

Planning Ref. No. SD21A/0149

David Nestor Freight Services Crag Avenue Business Park, Clondalkin, Dublin 22

Introduction.

- 1.1 The following response has been prepared by EHP Services, McArdle Doyle Ltd. Consultant Engineers and Irwin Carr Consulting with the assistance of the Applicant EMO Oil Ltd. and David Nestor Freight Services regarding South Dublin County Council's request for Additional Information in respect of planning reg. ref. S21A/0149 at Crag Avenue Business Park, Clondalkin, Dublin 22.

Background.

- 1.2 In addition to the cover statement prepared by McArdle Doyle Ltd. (dated 4th June 2021) we set out the following additional information which will explain how the application site was and continues to be used by David Nestor Freight Services (DNFS) and the Applicant. In doing it may provide the County Council with more context to our response to the requested additional information and assist in their assessment of the planning application in front of them.
- 1.3 A storage and depot facility for machinery, vehicles and equipment has operated from Unit 12 Crag Business Park since 1991 after permission was granted under reg. ref. 91A/0958. DNFS moved into the property in July/August 2013. DNFS is an international freight and haulage company providing general haulage, transportation and logistics services. In 2013 DNFS tarmaced the service yard, installed the metal framed open sided canopy structure and fuel dispensing pumps to service its own haulage fleet.
- 1.4 EMO Oil Limited moved onto the application site c. 2018 leasing the pre-existing refuelling facilities and equipment. The Applicant installed upgraded, fully automated and self-monitoring fuel pumps replacing those previously used to fuel DNFS's fleet. A new pump serving smaller vehicles, vans and cars was installed next to the covered truck refuelling bays. At that time DNFS removed the northern boundary palisade fencing opening up the property's roadside frontage and installed the current 2.4m high pallisade fencing which separates the service yard/forecourt area from the secure container and vehicle storage area.
- 1.5 The service yard/forecourt area is not used any differently by DNFS since EMO Oil Ltd's tenancy. EMO Oil Ltd. does not have exclusive use over the application site. Rather both businesses share the service yard/forecourt area with neither operation materially interfering with or disrupting the other.

Additional Information Item No.1.

- 1.6 Please find enclosed Drawing No. P1922.C06, prepared by McArdle Doyle Ltd. which illustrates 70m x 3.0m x 1.05m visibility splays at the existing site entrance onto Crag Avenue. The existing entrance serving the fuel card filling station and haulage business is fully compliant with the minimum design requirements set out in the Design Manual for Urban Roads & Streets (2019).
- 1.7 In this regard the development is compliance with the provisions of Section 6.4.3(i) of the County Plan and the aims of Transport and Mobility (TM) Policy 6 regarding the design of roads and streets.

Additional Information Item No. 2.

- 1.8 Table 11.23 of the County Plan does not have a category of non-residential use for an unmanned and automatic fuel card filling station. We note the provision that for any non-specified commercial use a default parking rate will be calculated based upon comparable uses and/or determined as part of Transport and Traffic Assessment. The Council's request for additional information did not ask for a Traffic and Traffic Assessment. The closest comparable use set out in Table 11.23 is a 'vehicle service station' which we understand to be a conventional petrol filling station as defined in the Retail Planning Guidelines for Planning Authorities (2012) or the Retail Strategy For The Greater Dublin Area 2008-2016 (2008). Such a use requires a maximum parking rate of 1no. space per 250sqm. (GFA). As the application does not involve an enclosed structure there is no gross floor area measurement that may be applied in calculating a maximum parking requirement.
- 1.9 There is no on site staff or visiting members of the public that would require the provision of dedicated parking spaces. In response however to Item No.2 the revised Site Layout Plan (Drawing No. P1922.C02 Rev. A) prepared by McArdle Doyle Ltd. illustrates the provision of 6no. parking bays in the north-western corner of the application site. The parking spaces may be used by contractors who occasionally visit the application site for general maintenance and/or repair of the fuel pumps etc. We are confident that such provision is more than sufficient to satisfy the requirements of Section 11.4.2 and Table 11.23 of the County Plan.

Additional Information Item No. 3.

