



An
Coimisiún
Pleanála

Inspector's Report

ABP-319939-24

Development	Construction of a petrol station with all associated site works.
Location	Sandyhill, Saint Margaret's, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW23A/0339
Applicant	Brian McDonnell
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant	Jerry Beades PC
Observers	DAA plc
Date of Site Inspection	18 th December 2025
Inspector	Jim Egan

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	11
3.4. Third Party Observations	12
4.0 Planning History.....	16
4.1. Appeal Site.....	16
4.2. Surrounding Area.....	17
5.0 Policy Context.....	19
5.1. National & Regional Legislation, Guidelines and Strategies	19
5.2. Fingal County Development Plan 2023-2029.....	20
5.3. Dublin Airport Local Area Plan 2020 (extended to 2029).....	26
5.4. Natural Heritage Designations	27
6.0 The Appeal	27
6.1. Grounds of Appeal	27
6.2. Applicant Response	30
6.3. Planning Authority Response.....	33
6.4. Observations.....	33
7.0 Assessment.....	33
7.1. Procedural Issues	34
7.2. Principal of Development.....	35

7.3. Traffic and Access and Road Safety	37
7.4. Aviation Safety	41
7.5. Surface and Foul Water Treatment.....	42
7.6. Archaeology	46
7.7. Other Matters	47
8.0 EIA Screening.....	52
9.0 AA Screening.....	52
10.0 Water Framework Directive	52
11.0 Recommendation	53
12.0 Reasons and Considerations.....	53
13.0 Conditions	53
Appendix 1: EIA Pre-Screening (Form 1).....	61
Appendix 2: EIA Preliminary Examination (Form 2)	63
Appendix 3: Screening for Appropriate Assessment	66
Appendix 4: Water Framework Directive Stage 1 - Screening	73

1.0 Site Location and Description

The site is located at Sandyhill, St. Margarets, County Dublin adjoining St. Margarets bypass, R122. The site has a stated area of 2.176ha and is contained in the northwest corner of a larger field that extends to some 5.5ha, currently in agricultural use.

Dublin Airport is to the east with airport lands extending west of the southern runway to within 110m south of the subject site. Immediately northeast of the site is a metal recycling and transfer centre, contained on a backland site with narrow frontage to the R122. The local area can otherwise be characterised as being rural in nature, with large swaths of agricultural land. St. Margerat's Village is located further north.

The larger field in which the site is located comprises mature field boundary hedgerows. Access to the field is via an entrance on the R122. During a site inspection, I noted a gravel track aligned inside the west and north field boundary connecting the entrance on the R122 with the Recycling & Transfer Centre land to the north.

2.0 Proposed Development

Permission is sought for a new petrol filling station to include the following:

- (i) Forecourt area with 4 no. fuel pump islands, illuminated forecourt canopy over, 4 no. 40,000 litre underground fuel storage tanks, associated pipework and overground fill points and vents, HCV pump and electric car charging points and associated infrastructure,
- (ii) Car wash area with 2 no. car wash bays, associated underground water storage tanks, drainage and plant room,
- (iii) On-site facilities including, car service areas, car and bicycle parking, dedicated delivery lane, loading area, pedestrian routes and associated line markings,
- (iv) Works to R122 including relocation of existing site access, formation of new access from R122, road widening and road markings,
- (v) Illuminated and non-illuminated Operator signage including main ID Totem sign, canopy and facade signage,

- (vi) Amenity building of 332.3 sq.m gross floor area which will include a convenience shop (100 sq.m net retail area), restaurant/cafe area with food offerings with hot and cold meals and refreshments for sale for consumption on and off premises, coffee barista and associated drive thru facility, customer seating, customer WCs, back of house area with food preparation areas,
- (vii) ESB Substation,
- (viii) 6 no. EV Chargers with associated parking bays,
- (ix) All site drainage works including rainwater harvesting, attenuation and integrated constructed wetland providing foul treatment system, and
- (x) All associated site lighting, landscaping, boundary treatments and site development works.

Further information received by the planning authority on 25th April 2024 included plans and particulars on issues relating to tree survey, landscaping, road safety, on-site amenities, noise assessment, and assessment with regards operations at Dublin airport and also with regards the public safety zone associated with the airport. The proposed development in terms of layout and design was fundamentally unchanged.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted planning permission for the proposed development on the 22nd May 2024 subject to 28 no. conditions.

Condition 2 omits the coffee barista drive thru facility. Condition 4 requires engagement with the DAA and IAA regarding an IFP (Instrument Flight Procedure) assessment. Condition 10 relates to noise insulation. Condition 12 restricts additional signage. Condition 13 requires employee and visitor numbers to comply with the restrictions for the Dublin Airport Outer Public Safety Zone. Condition 15 requires archaeological monitoring. Condition 21 relates to road safety audits.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the first planning report dated the 11th January 2024 can be summarised as follows:

Zoning and Development Plan Policy

- The site is zoned 'DA - Dublin Airport' in the Fingal Development Plan 2023-2029.

Note: The planner's report refers to the 2017-2023 CDP however I am satisfied that this was a typographical error on the basis that the suite of objectives subsequently referred to in the planner's report are from the 2023-2029 CDP. I further note that the error was corrected in the subsequent planner's report, dated 22nd May 2024, prepared in respect of further information received.

- Petrol station is 'permitted in principle' under the zoning objective, as are the uses of retail (local, less than 150sq.m) and restaurant / café, whilst take away is neither 'permitted in principle' or 'not permitted' in the zone and would therefore be assessed in terms of its achievement of the zoning objective.
- The principle of a filling station and associated retail floorspace is acceptable having regard to the zoning provisions and CDP Objective DMS098. However, the applicant has not provided an adequate justification for the drive thru element. Same can be omitted by condition.
- A previous application under FW20A/0120 for a similar development on the site was refused. The current application seeks to overcome the reasons for refusal.

Procedural Issue

- A third-party observation raised an issue with regards legal interest of the applicant in the application site. As per the development management: guidelines, this is not a planning consideration, rather an issue for the courts to resolve. The applicant has stated that they are the owners of the majority of the site and that consent from the local authority is included for the part of the site that is in the local authority's ownership.

Design / Visual Impact

- Whilst noting the existing rural landscape, the lands are zoned and the proposed buildings and associated structures are considered acceptable in design and will not negatively impact upon the surrounding area.
- Having regard to the character of the area, internal illumination of signage on the elevations of the amenity building can be omitted by condition. Internal illumination of a totem sign at the northern entrance can also be omitted by condition.

Landscape

- Having regard to CDP objectives DMSO182 and DMSO172, the applicant has not provided details, including a tree survey, of the western boundary, it being a townland boundary. Further information request recommended (FI item 1 refers).
- Submitted landscape plan acceptable however further details required on western boundary by association with previous point. Further information request recommended (FI item 2 refers).

Transportation

- Proposed access arrangement and internal one-way system is acceptable.
- Applicant has not demonstrated on drawings submitted the lengths and dimensions of the tapers on the approaches to the active travel crossing point. Public lighting should be located at the crossing point. Further information request recommended (FI item 3(a) refers).
- Full details, drawings and reports required on the road infrastructure and services, including programme and phasing required. Further information request recommended.
- Use of pencil bollards along the centre line of the road to prevent right turning movements into the site from the south is not ideal. A physical island should be considered, along with additional central islands to the north. Further information request recommended (FI item 3(b) refers).

- Revised sightline drawings required. Further information request recommended (FI item 3(e) refers).
- 6 metre set back from the road edge should be reserved for provision of future pedestrian and cycle infrastructure. Further information request recommended (FI item 3(f) refers).
- Submitted Stage 1 and 2 road safety audits are not signed off by auditor and applicant. Further information request recommended (FI item 3(h) refers).
- Car parking provision and EV spaces is acceptable. Revised layout to show provision of 3 no. motorcycle parking spaces. Further information request recommended (FI item 2 refers).
- Submitted traffic assessment is acceptable, and it would not be expected that the proposed development would have a significant impact on the road network.

Dublin Airport

- The site is located proximate to Dublin Airport and within the Airport Noise Zone A and within the Outer Public Safety Zone.
- A report from the Irish Aviation Authority (IAA) identified that the site is located within the wildlife hazard assessment zone for the aerodrome and that the developer should engage with the IAA during construction and operational stages.
- A submission received from the DAA requests further information to address concerns with regards the impact of the development on the safe aviation operations at the airport. Further information request recommended, having regard to CDP objectives DAO14 and DAO18 (FI item 4 refers).
- A submitted Noise impact assessment needs to be updated to take account of design changes to the proposed amenity building since the previous application. Further information request recommended (FI item 5 refers).
- Details are required to demonstrate compliance with CDP objective DAO18 and Outer Public Safety Zone. Further information request recommended (FI item 6 refers).

Water Services

- It is proposed to treat wastewater on-site via an integrated wetland (ICW) which will discharge into a percolation area. Mitigation measures have been incorporated on foot of the proximity to Dublin airport. The applicant states that the petrol station operator will retain ownership of the on-site foul treatment system.
- Reasons for previous refusal included that the ground conditions were not suitable for the treatment system proposed as part of that application. The local authority's Water Services Section, nor Uisce Eireann, raised any objection. As such, the planning authority is satisfied that the amended on-site treatment system is acceptable.

Flooding

- A site-specific flood risk assessment was submitted. While a small area of pluvial flooding is identified, the site is not identified as being at significant risk of fluvial, tidal or groundwater flooding. Mitigation measures are proposed. Based on reports submitted, the proposal is acceptable with regards flooding.

Archaeological Issues

- An archaeological impact assessment was submitted, which found no evidence that the remains associated with ringfort DU014-099 lie within the proposed development boundary. On foot of reports received from the Community Archaeologist and the Department of Housing, Local Government and Heritage, monitoring will be required during construction.

Construction Management Plan

- Final construction and traffic management plan to be agreed with the planning authority prior to commencement of development.

EIA

- By virtue of size and scale, the proposal does not require an EIAR.

Appropriate Assessment

- It is considered that the project, individually or in combination with another plan or project, will not have a significant effect on any European sites.

Further information was requested generally in accordance with the above recommendations. A response was received by the planning authority on 25th April 2024.

A second planner's report, dated 22nd May 2024, includes the following main points with regards the further information received:

Item 1 – Tree Survey

- Tree survey and arboricultural report submitted is considered acceptable.

Item 2 – Landscape Plan

- Submitted landscape plans, including proposed replacement hedge on the western boundary, species types and maintenance schedule, are acceptable.

Item 3 – Transportation

- Information submitted is acceptable.

Item 4 – Issues raised by the DAA

- Further information received was referred to the DAA. A report received from the DAA recommends due to the height of the building, that a condition is included on any grant of permission requiring the applicant to engage with the DAA and AirNav Ireland and to carry out an Instrument Flight Procedure assessment.
- DAA also recommends a condition requiring agreement on operation times of cranes during construction.

Item 5 – Noise

- Submitted noise assessment was based on data collected during a non-operational period associated with Covid-19, thus there is concern with regards its quality. A condition is recommended requiring noise insulation in accordance with CDP objective DMSO105.

Item 6 – Public Safety Zone

- The finding contained in a submitted Aeronautical Assessment report are acceptable.

A grant of permission was recommended, subject to 28 no. conditions.

3.2.2. Other Technical Reports

Environment (Waste Enforcement): A report dated 17th November 2023 raised no objection and recommended the inclusion of a condition with regards the requirement for a Resource Waste Management Plan (RWMP).

Water Services: A report dated 30th November 2023 raised no objection with regards foul water treatment, surface water management and flood risk, subject to conditions relating to foul water treatment and surface water management.

Archaeology: A report dated 4th December 2023 raised no objection subject to a condition requiring a programme of archaeological monitoring during construction.

Parks and Green Infrastructure: A report dated 2nd January 2024 recommended additional information with regards tree surveys and landscaping, particularly in the context of the western boundary of the site being a townland boundary. This formed part of the further information request issued by the planning authority.

A subsequent report, dated 8th May 2024, considered the further information submitted to be acceptable and raised no further objection, subject to conditions.

Transportation: A report dated 3rd January 2024 considered that the Traffic Assessment submitted to be acceptable and that it would not be expected that the proposed development would have any significant impact on the road network. The report however did recommend additional information with regards the active travel crossing, physical islands, road and infrastructure design drawings, provision of pencil bollards, road safety audits, reservation for future footpath/ cycleway, signage, and parking. This formed part of the further information request issued by the planning authority.

