



An
Bord
Pleanála

Board Order
ABP-313719-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D21A/0502

Appeal by Kilternan Cemetery Park Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in relation to the application by Dún Laoghaire-Rathdown County Council of the terms of the Development Contribution Scheme made for the area in respect of condition numbers 15, 16 and 17 of its decision made on the 10th day of May, 2022.

Proposed Development: Extension of the existing Kilternan Cemetery Park which includes the following: a traditional burial ground area with a total area of circa 1.78 hectares, comprising of 4,709 number plots; an ash plot burial area of circa 0.65 hectares with 7,011 number ash plots; reflection gardens with an area of circa 0.56 hectares; a new vehicular access point to the Ballycorus Road, including entrance wall and gates, separate pedestrian access to Ballycorus Road, internal vehicular and pedestrian routes with connections to the existing cemetery park to the east and a pedestrian connection to Mine Hill Lane to the south east; the proposal will provide for 162 number car and 30 number bicycle parking spaces; construction of a

pedestrian and vehicular bridge over the Loughlinstown River to connect the northern and southern portions of the proposed cemetery park extension; extensive landscaping which includes infilling and regrading works for burial areas, new planting to supplement existing trees and hedgerows on the site, soft and hard landscaping and boundary treatments; all other associated site development works, all on a site at Ballycorus Road, Kilternan, Dublin, located in the townlands of Tiknick, Glenamuck South and Ballycorus. The site is located on the southern side of Ballycorus Road, immediately west and south of the existing Kilternan Cemetery Park. The proposed development was revised by the further public notices received by the planning authority on the 13th day of April, 2022.

Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of conditions numbers 15, 16 and 17 and directs the said Council to REMOVE conditions numbers 15, 16 and 17 and the reasons therefor.

Reasons and Considerations

It is considered that the planning authority has not properly applied the terms of the Dún Laoghaire-Rathdown County Development Contribution Scheme 2016-2020. The extension to Kilternan Cemetery Park does not include any structures or buildings and the application of the contributions per square metre of industrial/commercial class of development, as set out in section 9 of the Scheme, is not appropriate. In addition, the carparking to be provided is ancillary to the main use of the lands and the application of the contribution for car parking, as set out in Section 10 (n)(ii) of the Scheme, is not appropriate.



Liam Bergin

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 26 day of September 2023.