- 1.10 Please find enclosed a revised layout plan (Drawing No. P1922.C05) prepared by McArdle Doyle Ltd. which includes Autotrack drawings that clearly demonstrate how vehicles can safely enter, exit and circulate within the application site without causing congestion or conflict with haulage related traffic or vehicles along Crag Avenue.
- 1.11 We are confident this additional information will be to the satisfaction of the Council's Roads Team and fully addresses Item No. 3.



154 Riverside Drive, Red Barns Road, Dundalk, Co. Louth

Tel.: 086 8268 390
Email: ehpservices1@gmail.com
Web: www.ehpservices.ie

Additional Information Item No. 4.

- 1.12 Please find enclosed Drawing No. P1922.C02 Rev. A which, in addition to the new parking spaces, illustrates the provision of a rack for 3no. bicycles located near the front door of the adjoining DNFS vehicle maintenance building and a 1.8m wide pedestrian walkway. The walkway which will be delineated by highly visible line markings will physically separate pedestrians from vehicles allowing visitors including those with impaired mobility to safely navigate the service yard/forecourt area and enter/exit the application site. The walkway follows the periphery of the application site rather than crossing the open service yard/forecourt area thereby eliminating any potential conflict between pedestrians and vehicles.
- 1.13 Table 11.22 of the County Plan requires a vehicle service station to provide one bicycle parking space per 5no. staff. As noted above the 24/7 fuel card filling station is fully automated and does not require on site staff. It is highly unlikely that customers of either the filling station or the haulage business will arrive on bicycle. However in response to Item No. 4 a rack is proposed near the front door of the existing vehicle maintenance building to provide such a facility if or indeed when it may be needed. In accordance with Section 11.4.1 of the County Plan the storage rack will be designed in accordance with the provisions and requirements set out in the National Transport Authority's *National Cycle Manual* (2011). We trust this additional provision is to the County Council's satisfaction.

Additional Information Item No. 5.

- 1.14 Please find enclosed an acoustic report compiled by Irwin Carr Consulting which quantifies and assesses the level of noise generated by the development within context of existing ambient noise levels.
- 1.15 Using BS 4142:2014 *Methods for Rating & Assessing Industrial & Commercial Sound* (2014) and the World Health Organisation's *Guidelines for Community Noises* (1999) the report established the existing ambient or background noise levels, noise sensitive receptors (i.e. nearby residential properties) and analyses predicted daytime and night-time noise levels through a SoundPLAN v.8.2 acoustic model.
- 1.16 The analysis indicated that the specific operational sound source generated from the fuel card filling station was '... *having a low impact* ...' during both daytime and night-time periods. The report concluded the development was not adversely impacting neighbouring properties and therefore was not considered a negative determining factor. No mitigation measures were subsequently proposed or considered necessary.
- 1.17 Section 7.7.0 outlines the Council's policy to have regard to EU, national and regional policy relating to air quality, light and noise pollution and to seek to take appropriate steps to reduce the effects of such impacts upon environmental quality and residential amenity.
- 1.18 The analysis carried out by Irwin Consulting demonstrates that the development complies with the 'Good Neighbour' principle and does not generate any excessive or detrimental level of noise in comparison to existing ambient noise levels. It does not materially exceed or negative impact upon the existing acoustic landscape within which the application site is

Environmental **H**eritage **P**lanning

154 Riverside Drive, Red Barns Road, Dundalk, Co. Louth

Tel.: 086 8268 390
Email: ehpservices1@gmail.com
Web: www.ehpservices.ie

located. In this regard the development is compliant with EU and national legislation and guidance on noise control as required by Infrastructure & Environmental Quality (IE) Policy 7 Objectives 1 and 4 and the recommendations and actions set out in the Dublin Agglomeration Environmental Noise Action Plan 2013 – 2018 as required by Objective 3 and Section 11.6.3 of the County Plan.

Additional Information Item No. 6.

- 1.19 Set out below is an expanded development description for the scope of planning permission sought under this application.

