



An  
Bord  
Pleanála

## Inspector's Report

**ABP-304151-19**

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### Development

A single storey petrol filling station including a shop and restaurant (with a drive-thru element). An Environmental Impact Assessment Report was lodged with the planning application.

### Location

Townlands of Killamonan, and Cherryhound, The Ward, Co. Dublin.

### Planning Authority

Fingal County Council

### Planning Authority Reg. Ref.

FW18A/0130

### Applicants

WDCY Trading Limited

### Type of Application

Permission

### Planning Authority Decision

Refuse Permission

### Type of Appeal

First Party

### Appellants

WDCY Trading Limited

### Date of Site Inspection

4<sup>th</sup> July 2019

### Inspector

Dolores McCague

## 1.0 Site Location and Description

- 1.1.1. The site is stated to be located in the townlands of Killamonan and Cherryhound, The Ward, Co. Dublin. It is not in the townland of Spricklestown, as stated in the notices, although Spricklestown is close-by. The site is currently a field of pasture. This area has been opened up for development by the recent construction of the Tyrrelstown to M2 (Cherryhound Interchange) Link Road which is a dual carriageway link road joining the (R121) at the Church Rd / Damastown Avenue roundabout, with the M2 Finglas-Ashbourne Motorway at the Cherryhound Interchange. Part of the dual carriageway link road is designated the R121. An unimproved section of the R121 runs roughly parallel to and north west of the subject link road. The Link Road includes a link to Ballycoolin Road and a link to the Western Park Roundabout. The M50 is located approximately 4.2km south east of the site.
- 1.1.2. The main feature of note in the area is the grade separated Cherryhound Interchange, located a short distance to the north. The subject site is accessed from a spur road off the first roundabout on the link road.
- 1.1.3. Lands in the immediate vicinity of the site are largely undeveloped, with the exception of the large Pallas Foods warehouse to the north west. Further to the south-east there are some industrial / warehousing developments surrounded by agricultural land and farther to the south-west there are residential estates surrounded by agricultural land. There are also a number of schools to the west and south-west.
- 1.1.4. The site is given as 0.923 hectares.

## 2.0 Proposed Development

- 2.1.1. The proposed development is the erection of a single storey petrol filling station (486 sqm) including a shop and restaurant (with a drive-thru element), 12 vehicular petrol pumps with a 6m high canopy over with signage on all four elevations; 2 no HGV petrol pumps with a 6.545m high canopy over with signage on all four elevations; a car wash; 46 car parking spaces; 2 HGV and 2 coach parking spaces; 16 covered bicycle parking spaces; an ESB substation and switch room (23.5 sq m); a wash room (9.5 sq m); and a double sided totem pole.
- 2.1.2. An Environmental Impact Assessment Report was lodged with the planning application.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The planning authority decided, (13<sup>th</sup> March 2019), to refuse permission for two reasons:

- 1 The subject site is situated on land zoned for general employment in the Fingal County Development Plan 2017-2023. Such zoning permits, in principle, petrol stations and restaurants/cafes to serve the local working population. Having regard to the scale and form of the proposed development, which includes the provision of a drive-through restaurant, extensive food offerings and communal dining, it is considered that the proposed ancillary uses would compete with the principle use as a petrol station, and would provide a restaurants/café which would extend substantially beyond the local working population. The proposed development would therefore, materially contravene the land use zoning objective of the site and would not be in accordance with the proper planning and sustainable development of the area.
- 2 The proposed development is situated at a prominent node within the Cherryhound industrial area. Having regard to the scale and form of the proposed development, which includes substantial food offerings, communal seating and a drive-through restaurant, it is considered that it would undermine the role, function and viability of future development at the primary service node identified in the Cherryhound Local Area Plan at the lower roundabout south west of the site. This would be contrary to the requirements of the Cherryhound Local Ares Plan. Furthermore the Local Ares Plan specifically identifies nodes at the roundabout junctions along the M2/M3 link road as opportunities to signal particular uses and buildings of landmark quality. The proposed development does not achieve a sufficient high quality at this key site. The proposed development would not, therefore, be in accordance with the proper planning and sustainable development of the area.

3.1.2. The decision was in accordance with the planning recommendation.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

### 3.2.2. There are two planning report on the file.

The first, which recommends a further information request, includes:

Reference to Spatial Planning and National Roads Guidelines for Planning Authorities, DoECLG (2012),

Reference to National Roads Authority Service Area Policy, NRA, August 2014, Service Area Needs by Route.

Reference to Fingal County Development Plan 2017-2023, objective DMS 109 in particular – development proposals for petrol stations.

Reference to Cherryhound Local Area Plan, extended to 8th December 2022.

The site is located on the M3/M2 link road adjacent to the Cherryhound Interchange where the N2 National road merges with the M2 Motorway. TII policy on service areas (NRA Service Area Policy, 2014) states in relation to the M2 route ‘the route from Dublin to Ashbourne is relatively short and does not warrant the provision of a service area’. The applicant should be requested to demonstrate how the proposal as submitted complies with the NRA Service Area Policy, 2014. As part of the justification the applicant should obtain and submit a letter from TIA indicating same.

The GE zoning permits in principle petrol stations and restaurant cafes to serve the local working population. Having regard to the scale and form, which includes the provision of a drive-thru restaurant, food offerings and communal dining, it is considered that these proposed uses could be the primary use with the petrol filling station representing a subsidiary use and would extend substantially beyond the local working population. The applicant should be requested to justify the floor area given to the restaurant / café against the need to provide for the local working population; also justify the number of car parking spaces proposed.

The site is within the Cherryhound Local Area Plan where it is identified as a node, Sec 4.2.3; the requirement for a node is expanded upon in the Development Framework Area 8 and further in the Framework Area Document where landmark buildings and one local service centre at the south east junction are noted. The applicant to be requested to explain the rationale as to how the proposed development will function as a node in use and design to complement the adjacent

open space and copse of trees to the west and the anticipated local service centre for the SE junction.

Until the above justification has been made a full assessment of the principle of the quantum of development proposed cannot be fully assessed.

Reference to site layout design and visual amenity; flooding; and water and drainage.

EIAR is reviewed, in light of the 2018 document Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, the EIAR requires some revision; otherwise generally in compliance.

Recommendation that further information be requested on 10 points:

- TIA policy on service areas – demonstrate compliance with NRA Service Area Policy, 2014.
- Show how the development would function as a node in use and design.
- GE zoning - justify floor area of restaurant /café.
- Discrepancies between public notices and supporting report.
- Revisions per Transportation Planning Section requirements.
- Landscaping per Parks Division
- Protect Ward River riparian corridor.
- Expand the Flood Risk Assessment to include the Ward River.
- Revised AA screening report.
- Revised EIAR.

### 3.2.3. Other Technical Reports

### 3.2.4. Parks Division, which includes, per planning report:

Protection of boundary hedgerow and water courses is a serious concern. Revised car parking layout required.

Tree protection plan and report required to show condition and proposed management of trees/hedges, root protection areas and location of associated tree protective fencing to be installed. The number of trees to be removed should be quantified to ensure a minimum of one to one replacement.

Tree planting in constructed tree pits within HGV/Coach parking area.

3.2.5. Water Services Department – which includes:

- The watercourse traversing the site is a tributary of the Ward River. In accordance with development plan objective (WQ05) a 10-15m wide development free riparian corridor, measured from the top of the embankment, should be maintained along all significant watercourses. Revised layout required.
- The flood risk assessment has not identified this tributary as a potential flood risk. The flood risk assessment should be expanded.
- Applicant should note the requirements of S50 of the EU Regulations 2010 'Assessment and Management of Flood Risks' and S50 of the Arterial Drainage Act 1945.

3.2.6. Planning & Strategic Infrastructure Department, Transportation Planning Section, which includes:

The Tyrrellstown to N2 (Cherryhound Interchange) link road is a dual two lane carriageway with high capacity roundabouts, that link to the N2/M2 which is a dual two-lane motorway towards the north, and a dual three lane carriageway towards the M50. The proposed development would link to a high capacity public road network.

Parking provision acceptable, electrical vehicle parking should be accommodated. Cycle parking should be provided. Direct pedestrian and cycle access from the public road to the main building should be considered.

Internal layout – the layout for cars only entrance / exit would segregate HGVs from cars but should be more clearly defined and reduced in width to limit the possibility of HGVs / Coaches turning into the site at this point. It is not clear if internal car movement is to be one way. Signing and lining to reinforce a one way system should be provided. The proposed cycle path terminates without a direct route to the main building. The proposed pedestrian access between the truck refuel, proposed exit and drive-thru lane appears of insufficient width and with poor connectivity to the building.

Details to be agreed prior to construction:

- Design and location of the proposed controlled pedestrian crossing on the access road.
- Sheltered and covered cycle parking.
- Continuity of pedestrian and cycle access to the main building.

- Alterations to reduce the number of traffic lanes for pedestrians to cross.
- Signing and lining.
- Number of EV charging, parking spaces.

Comply with any future requirements to deal with glare.

All civil works and equipment for the pedestrian crossing to the PAs specifications.

All works at the developer's expense.

3.2.7. Senior Executive Scientist, Environment Department no observation.

3.2.8. EHO which includes: additional information: as this development is in the inner noise zone further information is required to ensure that aircraft noise will not have a negative effect on the day to day operation of this development; and conditions.

### 3.3. Further Information

3.3.1. A further information request issued on 10 points 25/10/2018, which includes:

- 1) The subject site is located on the M3/M2 link road adjacent to the Cherryhound interchange where the N2 national road, merges with the M2 Motorway. TII policy on service areas (NRA Service Area Policy, 2014) states in relation to the M2 route 'the route from Dublin to Ashbourne is relatively short and does not warrant the provision of a service area'. The applicant is therefore requested to demonstrate how the proposal as submitted complies with the NRA Service Area Policy, 2014. As part of the justification the applicant should obtain and submit a letter from TIA indicating same.
- 2) The site is identified as a node in the Cherryhound Local Area Plan, Sec 4.2.3 and expanded in the Framework Area Document where landmark buildings and one local service centre at the south east junction are noted. Explain the rationale as to how the proposed development will function as a node in use and design to complement the adjacent open space and copse of trees to the west and the anticipated local service centre for the SE junction.
- 3) The GE zoning permits in principle petrol stations and restaurant cafes to serve the local working population. Having regard to the scale and form, which includes the provision of a drive-thru restraint, food offerings and communal dining, it is considered that these proposed uses could be the primary use with the petrol filling station representing a subsidiary use and would extend substantially beyond the local working population. Justify the

floor area given to the restaurant / café against the need to provide for the local working population; also justify the number of car parking spaces proposed.

