

An
Bord
Pleanála

Board Order
ABP-312084-21

Planning and Development Acts 2000 to 2021

Planning Authority: Clare County Council

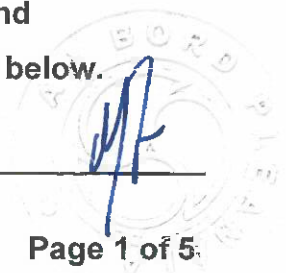
Planning Register Reference Number: P21/963

Appeal by Don Weldon care of RW Nowlan and Associates of Number 37 Lower Baggot Street, Dublin against the decision made on the 4th day of November, 2021 by Clare County Council to grant subject to conditions a permission to Aimee and Danny Keller care of P. Coleman and Associates of 5 Bank Place, Ennis, County Clare in accordance with plans and particulars lodged with the said Council:

Proposed Development: To use existing vacant unit as a pet crematorium for domestic animals. Works involve internal alterations and the provision of an internal domestic pet cremation machine with associated flues on the roof and all ancillary works at Unit 15, Ennis Enterprise Centre, Gort Road Industrial Estate, Gort Road, Ennis, County Clare.

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.

Reasons and Considerations

Having regard to the Light Industrial zoning objective of the site as set out in the Clare County Development Plan 2017-2023, the existing and general pattern of development in the area and the nature and scale of the proposed development, and subject to compliance with the conditions set out below, the proposed development, would constitute an acceptable use, would not seriously injure the amenities of the area or of properties in the vicinity 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 An Bord Pleanála on the 5th day of January, 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.

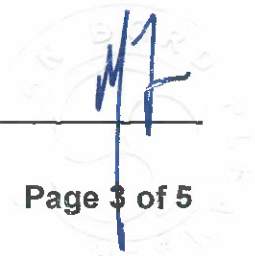
2. The proposed development shall be amended as follows:
 - (a) four number car parking spaces shall be provided to serve the development, one of which shall be reserved for the carcass transportation parking vehicle.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of orderly development and traffic safety.

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 0800 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.

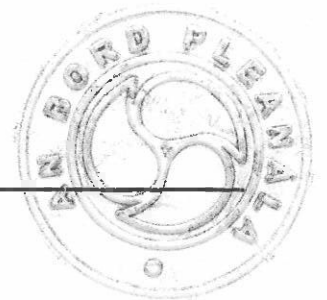
Reason: In order to safeguard the amenities of property in the vicinity.

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.



Michelle Fagan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board



Dated this 4th day of April 2022