



An
Bord
Pleanála

Inspector's Report

ABP-321105-24

Development	2 fuel pumps and 2 islands. Retention permission is also sought for works consisting of the installation of 4 underground fuel tanks.
Location	Lands at Kingswood Truck Wash, Old Naas Road, Kingswood Cross, Dublin 22
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD23A/0239
Applicant(s)	Campus Oil Retail Ltd.
Type of Application	Permission and Retention
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Campus Oil Retail Ltd.
Observer(s)	Capital Oil Supplies
Date of Site Inspection	25/02/2025
Inspector	Gillian Kane

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1.0 Site Location and Description

- 1.1.1. The subject site is located between the N7 and the Old Naas Road, just south of Exit no. 2 off the N7. The site is accessed via a narrow road off the Old Naas Road, which provides access to a number of businesses, one of which forms the eastern boundary of the subject site. The southern boundary of the site adjoins a residential development Browns Barn Wood and the western boundary adjoins the N7. To the north of the site is a large vehicle commercial premises.
- 1.1.2. Currently on site is a single storey prefabricated shed adjoining a truck wash, three fuel pumps, and 4 no. underground tanks in an open area in the south-eastern corner.

2.0 Proposed Development

- 2.1. On the 25th September 2023, planning permission was sought for the installation of two additional fuel pumps and two islands, retention permission was sought for works consisting of the installation of four underground fuel tanks (capacity 75,000l storing HVO and BIO fuels), network of pipes and inspection manholes, on a site of 0.64ha.

3.0 Planning Authority Decision

3.1. Planning Authority Reports

- 3.1.1. **Water Services Planning:** additional information required regarding existing and proposed drainage, details of and design statement for petrol interceptor, details of tanks and details of dimensioned setback from existing surface water line.
- 3.1.2. **Roads:** Road opening licence must be secured. Condition to be attached regarding public lighting if permission is to be granted.
- 3.1.3. **EHO:** Site has been subject of noise complaints. Tree line that might have provided attenuation was removed. Permission should be refused and retention permission should be granted subject to one standard condition regarding emissions.
- 3.1.4. **Planning Report:** Elements of the proposal are considered to have noticeable impacts on acoustic and air quality. Noise and odour impact assessment required. Additional information required on whether undergrounds tanks will include flues above ground. Inadequate information submitted on hours of operation or justification for retention. Notes recommendation of roads and water services

departments to request additional information. Notes recommendation of EHO to refuse permission but states that applicant should be given the opportunity to respond.

3.2. **Prescribed Bodies**

- 3.2.1. **Uisce Eireann:** No objection.
- 3.2.2. **TII:** No observations to make.

3.3. **Third Party Observations**

- 3.3.1. Submissions on file refer to the removal of site boundaries, the impact of noise, previous planning history.

3.4. **Further Information**

- 3.4.1. On the 17th November 2023, the Planning Authority requested the applicant to address the following five items of further / additional information:
 - 1 Details of surface water treatment
 - 2 Noise Impact Assessment
 - 3 Air Quality & Odour Assessment
 - 4 Details of hours of operations
 - 5 Hydrological Survey & Screening for AA
 - 3.4.2. On the 26th August 2024, an agent for the applicant responded to the Planning Authority request. The response included a set of revised drawings, stated to show the correct location and sizing of the fuel tanks and details of the hours of operation. The response was accompanied by an Engineering Report, Acoustic Review, Air Quality & Odour Assessment, Public Lighting Design and AA Screening Report.
- ### 3.5. **Reports on File following submission of Further Information**
- 3.5.1. **Water Services: Surface Water report:** No objection subject to condition.
 - 3.5.2. **Public Lighting:** No comment.
 - 3.5.3. **EHO:** Retention permission be refused on the ground of noise complaints.
 - 3.5.4. **Planning Report:** Notes report of water services and concurs. Planning Authority concurs with assessment of EHO with regard to noise, notwithstanding findings of the Acoustic Report. Planning Authority has significant concerns about visual

amenity impact from additional built infrastructure in the corner of the site. Notes that the landscaping required under condition no. 4 of SD22A/0150 has not been implemented and that additional built infrastructure in this section of the site would prevent this ever coming forward. Notes that the mature trees provided an important buffer between the sensitive residential uses to the south and the industrial uses to the north. The compensatory planting provided for in the previous permission was an important factor in the previous grant of permission. Permission should be refused on visual impact. Notes the Air Quality Report and states that mitigation measures would be applied per best practice. Planning Authority has concerns regarding the location of the undergrounds tanks & vents close to residential properties and recommends refusal on the grounds of non compliance with section 12.2.1(vi). Notes the applicants response to item no. 4 that intensification will not occur. Concludes that permission should be refused.

