

South Dublin County Council
An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department
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NOTIFICATION TO GRANT PERMISSION FOR RETENTION
PLANNING & DEVELOPMENT ACT, 2000 (as amended) AND PLANNING
REGULATIONS THEREUNDER

Final Grant Order No.:	0383	Date of Final Grant:	28-Mar-2022
Decision Order No.:	0210	Date of Decision:	15-Feb-2022
Register Reference:	SD21A/0149	Date:	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.

Time extension(s) up to and including:

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

A Permission has been granted for the development described above, subject to the following conditions.

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 Laeq 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 LAeq 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.

- (1) All buildings must be designed and constructed in accordance with the Building Regulations 1997.
- (2) Building Control Regulations require a Commencement Notice. Please log onto www.localgov.ie and click on BCMS link.
- (3) A Fire Safety Certificate must be obtained from the Building Control Authority, where applicable.
- (4) Free Standing Walls must be designed and constructed in accordance with IS 325: Code of Practice for use of Masonry Part 1: Structural use of reinforced Masonry. The Owner must also ensure that the construction of all walls is supervised by a competent person.

Signed on behalf of South Dublin County Council.


for Senior Planner

01-Apr-2022