

Daryl Winslow
8 Ballymanagin Lane
Clondalkin
D22EH95

31st January 2022

The Secretary,
Planning Department,
South Dublin County Council,
County Hall,
Tallaght.

Planning Application Reference Number: SD21A/0149
Applicant: EMO Oil Limited
Location: David Nestor Freight Services, Crag Avenue Business Park, Dublin 22

Dear Sir/Madam,

I wish to make the following submission in relation to the recently submitted significant additional information regarding retention application SD21A/0149 on behalf of the residents of Ballymanagin Lane, Crag Avenue and Station Road.

I have made a previous submission on this application so no fee is payable in respect of this submission.

The response to the request for further information prepared by EHP Services states that *"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."*

It may be true that the area relating to this retention application may not previously have been of high biodiversity or ecological value but the overall site at 12 Crag Avenue certainly is. The unauthorised developments at 12 Crag Avenue, namely the destruction of the 4-5 metres wide riparian/buffer strip on the western and southern boundaries along the banks of Gallanstown Stream, have led to a huge reduction in wildlife habitat. The entire site is subject to several enforcement cases and no retention should be granted until these have been resolved. According to the Chief Executive's Order for the refused retention application SD21A/0060 it is the Council's own opinion that there should be an application for the entire site to attempt to regularise the developments:

"The Planning Authority considers that any attempt to regularise the unauthorised development should be through the submission of one application for the landholding to ensure the cumulative impacts are addressed."

The cover letter response also states that *"The application site has had no landscaping or greenery since its construction"*. This is totally irrelevant. Any new developments should be in accordance with the objectives of the South Dublin County Development Plan 2016-2022. The following objectives being particularly relevant:

ET3 Objective 5 *To ensure that all business parks and industrial areas are designed to the highest architectural and landscaping standards and that natural site features, such as watercourses, trees and hedgerows are retained and enhanced as an integral part of the scheme.*

The application site is also in contravention of condition 10 attached to the planning permission 91A/0958:

"A 2 metre wide plantation strip to be provided inside the proposed boundary wall along the entire Crag Avenue frontage of the site. This plantation strip to be planted with semi-mature trees at 3 metre intervals in addition to self maintained durable shrubbery"

There is not a single tree or shrub planted along the Crag Avenue frontage of the application site.

The cover letter goes on to state that 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... would be, in our opinion, severely compromised were green infrastructural features introduced"*. This is patently untrue. The overall site is approximately 1.72 hectares so there is plenty of opportunity to implement greening of the area. In the past the site owners have, without the benefit of planning permission, moved the site boundary fences and destroyed green areas along the Gallanstown Stream. Perhaps this time they could move the fences of the

application site in order to create more space for green infrastructural elements on this part of the site i.e. planted verges and islands, a green wall etc. This would go some way towards mitigating the negative effects of the unauthorised development of the overall site and to help it align with the objectives of the Development Plan:

ET3 Objective 5 *To ensure that all business parks and industrial areas are designed to the highest architectural and landscaping standards and that natural site features, such as watercourses, trees and hedgerows are retained and enhanced as an integral part of the scheme.*

G6 Objective 2 *To require new development to provide links into the wider Green Infrastructure network, in particular where similar features exist on adjoining sites..*

The applicant and site owners continued contempt for the environment and proper planning processes is evident in their response to this request for additional information. The Council should enforce the notices served on this site and exercise its right as per the enforcement notices to: *"...enter on the land and take such steps including the removal, demolition and alteration of a structure and the restoration of the land and recover any expenses reasonably incurred by them in that behalf..."*

The residents of Ballymanaggin Lane and Crag Avenue hope the Council will consider the points made in this submission and refuse permission for this application.

Sincerely,

Daryl Winslow on behalf of the residents of Ballymanaggin Lane, Crag Avenue and Station Rd

**An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department**

Telephone: 01 4149000 Fax: 01 4149104 Email: planning.dept@sdblincoco.ie

**Mr. Daryl Winslow
8, Ballymanagin Lane
Clondalkin
Dublin 22.**

Date: 21-Jan-2022

Dear Sir/Madam,

Register Ref. No : SD21A/0149

Development: Change of use from haulage yard to filling station open to the public; additional diesel pumps; palisade fencing; illuminated and non-illuminated signage; all associated site and development works.

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

Applicant Name: EMO Oil Limited

Application Type: Retention

Date Received: 19-Jan-2022

I wish to inform you that **Significant Additional Information** was received in respect of the above proposal on 19-Jan-2022.

This submission may be inspected or purchased at the Planning Department which is open daily, Monday to Friday, from 9.00 a.m. to 4.00 p.m. inclusive or on the Councils website www.southdublin.ie under the link for Planning Applications on the homepage.

Please note: It has now been deemed that the information submitted contains significant additional data requiring the re-advertisement of the application. Accordingly, a further submission/observation in relation to this information may be made by you in writing, within a period of up to 2 weeks from and including the date that the Additional Information was received by the Planning Department i.e. Close of business at 5pm on **01st February 2022**. No fee is payable in respect of this submission.

In accordance with Part III, Article 34 (8) (b) of the Planning & Development Act, 2000 (as amended), the Council will make its decision on this application within 4 weeks from the date of receipt of the Additional Information (or 8 weeks in the case of an application where an EIS is involved).

Yours faithfully,

for Senior Planner