EMO Oil Limited, intend to apply for full and retention planning permission for:

Retention Permission for:

- a. change of use from haulage service yard to an unmanned 24/7 fuel card filling station;*
- b. 2.4m high palisade boundary fencing and automatic electric sliding gate to adjoining haulage storage yard;*
- c. metal canopy structure over Truck Fuelling Bays 2 & 3;*
- d. replacement fuel dispensing pumps and concrete islands including 5no. diesel, 5no. Adblue and 2no. gas oil dispenser pumps;*
- e. 2.8m high eastern boundary wall to rear of truck fuelling bays and 2no. 1.2m high concrete block dividing walls;*
- f. 1no. 6m x 1.5m roadside totem sign with 2no. internally illuminated LCD price display panels; 1no. 3m x 1.5m non-illuminated sign denoting 'EMO Express and Car & Van Pump' attached to freestanding car and van fuel dispensing pump; 1no. 0.8m x 0.8m non-illuminated projecting sign denoting 'EMO Express' attached to the truck fuelling bay canopy; and 1no. 6m x 2.34m non-illuminated directional and information sign denoting 'EMO Express and HGV Bays' attached to rear palisade fence next to Truck Fuelling Bay No. 1.*

Full Permission for:

- a) installation of underground attenuation storage tank, drainage pipes, manholes and discharge control device;*
- b) associated site development works;*
- c) internal vehicular circulation and pedestrian walkway road markings;*
- d) 6no. parking spaces; and*
- e) 1no. free standing bicycle rack.*

- 1.20 Please find enclosed copies of the revised Site Notice and newspaper advert which have been appropriately altered to notify that the Applicant's response constitutes Significant Additional Information under the provisions of Article 35(1)(a) & (b) of the Planning and Development Regulations 2001 (as amended).

- 1.21 We trust this more comprehensive development description satisfactorily addresses Item No. 6 of the requested additional information.

Environmental **H**eritage **P**lanning

154 Riverside Drive, Red Barns Road, Dundalk, Co. Louth

Tel.: 086 8268 390
Email: ehpservices1@gmail.com
Web: www.ehpservices.ie

Additional Information Item No. 7.

- 1.22 It is incorrect to suppose that the development has led to the significant loss of biodiversity and ecology from the site. The application site is of no biodiversity or ecological value. The application site and surrounding industrial area have been heavily urbanised and developed for a considerable period of time. EMO Oil's occupation and use of the application did not necessitate any material change to the physical character and nature of the application site.
- 1.23 The application site has had no landscaping or greenery on it since it's construction as part of the industrial/business park approved in 1991. In addition to Item No.7 noting the application site is located away from the Gallenstown Stream and Grand Canal it is also accurate to state the site it has not and does not form part of either riparian or hydrological environments. The application site is neither directly connected to nor necessary to the management of any designated site comprising the Natura 2000 site network.
- 1.24 The proximity of the application site to the non-undesignated Gallenstown Stream and Grand Canal pNHA (Site Code: 002104) is noted however the use occurring within has been determined by way of a Stage 1 Appropriate Assessment prepared by Panther Environmental Solutions, previously submitted as part of the original application, to have '*... no potential for significant effects on European Sites (Natura 2000 network) ... by itself or in combination with other developments ...*'. We are therefore satisfied that the development does not pose a potential threat to the character, quality and ecological value of the nearby Grand Canal pNHA and by extension any downstream Special Areas of Conservation, Special Protection Areas or Natural Heritage Areas comprising the Natura 2000 site network. As such the application is compliant with the provisions and requirements of Green Infrastructure (G) Policy 2 Objective 1 and Heritage, Conservation and Landscapes (HCL) Policy 12 Objectives 1 and 2.
- 1.25 The policies and objectives of Chapters 7 & 8 are referenced in Item No. 7 of the requested Additional Information. Please see our response to the issue of SuDS in respect of Item No. 10 in paragraphs 1.36 to 1.38 below.
- 1.26 The active use of the entire application site by both the Applicant and DNFS effectively precludes any opportunity for 'greening' that would be of substance or environmental benefit. The operational effectiveness of the site, the businesses within and the free circulation of traffic would be, in our opinion, severely compromised were green infrastructural features such as planted islands or landscaping introduced. There are no structures of substance within the application site were a green wall could be installed. The covered canopy and palisade fencing are not appropriate structures to install such a feature and DNFS's vehicle maintenance building does not form part of the application site. Planted verges would be limited in size and depth providing little if any 'greening' benefit to the biodiversity characteristics and ecological value of the surrounding urban area. Cognisant of Green Infrastructure (G) Policy 2 Objective 11 we would suggest the requirement for new tree planting, grass verges, planters etc. is not appropriate to the application site or necessary within context of the development subject of this application.

Additional Information Item No. 8.

- 1.27 Please find enclosed Drawing No. P1922.A02 Rev. A which illustrates the number of existing signs to be retained and those which will be removed. As noted in the revised development description and public notifications the application seeks the retention of the roadside totem sign (Sign Type 1), the non-illuminated sign attached to the freestanding car and van fuel dispensing pump (Sign Type 3), the non-illuminated projecting sign attached to the truck fuelling bay canopy; (Sign Type 4) and the non-illuminated directional and information sign attached to rear palisade fence next to Truck Fuelling Bay No. 1 (Sign Type 5).
- 1.28 To address the concerns outlined in Item No. 8 the Applicant proposes removing all kerbside signage along the northern site boundary including the 2no. metal entrance signs (Sign Type 2) and the corrugated plastic signage attached to the northern boundary fencing (Sign Type 6). The extent of roadside signage will be materially reduced thereby addressing concerns over visual clutter along Crag Avenue.
- 1.29 The only element of the remaining totem sign which is illuminated are the two LCD price displays. All modern totem signs incorporate this form of digital display as a means of advertising current diesel prices. Updating the digital display is done remotely from the Applicant's operational headquarters without the necessity of any on site presence. There is a legal requirement to display fuel pricing to customers before they enter the site. The digital displays do not generate excessive or obtrusive light pollution in the form of either sky glow (the brightening of the night sky), sky glare (the uncomfortable brightness of a light source against a dark background) or light intrusion/trespass (the spilling of light beyond the boundary of a property or area being lit) as defined in the Institute of Lighting Professionals *Guidance Notes for the Reduction of Obtrusive Light GN01:20 (2020)*.
- 1.30 The duration and luminosity of each digital display is insufficient to cause a hazard to passing traffic, detract from the visual character/amenity of the surrounding area and are located a substantial distance from the nearest residential property to avoid any diminution of residential amenity. We are satisfied that the extent of signage that will be removed addresses the primary concerns of the County Council and what will remain on site is not only necessary but is also compliant with Section 7.7.0 and Policy IE 7 Objective 5.

Additional Information Item No. 9.

- 1.31 The development subject of this application is a fuel card filling station which is a very different form of business than a conventional petrol filling station as described in the Retail Planning Guidelines for Planning Authorities (2012) or the Retail Strategy For The Greater Dublin Area 2008-2016 (2008).
- 1.32 The fuel card filling station is unmanned, fully automatic and self-service. It is open to customers 24 hours a day 7 days per week and is fully cashless therefore posing no security issues. Customers use a credit, bank or EMO Oil fuel card to dispense fuel. There is no on-site staff therefore no need for any on-site staff building or retailing/services facility for customers.
- 1.33 The property is visually monitored by DNFS's foreman throughout the day for obvious signs of storm damage, leaks, accidents etc. The fuel pumps are fitted with the 'Petrol Manager'

Environmental **H**eritage **P**lanning

154 Riverside Drive, Red Barns Road, Dundalk, Co. Louth

Tel: 086 8268 390
Email: ehpservices1@gmail.com
Web: www.ehpservices.ie

system which constantly monitors and alerts the Applicant to a fault in need of repair, a power cut, general maintenance issues, leaks, the need to replace a receipt roll etc. The Applicant's office then dispatches a contractor to address the issue.