A subsequent report, dated 9th May 2024, considered the further information submitted to be acceptable and raised no further objection, subject to conditions.

Public Lighting: A report dated 14th May 2024 made recommendations with regards lighting requirements.

3.3. Prescribed Bodies

Irish Aviation Authority (IAA): A report dated 29th November 2023 identified that the site is located within the wildlife hazard assessment zone for the aerodrome and that

the developer should engage with the IAA during construction and operational stages. The report also recommended a condition requiring 30 days notice for crane operation at construction stage.

A subsequent report, dated 13th May 2024, referred to the further information received and made an observation that the submitted Aviation Report should be circulated to the DAA and AirNav Ireland for review and comment.

Uisce Eireann: A report dated 1st December 2023 raised no objection subject to a condition relating to a water services connection agreement.

Department of Housing, Local Government and Heritage: A report dated 4th December 2023 from the Development Applications Unit (Archaeology) raised no objection subject to a condition requiring a programme of archaeological monitoring during construction.

DAA: A report dated 22nd December 2023 requested further information with regards building height, wind/shear turbulence, and implement flight procedures. These concerns formed part of the further information request issued by the planning authority.

A subsequent report, dated 16th May 2024, referred to consultation with AirNav Ireland and recommended that any permission granted is to include conditions relating to the requirement for an instrument flight procedure (IFP) assessment and notice regarding usage of cranes during construction.

An Taisce: No response received.

Heritage Council: No response received.

3.4. Third Party Observations

2 no. submissions were received on the planning application, summarised as follows:

Petrogas Group Ltd.

- Proper justification for the development has not been provided in the context of the existing Applegreen filling station located further south.
- The core content of the amenity building in terms of size and scale remains the same as the previously refused application, with the reduction only to back of

house facilities. The food element will most likely consist of an international or national burger offering which is likely to result in the filling station becoming a destination in its own right.

Jerry Beades PC

- Discrepancies in landownership.
- Non-descript nature of Fingal County Council's letter of consent.
- Failure of the planning authority to verify proof of legal interest in adjoining land to the north which are part of the proposal.
- Applicant's failure to acknowledge the ownership and strategic importance of land controlled by the DAA, being land located between the site and the metal recycling centre land. No letter of consent has been provided by the DAA, concern of which relates to the proximity of the site to the airport runway.
- Application asserts that the site is not proximate to monuments and historic sites.
- Application asserts no implications on any European site or natural heritage area, overlooking the risk posed by surface water contaminants entering the Ward Stream, leading to Malahide estuary, and especially in the context of hydrocarbon pollutants from adjacent operations.
- Concern with regards surface water management and environmental contamination. Surface water, including run off from roads and ditches, from the lands controlled by the applicant are known to discharge to the Ward Stream and from there to the Malahide estuary. Reference to An Bord Pleanála refusal on the adjoining site to the north under ABP-310169-21 (P.A. ref. FW20A/0029).
- Historical environmental issues on the adjoining recycling centre, operated by the applicant's family, establishes precedent for potential environmental impact of the proposed development, and raised the issue of cumulative impact.
- Applicant asserts that no EIA is required. This is misleading in the context of the site area and cumulative impacts associated with adjoining recycling centre

lands, for which permission was previously refused but continues to operate without EIA.

- Applicant's failure to acknowledge the need for pollution control and preventative licencing, considering the history of major incidents, including fires, in the area.
- Applicant's failure to consider the broader traffic related implications of the development combined with traffic associated with the recycling centre lands to the north, failure to consider relationship with adjoining DAA lands, and potential complications for future expansion plans at the airport including delivery of a third terminal.
- No evidence that additional fuel services are needed in the area.
- Proposal could adversely affect local businesses and historic sites, including cafes and restaurants, with particular effect on the café restaurant at Dunsoghly Castle and farm for which it is an objective of the CDP (objective CH04) to promote as a future heritage attraction. The proposal prioritises addressing an alleged short term fuel supply issue over local community interests.
- Concern over the suitability of the proposed rainwater harvesting system for a petrol filling station.
- Lack of information on the management of potential hydrocarbon pollutants, potential for contamination of entire stored volume of water (20,000 litres) and suitable measures to decontaminate same.
- Inadequate infrastructure to manage the specific environmental risks associated with a petrol filling station and fast-food restaurant facility.
- Concern with regards the projected usage in terms of staff and daily customer numbers and associated capacity of the on-site wastewater treatment system.
- The drastic reduction in anticipated daily foul water loading from the previous application (down from 22,500 litres per day to 8,000 litres per day) is not clearly articulated or substantiated, potentially resulting in an unpreparedness in managing actual demand.

- While it seeks to address runway safety concerns, the proposal to cover the ponds and reed beds associated with the wastewater treatment system with nets to deter birds flocking near the airport may present unintended and adverse environmental impacts and practical challenges, including the concern that such a practice might disrupt local wildlife and ecological balance, and affect the natural habitat and biodiversity in the area. Other solutions should be explored.
- The planning and management by the applicant and their family of the adjoining scrap yard have been inadequately addressed and raises concerns about the commitment to responsible land and environmental management.

A further observation was made by Jerry Beades in respect of the further information received by the planning authority, albeit I note that the planning authority deemed the further information to be not significant and thus further public notice was not required. Notwithstanding, the observation was recorded, placed on the public file and issues raised were outlined in the subsequent planner's report.

Issues raised generally reflect the content of the initial observation, with the following further points made:

- Procedural issue with regards notification of the further information received.
- Concern regarding land ownership and consent is reiterated, drawing attention to the development management guidelines.
- With reference to Q. 18 on the planning application form, the applicant does not acknowledge dumping on the application site associated with the adjoining recycling centre use.
- Drainage drawings show pipe work extending outside the mapped area, with no reasoned explanation.
- Littering by customers to the service station / restaurant and associated attraction for birds, which pose a threat to aircraft.

4.0 Planning History

4.1. Appeal Site

P.A. Ref. F03A/1682 – refers to a 2004 grant of retention permission for a stone road serving an existing agricultural entrance located on the St. Margarets Road, stone area for use as agricultural storage, hard standing for use as parking of trucks ancillary to waste transfer depot on adjoining site.

P.A. Ref. FW20A/0120 – refers to a 2021 decision to refuse permission for a petrol filling station generally similar scale and layout to that of the current application albeit the refused application comprises a larger amenity building (c. 626sq.m.) and a restaurant with drive thru facility.

Reasons for refusal:

1. The proposed wastewater treatment system is not considered acceptable given the ground conditions at this location and based on the information submitted, the planning authority is not satisfied that alternative arrangements for disposal of wastewater arising from the development can be accommodated. The proposed development would therefore be prejudicial to public health and be contrary to the proper planning and sustainable development of the area.
2. Having regard to the scale and nature of the development proposed and the location of the application site in a rural area at the remove from the built up urban area of Dublin and facilities associated with Dublin Airport, the proposed development would represent haphazard development which would set an undesirable precedent for development on DA zoned lands and in the rural area which would be contrary to the proper planning and sustainable development of the area.

4.2. Surrounding Area

Metal Recycling Centre adjoining the appeal site to the northeast

P.A. Ref. 97A/0109 – refers to a 1998 grant of retention permission for existing use with extension and alteration of existing buildings, alterations and widening of existing entrance and septic tank – waste recycling and transfer depot.

P.A. Ref. F03A/1682 – refers to a 2004 grant of retention permission for a stone road serving an existing agricultural entrance located on the St. Margarets Road stone area for use as agricultural storage, hard standing for use as parking of trucks ancillary to waste transfer depot on adjoining site.

P.A. Ref. F03A/1561 – refers to a 2004 grant of retention permission for 5 no. existing prefabricated single storey buildings, comprising office accommodation, canteens, toilets and weighbridge control room. Permanent retention is also sought for existing security fencing to boundary and skip storage area to the south of the site. All on an enlarged site from previously granted permission F97A/0109.

P.A. Ref. F05A/0233 – refers to a 2005 refusal of permission for the development of a concrete batching plant, bunded fuel oil tank, 3 no. 6m x 3m aggregate storage bays, water recycling unit and all other associated works.

P.A. Ref. F10A/0177 – refers to a 2010 grant of a 3-year temporary permission and retention permission. Retention for onsite prefabricated buildings comprising weighbridge control room, office, canteen and toilets, retention of existing 1500 sq.m. skip storage area to the south of the existing process building, change of use of existing 6458 sq.m. agricultural storage area to the south of the site as granted under F03A/1682 to storage area for construction demolition waste, retention of 10172 sq.m. area to the east of the site for processing of construction demolition and other inert non-hazardous waste, retention of existing boundary treatments and planning permission for bulking and transfer of green garden waste within the facility.

P.A. Ref. F11A/0272 – refers to a 2011 refusal of permission for change of use of existing green waste storage building as granted under planning ref: F10A/0177, to a de-pollution/recovery building for end of life vehicles and permission to store end of life vehicles on 325 sq.m. of existing concrete hard standing which will be associated with a new authorised treatment facility within the existing recycling facility.

P.A. Ref. F11A/0443 – refers to 2012 grant of a 3-year temporary permission for the establishment of an authorised treatment facility for the de-pollution/recovery of end-of-life vehicles (ELVs) at an existing and established waste recycling facility. And change of use and modifications to a storage building to carry out ELV de-pollution activities.

P.A. Ref. F13A/0409 – refers to a 2014 grant of a 5-year temporary permission for the continuation of use of a facility for the bulking, transfer and recycling of metals, construction & demolition waste, bulky/skip waste, batteries, Waste Electrical and Electronic Equipment (WEEE), other non-biodegradable non-hazardous wastes, and an Authorised Treatment Facility for end-of-life vehicles.

P.A. Ref. FW20A/0029 / ABP-310169-21 – refers to a 2021 refusal of permission for retention for permanent continuation of use of the existing waste processing and transfer facility & the continued use of the existing buildings on site associated, and for new proposed stormwater attenuation storage tanks and associated stormwater treatment infrastructure.

Judicial Review: the applicant challenged the grounds of refusal. Ms. Justice Siobhán Phelan, in a judgement dated February 2024, refused the application for relief, thus the decision of An Bord Pleanála was upheld.

ACP Ref: 318538-23 – refers to a Pre-Application Consultation pursuant to Section 177E(1A) of the Planning and Development Acts, 2000-2021, as amended, with regards the retention of certain works and increase in annual tonnage at waste transfer and recycling centre. Consultation meeting held on 22nd February 2024.

ACP Ref: SU06F.321465 – refers to a Substitute Consent application lodged on the 16th December 2024 for the waste recycling and transfer facility. Remedial EIAR and Remedial NIS submitted with application. Decision pending.

ACP Ref: FD06F.321466 – refers to an application for Further Development under Section 37L of the Planning and Development Act 2000 (as amended) lodged on the 16th December 2024 for the ongoing use of the Waste Recycling and Transfer facility with all associated site works. EIAR and NIS submitted with application. Decision pending.

DAA lands adjoining the appeal site to the northwest

P.A. Ref. F25A/0094E – refers to a 2025 application by the DAA to increase the annual limit on the number of air passengers using the infrastructure at Dublin Airport. Further information requested in April 2025. The application was deemed withdrawn as further information was not submitted within the prescribed time limit.

P.A. Ref. F23A/0781 – refers to a 2023 application by the DAA for the necessary facilities and infrastructure to grow Dublin Airport to 40 million passengers per annum. There is no decision on this file.

The red line pertaining to the above two applications includes a c. 2.7ha piece of greenfield land in agricultural use that immediately adjoins the appeal site to the north (located between the recycling centre and the R122). Neither of these applications proposed any development on this particular piece of land.

5.0 Policy Context

5.1. National & Regional Legislation, Guidelines and Strategies

Climate Action and Low Carbon Development Act, 2015, as amended

The Act commits Ireland to the objective of becoming a carbon-neutral economy by 2050 and reducing emissions by 51% by the end of the decade. Section 17 of the Climate Action and Low Carbon Development (Amendment) Act, 2021 amends the principal act such that Section 15(1) requires:

“A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—

(a) the most recent approved climate action plan,

(b) the most recent approved national long term climate action strategy,

(c) the most recent approved national adaptation framework and approved sectoral adaptation plans,

(d) the furtherance of the national climate objective, and

(e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.”

“Relevant body” means a prescribed body or a public body.

