



Planning and Development Acts 2000 to 2020

Planning Authority: Louth County Council

Planning Register Reference Number: 19788

Appeal by Fred O'Hagan and others of Racecourse Road, Dundalk, County Louth against the decision made on the 10th day of January, 2020 by Louth County Council to grant subject to conditions a permission to Gerard Hughes care of GoKu of Fumbally Exchange, Argus House, Blackpitts, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: A new vehicular entrance from Racecourse Road to the site, landscaping, roads and parking infrastructure within the site and a single storey building with mezzanine containing the main accommodation (705 square metres) consisting of: (1) a crematorium facility to accommodate two number cremators and necessary support facilities e.g. cold rooms, plant spaces and staff welfare facilities, (2) an administration area/offices, (3) public facilities consisting of a public hall/ceremonial space, viewing area and toilet/baby change facilities at Dowdallshill, Racecourse Road, Dundalk, County Louth.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Dundalk Bay Special Protection Area (Site Code: 004026) and the Dundalk Bay Special Area of Conservation (Site Code: 000455) are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura impact statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow for the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular, the likely direct and indirect impacts including air pollution impacts, arising from the proposed development both individually or in combination with other plans or projects, specifically the widening of the Dundalk race track, mitigation measures which are included as part of the current proposal and the conservation objectives for these European Sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European sites in view of the sites' conservation objectives.

Reasons and Considerations

Having regard to the detailed design, industrial use and strategic function of the proposed development, its modest scale on lands zoned for Strategic Mixed Employment Use, its location in proximity to the urban and regional transport routes and removed from residential development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning of the site, would not seriously injure the amenities of the area or of properties in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. 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, as amended by the further plans and particulars submitted on the 16th day of December, 2019 and by the further plans and particulars received by An Bord Pleanála on the 4th day of August 2020, 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.
 - (a) Prior to the commencement of development, sightlines of 65 metres in each direction of the site entrance, from a point 2.4 metres back in from the edge of the public road over a height of 1.05 metres, as indicated in the Site Layout Map drawing number 3805-FI-002 A submitted to the planning authority on the 16th day of December, 2019 shall be completed to the written satisfaction of the planning authority, and thereafter maintained throughout the lifetime of the development.
 - (b) Prior to the operation of the development, the proposed footpath along Racecourse Road and pedestrian crossing, as indicated in the Site Layout Map drawing number 3805-FI-002 A shall be completed to the written satisfaction of the planning authority.

Reason: In the interest of traffic safety.

3. The crematorium shall be designed, constructed, operated and monitored in accordance with the United Kingdom Secretary of State's Guidance for Crematoria (Process Guidance Note 5/2 (2012)). The emission limit values and control parameters set out in this document shall be adhered to (best available techniques). In this regard, the following details shall be submitted to the planning authority for written agreement prior to commencement of construction:
- (a) detailed drawings of the stack design,
 - (b) a detailed monitoring programme for stack emissions including continuous monitoring for the relevant parameters specified for continuous monitoring in the United Kingdom guidance document Process Guidance Note 5/2 (2012),
 - (c) specific procedures for the commissioning phase,
 - (d) training proposals for operational staff, and
 - (e) arrangements for the disposal of waste arising in accordance with statutory requirements.

Reason: In the interests of environmental protection and public health.

4. Prior to commencement of development on the site, a full emission monitoring plan shall be submitted to the planning authority for written agreement. This plan shall include provisions for independent monitoring and sampling to be carried out prior to commencement of development and thereafter, an annual Environmental Report shall be submitted within 12 months of the commencement of operation of the crematorium detailing the performance of the facility during the previous calendar year. The report shall include:
- (a) details of the baseline emissions,
 - (b) a record of the number of cremations carried out,
 - (c) records of maintenance/servicing of the crematorium,

- (d) records of all monitoring carried out for both process control and air emissions. Any non-compliance with the relevant emission limits and control parameters set out in the UK Process Guidance Note 5/2 (2012) shall be highlighted,
- (e) records of all waste management, and
- (f) a programme for any proposed measures including staff training necessary to ensure ongoing compliance of the crematorium with planning conditions.

Reason: In the interests of environmental protection and public health

5. Details, including samples, of the materials, colours and textures of all the finishes to the proposed crematorium building and memorial wall shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

Reason: In the interest of visual amenity.

6. The hours of operation of the crematorium facility shall be between the hours of 0930 and 1800 Monday to Sunday. 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 residential amenities of property in the vicinity.

7. A plan containing details for the management of waste and, in particular, recyclable and/or hazardous materials within the development, including the provision of facilities for the storage, separation and collection, of the waste and, in particular, hazardous and recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable and hazardous materials, in the interest of protecting the environment.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall be prepared in accordance with “Best Practice Guidelines on the Preparation of Waste Management Plans for the Construction and Demolition Projects” published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provisions of the Waste Management Plan for the region of which the site is situated.

Reason: In the interest of sustainable waste management.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and means to protect the public road.

Reason: In the interests of public safety and residential amenity.

10. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site (including a programme of pre-development archaeological testing) and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

11. The landscaping scheme shown on the Proposed Site Plan drawing number P002, as submitted to the planning authority on the 27th day of September, 2019 and which includes retention of all site boundaries, shall be carried out, to the written satisfaction of the planning authority, within the first planting season following substantial completion of external construction work. 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 interests of residential and visual amenity.

12. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

13. 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 the 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 the Board to determine the proper application of the terms of the Scheme.

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.

Maria FitzGerald
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.