



An
Coimisiún
Pleanála

Direction
CD-022202-26
ACP-322939-25

The submissions on this file and the Inspector's reports were considered at meetings held on 19/05/2026 and 20/05/2026.

The Commission decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Planning

Commissioner:

Date: 18/06/2026

Mary Gurrle

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DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the High Court Order (H.JR.202400000446) which quashed the impugned part of the split decision made by way of Board Order ABP-315439-22, the Commission noted that the element granted permission under the above Board order remains valid and considered this application only in so far as it relates to the application to refurbish an existing steel open frame structure to the rear of the building and to accommodate therein an electrical cremator and associated three number flues.

Having regard to Policy QHSN57 (Bural Grounds) of the Dublin City Council Development Plan 2022-2028 where the development of new or extended burial grounds, including crematoria, will be facilitated at suitable locations in the city subject to appropriate safeguards, and Section 14.7 of the Development Plan whereby funeral home and crematorium are listed as separate uses, the Commission considered that the proposed development, that is the provision of a cremator, is not a use which is ancillary to a Funeral Home and is instead a distinct and separate use and should be assessed as such.

The Commission noted that the proposed development of a crematorium is a use which is Open for Consideration on lands zoned Z6 (Enterprise and Employment), Z7 (Employment (Heavy)), Z9 (Amenity/ Open Space Lands/ Green Network), Z12 (Institutional Land (Further Development Potential)) and Z15 (Community & Social Infrastructure) and is not a use which is either Permitted in Principle or Open for Consideration on lands zoned Z10 (Inner Suburban and Inner City Sustainable Mixed Uses) and therefore should be assessed in accordance with the overall policies and objectives of the development plan.

In the absence of national guidance in relation to the siting of crematoria, the Commission considered UK guidance on The Siting and Planning of Crematoria, (Department of the Environment) 1978 (Updated in 2025) which recommends that no crematorium shall be constructed within 200 yards (182.88m) of any dwelling, except with the consent in writing of the owner. Having regard to the sensitive nature of the activity to which a cremator relates, the Commission considered it reasonable that there should be a separation distance between a cremator and residential accommodation of at least 182 metres, and further considered that this requirement for a separation distance between a crematorium and any existing or proposed residential development is implied in the nature of the lands zoned in the development plan on which a crematorium is open for consideration (i.e. Z6, Z7, Z9, Z12 and Z15) as none of these are zoned primarily to deliver residential accommodation.

Having regard to the purpose and focus of the Z10 land use zoning objective which is to deliver a mix of residential and commercial development with not more than 30-70% of the Z10 zoned lands given to one particular use and to the location of the site and the proposed cremator within the overall Z10 zoned land area at this location, the Commission considered that given the residential population which the zoning objective provides for, and the need to maintain an appropriate separation distance to residential development, the applicant had not demonstrated that the site is a suitable location for a crematorium contrary to Policy QHSN57. Furthermore, the introduction of a potentially discordant use, alongside existing and permitted residential uses and alongside sites where residential use is the intended objective, would threaten the viability of this Z10 zoned area and would unduly diminish neighbouring residential development potential and thus the consolidated and comprehensive development of the Z10 zoned lands at this location. The proposed development would, therefore, contravene the Z10 (Inner Suburban and Inner City Sustainable Mixed Use) zoning objective for the site contrary to the proper planning and sustainable development of the area.

Note

The Applicants' Air Quality Assessment Report concludes that a proposed stack height of 10 metres would not result in any negative public health impacts for existing surrounding businesses and residential properties. This stated stack height of 10 metres is not consistent with the submitted elevational drawings which indicate a proposed stack height of 7.45 metres. In addition, the Applicant has not demonstrated that the proposed stack height is appropriate and has been calculated in accordance with HMIP Technical Guidance Note (Dispersion) D1 of the UK Statutory Guidance for Crematoria (Process Guidance Note 5/2 (12) (September 2012)), published by UK Department for Environment, Food and Rural Affairs (Defra). Having regard to the foregoing, the Commission is not satisfied that the Applicant has suitably demonstrated that the proposed development would not present a risk to public health. While ordinarily this would warrant further consideration and a request for further information, in this instance given the

substantive reason for refusal above, it was decided not to pursue this matter under the current appeal.