3.6. Planning Authority Decision

3.6.1. On the 23rd of September 2024, the Planning Authority issued a notification of their intention to REFUSE permission and REFUSE retention permission for the following reason:

- 1 Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028 and the overall design (including siting) and scale of the development, it is considered that by reason of the intensification of the existing use of the site and the inadequate mitigation measures proposed for the operation of same, the proposed development would have a native impact on the amenity of the existing residents to the south by way of noise and visual amenity impacts and should be refused. The proposals are contrary to section 12.2.1.(iv) of the South Dublin County Council development plan 2022-2028 which specifies 'Abrupt transitions in scale and use should be avoided adjacent to the boundary of land use zones. Development proposals in transition areas should seek to avoid development that would be detrimental to the amenities of the contiguous zone. For example, regard should be had to the use, scale, and density of development proposals in zones abutting residential or rural areas in order to protect residential or rural amenity, as appropriate'. The proposed development does

not allow an appropriate transition between different land use zones and would give rise to serious adverse impacts on residential amenities, as well as creating a precedent for similar undesirable development and would therefore not be in accordance with the proper planning and sustainable development of the area.

4.0 Planning History

- 4.1.1. Planning Authority reg. ref. **SD22A/0150**: Permission and retention permission granted for 3 fuel pumps and the reconfiguration of fuel islands, removal of truck wash, demolition of single storey buildings,
- 4.1.2. Planning Authority reg. ref. **SD16A/0326**: grant permission for 3 HGV fuel pumps, fuel dispensing islands, illuminated totem signs, underground diesel storage tanks.
- 4.1.3. Planning Authority reg. ref. **SD16A/0080**: permission refused for 3 HGV fuel pumps, fuel dispensing islands, illuminated totem signs, underground diesel storage tanks on traffic grounds.
- 4.1.4. Planning Authority reg. ref. **SD13A/0039**: permission to retain refused for replacement of advertising signs on grounds of traffic
- 4.1.5. Planning Authority reg. ref. **SD10A/0102**: permission granted for outdoor truck wash and equipment room.
- 4.1.6. Planning Authority reg. ref. **SD06A/07**: permission refused for retention of signage.
- 4.1.7. Enf. File: **S9149**: Current file regarding non-compliance with condition no.s 1 and 2 of SD22A/0150.

5.0 Policy Context

5.1. Climate Action Plan (CAP) 2024

- 5.1.1. The Climate Action Plan 2024 sets out the measures and actions that will support the delivery of Ireland's climate action ambition. Climate Action Plan 2024 sets out the roadmap to deliver on Ireland's climate ambition. It aligns with the legally binding economy-wide carbon budgets and sectoral ceilings that were agreed by Government in July 2022. Ireland is committed to achieving climate neutrality no later than 2050, with a 51% reduction in GHG emissions by 2030. These legally

binding objectives are set out in the Climate Action and Low Carbon Development (Amendment) Act 2021.

- 5.1.2. Cap 24 outlines measures and actions by which the national climate objective of transitioning to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by 2050 is to be achieved. These include the delivery of carbon budgets and reduction of emissions across sectors of the economy. The Board must be consistent with the Plan in its decision making.
- 5.1.3. Section 15 of the CAP refers to Transport. Key targets include: 20% reduction in total vehicle kilometres travelled relative to business-as-usual, 50% reduction in fuel usage, and significant increases to sustainable transport trips and modal share. Fleet electrification and biofuels will continue to provide the greatest share of emissions abatement in the medium term. The sectoral emissions ceilings agreed by Government set the required level of abatement to be achieved in the transport sector by 2030 at 50%. In quantitative terms, this legally binding target thus obliges the transport sector to achieve a reduction from its 2018 emissions baseline of 12.2 MtCO₂eq. to 6.1 MtCO₂eq. by 2030, and to do so in a manner that is consistent with a sectoral emissions ceiling of 54 MtCO₂eq. for the first carbon budget period (2021-2025), and a further reduced sectoral emissions ceiling of 37 MtCO₂eq. over the second carbon budget period (2026-2030).