- 4) Clarify discrepancies between public notices and supporting planning report.
- 5) Provide plans, drawings and details to show:
  - Design and location of the proposed controlled pedestrian crossing on the access road.
  - Sheltered and covered cycle parking.
  - Continuity of pedestrian and cycle access to the main building.
  - Alterations to reduce the number of traffic lanes for pedestrians to cross.
  - Signing and lining.
  - Number of EV charging, parking spaces.
- 6) In terms of landscaping submit revisions showing:
  - The protection of boundary hedgerows and watercourses is a serious concern; submit revised proposals.
  - Tree protection plan.
  - Tree planting in constructed tree pits within HGV/Coach parking area.
- 7) The site is along a tributary the Ward River. Per objective WQ05 of the development plan, a 10-15m wide development free riparian corridor, measured from the top of the embankment, should be maintained along all significant watercourses. Submit a revised layout.
- 8) Revised Flood Risk Assessment expanded to identify the tributary of the Ward River as a potential flood risk.
- 9) Revised screening report for AA to take account of any changes necessary from expanded Flood Risk Assessment.
- 10) Revised EIAR.

#### 3.4. **Prescribed Bodies**

#### 3.5. Initial Reports:



3.5.1. DAA – Located within the Inner Airport Noise Zone and Outer Public Safety Zone - development plan objectives DA07, DA13 and DA14 are cited. The applicant should be advised that their proposal falls within the Inner Airport Noise Zone. Section 12 of the EIAR - noise, does not include an assessment of aviation noise. Such should be required as FI or by condition. The planning authority should have regard to recommendations of the ERM Report on Public Safety Zones, 2005.

3.5.2. Irish Water – conditions.

### 3.6. Further Information Response

3.6.1. A further information response was received 17/1/2019, which includes:

- FI Request Response letter.
- EIAR Addendum Report.
- Arboricultural Report: Tree Survey, Arboricultural Impact Assessment & Arboricultural Method Statement.

### 3.7. Further Reports

3.7.1. The second Planning Report which recommends refusal, includes:

3.7.2. The application for a filling station of 486 sq m which includes a shop, restaurant with a drive thru element and play area is considered to be of a scale and nature, when taken in the context of the existing development in the area, exceeds that which would serve the scale of the local working population and is therefore considered not to be in accordance with the General Employment zoning and development objectives of the Cherryhound LAP and should therefore be refused permission.

### 3.8. Other Technical Reports

3.8.1. Parks Division, which includes:

- The tree surveyor was unable to survey any significant section of the townland boundary hedgerow which ran north-south on the eastern side of the site. In fact the last remaining section of this hedgerow in the south-east corner is proposed to be removed to accommodate a totem pole.
- Recommending conditions:
  - Engage an arboricultural consultant to monitor site works.

- A revised tree protection plan for agreement to include protection for the SE corner, in lieu of the totem pole.
- Omit 11 drive-in car parking spaces along the southern boundary and replace with 3 parallel spaces to reduce the impact on the retained hedgerow and trees.
- Car parking spaces, footpaths and other hard surface areas within identified root protection areas of trees and hedgerows, to be designed to the arboricultural consultant's specifications, not to exceed 20% of the total root protection area; and construction supervised on site by the appointed arboricultural consultant.
- A revised landscape plan to include a native mix of hedgerow along the extent of the eastern boundary to replace the previous townland boundary hedgerow.
- Tree bond of €15,000.
- An additional 4 trees to be planted in constructed tree pits between the petrol station building and the HGV parking area & fuel area.
- All planting in first planting season.
- DSM 171 – re filling station development.

3.8.2. Planning & Strategic Infrastructure Department, Transportation Planning Section, which includes:

- Item 5(i) acceptable.
- Item 5(ii) acceptable.
- Item 5(iii) acceptable, however continuity and the location of termination of the pedestrian and cycle access should be agreed with Transportation Planning Section. The pedestrian bridge should be wide enough to accommodate both pedestrians and cyclists.
- Item 5(iv) acceptable.
- Item 5(v) acceptable.
- Item 5(vi) acceptable.
- Recommending conditions.

3.8.3. Water Services Department – no objection.

3.8.4. EHO – satisfied with additional information.

### 3.9. **Prescribed Bodies**

3.10. Further reports post FI response:

3.10.1. Irish Water – conditions.

3.10.2. DAA – The EIAR addendum report includes a discussion of inward noise impacts.

Given the prevailing and future noise climate the assessment considers standard construction materials will be sufficient given the internal noise recommendations for a noise threshold of less than or equal to 45dB and 55 dB respectively.

A condition ensuring compliance ERM Report on Public Safety Zones, 2005 to be attached.

3.10.3. TII which includes:

The planning application was not forwarded to the Authority in the first instance, just the FI.

TII will rely on the planning authority to abide by official policy in relation to development on / affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), subject to:

- The proposed development shall be undertaken strictly in accordance with the mitigation measures set out in the Traffic and Transport Section of the EIAR.
- Have regard to Chapter 3 of the Spatial Planning and National Roads Guidelines.

Letters are enclosed with the foregoing submission:

- A copy of a letter to the applicant with enclosures.
- A copy of a letter to Fingal County Council, referring to an e-mail received from the applicant, requesting the applicant to obtain a letter from TII. The letter points out that TII is a statutory consultee. TII's approach is to seek to uphold official policy and guidance as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012). TII has no record of a referral and was therefore not afforded an opportunity to engage in the planning application process. TII strongly recommends a review of referral practices. TII is not in a position to

engage directly with private interests / applicants. As stated in section 1.4 of the National Roads Authority Service Area Policy, August 2014, TII has no development or operational role in relation to private sector facilities in the vicinity of the national road network, even though the developments in question might include services for motorists. National planning policy in relation to the provision of off-line service proposals is addressed in Section 2.8 of the Spatial Planning and National Roads Guidelines for Planning Authorities, DoECLG (2012).

- A copy of an e-mail from the applicant to TII.

### **3.11. Third Party Observations**

3.11.1. Observations on the file have been read and noted.

## **4.0 Planning History**

None relating to the site.

FW13A/0024 permission granted for a principal access road, associated services and open space provision on a 4.0258ha site at Killamonan and Cherryhound, Co Dublin. The principal access road, 350m with a 9m wide carriageway, extends from the roundabout on the M2/N3 link road currently under construction to a new 36m diameter roundabout, which will serve the roads to the west, north and east. A vehicular access provided from the principal access road to the node (future development site) to the east of the M2/N3 link road roundabout. The application incorporates an area of permanent open space, including a copse of trees, with an area of 2.15ha. The node site with an area of 0.644ha is incorporated as a temporary open space until such time as it is developed.

A number of histories at the Pallas Foods site are detailed in the planner's report.

## **5.0 Policy Context**

### **5.1. Development Plan**

5.1.1. Fingal County Development Plan 2017-2023 is the operative plan, relevant provisions include:

The site is zoned GE, General Employment - Provide opportunities for general enterprise and employment, subject to local area plan.

Dublin 15 Enterprise Zone - The Dublin 15 Enterprise Zone is a Council initiative comprising lands in Blanchardstown, Mulhuddart, Damastown, Ballycoolin and Cherryhound that contain some twenty Business Parks and the ITB (IT Blanchardstown). The Dublin Enterprise Zone includes a mix of High Technology (HT) and General Employment (GE) zoned lands. Fingal County Council is committed to continued investment in, and management and promotion of the Dublin 15 Enterprise Zone.

Objective ED96 - Support the continued investment in, and management and promotion of the Dublin 15 Enterprise Zone in collaboration with key stakeholders, relevant agencies and sectoral representatives.

Objective MT36 - Maintain and protect the safety, capacity and efficiency of National roads and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities, DECLG, (2012), the Trans-European Networks (TEN-T) Regulations and with regard to other policy documents, as required.

Objective MT42 - Protect the strategic transport function of national roads, including motorways through the implementation of the DoECLG 'Spatial Planning and National Roads – Guidelines for Planning Authorities'.

Objective DA07 - Strictly control inappropriate development and require noise insulation where appropriate within the Outer Noise Zone, and actively resist new provision for residential development and other noise sensitive uses within the Inner Noise Zone, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone. To accept that time based operational restrictions on usage of a second runway are not unreasonable to minimize the adverse impact of noise on existing housing within the inner and outer noise zone.

Objective DMS109 requirements for development proposals for petrol stations.

## 5.2. Cherryhound Local Area Plan

- 5.2.1. This has been (extended from 9th December 2017 until 8th December 2022), relevant provisions include:

The north Blanchardstown employment catchment area is a very significant integrated economic employment area, underpinning the sustainable settlement of Blanchardstown New Town and the Dublin Metropolitan Area. It features enterprises of office based information technology, pharmaceuticals and specialist operations, as well as business parks and educational facilities.

General Employment Areas -These areas comprise much of the Local Area Plan landbank. The 'GE' zoning on these lands aims to provide opportunities for general enterprise and employment. It allows for a variety of permitted uses and allows consideration for uses which are neither 'permitted in principle' nor 'not permitted'. Such uses will be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies and objectives of the Development Plan. The lands are planned to be highly accessible, permeable and legible with provision for compatible industry and general employment uses. The LAP lands are zoned for GE-General Employment purposes. GE land uses will generally be in the order of between 1 employee per 50 sq m and 1 employee per 100 sq m. Grouping similar users together such as own door business users, or indeed large-scale enterprises can create character areas. A small vehicles sales area containing car, motor bicycle and bicycle showrooms or other specialised user group could also create an area of particular character. It is envisaged that this character area will group uses together to create smaller areas of character, where it is practical to do so.

The nature of the uses permissible in the area means that reliance for goods movement will essentially depend on HGVs and on investment in road infrastructure. This in turn means providing roads of suitable width and design standard to accommodate such vehicles.