Climate Action Plan 2025, and 2024

The purpose of the CAP is to lay out a roadmap to deliver on Ireland's climate ambition, of 51% reduction in GHG emissions from 2021-2030 and net-zero emissions by 2050. The CAP aligns with the legally binding economy-wide carbon budgets and sectoral ceilings that were agreed by Government in July 2022. CAP 2025 builds upon CAP 2024 by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with CAP 2024.

National Planning Framework (NPF) First Revision, 2025

National Strategic Outcome 8 Transition to a Carbon Neutral and Climate Resilient Society: sets out that for Ireland to meet its climate targets, reduce its greenhouse gas emissions, and improve its energy security by reducing reliance on imported fossil fuels and diversifying its electricity supply, an accelerated delivery of additional renewable electricity generation is essential to deliver 80% of Ireland's electricity needs from renewable sources by 2030. The need to develop enabling infrastructure including reinforce the distribution and transmission network to facilitate planned growth is recognised. Along with geographical focused renewables investments to minimise the amount of additional grid investment required, for example through co-location of renewables and grid connections.

Eastern and Midlands Regional Assembly Regional Spatial & Economic Strategy 2019-2031

Figure 7.4 Climate Strategy – including Sustainable Transport - Achieve modal shift towards public transport, walking and cycling and roll out EV charging infrastructure.

5.2. Fingal County Development Plan 2023-2029

The Fingal County Development Plan 2023-2029 (CDP) took effect on 5th April 2023.

I note that proposed Variation No. 1 and proposed Variation No. 2 to the CDP were both placed on public notice on 23rd December 2025, the provisions of which do not affect the appeal site.

The appeal site is zoned 'DA – Dublin Airport', the objective of which is '*Ensure the efficient and effective operation and development of the Airport in accordance with an approved Local Area Plan.*'

The CDP vision for the DA zoning is as follows:

'Facilitate air transport infrastructure and airport related activity/uses only (i.e. those uses that need to be located at or near the Airport). All development within the Airport area should be of a high standard reflecting the status of an international airport and its role as a gateway to the country and region. Minor extensions or alterations to existing properties located within the Airport area which are not essential to the operational efficiency and amenity of the Airport may be permitted, where it can be demonstrated that these works will not result in material intensification of land use. Air

Transport Infrastructure includes: aircraft areas, air traffic control/tower, ancillary health, safety and security uses, aprons, cargo handling, maintenance hangars, meteorology, retail – airside/duty free, runways, taxiways, terminals and piers.'

With reference to the zoning matrix set out under Chapter 13 of the CDP, 'Petrol Station' and 'Restaurant/Café' are uses which are 'Permitted in Principle' on land zoned 'DA – Dublin Airport'. Takeaway and drive thru uses are not specifically listed as being 'permitted in principle' or 'not permitted', therefore, in accordance with a CDP note under the 'DA' zoning matrix, 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.

Chapter 8 – Dublin Airport

Policy DAP1 – Continue to support Dublin Airport as a key national asset to Ireland's economic success by ensuring that all future development complies with the strategic aims and objectives contained within the Dublin Airport Local Area Plan, 2020 or any subsequent LAP or extension of same.

Objective DAO1 – Facilitate the operation and future development of Dublin Airport, in line with Government policy and the Dublin Airport Local Area Plan 2020, or any subsequent LAP or extension of same, recognising its role in the provision of air transport, both passenger and freight.

Objective DAO2 – Safeguard the current and future operational, safety, technical and developmental requirements of Dublin Airport and provide for its ongoing development in accordance with the Dublin Airport Local Area Plan 2020, or any subsequent LAP or extension of same, having regard to both the environmental impact on local communities and the economic impact on businesses within the area

Policy DAP2 – Ensure that the required infrastructure and facilities are provided at Dublin Airport, in accordance with Dublin Airport LAP 2020, or any subsequent LAP or extension of same, so that the Airport can develop further and operate to its maximum sustainable potential, whilst taking into account the impact on local communities, the environment and climate change.

Policy DAP3 – Support an appropriate balance between developing the unique potential of Dublin Airport as an economic generator and major employer in the County and protecting its core operational function as the Country’s main international airport, in accordance with the Economic Objectives of the Dublin Airport Local Area Plan, 2020, or any subsequent LAP or extension of same.

Policy DAP4 – Ensure that all developments comply with the Climate Action Objectives and the Circular Economy and Waste Management Objectives in the Dublin Airport Local Area Plan 2020, or any subsequent LAP or extension of same.

Noise Zones

The site is located within Dublin Airport Noise Zone A as identified on CDP zoning map.

Policy DAP5 – Support the actions contained within the Noise Action Plan for Dublin Airport 2019–23, or any subsequent plan or extension of same.

Objective DAO11 –Strictly control inappropriate development and require noise insulation where appropriate in accordance with Table 8.1 above within Noise Zone B and Noise Zone C and where necessary in Assessment Zone D, and actively resist new provision for residential development and other noise sensitive uses within Noise

Zone A, 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 the runways are not unreasonable to minimise the adverse impact of noise on existing housing within the inner and outer noise zone.

Objective DAO14 –Restrict development which would give rise to conflicts with aircraft movements on environmental or safety grounds on lands in the vicinity of the Airport and on the main flight paths serving the Airport, and in particular restrict residential development in areas likely to be affected by levels of noise inappropriate to residential use.

Policy DAP7 – Ensure that all development within the Dublin Airport Local Area Plan lands will comply with the following Objectives of the Dublin Airport Local Area Plan, 2020, or any subsequent plan or extension of same. These include:

- Flood Risk Management Objectives
- Air Quality Objectives
- Sustainable Urban Drainage Objectives
- Archaeology Objectives
- Water Supply Objectives
- Architectural Heritage Objectives
- Surface Water Quality Objectives
- Natural Heritage Objectives
- Ground Water Objectives

Public Safety Zone

The appeal site is located within Dublin Airport's Outer Safety Zone.

Objective DAO18 – Promote appropriate land use patterns in the vicinity of the flight paths serving the Airport, having regard to the precautionary principle, based on existing and anticipated environmental and safety impacts of aircraft movements.

Objective DAO19 – Support the review of Public Safety Zones associated with Dublin Airport and implement the policies to be determined by the Government in relation to these Public Safety Zones.

Objective DAO20 – Take into account relevant publications issued by the Irish Aviation Authority in respect of the operations of and development in and around Dublin Airport.

Objective DAO21 – Continue to take account of the advice of the Irish Aviation Authority with regard to the effects of any development proposals on the safety of aircraft or the safe and efficient navigation thereof. To refer planning applications for any proposals that may be developed in the environs of the Airport to the Irish Aviation Authority and DAA in accordance with the Obstacle Limitation Requirements of Regulation (EU) No 139 / 2014 (EASA Certification Specifications), previously required under ICAO Annex 14, and which are depicted on the aerodrome operator’s map.

Design

Objective DAO26 – Ensure that all development within the Dublin Airport Local Area Plan lands will be of a high standard of design and sustainability, to reflect the prestigious nature of an international gateway airport, and its location adjacent to Dublin City.

Chapter 11 – Infrastructure and Utilities

Objective IUO9 – Maintain and enhance existing surface water drainage systems in the County and to require SuDS in new developments where appropriate, as set out in the Greater Dublin Strategic Drainage Study (Vol 2: New Development) / Greater Dublin Regional Code of Practice for Drainage Works).

Objective IUO11 – relates to SuDS in New Developments, including that underground tanked systems, whether concrete or plastic, are the least favoured means for surface water management and shall only be used when green solutions have proven not feasible.

Objective IUO16 –Have regard to the OPW Flood Risk Management Guidelines 2009, as revised by Circular PL 2/2014, when assessing planning applications and in the preparation of statutory and non-statutory plans and to require site specific flood risk assessments to be considered for all new developments within the County. All development must prepare a Stage 1 Flood Risk Analysis and if the flooding risk is not screened out, they must prepare a Site-Specific Flood Risk Assessment (SSFRA) for the development, where appropriate.

Chapter 14 – Development Management Standards

Objective DMSO98 – Development proposals for petrol stations shall address the following:

- Development proposals will be required to demonstrate that noise, traffic, visual obtrusion, fumes and smells will not detract unduly from the amenities of the area and in particular from sensitive land uses such as residential development.
- Motor fuel stations should be of high quality design and integrate with the surrounding built environment. In urban centres, where the development would be likely to have a significant impact on the historic or architectural character of the area, the use of standard corporate designs and signage may not be acceptable.
- Forecourt lighting, including canopy lighting, should be contained within the site and should not interfere with the amenities of the area.
- The forecourt shop should be designed so as to be accessible by foot and bicycle, with proper access for delivery vehicles. The safety aspects of circulation and parking within the station forecourt should be fully considered. Retailing activities should be confined to the shop floor area, except in the case of sales of domestic fuel, where some external storage may be permissible.
- The sale of retail goods from petrol stations should be restricted to convenience goods and only permitted as an ancillary small-scale facility. The net floorspace of a fuel station shop shall not exceed 100 sqm. Where permission is sought for a retail floorspace in excess of 100 sqm, the sequential approach to retail development shall apply.
- Workshops for minor servicing (e.g. tyre changing, puncture repairs, oil changing) may be permitted in circumstances where they would not adversely impact the operation of the primary petrol station use and local amenities, particularly with regard to proximity to dwellings or adjoining residential areas.
- Motor fuel stations and service areas in proximity to the National Road network will be assessed with regard to the Spatial Planning and National Roads Guidelines for Planning Authorities, 2012.

Objective DMSO196 – Ensure that all new developments in areas served by a public foul sewerage network connect to the public sewerage system, to comply with the requirements of the Uisce Éireann Foul Sewer specification (where applicable).

5.3. Dublin Airport Local Area Plan 2020 (extended to 2029)

The LAP notes that the Airport is of vital importance to the Irish economy and acts as the principal international gateway for trade, inward investment and tourism. In addition, the Airport facilitates Ireland's integration with Europe and aids in attracting foreign direct investment. In the future, the Airport will facilitate Dublin in becoming an economic bridge between North America and Europe. Government Strategy set out in the National Planning Framework and the National Aviation Policy recognises the importance of growth at the Airport to future national prosperity. The Dublin Airport Economic Impact Study (DAA, April 2017) set out that Dublin Airport remains a major employment cluster and a nationally important strategic business location. The Airport is also the most important economic entity in Fingal and the wider Dublin City region.

Vision – 'to facilitate and manage the sustainable growth of Dublin airport in a manner that reflects its status as Ireland's premier aviation gateway whilst safeguarding the core operational function of the airport and supporting neighbouring communities, the economy and the environment'.

The LAP seeks to safeguard the current and future operational, safety, technical and developmental requirements of Dublin Airport and provide for its on-going development within a sustainable development framework, having regard to both the environmental impact on local communities and the economic impact on businesses within the area.

Key Strategic Objective - Safeguarding - Safeguard the current and future operational, safety, technical and development requirements of Dublin Airport and provide for its ongoing development within a sustainable development framework, having regard to both the environmental impact on local communities and the economic impact on businesses within the area. Promote appropriate land use patterns in the vicinity of the flight paths serving the Airport, having regard to the precautionary principle, based on existing and anticipated environmental and safety impacts of aircraft movements.

OBJECTIVE EI01 All development proposals at Dublin Airport shall have regard to the requirement for environmental assessment including screening for Appropriate Assessment, Environmental Impact Assessment and Flood Risk Assessment in accordance with relevant legislation and guidelines.

OBJECTIVE EI02 All development proposals in the LAP area shall safeguard key operational features of the Airport (runways, taxiways, obstacle surfaces, radar and control tower sightlines).

OBJECTIVE EI03 All development proposals shall not prejudice the orderly operation and continued growth of the Airport including provision of a third terminal in the future.

OBJECTIVE OS01 Control the type and height of any structures that may be developed in the environs of the Airport (in consultation with the Irish Aviation Authority and Dublin Airport) in accordance with the Obstacle Limitation Requirements of Regulation (EU) No 139/2014 (EASA Certification Specifications), previously required under ICAO Annex 14 and which are depicted on the aerodrome operator's safeguarding map.

5.4. Natural Heritage Designations

The nearest European Sites are the Malahide Estuary SPA (Site Code: 004025) and Malahide Estuary SAC (Site Code: 000205), approx. 8km to the northeast, the Baldoyle Bay SPA (Site Code: 004016) and Baldoyle Bay SAC (Site Code: 000199), approx. 10.5km to the east.

