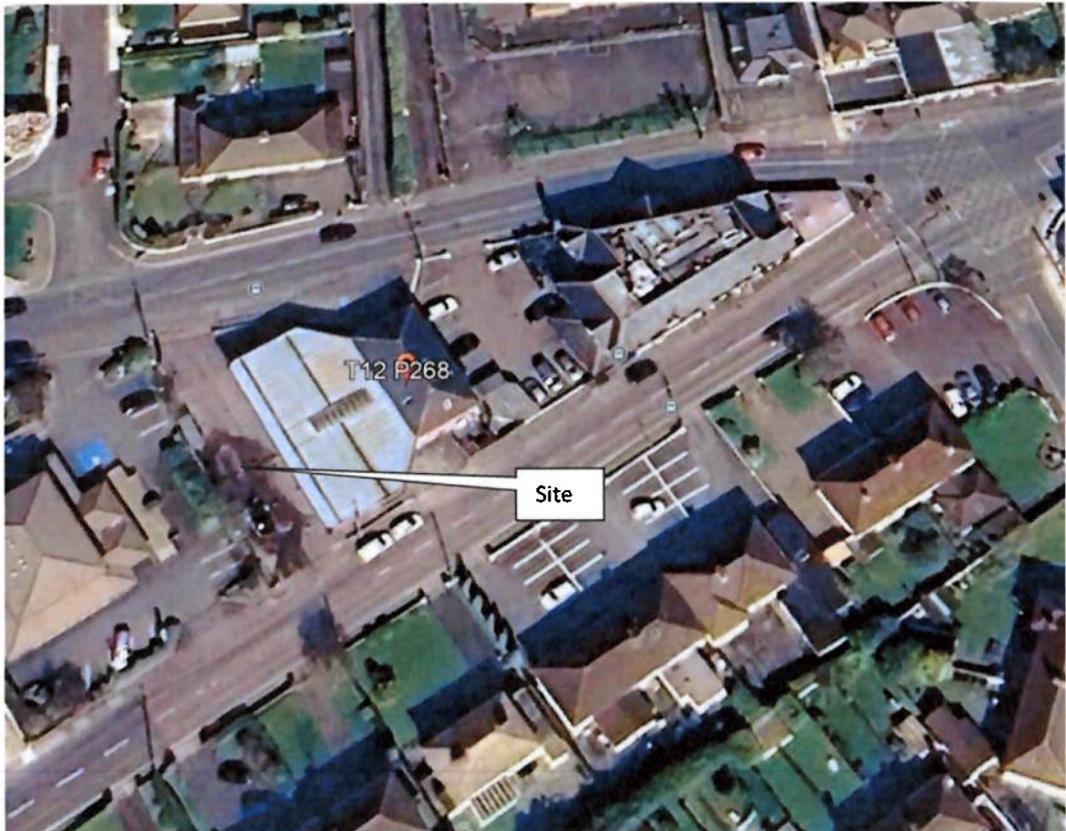


**Fig No.1:** Site Location Map (source: Myplan.ie - OSI Licence No.EN 0080915).

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## 2.2 Site Description

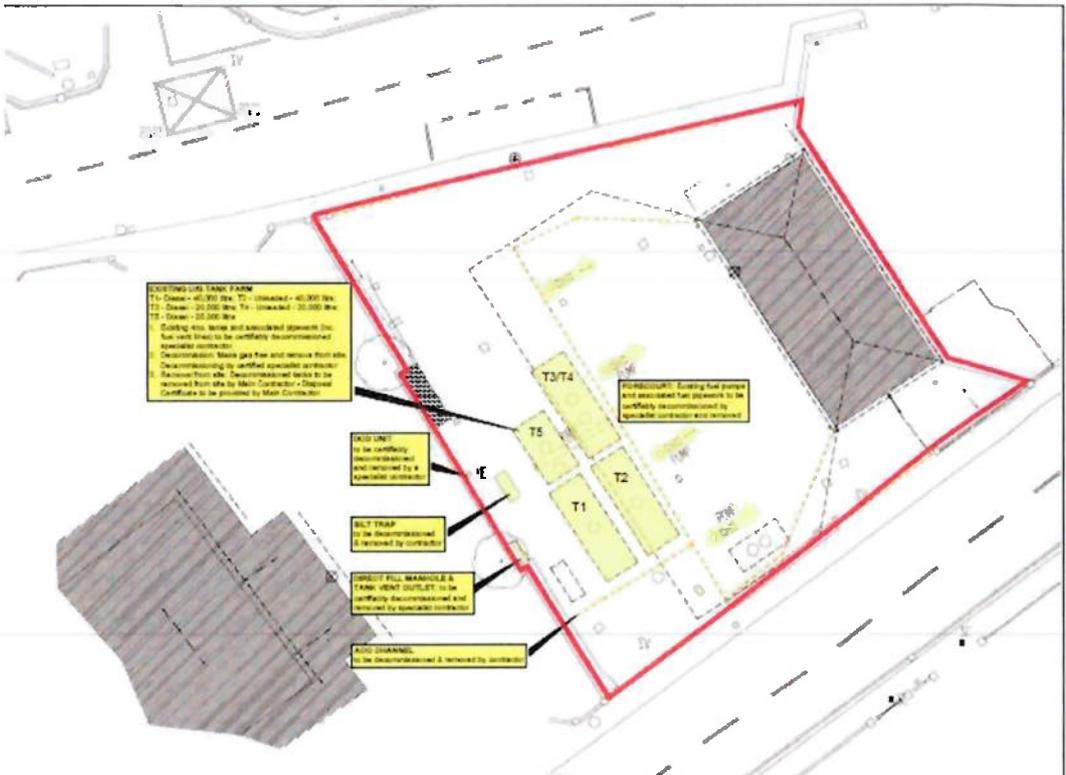
The subject site currently contains a fuel filling station with 5 no. underground fuel tanks south of the fuel pumps (not visible) with a combined capacity of 145,000L..



**Fig No.3:** Satellite image of the site with approximate location of underground fuel tanks shown – Google Maps.



**Fig No.4:** View of site from Bishopstown Road (source: Google Street View).



**Fig No.5** Extract from site layout plan prepared by JA Gorman Consulting Engineers showing location of existing tanks.

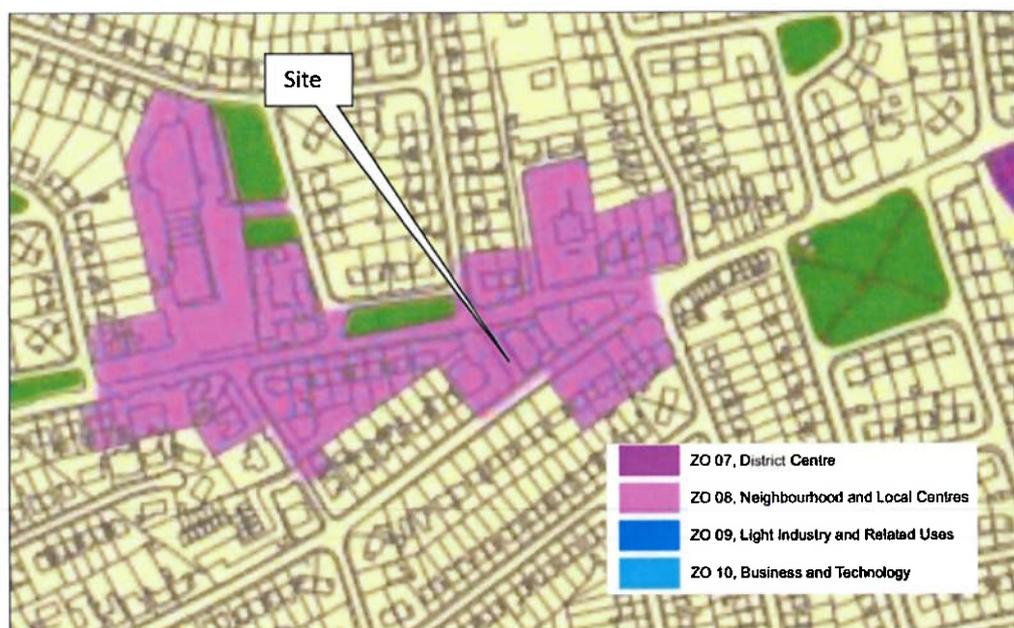
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## 3.0 PLANNING CONTEXT

### 3.1 Zoning

The site is zoned Z08 Neighbourhood and Local Centres under Cork City Development Plan 2022-2028.

There are no development plan objectives associated with the site.