Development Framework Area - The Local Area Plan land is divided into 8 separate Development Framework Areas. The Framework Areas are included in the Local Area Plan to ensure development occurs in a coordinated manner. A Development

Framework must be prepared before development is permitted in any Framework Area. The purpose of the Development Frameworks is to guide the context parameters for development. The co-operation of all relevant landowners will be sought in the making of each Development Framework. A Development Framework is not a statutory plan. A Development Framework may be prepared even if no immediate planning application is envisaged, enabling landowners to have Frameworks in place long before applications are sought.

In respect of height, many of the buildings will be high single or two-storey, typical of industrial buildings. Own-door offices or similar will range from two to four-storeys. Higher buildings to three and four-storeys will be encouraged along the Link Road to emphasise its importance.

The nodes – roundabout junctions along the Link Road will provide opportunities to signal particular uses and buildings of landmark quality.

The LAP includes specific provision for a **service centre** (scale of permissible units defined, and to serve the local working population only), at the larger designated node to the south west.

Objective CA7 - Provide opportunities to signal particular uses and buildings of landmark quality at selected nodes.

### 5.3. **Spatial Planning and National Roads Guidelines for Planning Authorities, DoECLG (2012)**

- 5.3.1. Strategic Traffic - Strategic traffic, in the context of national roads, primarily comprises major interurban and inter-regional traffic, whether HGV, car, public transport bus services or other public service vehicles, which contributes to socio-economic development, the transportation of goods and products, especially traffic to/from the main ports and airports, both freight and passenger related.
- 5.3.2. Development should be plan-led - The planning process for national roads has taken account of appropriate future development patterns and requirements, including the implications of the National Spatial Strategy and Regional Planning Guidelines, as the NRA has adopted a 20 year design horizon as a basis for traffic capacity

requirements. Accordingly, in preparing development and local area plans, planning authorities must assess the trip generation aspects of any land use zoning objectives and how such trip generation is to be catered for, promoting the use of sustainable modes, while protecting the strategic function of the national roads network. Future development should be guided by development plans and local area plans prepared in line with these guidelines.

- 5.3.3. The location and capacity of interchanges/junctions on national roads are determined during the road planning process, in consultation with local authorities, taking account of a range of factors including anticipated inter-urban and interregional traffic volumes over a design horizon of at least 20 years. A key objective of the approach to road planning is to achieve a satisfactory level of service for road users and to protect and maintain that service over the design period applying to the mainline road and associated interchanges.
- 5.3.4. Planning authorities must exercise particular care in their assessment of development/local area plan proposals relating to the development objectives and/or zoning of locations at or close to interchanges where such development could generate significant additional traffic with potential to impact on the national road. They must make sure that such development which is consistent with planning policies can be catered for by the design assumptions underpinning such junctions and interchanges, thereby avoiding potentially compromising the capacity and efficiency of the national road/associated junctions and possibly leading to the premature and unacceptable reduction in the level of service available to road users.
- 5.3.5. Off-line Motorway Service Areas at National Road Junctions: In the preparation of their plans, planning authorities may consider policies for the provision for off-line motorway service area facilities with reference to the requirements and advice included in the most up-to-date NRA guidance on the location and layout of the NRA's service areas and also similar type existing or planned privately promoted service facilities within existing towns/settlements and located in the general environs of the relevant road corridor.
- 5.3.6. A proliferation of private off-line service area facilities at national road junctions should be avoided. It is therefore important that a coordinated approach between planning authorities should be undertaken in consultation with the NRA as part of the drafting of development plans.



5.3.7. In addition, facilities proposed for inclusion in service areas should be of a type that avoids the attraction of short, local trips, a class of traffic that is inconsistent with the primary intended role for motorways and other national roads and associated junctions in catering for strategic long-distance inter-urban and inter-regional traffic. Furthermore, to permit a service area to become a destination for local customers would be contrary to Government planning policy on retail and town centres as set out in Retail Planning Guidelines 2005. The consequence of this would be to threaten the viability of businesses in cities, towns or other local centres.

#### **5.4. National Roads Authority Service Area Policy, NRA, August 2014**

5.4.1. Ireland's national roads network has been transformed in recent years as a result of sustained high levels of investment on behalf of the taxpayer. The benefits of such investment have become clearly evident around the country in terms of reducing travel times, improving road safety, offering sustainable travel options and reducing congestion. In delivering a plan-led approach, the key message of the guidelines is that investment in the capacity of national roads must be protected through appropriate policies and local planning and collaboration between planning authorities and the National Roads Authority.

5.4.2. It is increasingly accepted that a safe road network includes the provision of sufficient parking areas to allow drivers to stop and rest. In fact, this need has recently been given legal standing by European Union regulations under the Trans-European Transport Networks (TEN-T) policy.

5.4.3. The purpose of this document is to set out the policy basis on which service areas will be provided to meet the needs of road users on the National Road network in Ireland. Section 2.8 of the Spatial Planning and National Roads Guidelines refers to the provision of on-line and off-line motorway service areas at national road junctions. Under the guidelines, facilities proposed for inclusion in all service areas should be of a type that avoids the attraction of short, local trips, a class of traffic that is inconsistent with the primary intended role for national roads and associated junctions in catering for strategic long-distance inter-urban and inter-regional traffic.

5.4.4. The Spatial Planning and National Road Guidelines for Planning Authorities clearly indicate that a proliferation of off-line service area facilities at national road junctions should be avoided.

- 5.4.5. To address this requirement, the guidelines advise that local authorities in the preparation of their plans, may consider policies for the provision for off-line service areas with reference to the requirements and advice included in the most up-to-date Authority guidance on the location and layout of the Authority's service areas in addition to existing or planned privately promoted service facilities within towns/settlements and located in the general environs of the relevant road corridor. It is therefore important that a coordinated approach between planning authorities should be undertaken in consultation with the Authority as part of the drafting of development plans.
- 5.4.6. Types of On-Line Service Areas - A type 1 on-line service area (full service area) will be a large scale service area providing an amenity building (including a convenience shop, restaurant, washrooms and tourist information) fuel facilities, parking and picnic area.
- 5.4.7. Service Area Needs by Route – the M2 Dublin to Ashbourne - the route from Dublin to Ashbourne is relatively short and does not warrant the provision of a service area.

**5.5. Project Ireland 2040 Building Ireland's Future National Planning Framework,**

- 5.5.1. A planning framework to guide development and investment over the coming years, which includes the shared goals of 'sustainable mobility' and 'transition to a low carbon and climate resilient society', including the need to progressively electrify our mobility systems and move away from polluting and carbon intensive propulsion systems, and the need for a shift from predominantly fossil fuels to predominantly renewable energy sources.

**5.6. National Development Plan 2018—2027.**

- 5.6.1. The companion to the National Planning Framework, this is a ten year strategy for public capital investment, which includes under the heading 'transport' that no NCT Cert will be issued for non-zero emission cars post 2045; that there will be at least 500,000 electric vehicles on the road by 2030 with additional charging infrastructure to cater for planned growth; and that no new non-zero emission vehicles to be sold in Ireland post 2030.

## 5.7. Natura Heritage Designations

- 5.7.1. A report titled Report for the Purposes of Appropriate Assessment Screening was submitted with the application. This noted numerous SAC/SPA sites along the east coast and the Rye Water Valley / Carton SAC, inland to the SW.
- 5.7.2. The site is in the upper reaches of the Ward River which flows into Malahide Estuary at Swords. Given the low impact type of works proposed and the lack of biological and hydrological connectivity to other sites, only sites located downstream of the Ward River were considered further.
- 5.7.3. NHAs and pNHA were considered, assuming that the supporting roles mainly related to mobile fauna such as mammals and birds which may use them as stepping stones between Natura 2000 sites. Article 10 of the Habitats Directive, and the Habitats Regulations 2011, place a high degree of importance on such non-Natura areas as features that connect the Natura 2000 network, therefore ponds, woodlands and important hedgerows were taken into account. The nearest such site, the Sluice River Marsh pNHA located at the head of Malahide Estuary is considered under the Malahide Estuary European sites.
- 5.7.4. A worst case scenario would occur whereby the project would result in a significant detrimental change in water quality in Malahide Estuary, either alone or in combination with other projects or plans, as a result of indirect pollution of the Ward River. The effect would have to be considered in terms of changes in water quality which would affect the habitats or food sources for which the downstream SAC and SPA species are designated. The potential for such an event to occur is unlikely given that the distance of removal of the development site from the Ward River and Malahide Estuary. Additionally, appropriate surface water treatment will be employed during the construction phase to avoid impacts on adjacent water courses and the design will incorporate SuDS to avoid impacts during the operational phase.
- 5.7.5. Cumulative impacts are considered as occurring through persistent additions or losses of the same material or resource or through compounding effects as a result of the coming together of two or more effects. An Appropriate Assessment Screening Report was prepared for Fingal County Council for the Cherryhound LAP. The Killamonan / Cherryhound LAP, SuDS strategy defined a suitable SuDS strategy for the area. If new development in the vicinity follows the SuDS strategy there should be no potential for cumulative impacts to the Ward River and Malahide Estuary. It is not necessary to undertake any further stage of the AA process.

## 6.0 Environmental Impact Assessment (EIA)

### 6.1. EIAR

An EIAR was submitted with this application. It states that it provides an assessment of a business park/ light industrial / logistics development on 22.87 ha of adjoining lands comprising 13 units with 1,010 employees and 63,949 sq m; which includes as unit 13 the proposed petrol station, with 20 employees and a floor area of 486 sqm.

The location allows it to avail of infrastructure spend in the region, notably the N2 and M50 which is important given the future likely high volume of trucks that will use the facility.

The Cherryhound LAP was prepared by FCC for 240 ha zoned GE immediately adjacent to the built-up area of Blanchardstown.

The LAP states that the overall strategy is to provide a platform to attract investment to develop a new high quality employment area. It is will be achieved by: development of infrastructure services, in particular the delivery of the Tyrrellstown / Cherryhound link road (2013); development of a high quality environment guided by means of an urban design framework and land use strategy attractive to investment; exploitation of the location with easy access to the national motorway system; and development of a flexible framework capable of responding to changing economic and employment conditions in a sustainable manner.

The EIAR notes that there is no mandatory requirement for EIA and whilst the planning application is only for a petrol station, it was considered prudent to prepare an EIAR for the entire lands to assess cumulative impact and avoid the accusation of project splitting.