5.2. **National Biodiversity Action Plan (NBPA) 2023-2030**

- 5.2.1. The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife Amendment Act 200, as amended requires the Board, as public body to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. the impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account during the Boards decision making, having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

5.2.2. The 4th NBAP strives for a “whole of government, whole of society” approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”. This National Biodiversity Action Plan 2023- 2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity
- Objective 2 - Meet Urgent Conservation and Restoration Needs
- Objective 3 - Secure Nature’s Contribution to People
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland’s Contribution to International Biodiversity Initiatives

5.3. **South Dublin County Development Plan 2022 -2028**

5.3.1. The subject site is zoned EE- Enterprise and Employment, which has the stated objective ‘to provide for enterprise and employment related uses’. Fuel depot is permitted in principle in an EE zone.

5.3.2. Section 12.9.5(iv) of the development plan refers to Motor Fuel Stations. It 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.

Development proposals for motor fuel stations should address the following:

- Development proposals will be required to demonstrate that noise, traffic, visual intrusion, 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 external storage of gas cylinders and solid fuel should be limited in area and confined to strictly defined specifically designed compounds adjoining the shop / forecourt and be subject to adequate measures being taken for visual appearance, security and safety;
- 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 sq m. Where permission is sought for a retail floorspace in excess of 100 sq m, the sequential approach to retail development shall apply (that is, the retail element shall be assessed as a proposed development in its own right);
- Workshops for minor servicing (for instance, 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 DECLG, (2012).

5.3.3. Section 12.2.1(iv) refers to Transitional Areas. It states “Abrupt transitions in scale and use should be avoided adjacent to the boundary of land use zones.

Development proposals in transition areas should seek to avoid development that would be detrimental to the amenities of the contiguous zone. For example, regard should be had to the use, scale and density of development proposals in zones abutting residential or rural areas in order to protect residential or rural amenity, as appropriate”.

5.3.4. **EDE1 Objective 6:** To ensure that economic and enterprise related development is provided in a manner which facilitates a reduction in greenhouse gas emissions by supporting and promoting the following measures:

- An increase in employment densities within walkable distances of communities and on public transport routes;
- Promotion of walking and cycling and use of public transport through increased permeability and mobility management measures within and outside employment areas;
- The sourcing of power from district heating and renewables including wind, hydro and solar;
- Additional native tree planting and landscaping on existing and proposed enterprise zones and development sites to aid with carbon sequestration, contribute to the green infrastructure network of the County and promote quality placemaking.

5.3.5. **EDE2 Objective 3:** To promote net zero-carbon and carbon reduction in economic development through the support of relevant actions of the National Climate Action Plan including Action 15 to implement the National Planning Framework and Action 46 to Examine feasibility for commercial rates to be linked to BER (or as superseded).

5.4. **Natural Heritage Designations**

5.4.1. The subject site is 5.9km from the Glenasmole Valley SAC (001209), 8.5km from the Rye Water Valley / Carton SAC (001398), 14.5km from the South Dublin Bay And River Tolka Estuary SPA (004024) and 14.6km from the South Dublin Bay SAC (000210).