The nearest Proposed Natural Heritage Area (pNHA) are the Feltrim Hill pNHA (Site Code: 001208), approx. 7km to the east and the Malahide Estuary pNHA (Site Code: 000205) approx. 8km to the northeast.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the third-party appeal are broadly similar to the points made in the observations to the planning authority, and can be summarised as follows:

Procedural Issues

- The application should be deemed invalid on the basis of discrepancies in landownership. With regards consent, the planner's report failed to correctly report on the full text of Section 5.13 of the Development Management Guidelines.
- Lack of clarity and transparency in terms of which officer of the planning authority conducted the site visit and subsequently prepared the planner's report.
- Sections of appellant's observation to the planning authority was redacted, suggesting a lack of transparency and incomplete response to issues raised.
- Fingal County Council's letter of consent which accompanied the application lacks details of any commitments made by the applicant. Any such discussions and commitments should be publicly disclosed.

Traffic / Community Impacts

- The planning authority's decision places no restriction on opening hours, thus impacting local traffic and increasing congestion particularly near the R122/R108 roundabout.
- The proposed dual entrance and exit points onto the R122 create a dangerous junction, particularly given the heavy vehicle traffic and proximity to the inland Dublin port.
- Car wash and takeaway elements will attract additional traffic.
- ERM Report of 2005 would allow 370 people to attend a site of 2.176ha at any one time, in contrast to the figure of 40 persons (15 staff and 25 visitors) stated in the application. A breach of this figure would result in traffic congestion.
- The application fails to provide an objective assessment of the impact on local traffic circulation and safety, noting the range of vehicle types facilitated.
- The TII Traffic and Transport Assessment Guidelines are not suitable for a facility that will attract traffic through special offers and marketing strategies.
- Sale of alcohol is a concern.

Environmental Concerns

- The surface and foul water treatment plans depend on a wetland solution that discharges into a tributary of the Ward River, posing significant environmental risks.
- With reference to Section 10.4 of the applicant's Aviation Report (submitted as further information) there is no certainty that the applicant would maintain surface water systems. the proposal to use underground attenuation tanks for surface water run-off is in response to avoiding green solutions which attract birdlife and which in turn, in the context of the proximity to the airport runways, cause a bird strike hazard.
- The anticipated wastewater volumes and the proposed wetland area are unsuitable for the site's soil and environmental conditions, posing a risk to ground and surface water.
- The use of a protective net above the 2,025sq.m water basins associated with the wastewater treatment system is impractical and would negatively impact local biodiversity, confusing wildfowl and affecting fauna and flora populations.
- Pollution risk associated with a breach / failure of the reed wetland embankments.
- The proposal does not account for cumulative environmental impacts from adjacent sites controlled by the applicant's family.
- Littering associated with the development, particularly the takeaway element.
- The site poses significant environmental risks, including fire, oil spillage, car wash detergents and other pollutants, with a lack of environmental impact assessment and mitigation measures.
- Lack of cumulative assessment with regards the subject site and adjacent operations.
- The Commission should consider all elements of the previous application (FW20A/0120) including observation made.

Archaeology

- The site is close to a fairy fort, which has not been adequately assessed for archaeological impact.

Airport Runway Risks

- The introduction of a drive in food source and construction of a reed bed will provide a food source for wild fowl and bird species at a location close to the airport runway.

6.2. Applicant Response

A response from the applicant, received on the 15th July 2024, can be summarised as follows:

Procedural Issues

- Fingal County Council deemed the application to be valid.
- As determined by the planning authority, the applicant holds sufficient legal interest to make the application.
 - The land was bequeathed to the applicant by his late uncle.
 - A letter of consent from Fingal County Council was included with respect to the part of the site within its ownership.
 - The applicant is aware that he would require to hold sufficient legal interest to carry out any works on foot of a grant of permission.
- The planning authority carried out a detailed assessment of the application and followed appropriate procedures.
- Non-publishing of personal details for GDPR purposes does not invalidate an application or bring into question the validity of the planning authority's assessment and decisions.

Traffic / Community Impacts

Traffic

- A Transportation Assessment Report was submitted with the application considers all the relevant potential traffic and transportation impacts.
- Fingal County Council's Transportation Section considered that the Traffic Assessment provided is acceptable and it would not be expected that the proposed development would have any significant impact on the road network.

- Road Safety Audit and other requirements conditioned on the planning authority's grant of permission.
- Whilst the area may appear to be rural, the land is zoned and will undergo significant change as the lands are made available for development.
- The proposed development has been designed to meet the current and future needs of the area.

Building Size and Uses

- The development was amended to reflect the previous concerns of the planning authority, resulting in a reduced building and development size, on a larger site.
- It is not uncommon for alcohol to be sold in service stations subject to the receipt of the relevant licences.
- A car wash facility is an integral but ancillary element to most service stations. Wastewater treatment has been designed by suitably qualified professionals.
- Hours of operation for a filling station can often extend to 24 hours. A restriction on hours of operation is not required in this instance as there would be no adverse impacts resulting from the proposed development. Reference made to a noise impact assessment submitted to the planning authority at further information stage.

Environmental Concerns

Surface and Wastewater Treatment

- Drainage plans including stormwater and the wetlands solution have been designed by suitably qualified professionals.
- The wetlands were designed to address the locally important aquifer, is self-contained and therefore would cause no adverse impact to soil or water courses.
- There is no water extraction proposed. Stormwater from the roof and canopy will go into rainwater harvesting for greywater. Foul water will go into the integrated wetlands.
- No objection from the local authority or Uisce Eireann.
- The appellant has provided no details to support his arguments.

Fire Risk

- Petrol stations are permitted in urban and residential settings and are not deemed to be unreasonable fire hazards.
- The site has been designed to comply with the minimum requirements of technical guidance document Part B and Dangerous Substances Act requirements.
- The development would be subject to Fire Safety Certificate and Dangerous Substances applications.

Littering

- Potential for littering with all developments. Operator would ensure all measures are in place to minimise littering, as the impacts of littering would damage the business.

Previous application

- The current application is materially different to the previous application, having addressed previous concerns to the satisfaction of the planning authority.

EIA

- EIA screening is a function of the planning authority and the Commission.
- The planning authority determined that there is no real likelihood of significant effects on the environment and therefore an EIA is not required. The Commission is asked to follow suit.

Impacts on Biodiversity

- The purpose of the protective netting above the wetlands is to discourage birdlife from inhabiting the wetlands.

Airport Runway Risks

- The application was assessed by DAA and IAA.
- Birdlife in the area is limited by the DAA themselves for air safety reasons.

Archaeology

- The submitted archaeological assessment includes results of geo-physical surveys and test trenching, determining that there are no archaeological

features within the red line. The survey work did inform a new layout that further avoids potential impact on a nearby ringfort.

- Fingal County Council's Heritage Officer / Archaeologist and the Dept. raised no objection subject to conditions on monitoring.

6.3. Planning Authority Response

A response received on the 17th July 2024 states that the planning authority has no further comment to make and requests that the decision of the planning authority to grant permission is upheld.

6.4. Observations

An observation to the third-party appeal was received from DAA. The observation requests that the Commission has regard to an observation made by DAA to the planning authority with respect to further information submitted by the applicant. The referenced observation was dated 16th May 2024, and, in summary, requested conditions to be included on any grant of permission requiring an instrument flight procedure assessment and notice regarding usage of cranes during construction.

6.5. Further Responses

None

7.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Procedural Issues
- Principle of Development
- Traffic, Access and Road Safety
- Aviation Safety

- Surface and Foul Water Treatment
- Archaeology
- Other Matters

I have also carried out a screening determination for Environmental Impact Assessment (EIA), Appropriate Assessment (AA) and Water Framework Directive Impact Assessment, which are presented in Sections 8.0, 9.0 and 10.0, respectively.

7.1. Procedural Issues

Consent / Validation

- 7.1.1. The appellant contends that the application should have been deemed invalid on the grounds that the applicant is not the landowner and consent from the landowner was not submitted. The appellant also refers to the letter of consent provided by the local authority, raising concern that a drawing referenced in the letter was not included in the application.
- 7.1.2. Furthermore, the appellant raises a concern that due to the redaction of information from the observation that he made to the planning authority, an adequate assessment of issues raised, including that of consent, could not be made by the planning authority.
- 7.1.3. In an appeal response received on behalf of the applicant, it is outlined that the land was bequeathed to the applicant by his late uncle, Oliver McDonnell, and that formal transfer of the land has yet to be completed. The applicant states that a letter from a solicitor can be provided to the Commission, if necessary, however the applicant considers that he has sufficient legal interest in the land to make the application.
- 7.1.4. The planner's report, dated 11th January 2024, acknowledged the appellant's concern with respect to consent and in this regard referred to Section 5.13 of the Development Management. Guidelines for Planning Authorities (2007).
- 7.1.5. With regards the appellant's concern that redacted observations have not permitted a proper assessment of issues raised, I would advise the Commission that unredacted copies of the observations received by the planning authority from the appellant during the course of the application are on file.

- 7.1.6. I note that ownership by the applicant / applicant's family of other land in the immediate vicinity of the appeal site is noted by the appellant and is also evident from a review of documentation pertaining to the live direct applications currently with An Coimisiún Pleanála (ACP Ref: SU06F.321465 and FD06F.321466 refers). Furthermore, as noted in Section 1.0 of my report, the appeal site is connected to the metal recycling site to the north via an internal track and boundary gate.
- 7.1.7. On the basis of the above, and having considered the submissions received on this matter, I am satisfied with the bona fides of the applicant's assertions and therefore it is my view that the applicant has demonstrated sufficient legal estate / interest to enable him to carry out the proposed development, and thus sufficient legal interest to make the application. In any case, pursuant to section 34(13) of the 2000 Planning and Development Act (as amended), a person shall not be entitled solely by reason of a permission under this section to carry out any development.

Planning Authority Assessment

- 7.1.8. The appellant refers to a number of alleged procedural irregularities within the planner's report and basis of assessment. The issues raised by the appellant are, in my view, of a procedural nature, having no implications on my assessment of the proposed development.

7.2. Principal of Development

- 7.2.1. The proposal comprises a petrol filling station with an amenity building of c. 332.3 sq.m. The amenity building will include a convenience shop (100 sq.m net retail area), restaurant/cafe area with food offerings with hot and cold meals and refreshments for sale for consumption on and off premises, and a coffee barista with an associated drive through facility.
- 7.2.2. Under the CDP, the site is zoned 'DA - Dublin Airport', the objective for which is to '*Ensure the efficient and effective operation and development of the Airport in accordance with an approved Local Area Plan.*'
- 7.2.3. With reference to the zoning matrix set out under Chapter 13 of the CDP, 'Petrol Station' and 'Restaurant/Café' are uses which are 'Permitted in Principle' on land zoned 'DA – Dublin Airport'.

- 7.2.4. Development management standards for petrol stations are outlined under Section 14.15.4.2 of the CDP, which states that *petrol stations, while necessary, have the potential to cause disturbance, nuisance and detract from the amenities of an area and as such, proposals for new or extended outlets will be carefully considered. Motor fuel stations will not generally be encouraged within the core retail area of urban centres or in rural areas.*
- 7.2.5. Whilst the site is currently located in an area that may be categorised as being rural, the land is zoned under the CDP and subject to an LAP, therefore, in my view, development of the land for a petrol station is acceptable in principle in this regard. The site is also located within relative close proximity to the village of St. Margarets and I note that the proposal includes a pedestrian link to an existing footpath on the western side of the R122, which connects to the village.
- 7.2.6. Associated Objective DMSO98 outlines criteria to be considered for planning applications for petrol stations, relating to issues around residential amenities and traffic including on-site circulation. The objective also restricts the retail element of petrol stations to convenience goods and only permitted as an ancillary small-scale facility, restricting the net floorspace to 100 sqm, otherwise the sequential approach to retail development shall apply. The proposal is consistent with Objective DMSO98 in this regard.
- 7.2.7. Furthermore, I consider that the proposal, by reason of its nature and location, does not conflict with the development strategy outlined in the Dublin Airport Local Area Plan 2020 (as extended), particularly in the context of the future site options for a third airport terminal as referred to in LAP Objectives EIO3 and TP03 and as described in the Department of Transport, Tourism and Sport (DTTAS) document entitled 'Review of Future Capacity Needs at Ireland's State Airports', (August 2018).
- 7.2.8. With respect to the coffee drive-thru element of the proposal, I note that takeaway and drive through uses are not specifically listed as being 'permitted in principle' or 'not permitted' under the 'DA' zoning objective, therefore, as per the CDP, 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.