Project description, for the filling station the description is given as in the application; for the remainder of the project the description is high level: merely the floor area, number of employees and generic use: light industrial, warehouse or motor sales. The site is identified as the petrol filling station site, adjoining land to the west (public open space), and across the road the land extending to the M3 interchange and extending westwards. Map extracts from a masterplan for these lands and alternative layouts is included.

Chapters 1-5 set out the introduction, description, alternatives, construction strategy and planning and development context.

## **Chapter 6 - Human Beings Population, Chapter 7 - Human Beings Population**

### **Chapter 8 - Human Beings Community:**

The provision of a range of employment types will provide a variety of jobs: no mitigation proposed and no residual impacts envisaged; no difficulties were encountered in carrying out the assessment.

It will represent a beneficial service asset and will provide employment. The impact will be positive and no mitigation measures are proposed and no residual impacts envisaged, no difficulties were encountered.

Community: short term construction impacts, operational – over 1,000 jobs – positive; mitigation for construction under separate headings; and similarly for operation; no residual impacts are envisaged and no difficulties were encountered.

### **Chapter 9 - Flora and Fauna**

Nearest designated site Malahide Estuary.

Development to be constructed on arable land and improved grassland.

Drainage ditches, improved grassland, woodland, hedgerows: are the habitats identified.

Species:

A disused Badger sett was found in the woodland copse.

Bats are likely to forage along the treelines and hedgerows.

Birds identified on the site – blackbird, chaffinch, great tit, goldfinch, magpie, robin, woodpigeon and wren – all category green in the Birdwatch Ireland listing.

Direct Impacts

Removal of 320m of hedgerow is not considered significant.

Yellowhammer was recorded in the LAP study area and is red listed in Ireland, due to a decline in the breeding range and population. The proposed loss of arable land is not considered significant in terms of the large areas of adjacent cultivated land in the vicinity of The Ward.

Indirect Impacts - none on the Malahide Estuary.

Cumulative Impacts - AA screening for Cherryhound LAP. The Cherryhound / Kilnamona SuDS strategy defines a suitable SuDS strategy for the LAP lands. If new development follows the SuDS strategy there should be no potential for cumulative

impacts to the Ward River and Malahide Estuary. Any new applications for the project area will be assessed on a case by case basis by Fingal Co Co which will determine the requirement for AA screening.

No significant impacts; no mitigation proposed. Recommended avoidance measures, timing of works and birdlife, will be included in the design.

## **Chapter 10 - Hydrogeology & Hydrology**

Hydrogeology - The bedrock on which the site is located is Calp limestone, a dark grey argillaceous & cherty limestone & shale; the aquifer is locally important; and the vulnerability is high to extreme.

The hydrogeological features are rated as medium importance as the aquifer is locally important but not used for public water supply or generally used for potable use.

Hydrology – Eastern River Basin District within the Liffey and Nanny - Delvin catchments.

The most up to date status of the nearest monitoring station on the Ward River is 'poor' to 'moderate'.

Hydrological attribute categorised as low. The environmental significance of the nearest receiving environment, Ward River, has been considered.

A Stage 1 Assessment of Flood Risk Identification was carried out. The CFRAM (Eastern CFRAMS – Swords Fluvial Flood Extents Map) shows the proposed development within zone C. The Flood Risk Assessment identifies the development as less vulnerable.

Construction phase impacts – accidental spills, surface water runoff with increased silt.

Operational phase – there will be no direct discharges. Indirect discharges could occur: accidental leakages from cars in the car park, although these will be primarily directed through surface water drainage through an interceptor; accidental leakage from the bunded diesel storage tanks, through bund leakage or refuelling; overuse of pesticides or herbicides.

Measures have been incorporated in the design to mitigate the potential effects on the surrounding hydrogeology & hydrology.

Construction phase - soil excavated will be re-used. Temporary storage will be carefully managed. Soil will be examined for contamination. Bunding of temporary storage areas for hydraulic oils etc. Refuelling or hydraulic oils/lubricants use in designated area or if elsewhere transported by double skinned tank. Spill kits and hydrocarbon adsorbent packs will be stored.

Ready mixed concrete will be used where feasible. A risk assessment for wet concreting will be completed. Wash down and washout of concrete transporting vehicles will take place at an appropriate facility offsite. Drummed fuel or other chemical containers will be stored in a dedicated, bunded, chemical storage cabinet. Appropriate measures for surface water runoff will be implemented. A CEMP will be established.

Monitoring - construction phase – regular inspections and audits; operational phase – petrol interceptor maintenance and surface water drainage system maintenance.

Interactions and potential cumulative impacts – there are interactions between hydrogeology & hydrology. The locally important aquifer, high to extreme vulnerability; little importance regionally. Surface water run-off may have the potential to enter soil and groundwater. Implementation of the appropriate mitigation will eliminate the potential.

Potential impact on air quality from dust generated but suitable mitigation will ensure the impact is imperceptible.

Potential cumulative impacts:

Decrease in local aquifer recharge, but with respect to the local hydrogeology & hydrology, it will be insignificant. The vision of the zoning is to provide for general enterprise and employment. Potential for cumulative impacts with proposed data centre but with respect to the local hydrogeology & hydrology, it will not be significant

Appendix 10.1 is an extract from the EIAR Guidelines, which lists the Impact Ratings and Assessment Criteria (Land, Soils & Geology).

## **Chapter 11 - Air Quality**

Ambient air quality standards and climate agreements cited. The Gothenburg Protocol (1979 UN Convention on Long Range Transboundary Air Pollution) to control and reduce emissions of Sulphur Dioxide (SO<sub>2</sub>), Nitrogen Oxides (NO<sub>x</sub>), Volatile Organic Compounds (VOCs) and Ammonia (NH<sub>3</sub>) is referred to. To achieve the targets Ireland will, by 2010, have to meet national emissions ceilings of 42kt for

SO<sub>2</sub>, 67% below 2001 levels, 65kt for NO<sub>x</sub>, 52% reduction, 55kt for VOCs, 37% reduction and 116kt for NH<sub>3</sub>, 6% reduction.

European Commission Directive 2001/81/EC, the National Emissions Ceiling Directive (NECD), prescribes the same emission limits. Emissions of SO<sub>2</sub> and NH<sub>3</sub> from the road traffic sector are insignificant, accounting for less than 1.5% of total emissions in Ireland in 2001.

Road traffic emissions of NO<sub>x</sub> and VOCs are important accounting for 37% and 38% respectively of total emissions of these pollutants in Ireland in 2001. A National Program for the progressive reductions of emissions of the four transboundary pollutants is in place since April 2005. A review in 2011 showed that Ireland complied with the emissions ceiling for SO<sub>2</sub>, VOCs and NH<sub>3</sub>, but failed to comply with the emissions ceiling for NO<sub>x</sub>. Although emissions from road traffic decreased 47% over the period 1990-2011, NO<sub>x</sub> levels in 2011 were 2.6kt above the emissions ceiling of 65kt.

COM (2013) 920 Final is the 'Proposal for a Directive on the reduction of national emissions of certain atmospheric pollutants and amending Directive 2003/35/EC', which will apply the 2010 NECD limits until 2020 and establish new national emission reduction commitments, which will be applicable from 2020 and 2030 for SO<sub>2</sub>, NO<sub>x</sub>, NMVOCs<sup>1</sup>, NH<sub>3</sub>, PM<sub>2.5</sub><sup>2</sup>, and CH<sub>4</sub><sup>3</sup>. In relation to Ireland, 2020-2029 emission targets are for SO<sub>2</sub>, 65% below 2005 levels; for NO<sub>x</sub>, 49% reduction; for VOCs, 25% reduction; for NH<sub>3</sub>, 1% reduction; and for PM<sub>2.5</sub>, 18% reduction. In relation to 2030, Ireland's emission targets are for SO<sub>2</sub>, 83% below 2005 levels; for NO<sub>x</sub>, 75% reduction; for VOCs, 32% reduction; for NH<sub>3</sub>, 7% reduction; for PM<sub>2.5</sub> 35% reduction; and CH<sub>4</sub>, 7% reduction.

Table 11.1 sets out the Air Quality Standards Regulations based on EU Council Directive 2008/50/EU – Clean Air For Europe (CAFÉ). The TII Guidelines for the Treatment of Air Quality During the Planning and Construction of National Road Schemes, TII 2011, is used.

Predicted impacts –

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<sup>1</sup> Non-methane volatile organic compounds

<sup>2</sup> Particulate matter (PM) with a diameter of less than 2.5 micrometers / microns

<sup>3</sup> Methane



Construction phase - construction dust emissions  $PM_{10}^4$  &  $PM_{2.5}$ , emissions.  
Construction dust tends to be deposited within 200m, the majority within 50m.

There are a number of sensitive receptors in close proximity to the site. One commercial property, Pallas Foods, is less than 50m from the site.

A dust minimisation plan is set out. If adhered to dust emissions during construction will not be significant.

Climate – there is the potential for a number of greenhouse gas emissions to atmosphere during construction, however, due to the size and nature of the development, the impact is considered to be imperceptible.

Operational phase – there is potential for a number of emissions to the atmosphere during the operational phase, in particular traffic related emissions such as  $NO_2$ , CO, benzene,  $PM_{10}$  and  $PM_{2.5}$ .

The impact of the proposed development has been modelled using various traffic scenarios and to assess whether any significant air quality impact on sensitive receptors may occur.

The impact has been assessed based on absolute and relative impact, do something and do nothing, using 2017 as the base year and for the years 2023 and 2038. CO and benzene are within threshold limits.  $PM_{10}$  is within threshold limits and  $PM_{2.5}$  is within threshold limits.  $NO_2$  is within threshold limits.

Tables 11.9 to 11.17 set out 8 hour concentrations and annual mean concentrations for the opening year and 2038: the impact design year.

Due to the size of the development the operational impact on national greenhouse gas emissions is predicted to be insignificant in terms of Ireland's obligations under the EU 2020 target.

For 2023 the predicted impact of the changes in AADT is to increase  $NO_x$  levels by 0.0017% of the  $NO_x$  emissions ceiling; VOC levels by 0.00036% of the VOC emissions ceiling, to be complied with by 2020. For 2038 the predicted impact of the changes in AADT is to increase  $NO_x$  levels by 0.0033% of the  $NO_x$  emissions ceiling; and VOC levels by 0.00038% of the EU 2020 target to be complied with in 2035.

