

An
Bord
Pleanála

Board Order
ABP-321105-24

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD23A/0239.

Appeal by Campus Oil Retail Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 23rd day of September 2024, by South Dublin County Council, to refuse permission for the proposed development.

Proposed Development: Provision of additional two number fuel pumps and two number islands. Retention permission is also sought for works completed. The completed works consist of the installation of four number underground fuel tanks (each fuel tank has a capacity of 75,000 litres and store HVO and BIO fuels), including a network of pipes and inspection manholes. These new tanks are located below ground in the south- east corner of the site, all on lands at Kingswood Truck Wash, Old Naas Road, Kingswood Cross, 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 EE- Enterprise and Employment zoning of the subject site which has the stated objective 'to provide for enterprise and employment related uses', within which a fuel depot is permitted in principle, to the industrial nature of the immediate environment, and to the existing business on site, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention and the proposed development would not adversely affect the residential or visual amenities of the area. The development proposed for retention and the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The 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 26th day of August 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority within three months of this Order and prior to commencement of development. This scheme shall include the following:
- (a) A plan to scale of not less than 1:500 showing –
 - (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder, which shall not include prunus species,
 - (ii) Details of screen planting, which shall not include cupressocyparis x leylandii
 - (iii) Hard landscaping works, specifying surfacing materials and finished levels.
 - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
 - (c) A timescale for implementation

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.

Reason: In the interest of residential and visual amenity.

3. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the relevant section of the planning authority for such works and services. Prior to commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

4. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, or any statutory provision amending or replacing them, no advertisement signs, structures, banners, canopies, flags or other projecting elements shall be displayed or erected on site or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

5. (a) To control, limit and prevent the generation of unacceptable levels of environmental noise pollution from occurring during construction activity, no equipment or machinery (to include pneumatic drills, on-site construction vehicles or generators) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 0800 hours on weekdays and 0900 hours on Saturdays nor after 1900 hours on weekdays and 1400 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.
- (b) Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the planning authority and the subsequent receipt of the written consent of the planning authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above.
- (c) In this respect, the developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999). The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following: -
Schedule of works to include approximate timeframes - name and contact details of contractor responsible for managing noise complaints - hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

Reason: In the interest of protecting the residential amenity of adjoining residential areas.

6. (a) To control, limit and prevent the generation of environmental noise pollution from the development, the use of machinery, plant, or equipment (which includes pneumatic drills, generators and the movement on and off the site of construction vehicles) is not permitted outside the following hours:
- Before 0800 hours on weekdays, Monday to Friday.
 - Before 0900 hours on Saturdays.
 - After 1900 hours on weekdays, Monday to Friday.
 - After 1430 hours on Saturdays.
 - Not permitted at any time on Sundays, Bank Holidays or Public Holidays.
- (b) Noise due to the normal operation of the proposed development, expressed as L_{Aeq} over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A) and shall not exceed the background level for evening and night time. Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

Reason: In the interest of protecting the residential amenity of the adjoining residential area.

7. Lighting of the site shall be in accordance with Drawing Number 231-SS5000 submitted to the planning authority on 26th day of August 2024 with further information. Lights should be oriented/cowled to ensure light spill does not impact neighbouring properties or interfere with the safe operation of the adjoining national road.

Reason: In the interest of protecting the residential amenity of the adjoining residential area and traffic safety.

8. During the operational phase of the development, best practicable means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances.



Reason: To contain dust arising from construction in the interest of public health.

9. The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, no noise or noise vibration on site as would give reasonable cause for annoyance to any person in any residence, adjoining premises or public place in the vicinity.

Reason: In the interest of public health.

10. 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 Bord 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.



Declan Moore
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 22nd day of APRIL 2025.