5.5. EIA Screening

- 5.5.1. The subject development involves two elements: permission for retention and permission for development. I note that the provisions as they relate to retention applications and screening have changed. While it continues that retention applications cannot be sought for developments which are subject to EIA, if a screening determination is required, it can be undertaken if the development involves a retention element.
- 5.5.2. Having regard to the nature and scale of the development in an established urban and industrial area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Refer to Form 1 and 2 appended to this appeal.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An agent for the applicant has appealed the decision of the Planning Authority to refuse permission and refuse retention permission. The grounds of the appeal can be summarised as follows:
- It is not understood how underground tanks and 2 no. 1.2m in height fuel pumps distract from visual amenity of an intensely industrial area.
 - It is submitted that the Planning Authority have disregarded the documentation submitted at Further Information stage. The Acoustic report concludes that the dominant noise source is the N7 and that neither the existing development nor the proposed development will have any negative effects on existing noise levels.
 - The subject development has no part to play in the alleviation or reduction of noise levels from the N7.
 - Noise prediction contour mapping with the added source of heavy goods vehicles present (engine on continually), suggests that there will be no change in levels at the nearest noise sensitive dwellings, therefore no re-design was considered.

- It is submitted that the view of the EHO regarding noise, which was accepted by the Planning Authority, was made without basis or substance. The Planning Authority have disregarded the suitably qualified noise consultant.
- The 15 minute LAeq levels suggest a steady noise environment with less variation between peak and average.
- An arithmetic noise review conducted during operational hours and outside, found little deviation in noise levels. Additional noise levels from a truck at 64dB(A) will result in a 1dB(A) increase at Browns Barn Wood. This is insignificant and not definable to the human ear.
- Users of the fuel pumps will have engines switched off, in the interest of practicality and safety. The assumption of the EHO and the Planning Authority that the development will increase noise when a conducted review states otherwise, is not understood.
- An internal system has been set up to deal with noise complaints.
- The Air Quality Assessment of the site concludes that the proposed development will not have any significant impacts in relation to air quality or odour at Browns Barn Wood or nearby green areas. Fugitive dust emissions will be mitigated by dust minimisation measures.
- It is submitted that the Planning Authority have not had due regard to the findings of the noise and odour reports and that the application was not assessed on its merits.
- Proposed development is not an intensification of the site as the 2 no. fuel pumps will serve existing customers, offering an alternative fuel. There will be no additional perceivable impacts.
- The site is proximate to a number of industrial areas.
- The biofuel option is in compliance with policy EDE1 and Objective 6 of the development plan.
- The proposed development is in accordance with local national and supranational climate mitigation standards. Chapter 15 of the Climate Action Plan refers to fleet electrification and biofuels as a key target. Section 15.2.5.3

highlights the importance of renewable fuels to offset carbon emissions. The EU Renewable Energy Directive requires a minimum of 3.5% advanced biofuels in transport energy by 2030.

- The use of hydrotreated vegetable oil (HVO) with AdBlue offers a 90% reduction in carbon emissions and 90% reduction in harmful nitrogen oxide compared to traditional fossil fuels.
- It is essential to make low-carbon fuels accessible. More refuelling sites offering alternatives need to be established. The subject proposal addresses this need by offering HVO, biofuel blends and AdBlue adjacent to the existing K2 fuels site.
- The proposed development is directly contributing to Irelands ambitious climate goals. The transport sector remains one of the largest contributors to carbon emissions.
- The vehicles that will use the HVO and biofuel pumps are already visiting the K2 fuels site. The site will not attract new traffic.
- The Planning Authority planning report notes that the proposal would be visually acceptable yet refers to visual amenity in the reason for refusal. It is submitted there is no justification for this change of opinion.
- The tanks will be located underground and the islands are 1.5m in height and will be screened from adjacent properties.
- A landscape proposal for this transitional area is submitted with the appeal.
- The revised landscape proposal provides screening, which will ensure there is no perceivable visual impact on the neighbouring dwellings. This combined with the conducted noise and odour assessments which concluded no undue residential impacts, means the proposal accords with the EE zoning.
- The Board is requested to grant permission.

6.2. Planning Authority Response

- 6.2.1. The reasoning for the decision of the Planning Authority regarding the proposed development is set out in the planning report which comprehensively deals with the issues raised.

