

An
Coimisiún
Pleanála

Commission Order
ABP-319939-24

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: FW23A/0339

Appeal by Jerry Beades against the decision made on the 22nd day of May, 2024 by Fingal County Council to grant subject to conditions a permission to Brian McDonnell in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a petrol filling station to include a forecourt area with four number fuel pump islands, illuminated forecourt canopy over, four number 40,000-litre underground fuel storage tanks, associated pipework and overground fill points and vents, HCV pump and electric car charging points and associated infrastructure. A car wash area with two number car wash bays, associated underground water storage tanks, drainage and plant room. On-site facilities, including car service areas, car and bicycle parking, dedicated delivery lane, loading area, pedestrian routes and associated line markings. Works to R122, including relocation of existing site access, formation of new access from R122, road widening and road markings. Illuminated and non-illuminated operator signage, including main ID Totem sign, canopy and facade signage. An amenity building of 332.3 square metres gross floor area which will include a convenience shop (100 square metres net retail area), restaurant/café area with food offerings with

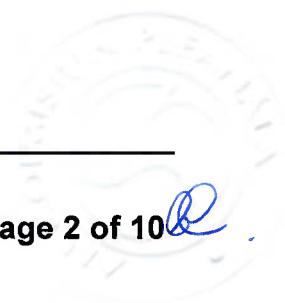
hot and cold meals and refreshments for sale for consumption on and off premises, coffee barista and associated drive-thru facility, customer seating, customer WCs, back-of-house area with food preparation areas. ESB substation. Six number EV chargers with associated parking bays. All site drainage works, including rainwater harvesting, attenuation and integrated constructed wetland providing foul treatment system and all associated site lighting, landscaping, boundary treatments and site development works, all at Sandyhill, Saint Margaret's, County Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable, would be in accordance with the 'DA – Dublin Airport' zoning objective, the Dublin Airport Local Area Plan 2020 (extended to 2029), and the Fingal Development Plan 2023-2029, would not seriously injure the amenities of the area, would be acceptable in terms of traffic safety, aviation safety and foul and surface water treatment, and would, therefore, be in accordance with the proper planning and sustainable development of the area.



Appropriate Assessment Screening:

In accordance with Section 177U of the Planning and Development Act 2000, as amended, and on the basis of the information considered in the Appropriate Assessment Screening, the Commission concluded that the proposed development, individually or in combination with other plans or projects, would not be likely to give rise to significant effects on the Malahide Estuary Special Protection Area (Site Code: 004025) or the Malahide Estuary Special Area of Conservation (Site Code: 000205), or on any other European Sites in view of the Conservation Objectives of these sites and is, therefore, excluded from further consideration. Appropriate Assessment is, therefore, not required.

The determination is based on the nature and scale of the proposed development on a site close to the urban edge of Dublin, the distances to the nearest European Sites and the hydrological pathway considerations, the planning authority's and Inspector's Appropriate Assessment Screening, and no significant ex-situ impacts on wintering water birds.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 25th day of April, 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

- (a) The proposed drive-through facility shall be omitted.
- (b) Three number motorcycle parking spaces shall be provided.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of proper planning and sustainable development.

3. The total net retail sales space of the forecourt shop shall not exceed 100 square metres.

Reason: To comply with national policy as set down in the Retail Planning Guidelines for Planning Authorities (2012).

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Prior to commencement of development, the developer shall engage with the Dublin Airport Authority and AirNav Ireland and shall carry out an Instrument Flight Procedure (IFP) assessment with a certified provider. The developer shall notify the Dublin Airport Authority and the Irish Aviation Authority of any proposed crane operations (whether mobile or tower cranes) at least 90 days in advance of the operation.

Reason: In the interest of aviation safety.

6. All external shopfronts and signage shall be in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to the provision of such shopfronts and signage. The signage shall be lit by external illumination only.

Reason: In the interest of visual amenity.

7. No advertisement or advertisement structure (other than those shown on the drawings submitted with the planning application) shall be erected or displayed on the canopy, on the forecourt building, or anywhere within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

8. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of public health and visual amenity.

9. The developer shall control odour emissions from the premises in accordance with measures, including extract duct details, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

10. (a) The landscaping scheme shown on drawing number PP443-01-2 and associated particulars shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.
- (b) Tree protection during construction shall be implemented as per the recommendations of the Arborist's Report and Tree Protection Plan. The boundary hedging and vegetation located along the northern and southern boundaries shall also be retained and protected during construction.

Reason: In the interest of residential and visual amenity.

11. The amenity building shall be provided with noise insulation to an appropriate standard having regard to the location of the site within Zone A associated with Dublin Airport.

Reason: In the interest of proper planning and sustainable development.

12. The developer shall comply with any future requirement of the planning authority in relation to additional mitigation works in relation to glint and glare issues that may arise from the proposed development but may only become apparent when the proposed development is in place.

Reason: In the interest of avoiding a traffic or aviation hazard and the proper planning and sustainable development of the area.

13. No music or other amplified sound shall be broadcast externally from the premises.

Reason: To protect the amenities of the area.

14. All mitigation measures in relation to archaeology, as set out in the Archaeological Impact Assessment, shall be implemented in full. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operations relating to the proposed development,
- (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the planning authority considers appropriate to remove.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

15. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

16. Prior to commencement of development, the design details of the road widening and all ancillary works, including the junction arrangements, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of proper planning and sustainable development.

17. Prior to commencement of development, the developer shall enter into a connection agreement with Uisce Éireann to provide for a service connection to the public water supply.

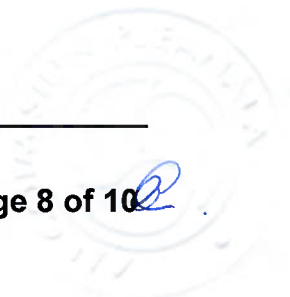
Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

18. The developer shall complete Stage 2, 3 and 4 Road Safety Audits, to be carried out by an independent, approved and certified auditor. Agreed actions shall be implemented to the satisfaction of the planning authority.

Reason: In the interest of pedestrian and traffic safety.

19. (a) The septic tank and integrated constructed wetland hereby permitted shall be installed in accordance with the plans and 'Report on the design of Constructed Wetland System' submitted with the planning application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (b) No foul drainage shall discharge into the surface water system under any circumstances.

Reason: In the interest of public health and to prevent water pollution.



20. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the proposed development, including hours of working, noise and dust management measures, a construction traffic management plan, and off-site disposal of construction/demolition waste.

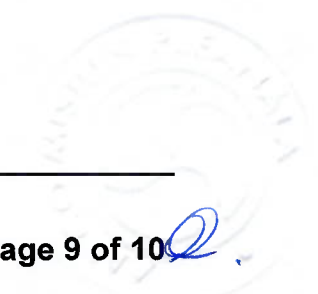
Reason: In the interest of public safety and amenity.

21. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

22. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.



23. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Mick Long

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 12th day of May 2026.