Regional Climate Impacts – assessed under DMRB screening model. In 2023 an increase in  $CO_2$  emissions by 0.00094% of Ireland's EU 2020 target. In 2038 an

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<sup>4</sup> Particulate matter (PM) with a diameter of less than 10 micrometers / microns

increase in CO<sub>2</sub> emissions by 0.00087% of Ireland's EU 2020 target. Thus the impact will be insignificant.

The overall magnitude of the changes on climate in the Operational phase will be imperceptible and long term.

Mitigation – air quality - a schedule of air control measures has been formulated for both the construction and operational phases. Construction – dust management, minimise waste - avoid over ordering, avoid idling vehicles;

Climate - operational improvements in engine technology, VRT and motor tax rebalancing to favour the purchase of more fuel-efficient vehicles with lower CO<sub>2</sub> emissions; continuing the Mineral Oils Tax Relief II scheme and introduction of a biofuels obligation scheme; implementation of a national efficient driving awareness campaign and enhancing the existing mandatory vehicle labelling.

Residual Impacts – negligible.

No difficulties were encountered in carrying out the assessment.

## **Chapter 12 - Noise & Vibration**

Construction phase - In the absence of statutory Irish guidance relating to the maximum permissible noise level, appropriate criteria for a development of this scale may be found in the British Standards - BS5228-1:2009+A1:2014 CoP for Noise and Vibration Control on Construction and Open Sites – Noise.

Vibration Standards are generally split into those dealing with human comfort and with cosmetic or structural damage to buildings.

Relevant guidance for buildings is given in the British Standards – BS 7385-2:1993 Evaluation and Measurement for Vibration in Buildings – Guide to Damage Levels from Ground Borne Vibration, and

British Standards - BS5228-1:2009+A1:2014 CoP for Noise and Vibration Control on Construction and Open Sites – Vibration.

Operational Phase - Traffic noise on public roads are assessed using the LA10 parameter – the ten percentile noise level. It is appropriate to consider the increase in traffic noise in those terms.

No significant sources of vibration are expected during the operational phase.

The EIA notes objective PNO2 to promote appropriate land use patterns in the vicinity of Dublin airport.

EPA NG4 limits are used: 55dB Lar (day), T; 50dB Lar, T(evening); 45dB Lar, T (night).

A noise measurement survey was carried out at three locations. The results are given in tables 12.6, 12.7 and 12.8. The nearest noise sensitive receptor is 270m away northwest of the nearest boundary of the site.

Construction phase – typical construction hours. Vibration potential limited to demolition and excavation works.

Predicted noise levels at 270m distance, based on items of plant and noise generation activity, are set out in table 12.10, and fall well below the noise criteria. Actual levels will likely be lower.

Vibration – the only potential source of vibration would be piling. Levels are not expected to pose any significance.

Operational Phase - The nature of the development is such that it will eventually comprise various warehousing and light industrial operations, the scale and specifics of which are undeterminable at this stage. Impacts considered to arise from: warehousing and logistics; light industrial, and filling station, plant noise, additional traffic on the public road (the calculated increase in road traffic noise has been presented in table 12.11 for the Tyrrelstown to N2, Cherryhound Interchange Link Road). While the potential increase in road traffic noise is sufficient to give rise to perceptible increase in noise, no receptors are located along this stretch of road; potential impact negligible.

Noise - In the absence of statutory Irish guidance relating to the maximum permissible noise level, appropriate criteria for a development of this scale may be found in the British Standards - BS5228-1:2009+A1:2014 COP for Noise and vibration Control on Construction and Open Sites – Noise.

Mitigation:

Mitigation for construction phase listed.

Mitigation for operational phase outlined in general principles. For the filling station it will be a requirement that it be designed and operated to ensure the noise limits can be complied with.

A noise impact assessment will be prepared by a competent person and submitted to Fingal Co Co for approval.

Building services noise – not to exceed 37dB LAeq, 15 minute, at the nearest noise sensitive receptor.

No mitigation will be required in respect of additional road traffic.

Residual Impact:

Construction phase – no residual noise or vibration impact.

Operational phase – potential causes of disturbance limited to building services plant and additional vehicles on the existing road system, with mitigation none of these will increase so as to be likely to cause disturbance.

### **Chapter13 - Landscape & Visual**

The subject site is c9224 sq m. A masterplan has been prepared for the entire lands c22.9ha. and is included with the planning application documentation to assist in providing context for the proposed petrol filling station planning application. The LVIA chapter makes reference to the masterplan lands, however it is expected that a separate LVIA would be undertaken for future phases of the proposed masterplan buildings.

Developments are gradually replacing agricultural lands and as a consequence the landscape within and surrounding the site is changing to reflect a more urban character.

Landscape character – urban fringe. Not identified as being of high landscape quality or sensitivity. The development plan landscape character assessment identifies the area as low lying agricultural type of low sensitivity to development.

The existence of the interchange link road and Pallas Foods HQ, result in mixed urban fringe landscape.

There are no views or prospects within the area.

Visibility into the site – the primary views are from the M2/N3 link road and the elevated M2 motorway interchange. This flyover overlooks the site and rises c 10/12 m above surrounding lands. It is located 3.5km from the end of east / west runway at Dublin Airport, and approaching aircraft view the site at low altitude and air speed.

Views from the site are mostly confined to the adjoining lands; from the masterplan lands views are restricted by perimeter hedgerows.

The proposed buildings within the masterplan lands will be of contemporary design and will appear as primarily profile metal cladding buildings accentuated by the use

of glazing and louvered screens. A road access to serve the proposed development links the site to the northern and eastern arm of the existing roundabout. Building heights will vary with roof levels of +8m to +12m. A landscape plan has been developed for the proposed petrol filling station and a concept landscape plan for the masterplan lands, to provide two different characters, outer landscape and inner landscape. The outer landscape provides a framework comprising native tree planting to provide a microclimate and mitigate potential visual intrusion from surrounding roads. The inner landscape connects the buildings and comprises street tree planting, where achievable.

The construction phase will have little or no impact on the local landscape character. During the operational phase the proposed development will generally be viewed as being in keeping with the trend and style of existing and future industrial and business park development. As development of the LAP lands proceeds the local landscape character will change with the loss of the semi-rural landscape character.

Photomontages are presented and impacts assessed, slight to imperceptible.

Residual impact: There will be no residual landscape or visual impact arising from the construction phase. Residual impact from the operational phase will be moderate, negative in the short term and slight, neutral in the medium term.

## **Chapter 14 – Soils, Geology & Hydrogeology**

An extensive site investigation was carried out within the proposed development site. Trial pits and bore holes were excavated and logged. Soil samples were taken and laboratory testing carried out. Laboratory testing was undertaken on selected soil and groundwater samples collected during the investigation. Testing focused on mechanical properties primarily, with some samples also tested for pH, chlorides and sulphates. The pH and sulphate testing indicate that pH results are near neutral and that the waste soluble sulphate result is low, when compared to the guideline values from BRE Special Digest 1:2005. The samples tested classify the soil as a Design Sulphate Level DS-1-AC-1.

The site falls from north to south, ranging in level from approx. 83.5mOD on the northern boundary to 74.4mOD on the southern boundary, adjacent to the link road.

Ground investigations found typical boulder clay.

The bedrock geology, shown in figure 14.1, spans two geological formations: the Lucan formation – dark limestone & shale (calp) and the Rush Conglomerate

Formation – conglomerate, shale and limestone. In the majority of the trial pits weathered rock was encountered which was digable up to 0.1m below the top of the stratum.

#### Hydrology & Hydrogeology

Location 15km to the Irish sea with the Ward River to the north. The proposed drainage will be discharged into a ditch to the south which flows into the Ward River. Bedrock aquifer LI. The proposed development will not be constructed with extensive areas of cut and therefore would not be expected to encroach significantly below ground into water bearing strata.

Impacts: Construction phase – minor impacts are discussed. Operational phase - minor alterations to groundwater levels and drainage paths.

Mitigation: Construction phase – various - such as wheel wash, silt traps, dampening down. Operational phase – the drainage system will incorporate SuDS to clean flows prior to discharge.

Impacts: Construction phase – no significant long-term adverse. Operational phase - no significant long-term.

Monitoring and reinstatement – monitoring will be undertaken. Reinstatement – re-soiling and replanting.

#### Appendix 14.1

'Ground Investigations Ireland, Killamonan – The Ward, Ground Investigations Report' is attached as appendix 14.1. It includes, at paragraph 5.3, foundations are not recommended to be based on the bedrock which is present at depths of 1.8 to 2.9m BGL across the site due to the high total sulphur results from samples tested. The potential for heave related to structures founded on bedrock would be expected to be high risk, particularly where the groundwater level is also reduced. Pipes, attenuation tanks, sumps would need to be assessed to check the interaction with the underlying bedrock.

Appendix 1 to the foregoing: site location plan.

Appendix 2 to the foregoing: trial pit records & trial pit photographs.

Appendix 2 to the foregoing: Cable Percussion Borehole Records

Appendix 4 to the foregoing: laboratory testing results site location plan

## **Chapter15 - Material Assets: Services**

Surface water drainage – a SuD system will be designed limiting discharge outflow to that of greenfield runoff, with 2 attenuation ponds to the south of the site.

Foul – there is an existing foul sewer constructed at the junction of the Pallas access road, outfalling to the Tolka Valley Sewer (9B) via a number of pumping stations, which were constructed during the development of the Tyrrelstown to M2 Link Road. The existing sewer has been designed to cater for the development of the subject lands.

Water will be supplied via a connection to the existing water main on the Tyrrelstown to N2 (Cherryhound Interchange) Link Road.

Potential Impact: Once topsoil has been stripped from the site there will be higher runoff rates with increased amount of silt entering watercourses; the initial surface water runoff from the bitumen surfaces will contain some soluble extracts from the bitumen binder; pollution of groundwater / watercourses/ soils by accidental spillage; damage to existing buried utilities during excavation works; temporary increase in traffic; cross connection between surface and foul pipes.

Operational - drainage of contaminants; stagnation of the water and siltation within the attenuation areas.

Ameliorative, remedial or reductive measures - Construction phase - detention basin during construction phase, silt traps, chemical / fuel storage areas.

Ameliorative, remedial or reductive measures - Operational phase – attenuation areas, SuDS, petrol interceptor, bunding of chemical / fuel storage areas; make sure attenuation storage systems are constructed to a fall, silt to be collected to a sump and removed periodically.