6.3. Observations

6.3.1. **DAU of the Department of Housing, Local Government and Heritage:**

Department notes that surface water run-off from the site is currently directed through underground attenuation chambers into a surface water sewer running through the site, which discharges 50m to the west into Baldonnell Upper Stream, which enters the Camac River 500m to the north. The Camac River supports a population of pollution sensitive salmonid species brown trout *Salmo trutta*, is also known to be frequented by otter *Lutra Lutra*, a species on Annex II of the Habitats Directive (92/43/EEC). The Camac may also support a population of the white-clawed crayfish *Austropotamobius pallipes*, which is definitely known to be present in the Camac's headwaters. This species is included on Annex V of the Habitats Directive (92/43/EEC), which mandates that its exploitation may be subject to management measures, making its capture illegal except under licence.

Downstream the Camac discharges into the River Liffey at Heuston Station. There is a hydrological pathway from the subject site to the Dublin Bay SAC, the North Dublin Bay SAC, the South Dublin Bay and River Tolka Estuary and the North Bull Island SPA. There is potential for pollution originating from the development site reaching these designated sites and adversely affecting qualifying interest habitats or species.

Taking account of this, the Department recommends that the Board satisfy itself that the applicant has supplied sufficient evidence that the petrol interceptor currently installed is of sufficient efficiency to ensure that any spillages of hydrocarbons in the course of operation of the expanded refuelling facilities proposed will be diverted into the foul drainage from the site and not enter the surface water drainage system polluting the Camac with detrimental effects on its biota, or potentially reach the European sites in Dublin Bay.

6.3.2. **Capital Oil Supplies:** Wishes to support the decision of SDCC to refuse permission.

Wishes to voice significant concerns with respect to the proposed development:

- The application is being made to address a live enforcement case for unauthorised development at the site.
- The proposed development increases the total fuel capacity of the site by 300,000litres, contrary to the appellants submission that there is no intensification.

- HVO is a Class A product that does not require underground storage. It is wrong for the appellant to submit that they do not intend to expand the current operation.
- The provision of alternative fuels is to attract new customers. The subject site does not function as a typical fuel filling area.
- The proposed development will fundamentally alter the primary function of the site as a truck wash facility, to a dedicated HGV fuel filling area. The existing truck wash facilities have been removed, supporting the notion of a full HGV fuel filling area.
- An increase in the provision of fuel services will lead to an increase in traffic, largely comprising HGV's, smaller trucks and larger vans.
- No evidence of existing customer base or claim that no additional traffic movements will occur have been submitted.
- The applicant company is owned by a major oil importer, with a large portion of the Northern Irish market. The brand they operate in Ireland mainly comprises unmanned sites offering highly discounted fuels based on pushing large volumes through the site.
- Larger volumes directly correlate to an intensification of the existing use of the site.
- It is submitted that the intention of the applicant is for a 24 hour unmanned HGV fuel filling area.
- Requests the Board to reach the same conclusion as SDCC and refuse permission and retention permission.

6.4. Further Responses

6.4.1. None on file

7.0 Assessment

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. I have assessed the proposed development. I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of Development
- Noise
- Impact on Visual Amenity
- Treatment of Surface Water Disposal

7.2. Principle of Development

7.2.1. The subject site is zoned and serviced. The proposed use and the nature of the development to be retained and for which permission is sought is permitted in principle within the zoning objective.

7.2.2. The area to the immediate south of the site is residential. As noted above, the development plan requires that abrupt transitions in scale and use should be avoided adjacent to the boundary of land use zones (section 12.2.1(iv) refers). Development proposals in transition areas should seek to avoid development that would be detrimental to the amenities of the contiguous zone. The subject site is an existing industrial use, adjoining a number of industrial and commercial premises. The impact of the proposed development on the adjoining residential area is examined in greater detail below.

7.2.3. The Observer submits that the truck wash facility on site has been removed and that this fundamentally alters the proposed development. The automated truck wash indicated on plan as being located towards the southern boundary of the site was not there on the date of my site visit. However, an attended truck wash facility was in operation along the western boundary and appeared to have been recently in use.

7.2.4. I note the submission of the Observer that the proposed development represents an intensification of the existing use and that that a 24hr unmanned service depot is intended. It is considered that the expansion of the existing service by 2 no. fuel pumps and alternative fuel options is not a significant intensification of the existing

facility. It is proposed to increase fuel islands from the permitted three to a total of five fuel dispensing islands and offer alternative fuel options. The hours of operation are detailed in the applicants response to the Further Information request. Should the Board decide to grant permission, hours of operation can be attached by way of condition.