- 7.2.9. The planning authority considered that the principle of a filling station and associated retail floorspace is acceptable having regard to the zoning provisions and CDP Objective DMSO98 but considered that the applicant has not provided an adequate justification for the drive through element.
- 7.2.10. I concur with the planning authority in this regard. CDP Objective DMSO98 seeks to ensure that the sale of retail goods from petrol stations is restricted to convenience goods and only permitted as an ancillary small-scale facility. It is my view that notwithstanding data provided in the submitted transportation assessment, the coffee barista drive-through has the potential to draw significant trade in its own right and thus would not emerge as an ancillary element to the petrol filling station, contrary to Objective DMSO98. Apart from the drive-through element, I consider the range of uses proposed to be ancillary to the petrol station use, including the convenience retail and car wash, and in turn, I consider the sale of alcohol, which itself is subject to licencing, is ancillary to the retail element and therefore acceptable.
- 7.2.11. In conclusion, in the context of the 'DA – Dublin Airport' zoning objective, associated LAP and CDP Objective DMSO98, I am satisfied the proposed development with respect to the petrol station itself and ancillary uses, is acceptable in principle. Having regard to the same objectives, I consider that the drive-thru coffee proposal is not acceptable and should be omitted by condition where the Commission is of a mind to grant permission.

7.3. Traffic and Access and Road Safety

Traffic and Access

- 7.3.1. Grounds of appeal include that the development would have an adverse impact on traffic and road safety. The appellant contends that the proposed dual entrance and exit points onto the R122 would create a dangerous junction and that the application fails to provide an objective assessment of the impact on local traffic circulation and safety. The appellant also contends that the car wash and drive through facility will generate additional traffic.
- 7.3.2. In the appeal response, the applicant outlines that a Transportation Assessment Report submitted with the application considers all the relevant potential traffic and transportation impacts. I note that Fingal County Council's Transportation Section did

not expect that the proposed development would have any significant impact on the road network.

- 7.3.3. The proposed access / egress arrangement on the R122 comprises an entry only point on the northern end of the site, including a dedicated right turning lane for north bound traffic, and an exit only point on the southern end of the site, allowing traffic to merge with the south bound lane of the R122 and thus no facility to turn right, rather north bound traffic out of the site would continue to the R122/ R108 roundabout a further c. 150m to the south.
- 7.3.4. In terms of road and traffic capacity, the submitted Transportation Assessment Report considers the impact of a worst-case traffic increase on the two-way traffic conditions on the R122 north of the site and on the R122/ R108 roundabout to the south of the site. The assessment also seeks to determine if the proposed new entry and exit only junctions will operate within capacity at opening year (2024) and design year (2039).
- 7.3.5. In conducting the above analysis, the Transportation Assessment Report uses the TRICS database (Trip Rate Information Computer System) to ascertain vehicular trip generation associated with the use of any particular site which the submitted report states is the industry best practice for such transportation assessments in Ireland. The assessment uses trip rate data for an 8-stand petrol filling station and, separately, for a typical 300sq.m GFA drive through restaurant.
- 7.3.6. In this regard, and whilst it is not specifically stated, I am satisfied that the retail area (restricted to 100sq.m net area) and car wash would be considered ancillary to the petrol station use, and furthermore I consider that the arrangement for the car wash is reasonable, allowing a clear vehicular route internally and suitable space for queuing.
- 7.3.7. With regards the drive through element, it is unclear why the assessment refers to a 300sq.m drive-through restaurant rather than calling out what the application is actually for, i.e. an amenity building of c. 330sq.m to include a convenience shop of 100sq.m and a coffee barista with drive-through facility. The TRICS data used is on a trip per sq.m basis, which, in the case of a drive-through restaurant, is 6.437 trips per 100sq.m during AM peak hour and 12.037 trips per 100sq.m during PM peak hour for arrivals and broadly similar for departures. On the basis of a 300sq.m drive through restaurant, this equates to 19 trips in AM peak hour and 36 trips in PM peak hour. In my view, based on the nature / usage of coffee, it would be expected that AM peak

hour trips would be significantly higher than PM peak hour trips. Whilst, in my view, this creates some uncertainty about the applicability of the data for a coffee drive-through, the level of data in this regard is a reasonable assessment against the impact of the drive-through coffee facility.

- 7.3.8. The assessment acknowledges that the petrol station and drive-through restaurant uses would generate linked and shared multi-purpose vehicular trips, however for the purpose of carrying out a robust assessment, the uses are identified and analysed separately. The assessment also uses an assumption that 50% of traffic constitutes 100% primary / new network trips and considers this to be a robust yet onerous assessment of the development. The above parameters are reasonable in my view, providing a worst-case scenario.
- 7.3.9. Using the above data, and compared against baseline weekday traffic surveys, the assessment finds that the proposed development would increase traffic on the R122 north of the site by 3% in the AM peak hour and by 3.8% in the PM peak hour, and on the R122 / R108 roundabout to the south of the site by 2.9% in the AM peak hour and by 2.5% in the PM peak hour. The significance of these rates is that they are below the threshold assessment rate of 5%, above which further assessment of traffic impact is required, as per the TII Traffic and Transport Assessment Guidelines.
- 7.3.10. With regards the proposed entrances onto the R122, the assessment uses the Junction 9 PICADY (Priority Intersection Capacity and Delay) approach, which produces results based on a ratio of flow to capacity (RFC) and queue length. The report outlines that an RFC greater than 1.00 indicates that a junction is operating at or above capacity, with 0.85 considered to be the optimum max RFC value. The results of the analysis show that the entry and exit only junctions will not exceed the 0.85 RFC value during the AM or PM hours in the opening year (2024) and design year (2039).
- 7.3.11. Based on the Transportation Assessment submitted, and having regard to the reports of the planning authority, I am satisfied that the applicant has demonstrated that the proposed development will not have an adverse impact on the public road network.
- 7.3.12. As an additional point, and with reference to Section 9 of the applicant's Aviation Report (submitted as further information), the appellant highlights that the application states that c. 40 persons (15 staff and 25 visitors) would be on the site at any one time,

whilst, by contrast, the ERM Report of 2005 (re: Public Safety Zones at Dublin Airport) would allow up to 370 people to be on the site at any one time (based on site area). The appellant makes the argument that a breach of the stated 40-person figure would be hard to patrol and would result in traffic congestion.

7.3.13. In my view, the appellant's argument is predicated on the assumption that the maximum capacity of a site from an airport safety zone perspective should be the baseline for assessment of traffic impact of a proposed development. In my view, this is not a reasonable assertion. The applicant's Transportation Assessment evaluates vehicular trips to the site based on available TRICS trip data associated with the proposed uses. As noted above, I am satisfied that the applicant has demonstrated that the proposed development will not have an adverse impact on the public road network. The relevance of Condition 13 is discussed under Section 7.7 of my report.

Road Safety

7.3.14. The application includes a Stage 1 Road Safety Audit, sight lines drawing, autotrack layout and road markings layout.

7.3.15. Whilst the Transportation Assessment demonstrates that the proposed development, including a drive-through facility, would not cause an adverse impact on the capacity of the local road network and whilst the submitted Stage 1 Road Safety Audit identified no road safety problems, it is my view, and as already eluded to under Section 7.2 above, that a coffee drive-through element would emerge as a dominant use on the site in its own right rather than an ancillary element to the petrol station. In this regard, I consider that the coffee drive-through element of the development conflicts with CDP Objective DMSO98, which seeks to ensure that the sale of retail goods from petrol stations is restricted to convenience goods and only permitted as an ancillary small-scale facility.

7.3.16. And by association, in my view, and by reference to the submitted Proposed Road Markings Layout, drawing number P1697.C16, the traffic associated with a coffee drive-through facility would potentially undermine the internal circulation for the petrol station and thus conflict with CDP Objective DMSO98 which requires that the safety aspects of circulation and parking within the station forecourt should be fully considered. On this basis, if the Commission is minded to grant permission, I recommend that the drive through facility is omitted by condition.

7.3.17. The appellant also refers to the range of vehicles facilitated by the proposed development, suggesting by reference to the submitted autotrack drawing that heavy vehicles would frequent the site. In my view, the submitted autotrack drawings demonstrate that the site will facilitate cars and commercial / panel vans, with larger vehicles limited to delivery vehicles including petrol delivery tankers. Furthermore, in my view, by reason of the parking arrangement set out for cars only, the proposal is not designed to facilitate larger vehicles such as HGVs.

Opening Hours

7.3.18. A ground of appeal relates to the opening hours, arguing that the absence of a condition on the planning authority's decision which restricts opening hours has the effect of allowing the petrol station to operate on a 24 hours per day basis and the traffic implications of same.

7.3.19. In response, the applicant contends that a restriction on hours of operation is not required in this instance as there would be no adverse impacts resulting from the proposed development and in this regard makes reference to a noise impact assessment submitted to the planning authority at further information stage.

7.3.20. The site, along with immediate land to the north, south and east, is undeveloped and zoned 'DA – Dublin Airport', under which 'residential' is not permitted. On the opposite side of the R122 to the west is undeveloped land zoned 'Green Belt' under which residential is permitted subject to compliance with the rural settlement strategy.

7.3.21. On the basis of the foregoing, and in the absence of any sensitive land uses within the vicinity of the site, I do not consider it necessary to impose a condition which would restrict the opening hours.

7.4. Aviation Safety

7.4.1. A ground of appeal is that the proposed development would attract birds to the site and by association this would pose a bird strike threat to Dublin airport. The issue relates to a number of elements of the proposal, namely the wetland system for treating wastewater, surface water drainage proposal and littering on the site.

7.4.2. Surface and foul water proposals are discussed separately below. In terms of littering, the applicant's response to the appeal outlines that the operator of the development

would ensure all measures are in place to minimise littering, as the impacts of littering would damage the business. I am satisfied that littering can be managed effectively by way of a scheme of litter control, to be agreed with the planning authority. If the Commission is minded to grant permission, I recommend a condition to this effect is included.

7.5. Surface and Foul Water Treatment

- 7.5.1. The appellant raises concerns with the regards the proposed strategy for managing surface and foul water generated by the development.

Surface Water

- 7.5.2. With regards surface water management, the appellant does not appear to have an issue with the proposed method for attenuating surface water run-off rather argues that the applicant may not maintain the infrastructure. The appellant's ground of appeal here should be read in conjunction with that under the foul water management proposal, in which the appellant is ultimately arguing (my interpretation) that based on alleged past non-compliance at operations on adjoining land to the north, if the water management systems on the appeal site are not managed / maintained correctly then there is a risk that open water bodies will exist on the site, attracting bird life, which in turn would have implications for airport operations and bird strikes.
- 7.5.3. The primary element of the proposed surface water strategy for the site comprises the installation of a 237m³ / 237,000 litre underground attenuation tank. Run-off from the forecourt / fuelling area and tanker off-loading slab would be collected in the attenuation tank after passing through a 10,000 litre Class 1 full retention oil / petrol separator. Runoff from the roof of the retail building and forecourt canopy would first be collected in a 22,000 litre underground attenuation tank for reuse as grey water, with overflow from this tank directed to the larger underground attenuation tank. All runoff stored in the large underground tank would pass through a Class 2 oil / petrol separator before discharging to an existing drain on the northern boundary of the site, with the discharge rate limited to pre-development run-off rate by way of a flow control device.
- 7.5.4. CDP Objective IUO9 requires SuDS in new developments where appropriate, whilst Objective IUO11 states that underground tanked systems, whether concrete or plastic,

are the least favoured means for surface water management and shall only be used when green solutions have proven not feasible. The case for an underground attenuation system is made under Section 10.4 of the applicant's Aviation Report, submitted to the planning authority as further information, outlining that as per international aviation guidance, ponds or standing water near aerodromes should be avoided, with a preference for underground solutions.