**Fig No.6** Extract from Cork City Development Plan 2022-2028 zoning map.

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## 4.0 PLANNING HISTORY

### 4.1 Subject Site

There is a planning history relating to the subject site. Granted permissions include:

An Bord Pleanala Ref: PL.28.092111

In December 1993 An Bord Pleanala (as it was known then) granted permission to Texaco (Ireland) Limited for development comprising the rebuilding of a service station including new canopy, pumps and shop building at Firgrove Service Station, Bishopstown Road, Bishopstown, Cork. The appeal related to conditions Nos.1 (a) and 8 of the permission granted by Cork County Borough under Reg. Ref. 18,277/93.

The site layout plan refers to 1 no. 20,000l diesel underground tank and 3 no. 40,000l petrol tanks – a cumulative capacity of 160,000l. The tanks are located at the same location on the site where the current declaration seeks to replace the tanks.

Refer to a copy of the decision and copies of the drawings submitted with the application in Appendix A.

- 11828/84: Permission granted for alterations to already approved plans for Firgrove Service Station (under 11632/83 below).
- 11632/83: Permission granted for alterations, extension and provision of additional underground petrol storage facilities.
- 2644/70: Permission granted for the erection of a protective canopy to an existing service station.

- 
- |         |  |
|---------|--|
| 0732720 | the erection of Timber Fence Storage Area and Waste Storage Compound   |
| 0732397 | installation of a Car Washing Facility, including wash slab, silt trap, brush washing machine and enclosure building |
| 1636927 | change of use of 21 square metres of retail unit to use as an "off licence".   |

R973/25 (Section 5 Application)

The replacement of underground fuel tanks and associated pipework with new underground fuel tanks and associated pipework at Texaco, Bishopstown Road, Cork was declared not exempted development on account of

- *the existing tanks are unauthorised development having regard to stated capacities of tanks permitted under T.P.s 11632/83 and 11828/84 and would consist of the extension, alteration, repair or renewal of an unauthorised structure contrary to Article 9(1) (a) (vii) of the Planning and Development Regulations 2001 (as amended) and*
- *would result in the intensification of use on site which raises new planning issues*

The following extract from the Planner's report is relevant:

*However, the planning history on site is also noted as outlined above. Under 11632/93<sup>2</sup> permission was granted for development which included the provision of additional underground petrol storage facilities. The drawings on that file show that the works proposed included the removal of Tank 1 and the installation of 3 No. 20,000 litre (Tanks T1, T3 and T6) and 1 no 1,000 litre tank (Tank T5) (Total: 61,000 litres) in addition to 2 no. existing tanks (Tank T4) which appears as a small tank on the drawings and Tank 2 which in area appears similar to Tanks 1, 3 and 6. The capacity of capacity of same not specified.*

*Permission granted was subsequently granted under 11828/84 for alterations to the already approved plans (relating mainly to the canopy and signage) with Condition 1 of that permission stating that the conditions attached to permission T.P. 11632 shall apply to this permission.*

*It appears that in the intervening years that the capacity of the tanks has increased to a current stated capacity of 145,000 litres – their location [sic] on*

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<sup>2</sup> This appears to be an error and should refer to 11632/83.

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*site appears also to have changed when compared with the permitted layout/location. The proposal would result in the decrease of the capacity to 120,000 litres but this would still be higher than that permitted under 11632/83 and 11828/84. As such it is considered that there would have be an intensification of use associated with the increase in capacity and that permission would have been required for alterations to the permitted tanks. The existing tanks appear therefore to be unauthorised.*

#### **4.2 Summary**

The previous Section 5 application to Cork City Council did not include reference to the 1993 An Bord Pleanala decision. There is no reference to this planning application in the Council's online planning system (possibly due to the somewhat unusual reference number (Reg. Ref. 18,277/93).

We were only made aware of this application on receipt of the recent Section 5 declaration as our client could not understand why the exemption had not been approved. They undertook a thorough review of their archives and came across this permission which is the permission they implemented.

Cork City Council did not refer to this permission in their assessment of the planning history associated with this site. The assessment primarily focused on planning permissions associated with the site in the 1980s.

This 1993 planning permission is a material change to the previous Section 5 application to Cork City Council in terms of the assessment as to whether the works are exempted development, or not.

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## 5.0 DESCRIPTION

### 5.1 Introduction

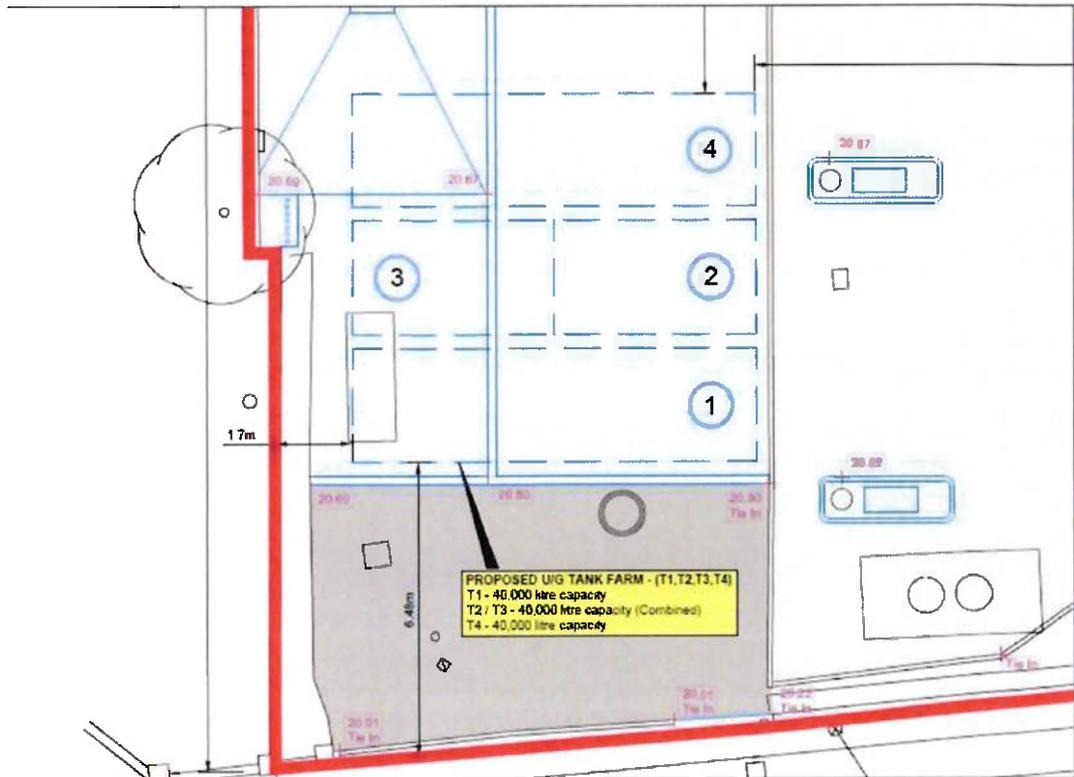
At present there are 5 no. underground fuel tanks with a cumulative capacity of 145,000 litres. (one tank is split into two). These underground fuel tanks were permitted in 1993 as per the An Bord Pleanala decision under Reg. Ref. PL.28.092111.

The tanks are over 25 years old and single skin so it is best practice is to replace them.

The applicant intends to remove the existing 5 no. tanks with combined capacity of 145,000l and provide 4 no. replacement tanks with combined capacity of 120,000l - refer to JA Gorman Drawings where replacement tanks are identified. For clarity Tanks 2&3 are a combined tank which is internally divided. Tank No.5 will be removed and will not be replaced.

Tank	Existing (to be removed)	Proposed Replacement
Tank 1	40,000l	40,000l
Tank 2 & 3	40,000l combined	40,000l combined
Tank 4	40,000l	40,000l
Tank 5	25,000l	0
Total	145,000l	120,000l

The proposed replacement underground fuel tank will be located at the same location west of the fuel pumps.



**Fig No.6** Extract from site layout plan prepared by JA Gorman Consulting Engineers showing location of proposed new tanks (4 in total)

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## **6.0 RELEVANT LEGISLATION**

### **6.1 Development**

Section 3(1) of the Planning and Development Act, 2000 definitions:

'development' is "the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land".

"structure" means "any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

(a) where the context so admits, includes the land on, in or under which the structure is situate"

"works" includes "any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal".

### **6.2 Section 4 (1) (h) of the PDA,2000**

*Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.*

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## 7.0 ESTABLISHED PRECEDENT

### 7.1 Introduction

The following precedents relating to underground fuel storage tanks are considered relevant.

### 7.2 An Coimisiún Pleanála - Case reference: RL05.RL3489

Donegal Co. Co. case Reference: S5 16/17

In ACP determination Ref No. RL.3489, the application sought a referral as to whether the installation of 2 underground fuel storage tanks of 40,000 lts. capacity each and decommissioning of an existing 28,000 lts. tank is or is not development or is or is not exempted development for a site in Ballyraine, Letterkenny, Co. Donegal.

The Board considered the fact that the

*“new tanks are to be located in a different location to the tank which is being de-commissioned and the existing tank is not being replaced but being left in situ albeit that it is being taken out of use, and could not therefore be considered as works for the maintenance, improvement or other alteration of a structure”.*

The current case is different in that the replacement tanks will be in the same location as the existing tanks and the existing tanks will not be left in situ.

### 7.3 Woodstock Service Station, Woodstock Street, Athy, County Kildare: ABP Ref: 35.RL.2850

Questions came before An Coimisiún Pleanála as to whether the renovation of a service station to include:

1. **the removal of underground fuel storage tanks (20,000 litres) and the installation of two underground fuel storage tanks (30,000 litres);**

- 
2. the construction of a new drainage layout and services duct layout;
  3. the erection of four number "Amber" signs and droplet logo signs on the stanchions of the canopy structure;
  4. the erection of new side cladding and three number "Amber" signs and droplet logos on the canopy structure; and
  5. the erection of new cladding and the new logo "Diesel", "Petrol", "Costcutter" "Hotfood/Deli" and "Fresh Coffee" on the roadside double pole ID sign;
- at Woodstock Service Station, Woodstock Street, Athy, County Kildare, are or are not exempted development:

An Coimisiún Pleanála, in considering this referral, had regard particularly to –

- (a) section 4 of the Planning and Development Act 2000, as amended,
- (b) articles 6, 9 and Part 2 of Schedule 2 to the Planning and Development Regulations 2001, and
- (c) the planning history of the site.

An Bord Pleanála concluded, inter alia, that -

- (a) The removal of underground fuel storage tanks (20,000 litres) and the installation of two underground fuel storage tanks (30,000 litres) of limited scale, located underground, does not result in intensification of the site, does not raise new planning issues and comes within the scope of section **4(1)(h) of the Planning and Development Act, 2000**;

Therefore An Coimisiún Pleanála , decided that the said renovation of a service station at Woodstock Service Station, Woodstock Street, Athy, County Kildare is **exempted development**.

---

**7.4 Passage West, County Cork: An Coimisiún Pleanála Reference Number:  
04.RL.3069**

A question arose as to whether the **removal of two oil tanks of 2,500 litres and 3,000 litres capacity with their replacement with a 5,000 litre tank** at the site of an established fuel depot business at Marmullane, Pembroke, Passage West, County Cork is or is not development or is or is not exempted development.

An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) articles 5, 6, and 9 of the Planning and Development Regulations, 2001, as amended, and
- (c) Class 21 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001:

An Coimisiún Pleanála concluded that –

- (a) the removal of two fuel tanks and their replacement with a single tank does not result in intensification of use of the site,
- (b) does not result in a material alteration of the external appearance of the site, and
- (c) does not raise new planning issues and comes **within the scope of section 4(1)(h) of the Planning and Development Act, 2000**:

An Coimisiún Pleanála decided that the said removal of two oil tanks and their replacement with a larger tank at the site of an established fuel depot business at Marmullane, Pembroke, Passage West, Co. Cork is development and **is exempted development**.

## 7.5 Recent Local Authority Decisions

We refer also to decisions by Dun Laoghaire Rathdown Co. Co. in 2021, Wicklow Co. Co. in 2025, Offaly Co. Co. in 2025 to declare the replacement of underground tanks as being exempted development.



Comhairle Contae Éilinn Laoghaire Rathdown: Dun Háilín an Chontae, Dun Laoghaire, Co. Átha Cliath, Éire, A96 K6C9  
Dun Laoghaire-Rathdown County Council, County Hall, Dun Laoghaire, Co. Dublin, Ireland, A96 K6C9  
T 01 205 4700 F 01 280 6969 www.dlr.ie

**Planning Department**  
Rannóg Pleanála  
Registry Section  
Clárán Carolan  
Asst. Staff Officer  
Direct Tel: 01 2054863

David Mulcahy  
67, Old Mill Race  
Athgarvan  
Newbridge  
Co Kildare

**Reference No:** Ref12421

**Application Type:** Declaration on Development and Exempted Development Act - Section 5, Planning & Development Act (as amended)

**Registration Date:** 16-Sep-2021

**Decision Date:** 08-Oct-2021

**Location:** Texaco, Rochestown Service Station, Rochestown Avenue, Dun Laoghaire, Co. Dublin, A96EK7

**Development Works:** Whether the replacement of 4 no underground fuel storage tanks (cumulative capacity of 110000 litres) and underground fill points with 3 no. new underground tanks of 120,000 litre tanks and underground fill points at Texaco, Rochestown Service Station, Rochestown Avenue, Dun Laoghaire, Co. Dublin, A96EK79 is or is not exempt development.

### NOTIFICATION OF DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

In pursuance of its functions under the Planning & Development Act, 2000 (as amended), Dún Laoghaire-Rathdown County Council has, by Order No. REF145/21 Dated 08-Oct-2021 decided to issue a Declaration pursuant to Section 5 of the Planning & Development Act 2000 (as amended), to, David Mulcahy 67, Old Mill Race, Athgarvan, Newbridge, Co Kildare that having regard to:

- Sections 2, 3 and 4(1)(h) of the Planning and Development Act 2000, as amended,
- Article 6 and Article 9(1)(a) of the Planning and Development Regulations, 2001 (as amended),
- The plans and particulars lodged with this Section 5,
- An Bord Pleanála RL2850 and RL3069,

the replacement of 4 no underground fuel storage tanks (cumulative capacity of 110000 litres) and underground fill points with 3 no. new underground tanks of 120,000 litre tanks and underground fill points at Texaco, Rochestown Service Station, Rochestown Avenue, Dun Laoghaire, Co. Dublin, A96EK79, constitutes development and constitutes exempted development.

Dated: 08-Oct-2021

Signed: Carole Carolan  
For Senior Executive Officer.

**NOTE:** Where a Declaration is issued under Section 5, any Person Issued with such a Declaration, may, on payment to An Bord Pleanála, 64, Marlborough Street, Dublin 1, of a fee of €220, refer the Declaration for review, within 4 weeks of the date of issue of the Declaration.



743-Section 5 Notice Is Exempt Development



COMHAIRLE CONTAC CHILL MHADEÁIN  
Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe  
Planning, Economic and Rural Development

Áras An Chontae / County Building  
E.S. Mearns / St. John  
Droichead / For. (00344) 22100  
1 me / 1 st. (00344) 22100  
Rann / 1 me / 1 st. (00344) 22100  
Droichead / Droichead / Droichead

DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT  
ACT 2000 AS AMENDED

Applicant: Cedarglade Ltd

Location: Centra/Circle K, Church Road, Greystones, Co. Wicklow

Reference Number: EX54/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/541

Section 5 Declaration as to whether "the replacement of underground fuel tanks and associated pipe works with new underground tanks and associated pipework" at Centra/Circle K, Church Road Greystones, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000 (as amended).

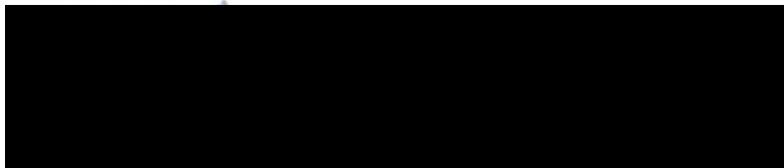
Having regard to

- a) Details submitted with the Section 5 referral
- b) Planning Permissions Register Reference PRR 93/545 and PRR 92/8523
- c) Appeal Reference RL 3489, RL 2850 and RL 3069
- d) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration:

- 1) The removal and replacement of existing Petrol/ Diesel Tanks and associated pipework would be works, and therefore development having regard to the definition as set out in Section 3 (1)(a) of the Planning and Development Act 2000 (as amended).
- 2) No intensification of usage would arise as a result of the replacement of the tanks.
- 3) The works would come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended) as they would consist of the carrying out of works for the maintenance/ improvement of the existing petrol station, and would not have any impact on the external appearance of the structure given the location underground and therefore would not materially affect the character of the petrol station.

The Planning Authority considers that "the replacement of underground fuel tanks and associated pipe works with new underground tanks and associated pipework" at Centra/Circle K, Church Road, Greystones, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).



This document is an official document of the Council.  
Do not put confidential or sensitive information in this document.  
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development.



**OFFALY COUNTY COUNCIL**  
**DECLARATION UNDER SECTION 5 OF THE**  
**PLANNING & DEVELOPMENT ACT 2000, AS AMENDED**

**REFERENCE:** DEC 25/66

**NAME OF APPLICANT:** Cederglade Ltd

**ADDRESS FOR CORRESPONDENCE:** C/o David Mulcahy Planning Consultants Ltd, 67 Old Mill Race,  
Athgarvan, Newbridge, Co. Kildare.

**NATURE OF APPLICATION:** request for declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether or not replacement of underground tanks (as detailed in the submitted documentation) is or is not development and is or is not exempted development

**LOCATION OF DEVELOPMENT:** Centra/Top Service Station, Main Street, Shinrone, Co. Offaly

**WHEREAS** a question has arisen as to whether or not replacement of underground tanks (as detailed in the submitted documentation) is or is not development and is or is not exempted development at the existing Centra/Top Service Station, Main Street, Shinrone, Co. Offaly.

**AS INDICATED** on the particulars received by the Planning Authority on the 8<sup>th</sup> May 2025.

**AND WHEREAS** Cederglade Ltd, C/o David Mulcahy Planning Consultants Ltd, 67 Old Mill Race, Athgarvan, Newbridge, Co. Kildare has requested a declaration on the said question from Offaly County Council;

**AND WHEREAS** Offaly County Council, in considering this declaration request, had regard particularly to:

- (a) Section 2(1), 3(1) and 4(1)(b), of the Planning & Development Act 2000, as amended.

**AND WHEREAS** Offaly County Council has concluded that the proposed works is development and is exempted development.

**NOW THEREFORE** Offaly County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that:

- The replacement of underground tanks (as detailed in the submitted documentation) **is development and is exempted development** at the existing Centra/Top Service Station, Main Street, Shinrone, Co. Offaly.

**MATTERS CONSIDERED** In making its decision, the Planning Authority had regard to those matters to which, by virtue of the Planning and Development Acts and regulations made thereunder, it was required to have regard. Such matters include any submissions and observations received by it in accordance with statutory provisions.

Administrative Officer

Date

**Note:** Any person issued with a Declaration may on payment to An Bord Pleanála, 64 Marlborough Street Dublin 2 of such fees as may be described refer a declaration for review by the board within four weeks of the issuing of the Declaration.

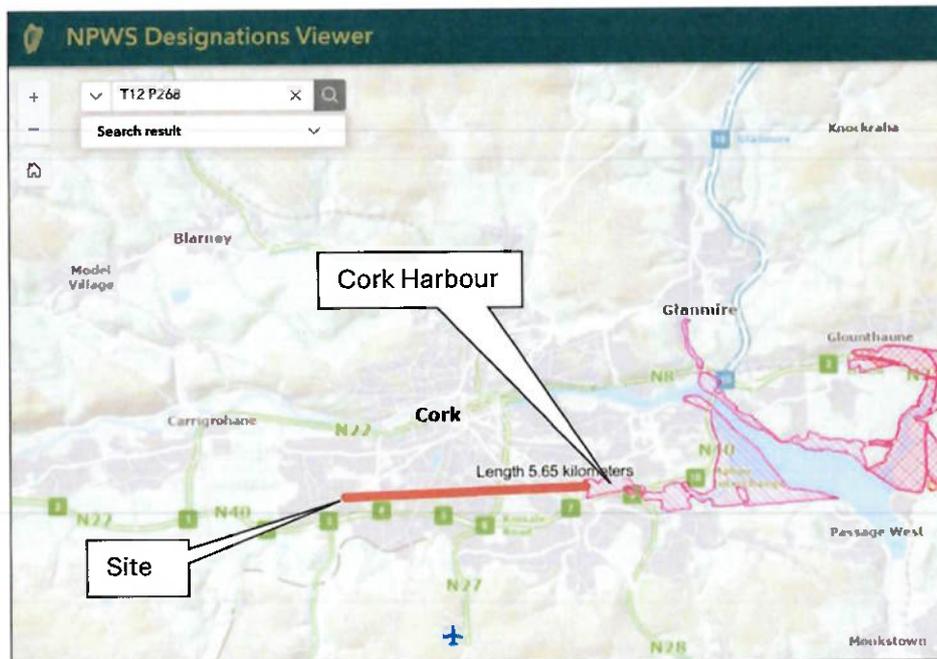
## 8.0 APPROPRIATE ASSESSMENT SCREENING

### 8.1 Requirement for Appropriate Assessment Screening

It is noted that Section 177U (9) of the PDA, 2000 (as amended) states that "In deciding upon [a declaration or a referral under section 5] of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.]".

The subject site is not situated within or adjacent to any Natura 2000 site. The closest Natura 2000 site, **Cork Harbour SPA** is situated over **5.6km** from the site (see diagram below) and there is no direct pathway to same (hydrological or ecological).

It is submitted therefore that there is no material risk to protected habitats in the Cork Harbour SPA or any other Natura 2000 site.



**Fig. No.8** Location of site relative to Natura 2000 sites (source: EPA Mapping).

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## 9.0 EXEMPTION

### 9.1 Introduction

The question before the Council is *"Whether the replacement of underground fuel tanks and associated pipework, with new underground fuel tanks and associated pipework at Texaco, Bishopstown Road, Cork is or is not development and is or is not exempted development"*.

#### Works

There is no dispute that the removal and installation of the underground tanks and associated pipework constitutes works; the key question is are they exempted development?

#### Exempt Development

Under Section 4 1 h of the PDA the key tests are as follows:

1. *Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure,*

The replacement fuel tanks can reasonably be described as improvement (as more high spec replacement) or alteration of an existing structure – the structure being the established filling station infrastructure - of which the underground tanks and pipework form part of ie. they are directly connected to the fuel pumps and wider filling station.

The replacement tanks are at the exact same location as the original tanks which were installed on foot of the An Bord Pleanála decision under Reg. Ref. PL.28.092111.

- 
2. *being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.*

The replacement tanks will be located underground and will not be visible and therefore will not affect the character of the structure or any neighbouring structures.

Whilst it is fully accepted that every case is assessed on its own merits, due regard has to be had to the An Coimisiún Pleanála decisions at Woodstock in Athy and Passage West, County Cork as well as the local authority declarations referred to above.

In those cases the removal of underground fuel storage tanks and the installation of replacement storage tanks was not deemed to require planning permission by virtue of s.4 (1) (h) of the PDA, 2000, as amended.

---

## 10.0 CONCLUSION

The question before the Council is:

*"Whether the replacement of underground fuel tanks and associated pipework, with new underground fuel tanks and associated pipework at Texaco, Bishopstown Road, Cork is or is not development and is or is not exempted development".*

The Council previously declared that the replacement of underground fuel tanks at this site was not exempted development – Reg. Ref. R973/25. The basis for this decision was based on what was granted under two planning applications granted in the 1980s.

However, new evidence is presented under the current application involving a planning permission granted by An Bord Pleanála (now An Coimisiún Pleanála) in 1993 which demonstrates that the underground tanks were installed pursuant to a planning permission and are not unauthorised.

The 1993 app involved 4 no. tanks (one split) 160,000l tanks while the replacement tanks will involve 4 no. (one split) 145,000l tanks and therefore no issue of intensification arises.

This 1993 planning permission is a material change to the previous Section 5 application to Cork City Council in terms of the assessment as to whether the works are exempted development, or not.

This report has demonstrated that the replacement of the underground fuel tanks and associated pipework is exempted development under s.4 (1) (h) of the PDA, 2000. The underground infrastructure being replaced forms part of the established structure, namely the filling station forecourt. The replacement of

---

the underground infrastructure involves improvement/alteration of an existing structure.

There is established precedent for similar type development by An Coimisiún Pleanála and various local authorities.

The Council are therefore requested to confirm the s.5 declaration that the works are **DEVELOPMENT AND ARE EXEMPTED DEVELOPMENT.**

## **ENCLOSURES**

**No.1** Documentation and drawings associated with the 1993 planning permission granted by An Bord Pleanála under Reg. Ref.PL28.092111.

### **Separate Enclosure**

**No.2** Drawings prepared by JA Gorman Consulting Engineers.

- i. OS Map with site outlined in red
- ii. Existing Site Plan showing existing underground tank and pipework
- iii. Proposed Site Plan showing replacement underground tank and pipework

BARDAS CHORCAÍ - CORK CORPORATION  
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963 to 1990 1929

NOTIFICATION OF DECISION TO GRANT

OUTLINE PERMISSION / PERMISSION / APPROVAL

SUBJECT TO / WITHOUT CONDITIONS UNDER SECTION 26 OF THE ACT OF 1963

To: Texaco (Ireland) Ltd. Reference No. in 16,277/93  
Texaco House Planning Register T P  
Ballsbridge  
Dublin 4 Application Received: 29/6/93

In pursuance of the powers conferred upon them by the above-mentioned Act, the Cork Corporation have  
by order dated 27/8/93 decided to grant

OUTLINE PERMISSION / PERMISSION / APPROVAL

for the development of land, namely:- to rebuild service station including new canopy, pumps and shop building at Virgrove Service Station, Bishopstown Road, Bishopstown, Cork, in accordance with plans and particulars submitted 29/6/93.

Subject to the conditions set out in Column 1 of attached Schedule, the reasons for the imposition of such conditions are set out in Column 2 of said Schedule.

If there is no appeal against the said decision, a grant of

OUTLINE PERMISSION / PERMISSION / APPROVAL

in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to An Bórd Pleanála (see footnote).

It should be noted that until a grant of

OUTLINE PERMISSION / PERMISSION / APPROVAL

has been issued the development in question is NOT AUTHORISED.

N.B.-This permission is subject to

.....No. condition(s)

Signed on behalf of the Corporation of Cork

Date: 29/8/93

Staff Officer, Planning Department

NOTE 1: An appeal against a decision of a planning authority under Section 26 of the Act of 1963 may be made to An Bórd Pleanála. An appeal shall be made in writing and shall state the subject matter of the appeal and the grounds of the appeal. An appeal by the applicant for permission should be accompanied by this form. In the case of an appeal by any other person, the name of the applicant, particulars of the proposed development and the date of the decision of the planning authority should be stated.

A fee of \_\_\_\_\_ must accompany each appeal to An Bord Pleanála.

Submission Fee £ \_\_\_\_\_

The applicant for permission may appeal within one month beginning on the day of receipt by him of the decision. Any other person may appeal within three weeks beginning on the date of the decision.

Appeals should be addressed to: An Bórd Pleanála, Floor 3, Block VI and VII, Irish Life Centre, 1 r. Abbey Street, Dublin 1.

NOTE 2: Grant of permission under the Local Government (Planning & Development) Act, 1992, is not to be taken as a waiver of the provisions of any ~~Building By-Law~~ Local Act, Order, Regulation or any other Statutory Provision in force in the Cork County Borough. Approval under the Corporation's By-Laws should also be obtained in addition to the Planning Permission.

NOTE 3: N.B. PLEASE SEE OVERLEAF

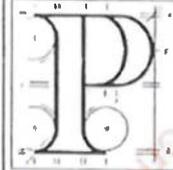
PTO: \_\_\_\_\_

PA. Reg Ref: 18277/93

CORK CORPORATION  
20 DEC 1993  
Planning Dept  
T P No .....

The City Manager  
Planning Section  
Cork Corporation  
City Hall,  
Cork.

An Bord Pleanála



Floor 3 Blocks 6&7  
Irish Life Centre  
Lower Abbey Street  
Dublin 1  
Tel (01) 872 8011

Date: 17 DEC 1993

Appeal Re: SERVICE STATION, SHOP BUILDING,  
FIRGROVE SERVICE STATION,  
BISHOPSTOWN ROAD, BISHOPSTOWN,  
CORK.

Dear Sir/Madam,

An order has been made by An Bord Pleanála determining the above mentioned appeal under the Local Government (Planning and Development) Acts, 1963 to 1993. A copy of the order is enclosed.

Yours faithfully,

[Redacted signature]

Muiriosa Cassells

*Wanda*  
*for info.*  
*Wanda*  
*21*  
*12*  
*93*

Encl.

BP 352

U 28.092111

AN BORD PLEANÁLA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993

Cork County Borough

Planning Register Reference Number: 18,277/93

APPEAL by Texaco (Ireland) Limited care of Kiaran O'Malley and Company Limited of Saint Heliers, Stillorgan Park, Blackrock, County Dublin against the decision made on the 27th day of August, 1993 by the Lord Mayor, Aldermen and Burgesses of Cork to grant subject to conditions a permission for development comprising the rebuilding of a service station including new canopy, pumps and shop building at Firgrove Service Station, Bishopstown Road, Bishopstown, Cork in accordance with plans and particulars lodged with the said Corporation:

WHEREAS the said appeal relates only to conditions numbers 1(a) and 8 subject to which the decision was made:

AND WHEREAS the Board is satisfied, having regard to the nature of the said conditions, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by subsection (1) of section 15 of the Local Government (Planning and Development) Act, 1992, hereby directs the said Corporation to remove the said condition number 1(a) and to remove the said condition number 8 and the reason therefor.



[Redacted Signature]

Member of An Bord Pleanála duly  
authorised to authenticate the  
seal of the Board.

Dated this 17<sup>th</sup> day of December 1993.

# Bardas Chorcaí Cork Corporation



CITY HALL  
CORK

Tel: 021-966222/966017

Fax: 021-314238

Ref

Schedule of Conditions attached to  
Planning Permission issued by Cork  
Corporation - Ref. T.P. 18,277/93

Column 1. CONDITIONS

Column 2. REASONS FOR CONDITIONS.

1.a. The proposed canopy shall be reduced to 0.8 metres in depth and apart from the "Texaco" lettering shall not be internally illuminated.

b. No other forms of advertising apart from that permitted in the application shall be erected.

2. A landscaping schedule for the site shall be submitted to and agreed with the Planning Authority before commencement of development.

3. Prior to commencement of development the developer shall pay a contribution to Cork Corporation towards the cost of drainage works which facilitate the proposed development. The present value of the contribution is £883.19. The amount payable will be determined by the Consumer Price Index prevailing at the date of payment subject to;

(a) Where the proposed works are not commenced within seven years of completion of the development, the Planning Authority shall return the contribution.

(b) Where the proposed works are within the said period, carried out in part only or in such manner as to facilitate the development to a lesser extent, the Planning Authority shall return a proportionate part of the contribution.

1. In the interests of amenity and road traffic safety.

2. In the interests of visual amenity.

3. The Cork Drainage Works will facilitate the proposed development.

# Bardas Chorcaí Cork Corporation



CITY HALL  
CORK

Tel: 021-966222/966017  
Fax: 021-314238

Ref

Schedule of Conditions attached to  
Planning Permission issued by Cork  
Corporation - Ref. T.P. 18,277/93

Column 1. CONDITIONS

Column 2. REASONS FOR CONDITIONS.

(c) The Planning Authority shall pay interest on the contribution as long as and in so far as it is retained ~~unexpended by the Local Authority.~~

4. The following roads requirements shall apply to this permission :

a. Footpath along entire Bishopstown Road frontage shall be reconstructed by Cork Corporation at the applicant's expense (except at entrance locations).

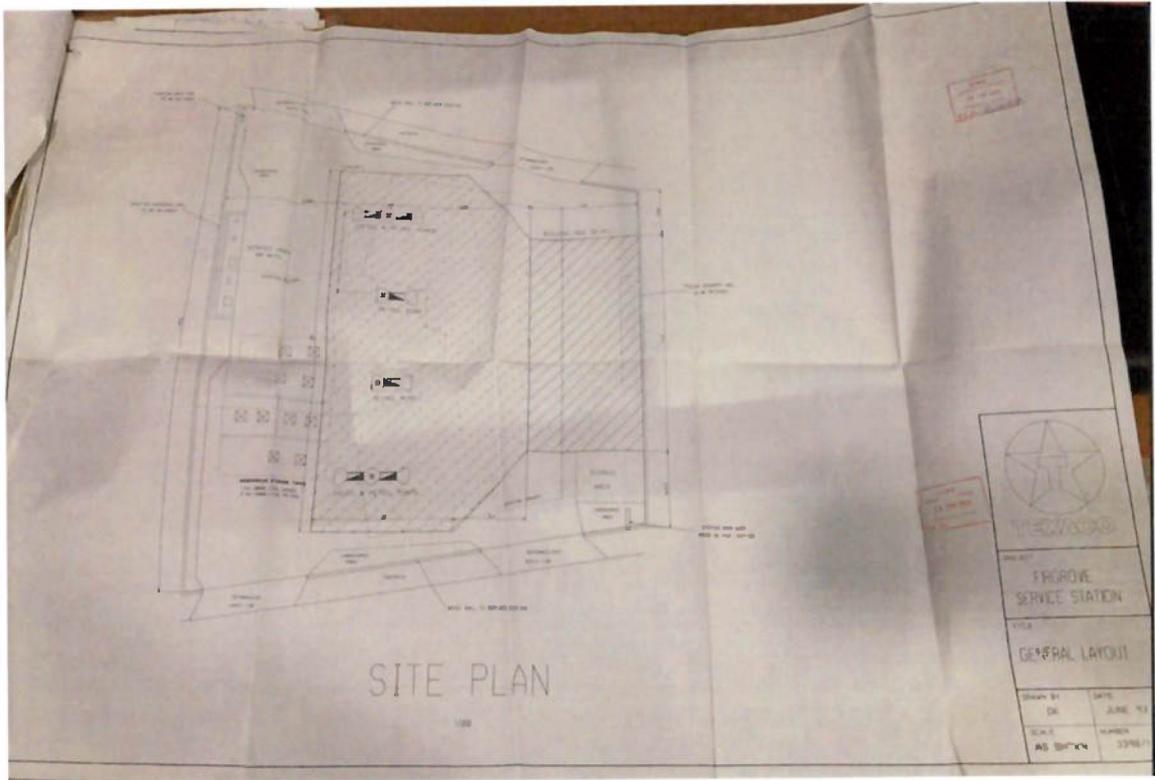
b. Any alterations required to footpath at Curraheen Road shall be carried out by Cork Corporation at the applicants expense.  
[NOTE : Outer kerb radii at entrances shall be 10.5 metres. Inner kerb radii shall be 0.5 metres.]

c. Works required to reinstate roadway at Bishopstown Road entrances to the development shall be carried out by Cork Corporation at the applicant's expense.

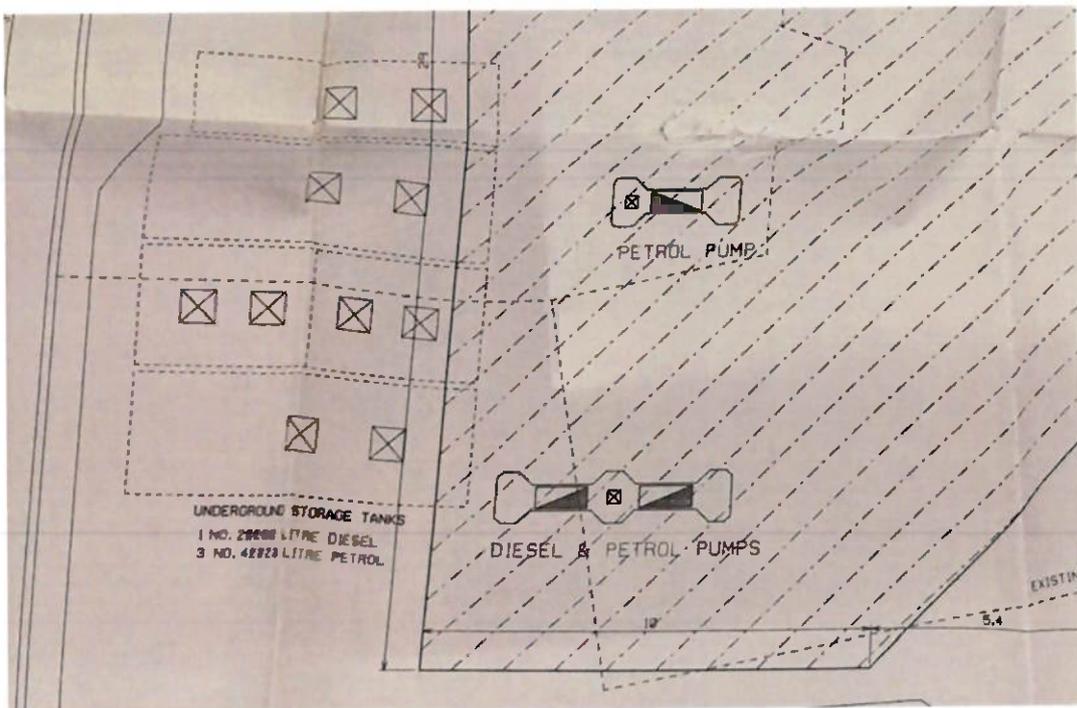
5.a All Toxic and Hazardous Waste shall be disposed of in a manner agreed with the Planning Authority and shall not be presented for refuse collection or for disposal at the Municipal Sanitary Landfill. Proposals for the disposal of such waste shall be submitted to the Planning Authority prior to commencement of development.

4. In the interests of traffic and pedestrian safety.

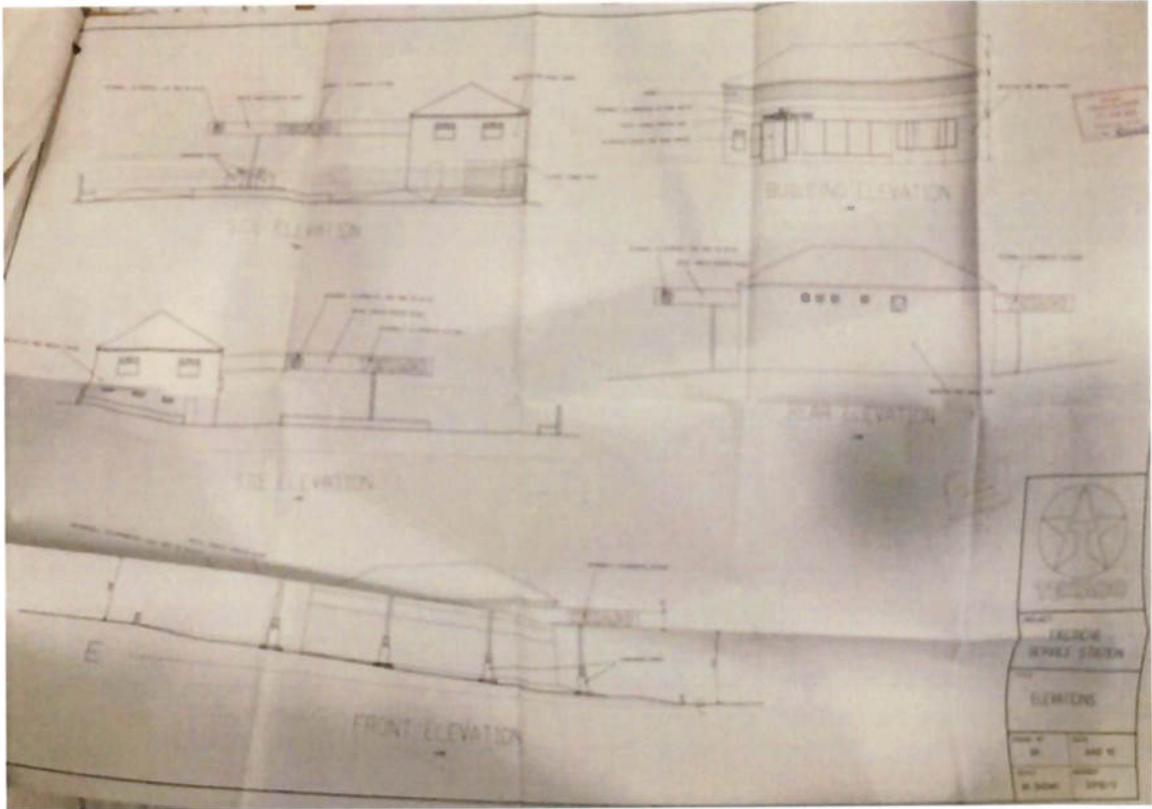
5. In the interests of public health and safety.



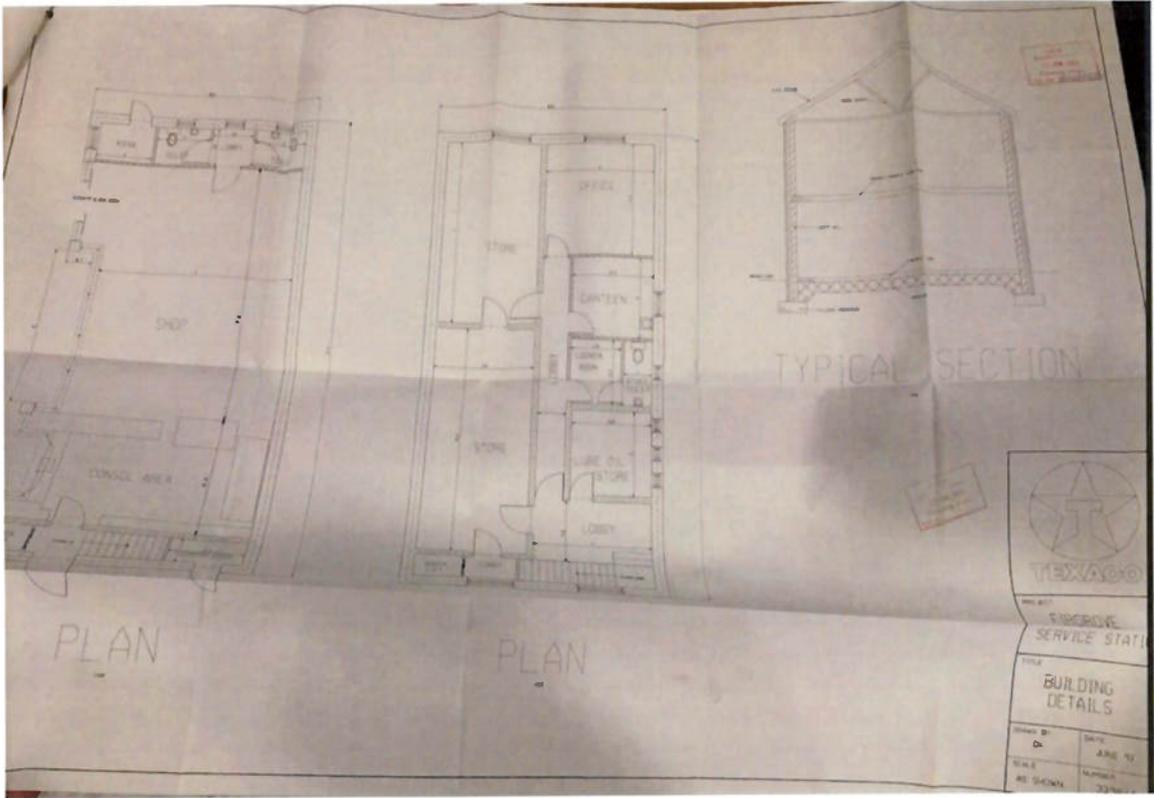
Photograph of Site Plan as submitted in June 1993.



Extract from Site Plan as submitted in June 1993 showing the underground storage tank.



Elevation drawings



Building details drawing.

**COMHAIRLE CATHRACH CHORCAÍ**  
**CORK CITY COUNCIL**

Community, Culture & Placemaking Directorate,  
Cork City Council, City Hall, Anglesea Street, Cork.

R-Phost/E-Mail [planning@corkcity.ie](mailto:planning@corkcity.ie)

Fón/Tel: 021-4924029

Líonra/Web: [www.corkcity.ie](http://www.corkcity.ie)

**SECTION 5 DECLARATION APPLICATION FORM**  
under Section 5 of the Planning & Development Acts 2000 (as amended)

**1. NAME OF PERSON MAKING THE REQUEST**

Valero Energy (Ireland) Ltd

**2. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION IS SOUGHT**

Texaco, Bishopstown Road, Cork, T12P268

**3. QUESTION/ DECLARATION DETAILS**

**PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:**

Sample Question: *Is the construction of a shed at No 1 Wall St, Cork development and if so, is it exempted development?*

*Note: only works listed and described under this section will be assessed under the section 5 declaration.*

Refer to planning report enclosed - replacement of underground fuel tanks and associated pipework

**ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:**

*(Use additional sheets if required).*

Refer to planning report enclosed - exempt under s.4 1 h of the PDA, 2000

4. Are you aware of any enforcement proceedings connected to this site?

If so please supply details:

No

5. Is this a Protected Structure or within the curtilage of a Protected Structure?

If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority?

6. Was there previous relevant planning application/s on this site?

If so please supply details:

3 permissions identified - refer to planning report enclosed

#### 7. APPLICATION DETAILS

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square meters (sq. M)

(a) Floor area of existing/proposed structure/s	N/A
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 <sup>st</sup> October, 1964, (including those for which planning permission has been obtained)?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas. (sq m) N/A
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle)  N/A	Proposed/existing use (please circle)  N/A

#### 7. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <input checked="" type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is 'Other', please state your interest in the land/structure in question		
If you are not the legal owner, please state the name of the owner if available		

8. I / We confirm that the information contained in the application is true and accurate:

Signature

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

**CONFIDENTIAL CONTACT DETAILS**

These details will not be made available to the public.

**9. Applicant:**

[Redacted area]

**10. Person/Agent acting on behalf of the Applicant (if any):**

[Redacted area]

<b>Should all correspondence be sent to the above address?</b> (Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
--	---

**11. Owner Details (if the applicant above is not the legal owner):**

<b>Name(s)</b>	
<b>Address</b>	

**12. ADDITIONAL CONTACT DETAILS**

The provision of additional contact information such as email addresses or phone numbers is voluntary and will only be used by the Planning Authority to contact you should it be deemed necessary for the purposes of administering the application.

Tel. No. \_\_\_\_\_

Mobile No. \_\_\_\_\_

Email Address: \_\_\_\_\_

For Office Use Only: File Ref. No. _____
---

### **ADVISORY NOTES:**

The application must be accompanied by the required fee of €80. Payment may be made at the Cork City Council cash desk, by cheque, by telephone with a credit/debit card, or by electronic fund transfer.

The application should be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.

Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.

*The application should be sent to the following address:*

**The Development Management Section, Community, Culture & Placemaking  
Directorate, Cork City Council, City Hall, Anglesea Street, Cork.**

Please email [planning@corkcity.ie](mailto:planning@corkcity.ie) with any queries.

- The Planning Authority may request other person(s) other than the applicant to submit information on the question which has arisen and on which the declaration is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
- In the event that no declaration is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a declaration was due to be issued by the Planning Authority.

*The application form and advisory notes are non-statutory documents prepared by Cork City Council for the purpose of advising as to the type information is normally required to enable the Planning Authority to issue a declaration under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations 2001 as amended.*

### **DATA PROTECTION**

*"Cork City Council is committed to fulfilling its obligations imposed by the Data Protection Acts 1988 to 2018 and the GDPR. Our privacy statement and data protection policy is available at <https://www.corkcity.ie/en/council-services/public-information/>*

*We request that you read these as they contain important information about how we process personal data.*

1. Plan, drawings and maps accompanying an application for a Section 5 Declaration on exempted development shall all be in metric scale and comply with the following requirements:-

\* NOTE 2 COPIES OF PLANS AND PARTICULARS ARE REQUIRED

(a) site or layout plans shall be drawn to a scale of not less than 1:500 (which shall be indicated thereon), the site boundary shall be clearly delineated in red, and buildings, roads, boundaries, septic tanks and percolation areas, bored wells, significant tree stands and other features on, adjoining or in the vicinity of the land or structure to which the application relates shall be shown, land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the applicant or the person who owns the land, which is subject of the application, shall be outlined in blue and wayleaves shall be shown in yellow,

(b) other plans, elevations and sections shall be drawn to a scale of not less than 1:200 (which shall be indicated thereon), or such scale as may be agreed with the Planning Authority prior to the submission of the application in any particular case,

(c) the site layout plan and other plans shall show the level or contours, where applicable, of any land and the proposed structures relative to Ordnance survey datum or a temporary local benchmark,

(d) drawings of elevations of any proposed structure shall show the main features of any buildings which would be contiguous to the proposed structure if it were erected, whether on the application site or in the vicinity at a scale of not less than 1:200, as may be appropriate,

(e) plans relating to works comprising reconstruction, alteration or extension of a structure shall be so marked or coloured as to distinguish between the existing structure and the works proposed,

(f) plans and drawings of floor plans, elevations and sections shall indicate in figures the principal dimensions (including overall height) of any proposed structure and the site, and site layout plans shall indicate the distances of any such structure from the boundaries of the site,

(g) any map or plan which is based on an Ordnance Survey map shall indicate the relevant Ordnance survey sheet number,

(h) the north point shall be indicated on all maps and plans other than drawings of elevations and sections,

(i) plans and drawings shall indicate the name and address of the person by whom they were prepared.

2. An application for development consisting of or comprising the carrying out of works to a protected structure, or proposed protected structure or to the exterior of a structure which is located within an architectural conservation area in a draft of a proposed development plan or a proposed variation of a development plan, shall, in addition to meeting the requirements above, be accompanied by such photographs, plans and other particulars as are necessary to show how the development would affect the character of the structure.

3. A planning authority may, by notice in writing, require an applicant to provide additional copies of any plan, drawing, map, photograph or other particular, which accompanies the application.



# Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

David Mulcahy Planning Consultants Ltd,  
67 Old Mill Race,  
Athgarvan,  
Newbridge,  
Co. Kildare.

01/12/2025

**RE: Section 5 Request.**

**R1000/25: Texaco, Bishopstown Road, Cork. T12 P268.**

A Chara,

I refer to your request for a Section 5 declaration on the above-named property, received on the 03<sup>rd</sup> of November 2025.

Please be advised that, due to the complexity of the case and the need to order historic documents; the current deadline will need to be extended. The Planning Authority intends to make a determination on the question before 12/12/25 as per Section 5(2) (ba) of the Planning and Development Act 2000 (as amended).

Is mise le meas,

*Anthony Angelini*

**Anthony Angelini**  
**Assistant Staff Officer**  
**Planning & Integrated Development**  
**Cork City Council**



**We are Cork.**



# Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

David Mulcahy Planning Consultants Ltd,  
67 Old Mill Race,  
Athgarvan,  
Newbridge,  
Co. Kildare.

12/12/2025

**RE: Section 5 Declaration R1000/25 Texaco, Bishopstown Road, Cork. T12 P268**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 03<sup>rd</sup> of November, 2025.

The Question before the Planning Authority related to the replacement of underground fuel tanks and associated pipework.

The Planning Authority requests Further Information to clarify the existing site layout noting Figure 5 in the Planning Report and also previous 'existing site plans' submitted under R973/25.

The Planning Authority requests:

- An explanation as to why the existing layout drawing has altered.
- Clarification of the situation on site including any supporting evidence.

It is thus considered that **FURTHER INFORMATION** is required.

Is mise le meas,

*Anthony Angelini*

**Anthony Angelini**  
Assistant Staff Officer  
Planning & Integrated Development  
Cork City Council



**We are Cork.**

**CORK CITY COUNCIL  
PLANNING & DEVELOPMENT**

22 JAN 2026

**DEVELOPMENT MANAGEMENT**

**DAVID MULCAHY  
PLANNING CONSULTANTS LTD**

67 The Old Mill Race, Athgarvan, Co. Kildare

PH: 045 405030/086 350 44 71

E-mail: david@planningconsultant.ie

[www.planningconsultant.ie](http://www.planningconsultant.ie)

**DM**

Company No: 493 133 Directors: D. Mulcahy & M. Mulcahy

Planning Department  
Cork City Council  
City Hall, Anglesea Street,  
Cork, T12 T997

**CORK CITY COUNCIL  
PLANNING & DEVELOPMENT**

22 JAN 2026

15<sup>th</sup> January 2026

**Re: FURTHER INFORMATION RESPONSE**

**Section 5 Declaration R1000/25 Texaco, Bishopstown Road, Cork, T12P268**

**DEVELOPMENT MANAGEMENT**

Dear Sir/Madam,

I refer to your request dated 12.12.2025 in respect of the above matter.

In relation to the request for an explanation as to why the existing layout drawing has altered there was a discrepancy between the Planning Statement and the Existing Site Plan submitted with the application.

The existing north-south alignment of the underground tanks in the Planning Statement (Fig No.5) is incorrect. The east-west alignment of the underground tanks in the Existing Site Plan drawing submitted is correct – drawing no. P4924-C002. This is consistent with the location and alignment of the underground tanks under Reg. Ref. 18277/93. Apologies for any confusion in this regard.

In relation to the planning application granted under Reg. Ref. 18277/93 not specifying underground tanks in the application it is submitted that the application was for a complete knock and rebuild and it was inherent in the application that underground tanks formed part of the application or else the development could not have operated. The tanks were shown in the drawings submitted with the application so there is no ambiguity in this regard. It is further

---

submitted to the Council that planning legislation only requires a brief description of the development (as opposed to an in-depth description of every aspect of the development).

In relation to seeking clarification of the situation on site, including any supporting evidence, we submit that it is difficult to provide any evidence given the nature of the tanks underground. JA Gorman Consulting Engineers have been assured by the applicant that the drawings provided with the application accurately represent the situation underground at the site.

It is trusted that this further information response is satisfactory and a positive decision can be made.

Yours sincerely,

A solid black rectangular box redacting the signature of David Mulcahy.

David Mulcahy  
BA (Mod. Natural Sciences), MRUP, MSc. Urban Design, MIPI, MRTPI  
**David Mulcahy Planning Consultants Ltd**  
**CHARTERED PLANNING CONSULTANTS**

# Planning Pack Map

564229

564462



**Tailte Éireann**

**CENTRE COORDINATES:**  
ITM 564346,569824

**PUBLISHED:** 16/06/2025  
**ORDER NO.:** 50472993\_1

**MAP SERIES:** 1:1,000  
**MAP SHEETS:** 6427-01

**COMPILED AND PUBLISHED BY:**

Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

[www.tailte.ie](http://www.tailte.ie)

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This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

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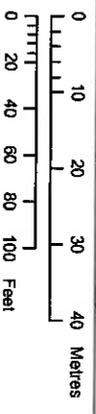


**SITE BOUNDARY OUTLINED IN RED**

**Client:**  
VALERO ENERGY (IRELAND) LTD

**Drawing Title:**  
1:1,000 SITE LOCATION MAP

<b>Drawn:</b> RM/CL	<b>Checked:</b> JG	<b>Drawing No.:</b>
<b>Scale:</b> A4@1:1000	<b>Approved:</b> JG	<b>P4924-C001</b>



**OUTPUT SCALE: 1:1,000**

**CAPTURE RESOLUTION:**  
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at [www.tailte.ie](http://www.tailte.ie), section 'Capture Resolution'

**LEGEND:**  
To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'



569738

569738

DRAINAGE LEGEND	
---	EXISTING STORM
---	EXISTING CONTAMINATED STORM
---	EXISTING FOUL
---	EXISTING DRAINAGE CHANNEL



**GENERAL NOTES:**

- WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS
- ALL DIMENSIONS IN MILLIMETRES UNLESS NOTED OTHERWISE
- ANY DISCREPANCIES FOUND ON THIS DRAWING SHOULD BE IMMEDIATELY REPORTED TO THE ENGINEERS
- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ENGINEERS DRAWINGS, SPECIFICATIONS AND CONTRACT DOCUMENTS
- ALL WORKS ARE TO BE IN ACCORDANCE WITH THE RELEVANT AND CURRENT HEALTH AND SAFETY LEGISLATION
- SPECIFICATION OF THE WORKS TO BE TO THE APPROPRIATE IRISH STANDARD OF THE EQUIVALENT BRITISH STANDARD

# Geodata

Chartered Land Surveyors

47 Oliver Plunkett Street, Bandon, Co. Cork, P72 A443, Ireland  
Tel: +353 (0)23 88 52798 | Email: info@geodatasurveying.ie



**FORECOURT:** Existing fuel pipework to be certifiably decommissioned by specialist contractor and removed.

**EXISTING U/G TANK FARM**  
 T1 - Diesel - 40,000 litre; T2 - Unleaded - 20,000 litre;  
 T3 - Diesel - 20,000 litre; T4 - Unleaded - 40,000 litre;  
 T5 - Diesel - 25,000 litre

1. Existing 5no. tanks and associated pipework (inc. fuel vent lines) to be certifiably decommissioned specialist contractor
2. Decommission: Make gas free and remove from site. Decommissioning by certified specialist contractor
3. Removal from site: Decommissioned tanks to be removed from site by Main Contractor - Disposal Certificate to be provided by Main Contractor

RMCL	JG	JG	SECTION 5	29.10.25
Rev	Drawn	Chkd	Appd	Description

**SECTION 5**

**JA Gorman**  
consulting engineers  
project managers

Forest Park,  
Mullingar, Co. Westmeath.  
Tel: 044-9347338 / 9347341  
Fax: 044-9347400  
Email: info@jagorman.ie  
Web: www.jagorman.ie

CLIENT: **VALERO ENERGY (IRELAND) LTD**

PROJECT TITLE:  
**PROPOSED UNDERGROUND TANK REPLACEMENT AT FIRGROVE SERVICE STATION BISHOPSTOWN**

DRAWING TITLE:  
**EXISTING SITE PLAN AND DEMOLITION WORKS**

PLOT SIZE: A2	PLOT SCALE: 1:200	DRAWN BY: RMCL
PROJECT No: 4924	DRAWING No: P4924-C002	REV: -



- GENERAL NOTES:**
- WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS
  - ALL DIMENSIONS IN MILLIMETRES UNLESS NOTED OTHERWISE
  - ANY DISCREPANCIES FOUND ON THIS DRAWING SHOULD BE IMMEDIATELY REPORTED TO THE ENGINEERS
  - THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ENGINEERS DRAWINGS, SPECIFICATIONS AND CONTRACT DOCUMENTS
  - ALL WORKS ARE TO BE IN ACCORDANCE WITH THE RELEVANT AND CURRENT HEALTH AND SAFETY LEGISLATION
  - SPECIFICATION OF THE WORKS TO BE TO THE APPROPRIATE IRISH STANDARD OF THE EQUIVALENT BRITISH STANDARD

PROPOSED SITE BOUNDARY:   
 PROPOSED LEVELS INDICATED THIS: 21.44



**PROPOSED U/G TANK FARM - (T1,T2,T3,T4)**  
 T1 - 40,000 litre capacity  
 T2 / T3 - 40,000 litre capacity (Combined)  
 T4 - 40,000 litre capacity

RMCL	JG	JG	SECTION 5	29.10.25
Rev	Drawn	Chkd	Appd	Description

**SECTION 5**

**JA Gorman**  
 consulting engineers  
 project managers

Forest Park,  
 Mullingar, Co. Westmeath.  
 Tel: 044-9347338 / 9347341  
 Fax: 044-9347400  
 Email: info@jagorman.ie  
 Web: www.jagorman.ie

CLIENT: **VALERO ENERGY (IRELAND) LTD**

PROJECT TITLE:  
**PROPOSED UNDERGROUND TANK FARM REPLACEMENT AT FIRGROVE SERVICE STATION, BISHOPSTOWN**

DRAWING TITLE:  
**PROPOSED SITE PLAN GENERAL ARRANGEMENT**

PLOT SIZE: A2	PLOT SCALE: 1:100	DRAWN BY: FC
PROJECT No: 4924	DRAWING No: T4924-C003	REV: 1