- 7.2.5. I note the policy of the development plan (policy EDE2) to support carbon reduction through its support of the National Climate Action Plan and policy EDE1 which is to support sustainable enterprise and employment growth in South Dublin County recognising the County's role in the Dublin region as a driver of economic growth. It is considered that the provision of alternative fuel sources within an extended existing fuel service facility will aid one of the key targets of the Climate Action Plan 2024 which is that biofuels will continue to provide the greatest share of emissions abatements in the medium term.

7.3. Noise

- 7.3.1. As part of the request of further information, the applicant was requested to submit a Noise Impact Assessment. The Planning Authority raised a concern that the proposed development would negatively impact the residential development to the immediate south of the subject site.
- 7.3.2. An Acoustic Review was submitted to the Planning Authority. The review shows the location of a noise monitoring station 14.5m from the nearest dwelling in Browns Barn Wood, 4m above ground level. The report finds that the site is heavily dominated by the traffic noise of the N7, with the noise environmental found to be relatively steady with less variation between peak and average levels. The difference between the LAeq 15 minute samples and the LA10 15 minutes samples was within a 3dB difference, attributable to the dominance of traffic noise. The report refers to the proposed two islands and states that the predicted noise level for a truck / HGV is c. 64dB(A) for a period of ten to fifteen minutes. The exact LAeq may be lower as for a proportion of that time, the engine will be turned off for safety reasons. The report refers to the noise monitoring conditions attached to the existing facility and states that there is no exceedance of the LAeq(T) over the LA90 as required by the previous condition.

- 7.3.3. The review provides noise contour maps: of the present noise levels and the level of change at the noise sensitive locations as a result of the proposed development. The maps suggest that the additional noise level from a truck will result in an increase of 1dB(A) at the nearest noise sensitive dwellings at Browns Barn Wood. The report states that this is an insignificant change, not definable to the human ear.
- 7.3.4. The development plan policy on transitional areas recommends avoiding abrupt transitions in scale and use and that development proposals in transition areas should seek to avoid development that would be detrimental to the amenities of the contiguous zone. The subject site and the existing development is located in an existing industrial and commercial area. A number of industrial operations are located to the immediate east and north of the site, and further south of the residential development which bounds the subject site. Further, the heavily trafficked N7 bounds the south to the west. The site is an existing commercial operation and the proposed development and the development to be retained are an extension of that operation. I am satisfied that it has been demonstrated that the scale of the proposed development and that to be retained is such that no injury shall arise to the residential amenity of the adjoining area from noise, over and above that which is already existing.

7.4. Impact on Visual Amenity

- 7.4.1. The proposed development seeks to increase the number of fuel islands and locate them closer to the residential development to the south. Currently, an open metal fence with sporadic planting and a sheet metal boundary over a low wall separate the subject site from the dwellings and their associated open space.
- 7.4.2. The appeal submission was accompanied by drawing no. AP_004 titled 'Proposed site layout plan with landscape plan'. The drawing shows the proposed and existing development, with planting indicated along the northern and southern boundary but no detail is provided. The appeal states that this plan 'will ensure no perceivable visual impact'.
- 7.4.3. I am not satisfied that the landscape plan submitted with the appeal is sufficient to reach a conclusion of no perceivable visual impact. Given the Planning Authority policy on protecting the more sensitive zone from injury to amenity, it is considered that the applicant should be required to more robustly address the boundary

between the two sites. The provision of mature planting along the southern boundary is a key measure in protecting the visual and residential amenity of the adjoining residential site to the south. This can be achieved by way of condition attached to grant should the Board decide to grant permission.

- 7.4.4. On the date of my site visit, there was no planting on the northern boundary separating the site from the adjoining commercial premises. There was some security fencing with mesh along part of the boundary.
- 7.4.5. I note one section of Objective EDE1, Objective 6 which requires “additional native tree planting and landscaping on existing and proposed enterprise zones and development sites to aid with carbon sequestration, contribute to the green infrastructure network of the County and promote quality placemaking” which is part of an overarching policy to ensure that economic and enterprise related development is provided in a manner which facilitates a reduction in greenhouse gas emissions. Should the Board decide to grant permission, a comprehensive landscape plan for all boundaries of the site should be required by way of condition.