- 7.5.5. In my view, having regard to the hazards associated with bird strikes at the airport, the case for the underground solution is acceptable in this instance, consistent with CDP Objective IUO11.
- 7.5.6. With regards flood risk in the context of surface water, Objective IUO16 requires developments to have regard to the OPW Flood Risk Management Guidelines 2009.
- 7.5.7. The application includes a Site-Specific Flood Risk Assessment (SSFRA). Whilst the results of pluvial modelling, which accounts for climate change (section 6.1.3 of the SSFRA refers) shows an area of pluvial flooding located within the western area of the site the SSFRA finds that the primary flood risk to the proposed development site can be attributed to overland flow from surface water runoff, with associated pluvial flood risk contained to the site itself. The report finds that residual flood risk is associated with surcharge or failure of the urban drainage network in the vicinity of the site, however it is considered that such an event would not impact on the site.
- 7.5.8. The SSFRA concludes that with the implementation of the proposed surface water drainage and attenuation system the flood risk to and from the proposed development site is considered to be low.
- 7.5.9. The local authority's Water Services Department raised no objection to the surface water drainage proposal and concluded that the proposal is acceptable with regards flooding and is in accordance with OPW Flood Risk Management Guidelines, Nov 2009.
- 7.5.10. On the basis of the above, I consider that the proposed surface water management proposal is satisfactory, consistent with CDP Objective IUO11. I am also satisfied that the flood risk identified on the site has been appropriately addressed in the submitted documentation, consistent with CDP Objective IUO16.

Foul Water

- 7.5.11. Mains sewer is not available at this location therefore the proposal includes the installation of an on-site wastewater treatment system in the form of a septic tank and integrated constructed wetland with discharge to a percolation area. The system would cater for foul water from the retail building, including toilets and effluent from the food processing line, and also water runoff from the car wash facility.
- 7.5.12. CDP Objective DMSO196 seeks to ensure that all new developments in areas served by a public foul sewerage network connect to the public sewerage system, to comply with the requirements of the Uisce Éireann Foul Sewer specification. As such, in my view, the CDP, specifically the wording of Objective DMSO196, does not preclude an on-site wastewater treatment proposal where public mains are not available.
- 7.5.13. The local authority's water services department raised no objection subject to conditions that no foul drainage is to discharge into the surface water system under any circumstances and that the foul drainage must be in compliance with the EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single dwellings (March 2021).
- 7.5.14. The appellant contends that the anticipated wastewater volumes and the proposed wetland area are unsuitable for the site's soil and environmental conditions, posing a risk to ground and surface water, and a pollution risk associated with a breach or failure of the reed wetland embankments. As per the surface water section above, the appellant raises a concern that where the wetland and associated mitigation measure are not maintained correctly there is a risk that open water bodies will exist on the site, attracting bird life, which in turn would have implications for airport operations and bird strikes.
- 7.5.15. In response, the applicant outlines that the wetlands solution has been designed by suitably qualified professionals and designed to address the locally important aquifer, are self-contained and therefore would cause no adverse impact to soil or water courses.
- 7.5.16. Appendix 4 of the submitted Engineering Report contains a 'Report on the design of a Constructed Wetland System' prepared by Dr. Eugene Bolton of Trinity Green Environmental Consultants. The report can be summarised as follows:

- The overall approach is to install a septic tank for the pre-treatment of foul waste and to install a separator for pre-treatment of wastewater from the carwash. Both of these waste streams will be collected in a sump and will be pumped to an Integrated Constructed Wetland (ICW) for treatment with final discharge to ground via a percolation area where a drip irrigation system will be used to distribute the wastewater.
- The sources of wastewater comprises 200 retail customers (10 litres per person), 200 restaurant customers (15 litres per person), 15 staff (60 litres per person), giving a total of 5,900 litres per day, along with total flow from carwash at 2,250 litres per day, giving a total volume of wastewater from the two sources expected to be 8,150 litres. This equates to a daily flow of PE 54 (150 litres per PE).
- The ICW utilises physical chemical and mainly biological processes to removed pollutants from wastewater. This comprises a series of densely vegetated cells or ponds / basins that support an ecosystem that effectively removes the pollutants.
- The proposed site is located in an area underlain by a locally important aquifer with a high vulnerability, with a groundwater response being R1, with this response requiring specific parameters in terms of how the ICW is constructed including that it shall be underlain by at least 1m of cohesive subsoil with further enhancement of the subsoil required depending on its classification.
- In this case, analysis showed that there is slow permeability in the subsoil therefore suitable for use in the construction of the ICWs however it will be necessary to compact the soil to lower the permeability to the necessary level to ensure no soakage through the basins to the groundwater.
- Base of basins will be at a height 1m above the water table, with 1m high embankments constructed above the impermeable base using compacted imported boulder clay.
- The wetland is designed allowing 20sq.m of basin area for each PE giving a total of 1,080sq.m for secondary treatment (20sq.m x 54 PE). Further tertiary treatment is allowed for in the final basin designed allowing 10sq.m per PE or

an area of 540sq.m (10sq.m x 54 PE). These areas are increased by 25% to allow for some variation in the daily or seasonal loading.

Impact on Bird Population

- In designing wetlands, the general approach is that reeds chosen to populate the ponds will allow for some open areas of water in the ponds, thus attracting birds, in particular large waterfowl including ducks, geese and swans. This reflects the choice of reeds and depth of water.
- For this reason, the design for the appeal site specifically omits the usual use of ponds as part of the overall treatment wetland area and instead the wetlands are designed to have shallow water, normally 100 to 150mm depth and never greater than 300mm. The entire basin will be devoted to relatively shallow marsh cover and will thus be less of a draw to large waterfowl than open water. Insects and smaller bird species will still be supported in terms of habitat provision, but the risks to air traffic will be minimised.
- Mitigation also includes the use of a flexible net over above the basins to ensure there will be no access to the water for birds.

7.5.17. The appellant contends that the use of a protective net above the water basins is impractical and would negatively impact local biodiversity, confuse wildfowl and affect fauna and flora populations. In my view, the use of the protective net should be considered in tandem with the ICW design, outlined above, which seeks to avoid open water bodies by maintaining a low water level and shallow marsh cover.

7.5.18. Having regard to the above, I consider that the proposed foul water treatment solution is comprehensive and robust, adequately addressing the foul water treatment needs of the proposed development, designed to protect ground and surface water and providing mitigation measures to detract bird species which would otherwise present a hazard to airport activities.

7.6. Archaeology

7.6.1. The appellant contends that a fairy fort located within the same field has not been adequately assessed for archaeological impact.

- 7.6.2. In response, the applicant refers to the submitted archaeological assessment which includes results of geo-physical surveys and test trenching, determining that there are no archaeological features within the red line.
- 7.6.3. Fingal County Council's Heritage Officer / Archaeologist and the Department of Housing, Local Government and Heritage raised no objection subject to conditions on monitoring.
- 7.6.4. An Archaeological Impact Assessment titled 'Pre-planning Archaeological Impact Assessment' was submitted with the application. The assessment comprises a desktop study, geo-physical survey and on-site test-trenching.
- 7.6.5. The report identifies that the zone of notification for recorded monument ref DU014-099--- (Ringfort-unclassified) intersects with the application site. A geo-physical survey and test-trenching, both carried out under licence, identified no evidence to suggest that remains associated with ringfort ref. DU014-099 lie within the proposed development boundary.
- 7.6.6. On the basis of the foregoing, I am satisfied that the applicant has taken sufficient steps to ensure that the proposed development will not have any adverse archaeological impact. If the Commission is minded to grant permission, I recommend that a suitable condition on construction stage monitoring is included akin to the condition recommended by the DAU of the Department of Housing, Local Government and Heritage.

7.7. Other Matters

Cumulative Impacts

- 7.7.1. A ground of appeal is that there is a lack of environmental impact assessment including consideration of the cumulative environmental impacts from adjacent sites controlled by the applicant's family. The requirement for EIA is considered in Appendix 1 and 2 of my report, including consideration of cumulative impacts, with specific reference to the existing metal recycling facility on land to the north. I conclude that there is no real likelihood of significant effects on the environment and that an EIAR is not required.
- 7.7.2. Notwithstanding, the specific concerns of the appellant regarding potential water pollution is addressed in Section 7.5 above with respect to foul and surface water and

also under Sections 9.0 and 10.0 and associated appendices with respect to AA and Water Framework Directive. Concerns regarding fire risk is considered in the next subsection below.

Fire Risk

- 7.7.3. A ground of appeal is that the proposed development poses a fire risk, both on the site itself and in the context of adjoining operations to the north.
- 7.7.4. In response, the applicant outlines that petrol stations are permitted in urban and residential settings and are not deemed to be unreasonable fire hazards; that the site has been designed to comply with the minimum requirements of technical guidance document Part B and Dangerous Substances Act requirements; and that the development would be subject to Fire Safety Certificate and Dangerous Substances applications.
- 7.7.5. With regards a cumulative fire risk with the adjoining metal recycling operations to the north, I note that the relevant planning permission for the metal recycling site is ref. 97A/0109 (final grant dated 26/02/1998), with successive planning permissions for use at the site been temporary permissions and have all since expired. Under the 1998 permission, operations at the site are set back over 100m from the northern boundary of the appeal site.
- 7.7.6. Furthermore, with reference to documentation submitted under ACP Ref: SU06F.32146 and ACP Ref: FD06F.321466, both direct applications to An Coimisiún Pleanála, and both with a decision pending, I note that the site plan under both applications shows operations at the metal recycling site to be set back c. 60m from the northern boundary with the appeal site, with the intervening land to be laid out for managed grassland. As such, in my view, it is unlikely that the proposed development on the appeal site presents a cumulative fire risk with the permitted or proposed operations on the adjoining site to the north.

Vegetation / Biodiversity

- 7.7.7. CDP Objective GINHO4 seeks to resist development that would fragment or prejudice the County's strategic green infrastructure network. The proposed site is located within a larger field comprising established boundary hedgerows and trees. The proposal would involve the removal of c. 130m of the western roadside boundary. An

Arboricultural Report, submitted to the planning authority as further information, outlines that the western boundary consists of a semi-mature tree and shrub mix of low quality and value. The report considers that the loss of the western boundary vegetation will be mitigated by substantial new high-quality tree and hedgerow planting.

- 7.7.8. The landscape plan and landscape specification sheet, also submitted to the planning authority as further information, outlines rationale for proposed tree, hedgerow and woodland planting, noting the ecological value of selected species. The report outlines that the proposed woodland planting mix on the western boundary will comprise indigenous species to include hazel, whitethorn, field rose and wild apple, and that such flowering species and berries will provide year-round interest and improve ecological value of the site and will provide a valuable food source and habitat for birds and invertebrates.
- 7.7.9. I consider that based on the submitted documentation, the proposed development, particularly in terms of the proposed landscaping strategy, would support green infrastructure ambitions of the CDP. Furthermore, I note that by reason of site location within the larger field, the existing boundary hedgerows to the east, south and north and substantial residual part of the western boundary hedgerow will remain intact, retaining nesting / roosting and foraging habitats, and further supplemented by new planting along the newly formed internal site boundaries. I note the planning authority included a condition requiring the hedgerow on the northern and southern boundaries to be retained and protected during construction works. I consider this to be reasonable. Furthermore, the wetland basins proposed as part of the foul water treatment system will create their own micro eco-system as outlined in the supporting documentation.
- 7.7.10. On the basis of the above, I consider that the proposal is acceptable from a biodiversity and green infrastructure perspective, protecting existing habitats by limiting the loss of boundary vegetation and mitigating through well-rationalised planting strategy, consistent with the CDP, particularly Objective GINHO4.

Climate Change

- 7.7.11. I have considered the application in the context of climate change. The Climate Action and Low Carbon Development Act, 2015, as amended, commits Ireland to the

objective of becoming a carbon-neutral economy by 2050 and reducing Greenhouse Gas (GHG) emissions by 51% by the end of the current decade. Section 17 of the Climate Action and Low Carbon Development (Amendment) Act, 2021 amends the principal act such that Section 15(1) requires a relevant body shall, in so far as practicable, perform its functions in a manner consistent with relevant climate related plans and strategies including the most recent approved climate action plan (CAP), being CAP 24 and CAP 25.

- 7.7.12. The purpose of the CAP is to lay out a roadmap to deliver on Ireland's climate ambition of 51% reduction in GHG emissions from 2021-2030 and net-zero emissions by 2050.
- 7.7.13. The proposed development comprises the construction of a petrol filling station, which, in my view, by reason of its primary function of retailing petrol and diesel, does not directly support Ireland's ambitions for net-zero emissions by 2050. However, a petrol station use is permitted in principle on the DA zoned land under the CDP, with Objective DMSO98 acknowledging their necessity. In my view, petrol stations will continue to be a necessary infrastructure until such a time that ambitions for zero carbon emissions from motor vehicles is realised, within both the new and second-hand market.
- 7.7.14. The application also includes the provision of 6 no. car spaces with electric vehicle charging points. The number of EV charging spaces substantially exceeds the 10% required under the CDP and directly supports the Climate Action Plan in terms of accelerating the roll out of EV Infrastructure. CDP development standard 14.17.10 requires that all other car parking spaces within the site are suitably serviced to enable EV charging points, a requirement which, in my view, is a positive step in respect of climate change, future proofing the service station as fossil-fuel dependent vehicles are phased out.
- 7.7.15. I also note that a 6-metre set-back from the road edge is reserved for the provision of future pedestrian and cycle infrastructure, a measure which supports a modal shift away from private car usage, consistent with climate change ambitions and CAP 2025. Furthermore, the proposed landscaping strategy as discussed above seeks to improve the ecological value of the site, which, in my view, also promotes biodiversity and green infrastructure, consistent with CAP 2025.