- 1.34 EMO Oil Ltd. delivers between 25,000 to 30,000 litres of fuel to the Crag Avenue site per week which equates to between 1.3 million and 1.56 million litres per annum. 2021's total fuel sales were less than 1.3 million litres and a fraction of comparable fuel sales in other stations owned and operated by the Applicant or market competitors.
- 1.35 DNFS' own non-retail truck fuel requirements account for 23% of the total annual volume of fuel transactions within the application site.
- 1.36 Deliveries are limited to approximately 2no. rigid vehicles per week and are carried out in the middle of the business day to avoid morning and evening peak periods. Gas Oil (Derv) is delivered monthly basis and on an as required basis. No tankers are used to deliver fuel as the quantities and volume sold on site are comparatively small. For example, the total of only 475no. fuel transactions were carried out between the 1st and 14th January 2022 which equates to an average of 37no. transactions per day nearly all of which were HGVs from or parking within the Clondalkin area. A conventional petrol filling station in the Greater Dublin area would typically average 300no. transactions per day which is considerably more than the frequency of business occurring with the application site.

Additional Information Item No. 10.

- 1.37 Please find enclosed the Engineering Report and Drawing No. P1922.C03 prepared by McArdle Doyle Ltd. which address Items 10(a) and (b) of the requested Additional Information.
- 1.38 The Engineering Report outlines the difficulty of retrofitting SuDS based drainage into a pre-existing and fully developed site. Cognisant of Section 8.40 of the County Plan and in particular Green Infrastructure (G) Policy 5 Objectives 1 and 2 regarding SuDS, green roofs and living walls the report noted the existing roof over the truck refuelling bays was not designed to retrospectively accommodate a green roof or living wall. The addition of planter beds, tree pits or permeable paving was not considered appropriate or viable as it would not significantly reduce the application site's existing surface water run-off rate. The heavily developed, urbanised and hardsurfaced nature of the application site effectively precludes the potential benefits and practicalities of introducing a SuDS based drainage proposal into the application site leading to the conclusion that a more conventional response was appropriate.
- 1.39 The report calculated the site's existing surface water discharge rate as 50.1 L/Sec and proposes restricting flow to 10 L/Sec. by providing an underground attenuation tank and flow control device. Please see Drawing No. P1922.C03 which provides detailed information on the proposed attenuation tank, Class 1 forecourt separator and Class 2 bypass separator.
- 1.40 We are satisfied that this additional information satisfactorily addresses Item No. 10 and is compliant with the provisions and requirements of Section 7.2.0, Infrastructure & Environmental Quality (IE) Policy 2 Objectives 2, 4 and 5 of the County Plan.

Environmental **H**eritage **P**lanning

154 Riverside Drive, Red Barns Road, Dundalk, Co. Louth

Tel.: 086 8268 390
Email: ehpservices1@gmail.com
Web: www.ehpservices.ie

Additional Information Item No. 11.

- 1.41 The extent of the Applicant's business and that of DNFS and their daily functional interactions is set out in paragraphs 1.2 to 1.5 and 1.32 to 1.37 above. Given DNFS's previous installation and use of the fuel dispensing equipment and associated structures there is a natural progression to the site by occupied and used by a fuel retailing tenant. Both businesses have a synergistic relationship that complements rather than conflicts with each other and results in the most efficient use of available serviced land.
- 1.42 The development is consistent with the diversity of commercial/industrial activities within the wider Business Park. As noted in the planning officer's assessment report the development is permitted in principle under the site's EE – Employment & Enterprise zoning where the principal objective is '*... to provide for enterprise and employment related uses*'.
- 1.43 The application relates to a form of economic development that is acceptable and appropriate for the site and surrounding industrialised area. It has the support of various sections, policies and objectives throughout the County Plan not least the Plan's Strategy for Employment as set out in Section 4.2.0 and Economic and Tourism Overarching Policy ET1 Objectives 2 and 3 and Policy ET3 Objective 1.
- 1.44 There has been no material change in the scope of use between the application site's exclusive use by DNFS and then later use in conjunction with the Applicant's business. Under DNFS's use the service yard/forecourt area was not substantially used for the storage of vehicles or containers. That function has remained largely in situ on the lands to the south and west of the application. Consequently, there has been no intensification of the haulage business, its use of the existing secured storage area or any subsequent negative impact upon the residential amenities of adjoining Ninth Lock Cottages or Station Grove residences. The acoustic analysis provided by Irwin Carr Consulting establishes there is no detrimental impact to these sensitive receptors during day or night time periods. The separation distance between the application site and nearest residential properties provides a substantial and effective barrier that ameliorates any potential effect associated with the development. There is consequently no need for mitigation measures to be put in place as part of this application.