7.5. Treatment of Surface Water Disposal

- 7.5.1. I note the request of the Development Applications Unit of the Department of Housing, Local Government and Heritage that the Board satisfy itself that the applicant has supplied sufficient evidence that the petrol interceptor currently installed is of sufficient efficiency to ensure that any spillages of hydrocarbons in the course of operation of the expanded refuelling facilities proposed will be diverted into the foul drainage from the site and not enter the surface water drainage system polluting the Camac with detrimental effects on its biota, or potentially reach the European sites in Dublin Bay.
- 7.5.2. The applicant submitted an AA screening report as part of the Further Information response to the Planning Authority. The report included excerpts from a drainage and hydrological survey report which noted the indirect hydrological connection to European sites in Dublin Bay via the proposed surface water and foul sewer drainage system. Details provided in the report states that the refuelling areas discharge via an interceptor to the foul sewer network after passing through the existing forecourt interceptor which joins a combined sewer en-route to the Ringsend WTP. The report states that in the event of an overflow discharge scenario, there

would be no perceptible risk to the overall water quality within Dublin Bay. The rest of the site discharges to a storm network located to the south of the site. After attenuation onsite, storm water that cannot percolate into the proposed permeable SuDs features onsite is directed to an attenuation tank, hydrobrake and existing storm water network. This network outfalls to the Baldonnell Upper Stream, on to the River Camac, to the River Liffey and ultimately to Dublin Bay.

- 7.5.3. The response was accompanied by a drawing of the existing drainage catchment zones, a drawing of the existing surface and foul drainage system, the proposed site plan with surface and foul drainage system, and finally the proposed site drainage catchment zones. The drawings identify the existing waste and surface water lines, the proposed waste and surface water lines, the proposed waste water slot drains, existing channel drains, the existing forecourt interceptors (truck wash and forecourt), hydrobrake manholes and foul water manholes.
- 7.5.4. A Hydrological and Hydrogeological risk assessment for the proposed development was submitted to the Planning Authority at Further Information stage. The report notes that the site generally slopes south to north. Baldonnell Upper stream is located 50m west of the site boundary and flows in northerly direction while Kingswood stream is located c.150m east of the site boundary and also flows in a northerly direction. Both rivers join the River Camac located c.500m north of the site boundary. Details of the current and proposed surface water drainage regimes are provided. With regard to the capacity and efficiency of the interceptor to address fuel spillages, the report states that existing slot drains and gullies located and surrounding the existing fuel dispensing islands, collect all surface water from this area including all possible fuel spills. The outfall from these slot drains and gullies discharges to a below ground gravity foul sewer network. A Class 1 forecourt separator treats all discharge before it flows by gravity to the existing foul sewer pump chamber to the western end of the site from there it is pumped to the existing 600mm diameter gravity foul sewer located on the Old Naas Road which ultimately discharges to the Ringsend WWTP. New foul water slot drains and gullies will be added to the proposed two fuel dispensing islands. An engineering report submitted with the Further Information response demonstrates that the separator has sufficient capacity to absorb the proposed increase in flow.

- 7.5.5. I am satisfied that it has been demonstrated that the both the existing and proposed drainage regime is sufficient to ensure that any spillages of hydrocarbons in the course of operation of the expanded refuelling facilities will be diverted into the foul drainage from the site.