7.7.16. If the Commission is minded to grant permission, I recommend that a condition is attached which requires that all other proposed car spaces shall incorporate appropriate infrastructure / ducting to allow for future fit out of a charging point.

Relevance of Planning Authority Conditions

7.7.17. I have reviewed the conditions attached by the planning authority in its decision to grant permission in this case.

7.7.18. Condition 3 relates to the use of the building and restricts subdivision etc. I do not consider this condition to be necessary. The public notices and drawings are self-evident of what is being permitted.

7.7.19. Condition 4 requires the developer to engage with DAA plc and AirNav Ireland and to carry out an Instrument Flight Procedure (IFP) assessment. CDP Objective OS01 seeks to control the type and height of any structures that may be developed in the environs of the airport in accordance with the Obstacle Limitation Requirements of Regulation (EU) No 139/2014 (EASA Certification Specifications).

An initial submission received by the planning authority from the DAA advised that the site is located within the Obstacle Limitation Surface for Dublin Airport and as such the Above Mean Sea Level (AMSL) elevation of the proposed development may have an impact on the Instrument Flight Procedures at Dublin Airport.

The applicant submitted an Aviation Report as further information which concludes that by reason of the maximum building heights and construction stage crane height and by reason of the site location relative to the southern runway, the proposed development complies fully with all 'Obstacle Limitation Surfaces' for instrument approaches and other air operations. However in a submission on the further information, the DAA outline that following correspondence with AirNav Ireland, it is identified that the Above Mean Sea Level (AMSL) elevation of the proposed development exceeds the value applied when assessing potential impacts to Instrument Flight Procedures at Dublin Airport and as recommends a condition that requires the preparation of an Instrument Flight Procedure (IFP) assessment.

In my view, the Aviation Report submitted to the planning authority is robust and provides sufficient analysis to determine that the construction and operational phases of the development would not adversely affect the safe aviation operations at the

airport, however taking a precautionary approach, I recommend that Condition 4 is retained on any permission granted.

- 7.7.20. Condition 13 relates to the restrictions for the Dublin Airport Outer Public Safety Zone as set out in the Public Safety Zones Report, ERM 2003. The report would suggest that up to 370 people could attend a site of 2.176ha within the outer safety zone at any one time. In my view, a condition which refers to such extreme capacity compared to the actual intended design capacity, in this case being of c. 40 persons, has the effect of implying a permitted development of greater intensity. As such, I recommend that the condition is omitted. Any future application for expansion, change of use, etc. would be assessed against the ERM report or any updates to same.
- 7.7.21. The site is located within the Airport Noise Zone A, therefore, in my view, Condition 10 is acceptable and will ensure adequate protection from noise for both staff and visitors.

8.0 EIA Screening

Refer to EIA Form 1 and 2 contained in Appendix 1 and 2 of this report, respectively. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

9.0 AA Screening

Refer to Appendix 3. Having regard to nature, scale and location of the proposed development and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.0 Water Framework Directive

Refer to Appendix 4. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body either

qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

I recommend that permission be granted for the following reason and subject to the conditions below.

12.0 Reasons and Considerations

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

13.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 9 th November 2023 as amended by the further plans and particulars submitted on the 25 th April 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2.	The proposed development shall be amended as follows:

	<p>(a) The coffee barista drive through facility shall be omitted.</p> <p>(b) 3 no. motorcycle parking spaces shall be provided.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of proper planning and sustainable development.</p>
3	<p>The total net retail sales space of the forecourt shop shall not exceed 100 square metres.</p> <p>Reason: To comply with national policy, as set down in the Guidelines for Planning Authorities Retail Planning issued by the Department of the Environment, Community and Local Government in April, 2012.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity</p>
5.	<p>The development shall include 6 no. car spaces with functioning electric vehicle (EV) charging stations / points, as indicated on the submitted site layout plan. All other car parking spaces within the development shall be provided with ducting to enable functioning electric vehicle (EV) charging stations / points.</p> <p>Reason: In the interests of sustainable transportation.</p>
6.	<p>Prior to the commencement of development, the developer shall engage with the DAA plc and AirNav Ireland and carry out an Instrument Flight Procedure (IFP) assessment with a certified provider.</p> <p>The developer shall provide DAA and the Irish Aviation Authority with an least 90 days notification of any proposed crane operations (whether mobile or tower cranes).</p> <p>Reason: in the interests of aviation safety.</p>

7.	<p>All external shopfronts and signage shall be in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to the provision of such shopfronts and signage. Where agreement cannot be reached between the applicant/developer and the local authority the matter shall be referred to An Coimisiún Pleanála for determination. The signage shall be lit by external illumination only.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<p>No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the canopy, on the forecourt building or anywhere within the curtilage of the site) unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of visual amenity.</p>
9.	<p>Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.</p> <p>Reason: In the interest of public health and visual amenity.</p>
10.	<p>The developer shall control odour emissions from the premises in accordance with measures, including extract duct details, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of public health and to protect the amenities of the area.</p>
11.	<p>(a) The landscaping scheme shown on drawing number PP443-01-2 and associated particulars, as submitted to the planning authority on the 25th day of April 2024 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with</p>

	<p>others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>(b) Tree protection during construction shall be implemented as per the recommendations of the Arborist's Report and Tree Protection Plan submitted to the planning authority on the 25th April 2024. The boundary hedging and vegetation located along the northern and southern boundaries shall also be retained, and protected during construction.</p> <p>Reason: In the interest of residential and visual amenity.</p>
12.	<p>The amenity building shall be provided with noise insulation to an appropriate standard, having regard to the location of the site within Zone A associated with Dublin Airport.</p> <p>Reason: In the interests of proper planning and sustainable development.</p>
13.	<p>The applicant shall comply with any future requirement of the planning authority in relation to additional mitigation works in relation to glint and glare issues that may arise from the proposed development but may only become apparent when the installation is commissioned.</p> <p>Reason: In the interest of avoiding a traffic or aviation hazard and the proper planning and development of the area.</p>
14.	<p>No music or other amplified sound shall be broadcast externally from the premises.</p> <p>Reason: To protect the amenities of the area.</p>
15.	<p>All mitigation measures in relation to archaeology as set out in the Pre-planning Archaeological Impact Assessment submitted to the planning authority on the 9th November 2023 shall be implemented in full.</p> <p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p>

	<p>a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development,</p> <p>b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Coimisiún Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
16.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements, in writing where necessary, of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
17.	<p>Prior to the commencement of development, the detail design of the road widening and all ancillary works shall be submitted and agreed in writing with the planning authority.</p> <p>Reason: In the interest of proper planning and sustainable development of the area.</p>
18.	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann to provide for a service connection to the public water supply.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>

19.	<p>The developer shall complete Stage 2, 3 and 4 Road Safety Audits, to be carried out by an independent, approved and certified auditor. Agreed actions shall be implemented to the satisfaction of the planning authority.</p> <p>Reason: In the interest of pedestrian and traffic safety.</p>
20.	<p>(a) The septic tank and integrated constructed wetland hereby permitted shall be installed in accordance with the plans and 'Report on the design of Constructed Wetland System' submitted with this application on 9th November 2023 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.</p> <p>(b) No foul drainage is to be discharge into the surface water system under any circumstance.</p> <p>Reason: In the interest of public health and to prevent water pollution</p>
21.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and amenity.</p>
22.	<p>A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>Reason: In the interest of sustainable transport and safety.</p>
23.	<p>Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the</p>

	<p>Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of reducing waste and encouraging recycling.</p>
24.	<p>All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and [residential] amenity.</p>
25.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation, set out in my report in an improper or inappropriate way.

Jim Egan
Planning Inspector

11th March 2026

Appendix 1: EIA Pre-Screening (Form 1)

Case Reference	ABP-319939-24
Proposed Development Summary	Construction of a petrol station with all associated site works.
Development Address	Sandyhill, Saint Margaret's, Co. Dublin
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1 .	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in <u>Part 2</u>, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.	

<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	<p><u>Class 10 of Part 2 of Schedule 5 - Infrastructure projects</u></p> <p>(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere</p> <p><u>Class 1 of Part 2 of Schedule 5 'Rural Restructuring':</u></p> <p>(a) <i>"Projects for the restructuring of rural land holdings, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares."</i></p> <p>The following is noted in this regard:</p> <ul style="list-style-type: none"> • The roadside boundary of trees / hedgerow, of c. 130m, will be permanently removed. This is well below the 4km threshold specified above. • No re-contouring is required as part of the proposed development. <p>Having regard to the nature of the proposed works, such non-agricultural development would not constitute rural restructuring under Class 1 of Part 2 of Schedule 5.</p>
---	--

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2: EIA Preliminary Examination (Form 2)

Case Reference	ABP-319939-24
Proposed Development Summary	Construction of a petrol station with all associated site works.
Development Address	Sandyhill, Saint Margaret's, Co. Dublin
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development	
<p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Petrol station including 4 no. fuel pump islands, 4 no. 40,000 litre underground fuel storage tanks, car wash area, on-site facilities, relocation of existing site access and formation of new access from R122, illuminated and non-illuminated Operator signage, amenity building of 332.3 sq.m gross floor area, ESB Substation, 6 no. EV Chargers with associated parking bays, all site drainage works including an integrated constructed wetland providing foul treatment system.</p> <p>The site has a stated area of 2.176ha, approximately half of which is set out for the wetland area and drip irrigation percolation area. Notwithstanding, the total site size is significantly less than the '20 hectares elsewhere' threshold under Class 10 of Part 2 of Schedule 5 - Infrastructure projects.</p> <p>The development comes forward as a standalone project. With regards the sub-threshold elements of the proposal, the project does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
Location of development	
<p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural</p>	<p>The site is not located within or immediately adjacent to any designated site. The proposed development would be connected to a public water supply. Mains sewer is not available at this location therefore the proposal includes the installation of an on-site wastewater treatment system. The system would cater for foul water from the retail building and wastewater from the car wash facility.</p>

<p>environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The proposed surface water strategy for the site comprises the installation of a 237m³ / 237,000 litre underground attenuation tank. Run-off from the forecourt / fuelling area and tanker off-loading slab would be collected in the attenuation tank after passing through a 10,000 litre Class 1 full retention oil / petrol separator. Runoff from the roof of the retail building and forecourt canopy would first be collected in a 22,000 litre underground attenuation tank for reuse as grey water, with overflow from this tank directed to the larger underground attenuation tank. All runoff stored in the large underground tank would pass through a Class 2 oil / petrol separator before discharging to an existing drain on the northern boundary of the site, with the discharge rate limited to pre-development run-off rate by way of a flow control device.</p> <p>The zone of notification for a recorded monument intersects with the red line boundary of the site.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The appellant raises the issue of EIA and cumulative impact, referring to the metal recycling business to the north of the site, known as St. Margaret's Metal Recycling.</p> <p>The relevant planning permission for the metal recycling site is ref. 97A/0109 (final grant dated 26/02/1998), under which Condition 2 states that only inert non-domestic waste shall be delivered to the site whilst Condition 8 states that the annual throughput of waste authorised by the permission shall not exceed 10,000 tonnes. The successive planning permissions for use at the site have been temporary permissions and have since expired.</p> <p>I also note an application for substitute consent and a Section 37L application for further development at the metal recycling site are both active files with An Coimisiún Pleanála. The substitute consent application includes a remedial EIA and remedial NIS, whilst the Section 37L application for further development includes a subthreshold EIA and an NIS.</p> <p>Notwithstanding the live applications pertaining to the metal recycling site, the proposed petrol filling station</p>

	<p>development is a standalone project with no functional relationship with the metal recycling site.</p> <p>Under the 1998 permission, operations at the metal recycling site are set back over 100m from the northern boundary of the appeal site, whilst I note that the site plan for both live applications to An Coimisiún Pleanála, show operations at the metal recycling site to be set back c. 60m from the northern boundary of the appeal site, with the intervening land to be laid out for managed grassland.</p> <p>As such, having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in-combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____

Date: _____

Appendix 3: Screening for Appropriate Assessment

Screening for Appropriate Assessment	
Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	<p>Construction of a petrol station with all associated site works.</p> <p>See Section 2.0 of Inspector's Report.</p>
Brief description of development site characteristics and potential impact mechanisms	<p>The applicant seeks permission to construct a petrol filling station on greenfield land in a rural area at Sandyhill, St. Margarets, County Dublin, adjoining St. Margarets bypass, R122. The site has a stated area of 2.176ha and is contained in the northwest corner of a larger field that extends to some 5.5ha, currently in agricultural use.</p> <p>The site is not located within or immediately adjacent to any designated site.</p> <p>The proposed development would be connected to a public water supply. Mains sewer is not available at this location therefore the proposal includes the installation of an on-site wastewater treatment system. The system would cater for foul water from the retail building and wastewater from the car wash facility.</p> <p>The proposed surface water strategy for the site comprises the installation of a 237m³ / 237,000 litre underground attenuation tank. Run-off from the forecourt / fuelling area and tanker off-loading slab would be collected in the attenuation tank after passing through a 10,000 litre Class 1 full retention oil / petrol separator. Runoff from the roof of the retail building and forecourt canopy would first be collected in a 22,000 litre underground attenuation tank for reuse as grey water, with overflow from this tank directed to the larger underground attenuation tank. All runoff stored in the large underground tank would pass through a Class 2 oil / petrol separator before discharging to an existing drain on the northern boundary of the site, with the discharge rate limited to pre-</p>

	<p>development run-off rate by way of a flow control device.</p> <p>The aforementioned drain is not recorded on the online EPA mapping tool, however the area is located within the southern end of the Nanny-Devlin Catchment. The Ward River drains the southern edge of the catchment, flowing east and through Swords, then joining the Broadmeadow River and continuing to sea via Malahide Estuary.</p> <p>The application includes a Site-Specific Flood Risk Assessment (SSFRA). The results of pluvial modelling, which accounts for climate change (section 6.1.3 of the SSFRA refers) shows an area of pluvial flooding located within the western area of the site.</p> <p>The SSFRA finds that the primary flood risk to the proposed development site can be attributed to overland flow from surface water runoff, with associated pluvial flood risk contained to the site itself. Residual flood risk is associated with surcharge or failure of the urban drainage network in the vicinity of the site, however it is considered that such an event would not impact on the site.</p> <p>The SSFRA concludes that with the implementation of the proposed surface water drainage and attenuation system the flood risk to and from the proposed development site is considered to be low.</p>
Screening report	<p>No</p> <p>The planning authority screened out a requirement for AA.</p>
Natura Impact Statement	<p>No</p>
Relevant submissions	<p>In his observation to the planning authority, Jerry Beades PC, contended that the applicant has overlooked the risk posed by surface water contaminants entering the Ward Stream, leading to Malahide estuary, and especially in the context of hydrocarbon pollutants from adjacent operations.</p>

Step 2: Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests Link to conservation objectives (NPWS, 3rd March 2026)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
Malahide Estuary SPA (Site Code: 004025)	<p>Wintering water birds (14 no. species).</p> <p>Wetland and waterbirds</p> <p>Conservation Objectives NPWS, 2013</p>	c. 8km	<p>No direct ecological or hydrological connection.</p> <p>Indirect hydrological connection to Malahide Estuary via surface water network.</p>	Y
Baldoyle Bay SPA (Site Code: 004016)	<p>Wintering water birds (6 no. species).</p> <p>Wetland and waterbirds</p> <p>Conservation Objectives NPWS, 2013</p>	c. 10.5km	<p>No direct ecological or hydrological connection.</p> <p>No indirect ecological or hydrological connection.</p>	N
Malahide Estuary SAC (Site Code: 000205)	<p>Coastal habitat (mudflats, sandflats, salt meadows and dunes).</p> <p>Conservation Objectives NPWS, 2013</p>	c. 8km	<p>No direct ecological or hydrological connection.</p> <p>Indirect hydrological connection to Malahide Estuary via surface water network.</p>	Y
Baldoyle Bay SAC (Site Code: 000199)	<p>Coastal habitat (mudflats, sandflats, salt meadows, dunes annual vegetation and liverworts).</p> <p>Conservation Objectives NPWS, 2013</p>	c. 10.5km	<p>No direct ecological or hydrological connection.</p> <p>No indirect ecological or hydrological connection.</p>	N

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Malahide Estuary SPA (Site Code: 004025)</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p>	<p><u>Direct:</u> No risk of habitat loss, fragmentation or any other direct impact.</p> <p><u>Indirect:</u> Risk of untreated surface water runoff from construction stage reaching sensitive receptors via surface water drain.</p> <p>Risk of untreated surface water runoff and other contaminants including petrol spillages from operational stage reaching sensitive receptors via surface water drain.</p> <p>Risk of untreated foul water from operational stage reaching sensitive receptors via surface water drain.</p>	<p>A decline in water quality would undermine the conservation objectives set for qualifying interests.</p> <p>The contained nature of the site, no direct ecological connections or pathways and distance from receiving features connected to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the special conservation interest (SCI) species listed.</p> <p>In the context of the distance to the SPA, the site is not considered to be a reasonable ex-situ site for any wintering waterbird, including those likely to utilise alternative habitats at certain times, such as the light bellied brent goose.</p> <p>Conservation objectives would not be undermined.</p>

<p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Wetland and Waterbirds [A999]</p>		
	Likelihood of significant effects from proposed development (alone): No	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p> <p>No, having due regard to the remedial NIS and NIS submitted with live applications at the metal recycling plant to the north, which outline that the existing method of managing surface water run-off at the site comprises an attenuation storage tank, full retention hydrocarbon interceptor, with surface water pumped through a sand filter and discharged into the existing ditch adjacent to the site entrance at the northwestern end of the site; and that domestic wastewater from these facilities is discharged into an existing on-site wastewater treatment plant.</p>	
	Impacts	Effects
<p>Malahide Estuary SAC (Site Code: 000205)</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p>	<p><u>Direct:</u> No risk of habitat loss, fragmentation or any other direct impact.</p> <p><u>Indirect:</u> Risk of untreated surface water run-off from construction stage reaching sensitive receptors via surface water drain.</p> <p>Risk of untreated surface water runoff and other contaminants including petrol spillages from operational stage reaching sensitive receptors via surface water drain.</p> <p>Risk of untreated foul water from operational stage reaching sensitive receptors via surface water drain.</p>	<p>A decline in water quality would undermine the conservation objectives set for qualifying interests.</p> <p>The contained nature of the site, no direct ecological connections or pathways and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed.</p> <p>Conservation objectives would not be undermined.</p>

Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]		
	Likelihood of significant effects from proposed development (alone): No	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p> <p>No, as above, having due regard to the remedial NIS and NIS submitted with live applications at the metal recycling plant to the north, with regards existing method of managing surface and foul water.</p>	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>I conclude that the proposed development, alone, would not result in likely significant effects on the Malahide Estuary SPA (Site Code: 004025) or Malahide Estuary SAC (Site Code: 000205), or any other European site. The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project.</p> <p>No mitigation measures are required to come to these conclusions. During the construction phase, standard pollution control measures would be put in place. These measures are standard practice for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. Further, the use of separators would be standard practice for a petrol station. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites at Malahide Estuary from surface water run-off can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites at Malahide Estuary (dilution factor).</p>		
<p>Screening Determination</p> <p>Finding of no likely significant effects</p> <p>In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Malahide Estuary SPA (Site Code: 004025) or Malahide Estuary SAC (Site Code: 000205), or any other European site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.</p> <p>This determination is based on:</p>		

- nature and scale of the proposed development on a site close to the urban edge of Dublin
- the distances to the nearest European sites and the hydrological pathway considerations.
- Planning authority's AA screening
- no significant ex-situ impacts on wintering water birds

Appendix 4: Water Framework Directive Stage 1 - Screening

Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	ABP-319939-24	Townland, address	Sandyhill, Saint Margaret's, Co. Dublin
Description of project		Construction of a petrol station with all associated site works.	
Brief site description, relevant to WFD Screening,		<ul style="list-style-type: none"> • Greenfield site in a rural area proximate to Dublin Airport on the edge of Dublin City. • There are no watercourses located on or adjacent to the site, however noting the existence of a field drain running along the northern boundary of the site. • The closest waterbody is the Huntstown Stream (WARD_030) located c. 585m west of the site. • The Huntstown Stream discharges to the Ward River (WARD_030) c. 3.4km north of the site, which, in turn, joins the Broadmeadow River (BROADMEADOW_040) northeast of Swords town, which discharges to the Malahide Estuary further east of the town. • There is no obvious hydrological connection between the drain on the northern boundary of the site and the Huntstown Stream or Ward River, however the proposed development site is located within the same catchment and sub-catchment, namely the Nanny-Delvin Catchment, and the Broadmeadow_SC_010 sub-catchment. • The site is located in the Swords ground waterbody, in an area of high groundwater vulnerability. • GSI Mapping shows that the soil at this location is underlaid by poorly drained mineral soil. 	
Proposed surface water details		The proposed surface water strategy for the site comprises the installation of a 237m ³ / 237,000 litre underground attenuation tank. Run-off from the forecourt / fuelling area and tanker off-loading slab would be collected in the attenuation tank after passing through a 10,000 litre Class 1 full retention oil / petrol separator. Runoff from the roof of the retail building and forecourt canopy would first be collected in a 22,000 litre underground attenuation tank for reuse as grey water, with overflow from this tank directed to the larger underground attenuation tank. All runoff stored in the large underground tank would pass through a Class 2 oil / petrol separator before	

	<p>discharging to an existing drain on the northern boundary of the site, with the discharge rate limited to pre-development run-off rate by way of a flow control device.</p> <p>The aforementioned field drain is not recorded on the online EPA mapping tool, however the area is located within the southern end of the Nanny-Devlin Catchment. The Ward River drains the southern edge of the catchment, flowing east and through Swords, then joining the Broadmeadow River and continuing to the sea via Malahide Estuary.</p>
Proposed water supply source & available capacity	The proposed development would be connected to the public water mains.
Proposed wastewater treatment system & available capacity, other issues	Foul mains are not available at this location. Foul treatment comprises the installation of septic tank and an integrated constructed wetland. The system would cater for foul water from the retail building and wastewater from the car wash facility.
Others?	N/A

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Huntstown Stream	c. 585m	WARD_030	The River Waterbody WFD Status 2019-2024 awarded the WARD_030 a status of 'Moderate'	At Risk	Urban Wastewater Agriculture Urban Run-Off Other	Surface water
Ward River	c. 3.4km	WARD_030	The River Waterbody WFD Status 2019-2024 awarded the WARD_030 a status of 'Moderate'	At Risk	Urban Wastewater Agriculture Urban Run-Off Other	Surface water
Broadmeadow River	c. 7.7km	BROADMEADOW_040	The River Waterbody WFD Status 2019-2024 awarded	At Risk	Hydromorphology Agriculture	Surface water

			the BROADMEADOW_040 a status of 'Poor'			
Malahide Estuary	c. 8km	Broadmeadow Water IE_EA_060_0100	The Transitional Waterbody WFD Status 2019-2024 awarded the Broadmeadow Water a status of 'Moderate'	At Risk	Urban Wastewater Domestic wastewater treatment systems	Surface water
Swords ground waterbody, in an area of high groundwater vulnerability	Underlying	Swords ground waterbody IE_EA_G_011	The Ground Waterbody WFD Status 2019-2024 awarded the Swords groundwater body a status of 'Good'	Not at Risk	-	Surface water Groundwater

Step 3: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Construction related contaminants entering ground water and stormwater infrastructure.	WARD_030 BROADMEADOW_040 Broadmeadow Water	Drainage	Water quality degradation	Standard Construction	No	N/A

		Swords ground waterbody					
OPERATIONAL PHASE							
2.	Untreated operational stage surface or foul water entering surface or ground water.	WARD_030 BROADMEADOW_040 Broadmeadow Water Swords ground waterbody	Drainage	Water quality degradation	On-site attenuation. Class 1 and 2 interceptors. EPA compliant on-site foul water treatment system.	No	N/A
3.	Petrol spillage on forecourt.	WARD_030 BROADMEADOW_040 Broadmeadow Water Swords ground waterbody	Drainage Groundwater	Water quality degradation	Class 1 and 2 interceptors.	No	N/A