Predicted impact Construction phase – due to the proposed ameliorative, remedial or reductive measures, many potential impacts will not arise. Increase in traffic flows.

Predicted impact Operational phase - due to the proposed ameliorative, remedial or reductive measures, many potential impacts will not arise. Worst case scenario – for a very intense storm minor ponding may occur within the site.

Water Supply – There is an existing 200 diameter water main located in the Tyrrelstown to M2 (Cherryhound Interchange) Link Road. It is proposed to provide potable water via a connection to the existing 600mm diameter watermain located in the Tyrrelstown to M2 (Cherryhound Interchange) Link Road, south of the site.

Potential Impacts Construction phase – no long term adverse.

Potential Impacts Operational phase – a requirement for 3,677m<sup>3</sup>/day from the public water supply.

Ameliorative, remedial or reductive measures – Construction phase - all existing services will be located using service records, GPR surveys and slit trenches to ensure that their position is accurately identified before excavation works commence; all water mains will be cleaned prior to connection; all connections will be carried out under the supervision of Irish Water / the LA.

Ameliorative, remedial or reductive measures - Operational phase – none necessary.

Predicted impact Construction phase – increase in traffic and disruption to traffic.

Predicted impact Operational phase – increased demand for water supply.

Worst case scenario: contamination of the mains – mitigation – scouring, swabbing and chlorinating prior to occupation of any unit.

Foul Water - It is proposed to connect to the existing 300mm diameter spur at the roundabout to the west<sup>5</sup> of the site. Design of the proposed drainage based on CoP published by IW; estimated discharge 351,719l/d.

Potential Impacts Construction phase – ingress of water to the foul network; damage to buried utilities; temporary increase in traffic; cross connection between foul and surface pipes.

Potential Impacts Operational phase – blockage and waste water could become septic; foul could be connected to surface water drainage.

Ameliorative, remedial or reductive measures - Construction phase - pipes laid to falls to ensure self-cleansing; carefully laid to minimise the potential for cross connections.

Ameliorative, remedial or reductive measures - Operational phase – annual inspection.

Predicted impact Construction phase - due to the proposed ameliorative, remedial or reductive measures, significant impacts will not arise; increase in traffic.

Predicted impact Operational phase – increased flows in the existing foul sewers.

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<sup>5</sup> Details are not given. The layout for the subject site shows the foul sewer connecting to an existing sewer on the spur road to the front of the site.



Worst case scenario - contamination of the surface water network – mitigation – ensure no cross connection. Poor workmanship could result in large quantities of surface water entering the existing foul drainage network and overloading the network.

## **Chapter16 - Traffic & Transport**

The main entrance to the site is from a roundabout junction on the Tyrrelstown to M2 (Cherryhound Interchange) Link Road. Access to the site from this junction consists of a 9m wide single carriageway road, with a 1.8m cycle track and 2.0m footpath set back from the carriageway on either side.

The Tyrrelstown to M2 (Cherryhound Interchange) Link Road is a dual carriageway link road joining Church Road (R121) with the M2 Finglas-Ashbourne Motorway at the Cherryhound Interchange. The Tyrrelstown to M2 (Cherryhound Interchange) Link Road includes a link to Ballycoolin Road and a link to the Western Park Roundabout. The M50 is located approximately 4.2km south east of the site.

The site is strategically situated to facilitate trips by vehicle, with road infrastructure in place and built to a high standard.

Results of traffic counts are presented.

Pedestrian / Cycling – paths are provided.

Public transport NTA publication 'The Route to Sustainable Commuting' – states 4km as the reasonable walking distance to work and 10km for commuters to cycle to work. The 40d Dublin Bus service is located approx. 2km to the west, walking time 23 mins.

The 9m wide road will be extended to serve the site with provision for cycle paths, footpaths and verges. Provision will be made for a HGV turning area internally to each site.

Trip generation – TRICS data has been used. The petrol station is estimated to have 5.994 arrivals during the morning peak hour and 6.017 departures. In the evening peak hour the petrol station is estimated to have 5.971 arrivals and 6.046 departures.

Potential Impacts:

Traffic count data was obtained for the purposes of the planning application. This data is expected to reflect the peak traffic conditions on the network. A robust

estimation of the traffic generation and distribution of the proposed development has been set out. This will be compared to background traffic counts in order to ascertain the impact the development will have on the local road network. Should there be a reasonable impact as a result of the proposed development, which causes potential capacity implications at surrounding junctions, traffic modelling software, if required, will be used to identify further details of the impact of development traffic, in terms of queuing and delay.

Car parking – sufficient on-site parking required to avoid on street parking.

Walking and cycling infrastructure to be provided.

HGV parking for contractors and storage of materials on site to be provided.

Remedial or reductive measures – Construction phase - Construction management plan.

Remedial or reductive measures - Operational phase – information on walking, cycle routes and public transport to be made available to staff.

Predicted Impacts Construction phase – 20 no. HGV arrivals and departures per day, and 120-150 car arrivals and departures per day.

A car park for construction workers will be created. The number of movements on the network is relatively low and would not result in any operational problems.

Existing cycling and pedestrian routes will be maintained or diverted; negligible impact.

Predicted Impacts Operational phase

The 'Tyrrelstown to N2 (Cherryhound Interchange) Link Road Environmental Impact Assessment' has assessed the capacity of the Pallas Food / Tyrrelstown to M2 (Cherryhound Interchange) Link Road Roundabout and M2 Finglas-Ashbourne Motorway at the Cherryhound Interchange for the 2022 design year; carried out in 2006.

The proposed AADT for Tyrrelstown to M2 (Cherryhound Interchange) Link Road Roundabout after the development will be less than the design AADT.

The proposed AADT for the Pallas Foods Access Road after the development will be less than the design AADT.

Remedial or reductive measures:

Construction phase – CMP

Operational phase – information on walking, cycle routes and public transport to be made available to staff. Travel plan to be developed in conjunction with the local authority. Each application for development will be accompanied by a travel plan. Travel plans for each of the units will be monitored after of occupation and then annually.

Appendix 16.1 - Traffic counts.

## **Chapter17 - Cultural Heritage**

The archaeological, architectural and historical background is set out.

Archaeology - The 14 archaeological monuments within 1km of the site are detailed, including DU011-093 at the north western corner – an industrial site revealed by excavations in advance of the N2 Finglas / Ashbourne road scheme. The results of previous archaeological investigations in the area are detailed. Map extracts from the Down Survey and the first and second edition OS maps are provided..

Architectural Heritage – no ACAs; the 4 protected structures within 2km are listed. The nearest listing on the NIAH database is Hollywoodrath House 780m west of the site.

Industrial heritage – first edition OD map shows a small quarry in the south east corner of the northernmost field. The site has since been reinstated. Building stones were generally quarried locally due to transportation costs. The wider area is scattered with local quarries and gravel pits.

Designed landscapes – Demesnes, Historic Gardens & Country Estates – includes Hollywoodrath House, nearest point 290m west of the southern plot.

Site inspection

Field 3 (southern section which includes the subject site) – the old woodland to the west that gives the townland its name, is sub-circular and has an external ditch, this features on historic mapping along with a few similar sized stands of trees between the former demesnes of Hollywoodrath House and Bay House. It could be a landscape feature tree ring (17<sup>th</sup> to 19<sup>th</sup> century) or an archaeological feature.

Potential Impacts:

Direct Impacts – where work takes place which intentionally or unintentionally alter or remove or where access works intentionally or unintentionally alter or remove, all or part of a site or structure.

There is the potential for direct physical impacts on previously unrecorded archaeological or architectural sites, structures, monuments or features.

If the impacts cannot be remediated, for example if archaeological deposits are destroyed during excavations, the impacts will be permanent.

Potential Direct Impacts on recorded archaeological monuments – none.

Potential Direct Impacts on unrecorded archaeological monuments – previous archaeological investigations in the area have exposed previously unrecorded archaeological sites from burnt mounds, pits to corn drying kilns and an industrial site. Pottery retrieved from these excavations have a wide date range from the Bronze Age to Medieval pottery. Given the scale of the site there is good potential that sub-surface features of archaeological potential survive. In the absence of appropriate mitigation, unsupervised groundworks within the site may have a significant negative impact on these features resulting in a loss to the local cultural heritage resource.

Potential Direct Impacts on architectural sites – none.

Operational phase:

If proposed mitigation measures are implemented during the construction phase there should be no impacts to the local archaeological resource during the operational phase.

Worst case scenario – without proposed mitigation, direct impact on archaeological features, with significant negative impact.

Potential Impacts - setting – insignificant.

It is recommended that a geophysical survey be undertaken to inform a programme of archaeological testing to take place in advance of any construction.

## **Chapter18 - Interactions**

Interactions considered are:

Inter-relationships between human beings and flora.

Inter-relationships between human beings and water.

Inter-relationships between human beings and air

Inter-relationships between human beings and landscape

Inter-relationships between human beings and archaeological heritage

Inter-relationships between human beings and material assets.

Inter-relationships between human beings and noise.

Inter-relationships between human beings and population, employment and community.

Inter-relationships between human beings and waste.

Inter-relationships between human beings and soil

Inter-relationships between flora and fauna

Inter-relationships between water and soil

Inter-relationships between climate and landscape

Inter-relationships between soil and flora and fauna

Inter-relationships between noise and flora and fauna

Inter-relationships between waste and flora and fauna

Inter-relationships between landscape and flora and fauna

Inter-relationships between soils and hydrogeology

Inter-relationships between soils and waste

Inter-relationships between soils and landscape

Inter-relationships between soils and archaeology

Inter-relationships between surface water and ground water.

Inter-relationships between traffic and air quality.

Inter-relationships between traffic and noise.

Nothing of note is recorded under any of these headings.

### **Addendum**

An addendum to the EIAR was submitted as further information, which includes:

It is not envisaged that there will be future uses at this location that would involve risks of major accidents and disasters.

The policy section has been updated to refer to TII policy: National Roads Authority Service Area Policy, NRA, August 2014. The flood risk assessment has been updated to include the tributary of the Ward River. The noise and vibration section has been updated in relation to aviation noise.