8.0 Appropriate Assessment Screening

- 8.1.1. A screening report has been prepared on behalf of the applicant and the objective information presented in that report informs this screening determination. The report states that the AA screening statement is informed by the proposed drainage strategy and the hydrological survey report.
- 8.1.2. The AA screening statement identifies 11 no. designated sites of conservation importance with a potential hydrological pathway. All are screened out for either having no direct or indirect hydrological pathway or no significant effects are likely due to the intervening distance and the drainage system on and off site. The report identifies a list of planning applications for in combination effects which the conclusion that no significant projects are proposed or currently under construction that could potentially cause in-combination effects on Natura 2000 sites. No significant effects are likely from combination effects. The report concludes that while there is an indirect hydrological connection via the proposed surface water drainage strategy to including the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and the North-West Irish Sea SPA, that given the significant intervening distance and the extensive hydrological network, that the proposed development will not have a significant impact on the conservation objectives of Natura 2000 sites.
- 8.1.3. I am satisfied that the applicants Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The report concludes that that the proposed development will not have a significant impact on the conservation objectives of Natura 2000 sites.
- 8.1.4. Having reviewed the documents, submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone or in combination with other plans and projects on European sites.

- 8.1.5. I have considered the proposed development and the development to be retained, in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to any European Site. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on European Sites South Dublin Bay SAC (site code: 000210) and South Dublin Bay and River Tolka Estuary SPA (site code: 004024), North Dublin Bay SAC (site code: 000206) and North Bull Island SPA (site code: 004006) and North-West Irish sea SPA (site code 004236), either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.
- 8.1.6. This determination is based on the distance between the subject site and the designated European sites and lack of connections, the intervening built-up urban environment, the small scale of the proposed development and taking into account the screening report / determination by the Planning Authority.

9.0 Recommendation

- 9.1.1. I recommend permission and permission to retain be GRANTED for the following reasons and considerations and subject to the following conditions:

10.0 Reasons and Considerations

- 10.1.1. Having regard to the EE- Enterprise and Employment, zoning of the subject site which has the stated objective 'to provide for enterprise and employment related uses', within which a fuel depot is permitted in principle, to the industrial nature of the immediate environment, and to the existing business on site, it is considered that the proposed development would not adversely affect the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 26th day of

August 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

- 2 The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than [1:500] showing –

- (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder, which shall not include prunus species,
- (ii) Details of screen planting, which shall not include cupressocyparis x leylandii
- (iii) Hard landscaping works, specifying surfacing materials and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment

(c) A timescale for implementation

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

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

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

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

Reason: To protect the visual amenities of the area.

- 5 To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above.

In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999). The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following: - Schedule of works to include approximate timeframes - Name and contact details of contractor responsible for managing noise complaints - Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

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

- 6 To control, limit and prevent the generation of Environmental Noise Pollution from the development, the use of machinery, plant, or equipment (which includes pneumatic drills, generators and the movement on and off the site of construction vehicles) is not permitted outside the following hours - Before 07.00 hours on weekdays, Monday to Friday - Before 09.00 hours on Saturdays. - After 19.00 hours on weekdays, Monday to Friday. - After 13.00 hours on Saturdays. - Not permitted at any time on Sundays, Bank Holidays or Public Holidays.

Noise due to the normal operation of the proposed development, expressed as L_{Aeq} over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A) and shall not exceed the background level for evening and night time. Clearly audible and

impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

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

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

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

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

Reason: In the interests of public health

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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Gillian Kane
Senior Planning Inspector
20/03/2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321105-24		
Proposed Development Summary	Retention of 4 no. underground fuel tanks including a network of pipes and inspection manholes. Permission for 2 no. fuel pumps and 2 no. islands.		
Development Address	Kingswood Truck Wash, Old Naas Road, D22.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 10(b)(iv) Urban development.	Proceed to Q3.
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	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. Site is 0.6ha	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)	

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321105-24
Proposed Development Summary	Retention of 4 no. underground fuel tanks including a network of pipes and inspection manholes. Permission for 2 no. fuel pumps and 2 no. islands.
Development Address	Kingswood Truck Wash, Old Naas Road, D22.
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
Characteristics of proposed development (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).	Site is 0.6ha in a serviced and zoned industrial area adjoining a residential area, no demolition works proposed The proposed development comes forward as a standalone 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 and is not vulnerable to climate change. It presents no risk to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use,	The site is not located immediately adjacent to any designated site. It is considered that the proposed development would not be likely to have a significant effect individually or

abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	in-combination with other plans and projects on a European site and AA is therefore not required.	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	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 in the absence of in combination effects there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	

Inspector:

Date: