

---

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Laois County Council**

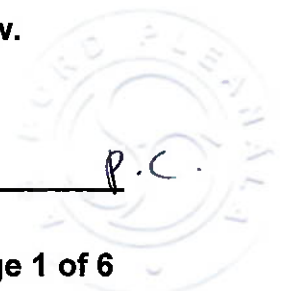
**Planning Register Reference Number: 22/133**

**Appeal** by Glen Patten care of RW Nowlan and Associates of 37 Lower Baggot Street, Dublin against the decision made on the 16<sup>th</sup> day of August, 2022 by Laois County Council to grant subject to conditions a permission to Thomas Moore care of Leslie Colton of Underhill, Rathmore, Stradbally, County Laois in accordance with plans and particulars lodged with the said Council

**Proposed Development:** A low-capacity pet crematorium, log cabin, steel storage container, staff parking, sub-divide site and all necessary and ancillary site works at Clonminam Industrial Estate, Portlaoise, County Laois.

**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.**



## **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, 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.

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.



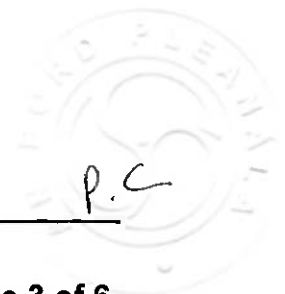
## Conditions

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 received by the planning authority on the 3<sup>rd</sup> day of June 2022 and the 26<sup>th</sup> 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) number 1069 of 2009 and its implementing Regulation (EU) number 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.

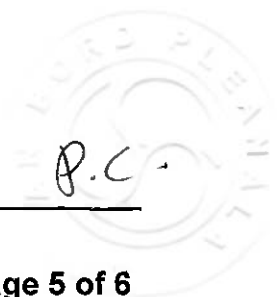
**Reason:** To protect the amenities of property in the vicinity of the site.

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.



7. 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 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 An Bord Pleanála 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.

  
Patricia Calleary

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

Dated this *1<sup>st</sup>* day of *February* 2024.