

**An Rannóg Talamhúsáide, Pleanála agus Iompair  
Land Use, Planning & Transportation Department  
Telephone: 01 4149000 Fax: 01 4149104 Email: [planning.dept@sdublincoco.ie](mailto:planning.dept@sdublincoco.ie)**

**McArdle Doyle  
2nd Floor  
Exchange Building  
The Long Walk  
Dundalk  
Co. Louth**

**NOTIFICATION OF DECISION TO GRANT PERMISSION FOR RETENTION  
PLANNING AND DEVELOPMENT ACT 2000 (as amended) & PLANNING  
REGULATIONS THEREUNDER**

<b>Decision Order Number:</b> 0210	<b>Date of Decision:</b> 15-Feb-2022
<b>Register Reference:</b> SD21A/0149	<b>Date:</b> 19-Jan-2022

**Applicant:** EMO Oil Limited

**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.

**Floor Area:**

**Time extension(s) up to and including:**

**Additional Information Requested/Received:** 03-Aug-2021 /19-Jan-2022

**Clarification of Additional Information Requested/Received:**

**DECISION TO:** Pursuant to the Planning & Development Act 2000 (as amended), it is hereby decided, for the reasons set out in the First Schedule hereto, to **GRANT PERMISSION FOR RETENTION** for the said development in accordance with the said plans and particulars,

subject to the conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said decision is subject to the said conditions.

## **FIRST SCHEDULE**

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the condition(s) set out hereunder is thereby in accordance with the proper planning and sustainable development of the area.

## **SECOND SCHEDULE**

### **Conditions and Reasons:**

1. Development to be in accordance with submitted plans and details.  
The development shall be retained and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 19th January 2022, save as may be required by the other conditions attached hereto.  
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. Green Infrastructure and SuDs.  
Within 6 months of the final grant of permission, the Applicant shall submit a revised Site Layout Plan for the written agreement of the Planning Authority, which clearly provides for Green Infrastructure/Landscaped area within the marked turning area or as otherwise agreed by the Planning Authority.  
(i) The proposed drainage system shall be developed further in order to sustainably manage surface water through a more natural hydrological regime or SUDS scheme within the development. A SuDS strategy shall be developed for the development which takes account of and maximises these issues. The detailed SuDS scheme for the proposed development shall be submitted to the Planning Authority within 6 months of the final grant for written agreement.  
(ii) Within 6 months of agreed compliance on the revised site plan, including additional Green infrastructure and SUDs measures, the revisions shall be fully implemented on site.  
REASON: In the interest of sustainable development, visual amenity and the proper planning of the area.
3. Water Services and Drainage  
(i) Within 6 months of the final grant of permission, the Applicant shall submit to the Planning Authority for written agreement a report to show calculations of Surface Water Attenuation for the proposed development and the respective runoff coefficients for the subject site. The calculations shall include for additional SUDs measures proposed and agreed as part of Condition no.2.  
(ii) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

- (iii) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use.
  - (iv) All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.
  - (v) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.
  - (vi) The Applicant shall enter into a water connection agreement with Irish Water.
  - (vii) The Applicant shall enter into a wastewater connection agreement with Irish Water.
- REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

4. Signage.

Within 6 months of the final grant date, the Applicant shall submit the following to the Planning Authority and implement fully on site:

- (i) An amended Site Layout Drawing demonstrating the omission of the 2 metal entrance signs, the plastic signage affixed to the fence along the northern boundary and the non-illuminated fence sign (9sq.m) mounted along the public road affixed to the fencing of the David Nestor Freight Services Container Depot along Crag Avenue.
- (ii) The LCD Panels on the totem signage displaying the fuel prices shall be the only signage permitted to be illuminated on the entire subject site. No other signage on the subject site shall be illuminated. Any proposal to illuminate signage at the subject site, other than the permitted LCD Panels displaying fuel prices, shall be subject to a separate Planning Application.

REASON: In the interests of the prevention of a proliferation of signage and the creation of visual clutter at the subject site.

5. Operational Noise.

- (a) Noise due to the normal operation of the proposed development, expressed as  $L_{Aeq}$  over 15 minutes at the façade of any noise sensitive location, shall not exceed the daytime background level i.e. 0700 – 1900 by more than 10 dB(A) and shall not exceed the background level for evening and night time (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 .  
Clearly audible and impulsive tones at noise sensitive locations during evening and night as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be avoided irrespective of the noise level.
- (b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any residence, adjoining premises or public place in the vicinity.
- (c) All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators as necessary to ensure that the noise level as expressed as  $L_{Aeq}$  over 15 minutes at 1 meter from the façade of any noise sensitive location does not exceed the background level by more than 10 dB(A) for daytime and shall not exceed the background level for evening and night time (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

6. Removal of tanks.

Within 6 months of the final grant date, the 2 large tanks located on top of the wall to the rear of the covered truck fuelling bays as indicated in Site Layout (Drawing No. P1922.C02) shall be removed.

REASON: In the interests of health and safety and the prevention of unauthorised development at the subject site.

7. Operational Management Plan

Within 6 months of the final grant of permission, the applicant, owner or developer shall submit, for the written agreement of the Planning Authority a site specific Operational Management Plan, that shall include:

(i) Details of the proposed procedure should there be incident on the subject site, such as a fuel spill or a fire;

(ii) Details of a formal arrangement with the foreman of David Nestor Freight Services Limited regarding the monitoring of the subject site;

(iii) Details of on-site security measures and;

(iv) Name and contact details for a site manager to be contacted in the event of an incident or emergency.

REASON: In the interests of residential amenity, public safety, compliance with Development Plan policy and the proper planning and sustainable development of the area.

8. Development to be in accordance with submitted plans and details.

The development shall be retained and completed fully in accordance with plans, particulars and specifications lodged with the application, within XX months of the grant of permission, save as may be required by other conditions attached hereto.

REASON: To ensure that the development is in accordance with the permission and that effective control is maintained.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.

NOTE: The applicant/developer of these lands is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

The Developer is advised that under the provisions of the Construction Products Regulation 2013 (No.305/2011-CPR) All products sourced for use in building process must conform with the statutory requirements of the CPR. For more information on these responsibilities see <http://ec.europa.eu/enterprise/sectors/construction/legislation>.

From March 1, 2014 the Building Control (Amendment) Regulations 2013 (SI 80 of 2013) come into effect. All Commencement Notices for works greater than 40sq.m are obliged to be accompanied by a number of certified undertakings as described by these Regulations.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001, as amended.

Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001, as amended, have been considered in the determination of this application.

Signed on behalf of the South Dublin County Council.

  
for **Senior Planner**

**18-Feb-2022**

## NOTES

### **(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION**

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations. 200 I should be consulted.

### **(B) APPEALS**

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
2. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:  
**The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.**
3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
  - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made. where the application relates to unauthorised development.....€4,500.00 or €9,000 if an E.I.A.R. is involved
  - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made. other than an appeal mentioned at (a)..... €1,500.00 or €3,000.00 if an E.I.A.R. is involved
  - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b)..... €660.00
  - (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) ..... €220.00
  - (e) Application for leave to appeal..... €110.00
  - (f) Appeal following a grant of leave to appeal..... €110.00
  - (g) Referral ..... €220.00
  - (h) Reduced fee (payable by specified bodies) ..... €110.00
  - (i) Submission or observations (by observer) ..... €50.00
  - (j) Request from a party for an Oral Hearing..... €50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at Telephone 01-858 8100