## 6.2. Assessment

As the competent authority the Board must carry out an Environmental Impact Assessment of the proposed development notwithstanding that there is no mandatory requirement for EIA for a petrol station, nor indeed for the 22.87 ha business park/ light industrial / logistics development on associated lands in respect of which the EIAR was carried out.

The headings under which the Board must consider the project are:

- (a) Population and human health
- (b) Biodiversity, with particular attention to species and habitats protected under the Habitats and Birds Directives
- (c) Land, soil, water, air and climate
- (d) Material assets, cultural heritage and the landscape
- (e) The interaction between the factors referred to in points (a) to (d).

The effects on these environmental factors must include expected effects arising from the vulnerability of the project to risks of major accidents and/or disasters that are relevant to the project.

The EIAR sets out the policy background, but in addition to those issues referenced there are issues of relevance which are not included. The policy context stated includes 'Project Ireland 2040 Building Ireland's Future National Planning Framework' but does not include the shared goals of 'sustainable mobility' and 'transition to a low carbon and climate resilient society'. Under the heading of sustainable mobility - the need to progressively electrify our mobility systems and move away from polluting and carbon intensive propulsion systems, is an objective. The transition to a low carbon and climate resilient society includes the need for a shift from predominantly fossil fuels to predominantly renewable energy sources and involves decisions around development and deployment of new technologies relating to areas such as wind, smartgrids, electric vehicles, buildings, ocean energy and bio energy. The follow through on this policy framework in Project Ireland 2040, National Development Plan 2018—2027 includes under the heading 'transport' that no NCT Cert will be issued for non-zero emission cars post 2045; at least 500,000 electric vehicles on the road by 2030 with additional charging infrastructure to cater for planned growth; and no new non-zero emission vehicles to be sold in Ireland post 2030.

The review of policy might also, usefully, have referred to the Spatial Planning and National Roads Guidelines for Planning Authorities, DoECLG (2012) and its implications for the development. This matter is referred to under a separate heading in the assessment section of this report.

Traffic is addressed in chapter 16 under the heading traffic and transport and the assumption is that the filling station and restaurant will serve local workers. It is my assessment that traffic will be drawn to these services from the motorway and this is not accounted for in the figures, therefore I do not rely on the figures derived from this assumption. The Spatial Planning and National Roads Guidelines for Planning Authorities, DoECLG (2012) states that planning authorities must exercise care in their assessment of proposals to make sure that development consistent with planning policies can be catered for by the design assumptions underpinning such junctions and interchanges, thereby avoiding potentially compromising the capacity and efficiency of the national road/associated junctions and possibly leading to the premature and unacceptable reduction in the level of service available to road users.

In this case the premature and unacceptable reduction in the level of service available to road users is an issue, and it has not addressed in the EIAR. This matter is referred to under a separate heading in the assessment section of this report.

In chapter 14 - Soils, Geology & Hydrogeology, Appendix 14.1 gives details of ground investigations. Issues arising are not referred to in the text of the EIAR and this matter is referred to under a separate heading in the assessment section of this report.

With these issues excepted, the likely effects of the proposed development on (a) population and human health, (b) biodiversity, with particular attention to species and habitats protected under the Habitats and Birds Directives, (c) land, soil, water, air and climate, (d) material assets, cultural heritage and the landscape; and (e) the interaction between the factors referred to in points (a) to (d), is adequately set out in the EIAR, and no significant effects of the project on the environment are likely. No effects are expected arising from the vulnerability of the project to risks of major accidents and/or disasters that are relevant to the project.

### 6.3. Reasoned conclusion on the significant likely effects of the project on the environment.

On the basis of the information on the file, which I consider adequate in order to issue a determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

7.1.1. O'Connor Whelan Planning Consultants have submitted the appeal against the planning authority's decision to refuse permission, on behalf of the first party. The grounds include:

- The scale of proposed development and proposed uses are consistent with similar facilities granted in the vicinity, in the wider area and across the country, reflective of a modern day petrol station.
- The use will support the local work population and the particular uses that are / will be adjacent to this site.
- The proposed development is consistent with the Development Plan which imposes no limits on the scale of a petrol station.
- The proposed development is consistent with the Cherryhound Local Area Plan. It is located in a prominent node, and the proposed service use is consistent with the requirements of the LAP.
- The quality of the design is consistent with the requirements of the LAP.
  - Re scale and uses – the customer expects the shop, restaurant and seating facilities to be provided.

Fingal Co Co, other planning authorities and An Bord Pleanála have granted planning permission for similar sized and larger facilities. Examples are cited.

- Local working population and specific location in reason no. 2 ignores that there is/will be a substantial local working population, the site is uniquely placed to serve existing and future truck movements, and the facility will cater for passing trade but will not be a destination.



Cherryhound LAP will accommodate 9,000 jobs. The applicant's lands are expected to generate up to 1,000 jobs. There are currently very few facilities to serve this developing employment population.

- Unique location – the proposal is directly adjacent to the Pallas Foods regional distribution hub, with staff and visitor parking for 338 cars and 183 trucks with continuous traffic flows.

The applicant has applied for a truck servicing and sales facility with an estimated 120 HGV movements in and out per day.

The traffic assessment for the lands owned by the applicant has projected an additional AADT of 4,908 vehicles at the Pallas Foods Access Roundabout in 2023.

The proposed petrol station is uniquely located to serve this traffic.

Other nodes in the Cherryhound area will not accommodate these HGV drivers due to the likelihood of limited HGV parking.

This is not a destination development. The predicted traffic flows on the M2 to M3 link road during the planning stage for the road indicate an AADT in 2022 of 29,023 vehicles. The vast majority will be part of the local working population.

- Compliance with the Development Plan – re the GE zoning the proposed development will serve the local working population and passing trade on the M2 to M3 link road. It will have no impact on local centres. Permissions were granted at Goddamendy and the Old Navan Road, both zoned on GE land. The planning system should not be used to inhibit competition.
- Compliance with the Cherryhound Local Area Plan – reason no. 2: that the proposed development would undermine the primary service note; the LAP identifies nodes as a location for services. That the scale and type should not compromise the vitality and viability of Tyrrellstown Local Centre; the LAP states that for the main service centre the overall net floor area is not permitted to exceed 1,000 sq m with one individual unit of 300 sq m and other units in the order of 150 sq m. The LAP does not contain a limit on the size of development at the subject node, but clearly it should be subsidiary to the net floor area of the main service centre. The proposal gross floor area of 485 sq m, net public area 208.3 sq m, is subsidiary to the main service centre. The

main service centre is envisaged as a strip mall with a range of services, the proposal will not detract from its achievement.

- Design - reason no. 2, that the design is not befitting the status of the node; this is a contradiction: that it is deemed a destination but not a landmark.

It is simply designed, contains extensive glazed elements, standing in contrast with illuminated elements. An emphasised corner with illuminated elements attracts potential customers inside. The materials used are simple and restrained, light and dark grey render and extensive glazing to create a welcoming façade and when illuminated will enhance the visual attractiveness. The main visual elements when passing on the adjoining main road are the front elevation and raised corner section.

The applicant agrees to accept a condition requiring a revised design and a drawing is enclosed, which shows the corner element increased in height and width with the glazing element one expanse rather than as previously shown divided by signage, and timber cladding to the front and side.

## **7.2. Planning Authority Response**

7.2.1. The Planning Authority have responded to the grounds of appeal, the response includes:

- The issues were raised and have been dealt with in the planner's report.
- It would, through extensive food offerings, communal dining and drive-through restaurant, compete with the principle use of the site and significantly beyond the local working population; undermine the role, function and viability of future development of the primary service node, identified within the Cherryhound Local Area Plan, at the lower roundabout south west of the site
- While the appellant cites a precedent has been established by a number of similar proposals, each application must be judged on its own merits. Furthermore, notwithstanding the further details concerning finishes, the proposed development affords insufficient high quality design for this key site.

## **7.3. Prescribed Bodies**

7.3.1. TII

TII has responded to an invitation of observation from the Board, enclosing copies of correspondence. Their observation remains as at enclosed letter dated 20 February 2019.

Enclosed

A copy of a letter to latter dated 20 February 2019 to Fingal Co Co, which includes:  
The planning application was not forwarded to the Authority in the first instance, just the FI.

- TII will rely on the planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), subject to:
  - The proposed development shall be undertaken strictly in accordance with the mitigation measures set out in the Traffic and Transport Section of the EIAR.
  - Have regard to Chapter 3 of the Spatial Planning and National Roads Guidelines
- A copy of a letter to the applicant with enclosures.
- A copy of a letter to Fingal County Council, 16 November 2018, referring to an email received from the applicant, requesting the applicant to obtain a letter from TII. The letter points out that TII is a statutory consultee. TII's approach is to seek to uphold official policy and guidance as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012). TII has no record of a referral and was therefore not afforded an opportunity to engage in the planning application process. TII strongly recommends a review of referral practices. TII is not in a position to engage directly with private interests / applicants. As stated in section 1.4 of the National Roads Authority Service Area Policy, August 2014, TII has no development or operational role in relation to private sector facilities in the vicinity of the national road network, even though the developments in question might include services for motorists. National Planning policy in relation to the provision of off-line service proposals is addressed in Section 2.8 of the Spatial Planning and National Roads Guidelines for Planning Authorities, DoECLG (2012).
- A copy of an e-mail from the applicant to TII.

## 8.0 Assessment

- 8.1.1. The issues which arise in relation to this appeal are: appropriate assessment, material contravention, impact on the national road, the general employment and node designations and ground conditions, and the following assessment is dealt with under those headings.

### 8.2. Appropriate Assessment

- 8.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, individually or in combination with other plans or projects, on a European site.

### 8.3. Material Contravention

- 8.3.1. The first refusal reason is based on material contravention of the zoning, that it would provide a restaurants/café which would extend substantially beyond the local working population thereby materially contravening the GE land use zoning objective.
- 8.3.2. The site is zoned GE in the current Fingal County Development Plan, the objective for which is to provide opportunities for general enterprise and employment. The vision for the zone is to facilitate opportunities for compatible industry and general employment use, logistics and warehousing activity in a good quality physical environment. Restaurants/café and retail units with a net floor space less than 150 sq.m. and which serve the needs of the local working population would be favourably considered. A Petrol Station would be favourably considered.
- 8.3.3. The grounds of appeal states that the proposed development is consistent with the Development Plan which imposes no limits on the scale of a petrol station; that the proposed development is consistent with the Cherryhound Local Area Plan; that it is located in a prominent node, and the proposed service use is consistent with the requirements of the LAP; and that other nodes in the Cherryhound area will not accommodate these HGV drivers due to the likelihood of limited HGV parking.
- 8.3.4. The Cherryhound Local Area Plan defines this area as a node. There are two nodes defined in the LAP at the two roundabouts on the link road. They are intended to create a sense of identity and act as locations for services. The larger node to the

south west is also defined as a 'service centre'. It is to be the main retailing service area within the plan area, of a scale and type not to compromise the vitality and viability of Tyrrellstown local area, with floor areas set out in the plan.

