

**An
Bord
Pleanála**

**Board Direction
BD-015183-24
ABP-314603-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24/01/2024.

The Board decided (by a split vote majority 2:1) to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the zoning objective 'to provide for and improve industrial and warehousing development' as set out in the Laois County Development Plan 2021-2028, to the location within an established industrial estate, and to the nature, scale and function of the proposed development, that would be governed by a separate licensing regime, and subject to compliance with the conditions set out below, the proposed development, would constitute an acceptable form and use, would not seriously injure the amenities of the area and would be acceptable in terms of traffic and road safety and would not be prejudicial to public health. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by the Planning Authority on the 3rd day of June 2022 and the 26th day of July 2022, 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 development shall operate in accordance with the EU Animal By-Products Regulations (EC) No. 1069 of 2009 and its implementing Regulation (EU) No. 142 of 2011, under the supervision of the Department of Agriculture, Food and the Marine.

Reason: In the interests of orderly development and the protection of the environment.

3. A plan containing details for the storage of animal carcasses and the management of waste within the development, including the provision of facilities for carcass storage, waste separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the storage of carcasses and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate storage of animal carcasses and management of waste in the interest of protecting the environment.

4. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:-
 - (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.

- (ii) An Leq, 15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the amenities of property in the vicinity of the site.

- 5. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

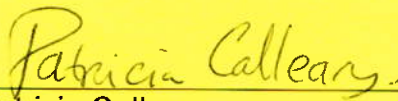
- 6. (a) Commissioning of the pet cremation unit shall be undertaken after installation and duly certified to indicate the unit is operating to specification, based on the specified batch throughput. This certification shall be submitted to the planning authority within 14 days of its completion.
- (b) If during ongoing operations, the operational temperature and time requirements are not in accordance with the operating specification, no processing shall be undertaken until appropriate measures are taken to restore the operating temperature.

- (c) Annual service and certification of equipment, and independent calibration shall be undertaken, and records of same retained for inspection by the planning authority, if required.
- (d) Records of batch throughput shall be maintained and shall be sufficient to demonstrate the operation of the unit complies with this batch throughput machine specification submitted with the application.

Reason: In the interest of orderly development.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board did not share the view of the inspector that the design was substandard and unacceptable, having regard to the function and modest nature of the buildings proposed and when taken in the context of the location in an established industrial estate.

Board Member



Patricia Calleary

Date: 24/01/2024