

South Dublin County Council
Planning Department,
County Hall,
Town Centre,
Tallaght,
Dublin 2

4 June 2021

RE: Retention Planning Application
DEVELOPMENT: The development consists of:
(i) Change of use from haulage yard to filling station open to the public,
(ii) Additional diesel pumps,
(iii) Palisade fencing,
(iv) Illuminated and non-illuminated Signage,
(v) All associated site and development works.
LOCATION: Lands at David Nestor Freight Services, Crag Avenue Business Park, Dublin 22

Dear Sir/Madam,

1.0 INTRODUCTION

Please find enclosed a **Retention Planning Application** on behalf of our client **EMO Oil Ltd.**, for development on lands at David Nestor Freight Services, Crag Avenue Business Park, Dublin 22.

The aim of this letter is to provide an overview of the planning package submitted to South Dublin County Council and to demonstrate that the submission meets the validation requirements stipulated by the 2001 Planning and Development Regulations (as amended) and South Dublin County Council's Planning Department.

1.1 Purpose of Planning Application

This application is submitted to regularise the planning status of the subject lands subsequent to the Warning Letter issued by South Dublin County Council under Section 152 of the Planning and Development Act, 2000 (as amended), Ref. No. ENF. S8190 refers.¹ (hereinafter Warning Letter).

The Warning Letter advised the Applicant that the following alleged unauthorized development may have been carried out on the subject lands:

- 1) The operation of an EMO Express 24/7 filling station, which is open to the public, without the benefit of planning permission,

¹ See Appendix 1 for copy of South Dublin County Council Warning Letter Ref. No. ENF. S8190

And;

- 2) *Non-compliance with Condition 9 of 91A/0958 which states that no advertising sign or structure be erected except those which are exempted development, without prior approval of the planning authority.*

1.2 Development Description

The subject development generally consists of the retention of the following:

- (i) Change of use from haulage yard to filling station open to the public,
- (ii) Additional diesel pumps,
- (iii) Palisade fencing,
- (iv) Illuminated and non-illuminated Signage,
- (v) All associated site and development works.

1.3 Key points

In support of our application for the development outlined above we ask that the following key points be noted:

- The change of use and signage are in **accordance with the land use zoning and consistent with the existing established uses on site.**
- There are **no impacts arising** from the change of use or the erected signage.
- The subject development **meets an identified local need for truck-ready fuel points** within an **existing industrial estate.**

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Figure 2: Aerial view



Figure 3: View of site from Crag Avenue



Figure 4: Truck fueling area and Canopy



Figure 5: View southwards towards southern boundary



Figure 6: Fence mounted signage



Figure 7: Boundary wall and signage to Crag Avenue (front boundary)



Figure 8: Main ID Sign

3.0 DEVELOPMENT PLAN & POLICY CONTEXT

3.1 Development Plan

The relevant statutory development plan is the South Dublin County Council Development Plan 2016 -2022 (hereinafter the "Development Plan").

3.2 Relevant Planning Policies and Objectives

3.2.1 Land Use Zoning

As shown in the extract from Development Plan Map 5 at Figure 9 below, the subject lands are zoned 'EE'; the objective of which is to:

*"To provide for enterprise and employment related uses"*²

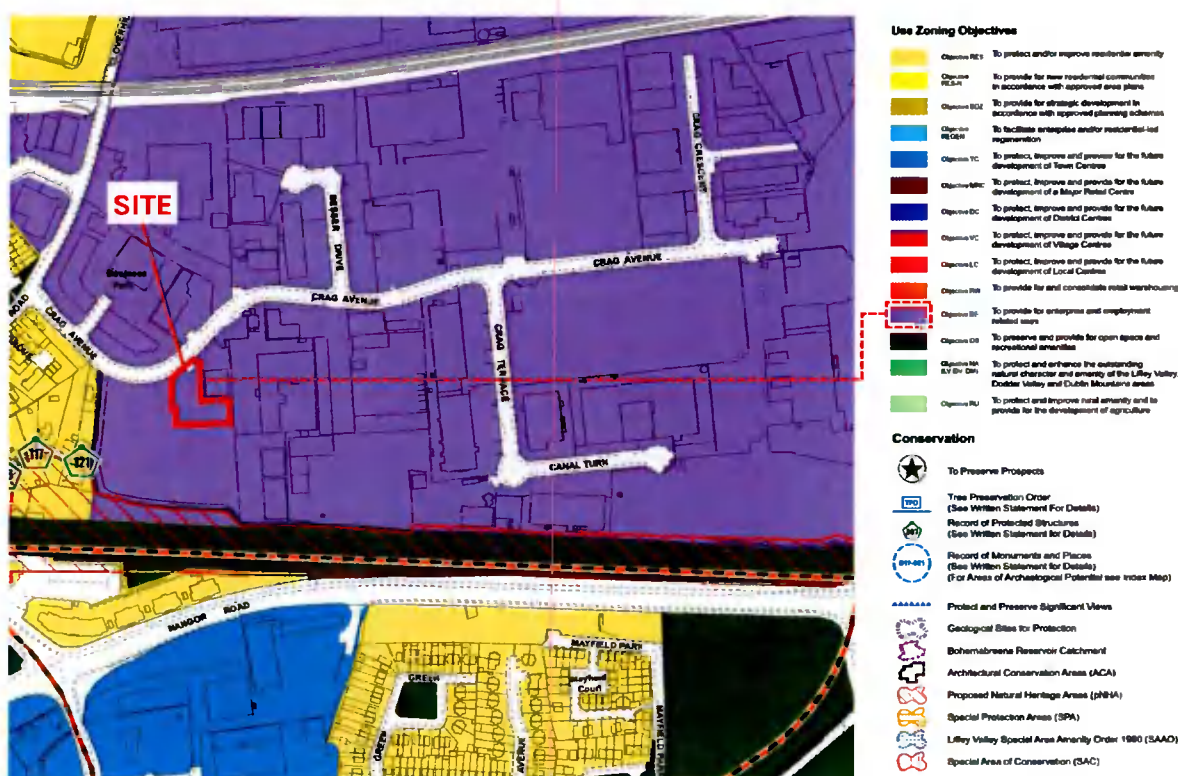


Figure 9: Development Plan; Map 5 (extract)

3.2.2 Permitted Uses

The following uses are listed as being 'permitted in principle' under Objective 'EE':³

- Petrol Station,
- Fuel Depot,
- Advertisements and Advertising Structures,
- Heavy Vehicle Park,
- Transport Depot.

² Map 5, South Dublin County Council Development Plan 2016 -2022

³ South Dublin County Council Development Plan 2016 -2022, pg.193

4.0 PROPOSED DEVELOPMENT

4.1 General

In general, the proposed development consists of the following:

- (i) Change of use from haulage yard to filling station open to the public,
- (ii) Additional diesel pumps,
- (iii) Palisade fencing,
- (iv) Illuminated and non-illuminated Signage,
- (v) All associated site and development works.

4.2 Change of use from haulage yard to filling station open to the public

The site has been operating for several years as a haulage yard with truck parking and fueling facilities. A change of use is now being sought to facilitate the sale of diesel and gas oil to the public from the existing facilities.

4.3 Additional diesel pumps

2 no. additional diesel pumps have been installed on site and permission is being sought to retain these.

4.4 Palisade fencing

2.4m high palisade fencing has been erected to the east, south and western boundaries of the subject site to separate the area being leased by EMO Oil (ie. the area 'open to the public') from the remainder of the owner's landholding. Permission is also being sought to retain this fencing.

4.5 Illuminated and non-illuminated Signage

As shown in Figure 3 - Figure 8 above, signage has been erected on site. The signage comprises the following:

REF	DESCRIPTION	HEIGHT (m)	WIDTH (m)	SIDES	AREA (sq.m)	ILLUMINATED	NO
1.	Main ID/Price	3.6	1.5	2	10.85	Yes	1
2.	Entrance	1.0	1.5	1	1.50	No	2
3.	Car / Van Pump	1.5	3.0	1	4.50	No	1
4.	Canopy	0.8	0.8	1	0.64	No	1
5.	HGV Bays	2.3	6.0	1	14.04	No	1
6.	Fence	1.5	6.0	1	9.00	No	1

We note that the Main Price ID Sign has been erected in accordance with the "Retail Prices (Diesel and Petrol) Display Order, 1997"⁴ which requires, among other things, that service stations display the prices for petrol and diesel so that they are clearly visible from the side of the road, in writing at least 20cm in height and with prices displayed in litres.

⁴ S.I. No. 178/1997 - Retail Prices (Diesel and Petrol) Display Order, 1997

5.0 JUSTIFICATION FOR DEVELOPMENT

In support of the subject application the following is submitted:

5.1 Consistent with Land Zoning Objective and Established Use

We submit that the subject development is in accordance with the land use zoning objective 'EE' which, as outlined at Section 3.2.2 above, lists Petrol Station and Fuel Depot as '*permitted in principle*'⁵ uses.

In addition, given that, as outlined at Section 4.2 above, truck fueling facilities have been operating at the site for several years it is submitted that the subject development is consistent with the established uses on site.

In terms of signage, we note that Advertisements and Advertising Structures are also listed as '*permitted in principle*'⁶ uses under the relevant zoning and that the service station, if permitted, could not, as outlined at Section 4.5 above, legally operate without the Main ID Price sign required under the "*Retail Prices (Diesel and Petrol) Display Order, 1997*"

Key Point:

- The change of use and signage are in **accordance with the land use zoning and consistent with the existing established uses on site.**

5.2 Does not create any additional impact in the area

Given the site context, commercial nature of the area, the low volume of sales expected and the extent of development already operating on site for several years, the subject development will not adversely impact on any third parties or create any additional noise or visual impact in the area.

Key Point:

- There are **no impacts arising** from the change of use or the erected signage.

5.3 Meets a local business need

The Applicant has identified a local business need arising from the current undersupply of service stations in the vicinity of the Clondalkin Industrial Estate and in the vicinity of Crag Avenue that can accommodate trucks and other large commercial vehicles.

The subject development will fulfil an important local function by providing accessible, truck-ready, diesel fuel point within an existing commercial area.

Key Point:

- The subject development **meets an identified local need for truck-ready fuel points** within an existing industrial estate.

⁵ South Dublin County Council Development Plan 2016 -2022, pg.193

⁶ South Dublin County Council Development Plan 2016 -2022, pg.193

6.0 ITEMS SUBMITTED

In accordance with the requirements of the 2001 Planning and Development Regulations (as amended) the planning package includes the following:

6.1 Planning Application Form

A completed Planning Application Form is submitted as part of this application. The Form is signed and dated 04th June 2021.

6.2 Planning Fee

A cheque made payable to South Dublin County Council for **2,911.80** being the appropriate fee is enclosed. A separate fee calculation sheet is attached to same. In accordance with Schedule 9 of the 2001 Regulations (as amended) the fee has been calculated on the following basis:

(i)	Change of Use; Class 13; Min Fee (Retention)	€240.00
(ii)	New diesel pumps; Class 13, Min Fee (Retention)	€240.00
(iii)	Illuminated and non-illuminated Signage; Class 9, €60 per sq.m (Retention); Total area 40.53 sq.m	<u>€2,431.80</u>
	Total Fee Payable	€2,911.80

6.3 Notices (Newspaper and Site)

One copy of the Newspaper Notice, which was published in The Irish Daily Star newspaper dated the 03rd June 2021, is enclosed.

One copy of the Site Notice as erected on the 08th June 2021 at the location indicated on the Site Location Drawing No. P1922.C01 is enclosed. The notice has been erected on site in full compliance with Article 19 of the 2001 Regulations (as amended).

6.4 Drawings

Six sets of drawings prepared by McArdle Doyle Consulting Engineers, Architects and Project Managers are enclosed. A schedule of drawings is attached to same.

7.0 CONCLUSION

As outlined above, Warning Letter ENF. S8190 was issued to the Applicant by South Dublin County Council under Section 152 of the Planning and Development Act, 2000 (as amended)⁷. The Warning Letter alleged that the following unauthorized development may have been carried out on the subject lands:

- 1) The operation of an EMO Express 24/7 filling station, which is open to the public, without the benefit of planning permission.
- 2) Non-compliance with Condition 9 of 91A/0958 which states that no advertising sign or structure be erected except those which are exempted development, without prior approval of the planning authority.

Therefore, also as outlined above, this planning Application is submitted to regularise the planning status of the subject lands.

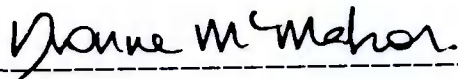
To conclude, we reiterate the following key points in support of this application:

- The change of use and signage are in **accordance with the land use zoning and consistent with the existing established uses on site.**
- There are **no impacts arising** from the change of use or the erected signage.
- The subject development **meets an identified local need for truck-ready fuel points within an existing industrial estate.**

We trust the above and enclosed documentation is in order and look forward to a favourable decision in due course.

If, however, you require any clarification of any of the items contained in our Application please do not hesitate to contact us.

Yours sincerely,



Yvonne McMahon, B.Des., M.Sc., MIPI.
McArdle Doyle

⁷ See Appendix 1 for copy of South Dublin County Council Warning Letter Ref. No. ENF. S8190

Appendix 1

South Dublin County Council Warning Letter Ref. No. ENF. S8190