- 8.3.5. The applicant is correct in saying that the Development Plan imposes no limits on the scale of a petrol station, other than limiting the net floorspace of a fuel station shop. It is also correct in saying that the LAP identifies nodes as locations for services. The node to the south west is a service centre with defined floor areas envisaged. The subject node has no defined uses or floor area limits and is therefore the same use typology as the general employment zoning where restaurant/café and retail must serve the local working population only.
- 8.3.6. In my opinion the restaurant/café and retail area are clearly not intended to serve the local working population only.
- 8.3.7. I consider that section 37(2)(b) of the Planning and Development Act 2000, as amended, is applicable in this instance in that the planning authority has decided to refuse permission on the grounds that the development materially contravenes the development plan. I would concur with the said conclusion for the reasons set out above. The Board is only at liberty to grant permission where a development meets one of four criteria. In this regard I submit that:
- (a) The proposed development is not of strategic or national importance,
  - (b) The objectives of the development plan are quite clear insofar as the proposed development is concerned.
  - (c) There are no specific requirements set out in policy directives, relevant policies of the government nor regional planning guidelines which would support such a proposal.
  - (d) The pattern of development and permissions granted in the area since the making of the development plan do not suggest a predisposition to such type of development.
- 8.3.8. As the proposal does not meet any of the criteria I do not consider that this provision can be invoked, therefore the Board may not overturn this refusal reason of the planning authority's decision.

## 8.4. National Road

- 8.4.1. The road serving this area is a link road between the M3 and the M2. The link road joins the M2 at the Cherryhound Interchange, where the N2 National road merges with the M2 Motorway close to the north east of the site. The link road underpins the delivery of the development of the Cherryhound area, in accordance with the Cherryhound Local Area Plan, to provide opportunities for general enterprise and employment (GE zoning) with at least 9,000 new jobs, as part of the established North Blanchardstown Employment Area.
- 8.4.2. The Spatial Planning and National Roads Guidelines for Planning Authorities requires planning authorities and the Board to exercise particular care in their assessment of development proposals relating to development at locations at or close to interchanges where such development could generate significant additional traffic with potential to impact on the national road. They are required to make sure that only development which is consistent with planning policies is catered for, to avoid potentially compromising the capacity and efficiency of the national road/associated junctions and possibly leading to the premature and unacceptable reduction in the level of service available to road users. Objective MT 36 and MT 42 of the development plan are similar in their intent. The National Roads Authority Service Area Policy, NRA, August 2014 states that the M2 route from Dublin to Ashbourne is relatively short and does not warrant the provision of a service area.
- 8.4.3. It is stated in the grounds of appeal that the scale of proposed development and proposed uses are consistent with similar facilities granted in the vicinity, in the wider area and across the country and is reflective of a modern day petrol station; the use will support the local work population and the particular uses that are / will be adjacent to this site; the proposed development is consistent with the Development Plan which imposes no limits on the scale of a petrol station; and that this is not a destination development.
- 8.4.4. The National Roads Authority Service Area Policy, NRA, August 2014, gives the following description of a type 1 on-line service area, which is a full service area for a national road: 'a large scale service area providing an amenity building (including a convenience shop, restaurant, washrooms and tourist information) fuel facilities, parking and picnic area'.
- 8.4.5. The proposed development includes an amenity building of 18.361m x 28.550m (524.21sqm) given as 486 sqm gross internal floor area, which includes a shop and

2 concession restaurants (with a drive-thru element), toilet facilities, an ATM machine and an outdoor play area, and also a rear service yard which includes a chiller & freezer of 10 sq m; 12 vehicular petrol pumps with a 6m high canopy over with signage on all four elevations; 2 no HGV petrol pumps with a 6.545m high canopy over with signage on all four elevations; a car wash; 46 car parking spaces; 2 HGV and 2 coach parking spaces; 16 covered bicycle parking spaces; an ESB substation and switch room (23.5 sq m); and a double sided, 9m high, totem pole.

8.4.6. The site, which is less than 500m from the interchange, is visible from the interchange and adjoining roads and the proposed extensive signage will ensure its greater visibility. The proposed development appears to closely align with the NRA description of a full service area. Although stated in the grounds of appeal not to be a destination development, in my opinion that is what it is. In this regard the traffic and transport section of the EIAR referred to earlier in this report, states that the site is strategically situated to facilitate trips by vehicle, with road infrastructure in place and built to a high standard.

8.4.7. In my opinion the proposed development would run counter to the guidelines on Spatial Planning and National Roads by creating a destination which could potentially compromise the capacity and efficiency of the national road and the adjacent Cherryhound Interchange and lead to the premature and unacceptable reduction in the level of service available to road users; and this is a reason to refuse permission.

## 8.5. **General Employment Zoning and Node Designation**

8.5.1. In relation to the statement in reason no 2 that the proposed development would undermine the primary service node, the grounds of appeal states that the LAP identifies nodes as locations for services. It states that the scale and type would not compromise the vitality and viability of Tyrrellstown Local Centre; that the LAP states that the main service centre may have a floor area not to exceed 1,000 sq m with one individual unit of 300 sq m and may have other units in the order of 150 sq m. It notes that the LAP does not contain a limit on the size of development at the subject node, but accepts that it should be subsidiary to the net floor area of the main service centre. It states that the proposal gross floor area of 485 sq m, net public area 208.3 sq m is subsidiary to the main service centre. It states that the main service centre is envisaged as a strip mall with a range of services, the proposal will not detract from its achievement.

- 8.5.2. In relation to the statement that the design is not befitting the status of the node – the grounds of appeal considers this to be a contradiction: that it is deemed a destination but not a landmark. It is simply designed, contains extensive glazed elements standing in contrast with illuminated elements; an emphasised corner with illuminated elements attracts potential customers inside; the materials used are simple and restrained, light and dark grey render and extensive glazing to create a welcoming façade and when illuminated will enhance the visual attractiveness; the main visual elements when passing on the adjoining main road are the front elevation and raised corner section; and further revisions are proposed for the Board’s consideration.
- 8.5.3. As stated under the heading Material Contravention above, the Cherryhound Local Area Plan defines this area as a node, one of two defined in the LAP at the roundabouts on the link road. Design is an important aspect of the function of a node with landmark buildings envisaged at both roundabouts to act as gateways to the surrounding areas.
- 8.5.4. As stated under a previous heading although services are envisaged at this node they should be limited in scale and be intended to serve the local working population only and the proposed uses and their scale do not comply with this requirement.
- 8.5.5. In relation to the building design, it appears to me that although it is not a specific requirement that the buildings at these nodal points should have a prescribed height, the intention is that they would be landmark buildings acting as gateways, which would require that they are located much closer to the edge of the roundabout than currently proposed and are of sufficient height to give definition to the roundabout / nodeu. In my opinion the proposed site layout and building design would not provide the required landmark building.

## 8.6. **Ground Conditions**

- 8.6.1. No site layout, plans or sections are provided to identify the proposed fuel storage tanks.
- 8.6.2. In appendix 14.1, of the EIAR in relation to ground investigations, it is stated that foundations are not recommended to be based on the bedrock which is present at depths of 1.8 to 2.9m BGL across the site due to the high total sulphur results from samples tested. The potential for heave related to structures founded on bedrock would be expected to be high risk, particularly where the groundwater level is also



reduced. Pipes, attenuation tanks, sumps would need to be assessed to check the interaction with the underlying bedrock.

- 8.6.3. There is no evidence that this has informed the proposal in relation to the underground storage tanks, in respect of which no information has been made available. Were the Board to consider granting planning permission, this is a matter which would require additional consideration.

## 9.0 Recommendation

- 9.1.1. In the light of the above assessment I recommend that planning permission be refused for the following reasons and considerations.

## 10.0 Reasons and Considerations

- 1 Objective MT42 of the Fingal County Development Plan 2017-2023 and the Spatial Planning and National Roads Guidelines for planning authorities requires that the capacity of National Roads and their junctions, provided primarily for major interurban and inter-regional strategic traffic, is protected. The proposed development, by creating a destination which could potentially compromise the capacity and efficiency of the national road and the adjacent Cherryhound Interchange and lead to the premature and unacceptable reduction in the level of service available to national road users, would contravene the guidelines and be contrary to the proper planning and sustainable development of the area.
- 2 The proposed restaurant/café and retail areas are considered to comprise part of a motorway services type facility, and the proposed development on land zoned for general employment in the Fingal County Development Plan 2017-2023 would therefore materially contravene the zoning objective for this area which provides for such service uses only where they serve the local working population.
- 3 By reason of its design, location, scale and form, the proposed building does not give sufficient definition to the roundabout or achieve a development of sufficiently high quality at this key site to constitute a landmark building, as

required by its location at a node within the Cherryhound Local Area Plan, and the proposed development would thereby be contrary to the proper planning and sustainable development of the area.

- 4 Having regard to the scale and form of the proposed development, which includes substantial food offerings, communal seating and a drive-through restaurant, it is considered that the proposal would undermine the role, function and viability of future development at the primary service node identified in the Cherryhound Local Area Plan at the lower roundabout south west of the site and would thereby be contrary to the proper planning and sustainable development of the area.

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Planning Inspector

17 September 2019

Appendices

Appendix 1 Photographs

Appendix 2 Fingal County Development Plan 2017-2023, extracts.

Appendix 3 Cherryhound Local Area Plan, extracts.

Appendix 4 Spatial Planning and National Roads Guidelines for Planning Authorities, DoECLG (2012), extracts.

Appendix 5 National Roads Authority Service Area Policy, NRA, August 2014, extracts.

Appendix 6 Project Ireland 2040 Building Ireland's Future National Planning Framework, extracts.

Appendix 7 National Development Plan 2018—2027.