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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 22/509**

**Appeal** by Caroline Talbot of Derrymullen, Allenwood, Naas, County Kildare against the decision made on the 29<sup>th</sup> day of November, 2022 by Kildare County Council to grant subject to conditions a permission to Wellbrook Funeral Services care of Plan-It Services of Barrettstown Road, Newbridge, County Kildare in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Erection of a gas operated crematorium facility to include: (a) crematorium with administration office; (b) gas storage compound; (c) wastewater treatment system with raised polishing filter; (d) access road from the existing Wellbrook embalming centre and chapel of rest with extensive landscaping and screening and all associated site works at Derrymullen, Allenwood, Naas, County Kildare as amended by the further public notices received by the planning authority on the 4<sup>th</sup> day of October 2022 which consists of (1) change site levels to mitigate flood risk and (2) to connect and discharge to the public foul sewer.

## 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 location, nature, scale and design of the proposed development, the provisions of the Kildare County Development Plan, 2023-2029, and the specific characteristics of the site and surrounds, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, is acceptable in terms of the public health and traffic safety and is not susceptible to flood risk on site or elsewhere downstream. 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 the planning authority on the 23<sup>rd</sup> day of September 2022 and the 4<sup>th</sup> day of November 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. Details of the materials, colours and textures of all external finishes to the proposed development shall be submitted to and agreed in writing with the planning authority prior to commencement of development. In addition,
  - (a) The external walls shall be finished with render in a neutral colour.
  - (b) The roof shall be blue/black or slate grey in colour. Orange or red colour roofing shall not be used.
  - (c) No brick, reconstituted stone or dry (pebble) dash shall be used.

**Reason:** In the interest of visual amenity.

3. This permission provides for the installation and operation of one oven for the cremation of human remains. The crematorium shall operate in strict accordance with the requirements of the United Kingdom DEFRA Process Guidance Note 5/2 (12) "Statutory Guidance for Crematoria" 2012.

**Reason:** In the interest of public health and the use of best practice guidelines to avoid pollution.

4. Prior to commencement of development, the applicant shall submit for the agreement of the planning authority a schedule of monitoring of atmospheric pollutants to be submitted biannually during the operational phase of the development. This shall include the name of the responsible person for carrying out the monitoring.

**Reason:** In the interest of public health and the use of best practice guidelines to avoid pollution.

5. A detailed Noise Study and Air Quality Impact Assessment, with recommended remediation measures if required, shall be carried out by a competent air and noise environmental consultant within three months of the development being in full operation and at any other time as may be specified by the planning authority. The Noise and Air Quality Impact Assessments shall be submitted for the consent of the planning authority. The AQIA shall take into account site specific background concentrations of the relevant atmospheric pollutants.

**Reason:** In the interest of public health, to avoid pollution, and to ensure proper development.

6. The operator of the crematorium shall keep a record of any odour complaints received from the public. Where problems are ongoing, visual and olfactory boundary checks shall be made once a day when the installation is in operation. Time, location and weather conditions such as wind direction and strength should be recorded. Once the source of emissions is known, corrective action should be taken.

**Reason:** In the interest of public health and the use of best practice guidelines to avoid pollution.

7. The applicant shall use "Best Practicable Means" to prevent/minimise noise and dust emissions during the construction and operational phases of the proposed development, through the provision and proper maintenance, use and operation of all machinery all to the satisfaction of the planning authority.

**Reason:** In the interest of public health, and the use of best practice guidelines to avoid nuisance.



8. All landscaping shall comply with the landscaping proposal received by the planning authority on the 23<sup>rd</sup> day of September 2022. All boundary hedgerows shall be planted with semi-mature native species and cherry laureal (*runus laurocerasus*) shall not be planted. The applicant shall ensure all landscaping is implemented in full prior to operation of the crematorium and any species which fail to establish within five years of the initial operation of the crematorium shall be replaced in accordance with the permitted scheme ensuring adequate screening of the development.

**Reason:** In the interest of visual amenity.

9. (a) Construction Stage - Noise limits for construction activity of 70 dB(A) (LAeq 1 hour) shall apply between 0800 hours and 1800 hours Monday to Friday inclusive (excluding bank holidays) and between 0800 hours and 1300 hours on Saturdays when measured at any noise sensitive location\* in the vicinity of the site. Sound levels shall not exceed 45 dB(A) (LAeq 1 hour) at any other time.
- (b) Operational Stage - There shall be no clearly audible tonal component or impulsive component in the noise emission from the development at any noise sensitive location\*, and noise from the development shall not give rise to sound pressure levels (Leq 15 minutes) measured at noise sensitive locations\* which exceed the following limits:
- i. 55 dB(A) between the hours of 0800 and 1800 Monday to Friday inclusive (excluding bank holidays), or
  - ii. 45 dB(A) at any other time.

Note: \*Noise sensitive location is deemed to be any dwelling house, hotel or hostel, health building, educational establishment, place of worship or entertainment, or any other facility or area of high amenity which for its proper enjoyment requires the absence of noise at nuisance levels.

**Reason:** In the interest of public health and residential amenity.

10. The ground levels for the proposed access road shall remain unaltered where it bisects Flood Zone A/B.

**Reason:** In the interest of public health.

11. The outdoor lighting scheme shall be carried out in accordance with the Dialux outdoor lighting scheme received by the planning authority on the 23<sup>rd</sup> day of September 2022. The developer shall comply with all future site lighting requirements of the planning authority in relation to adjusting the lights by re-aiming, the addition of louvres and shields and / or dimming. This is to deal with any glare issues that may arise for road users, residents and adjacent lands / properties which may only become apparent when the installation has been commissioned. The public lighting scheme shall be fully implemented prior to the first occupation of the development.

**Reason:** In the interests of pedestrian, cyclist and vehicular safety, and proper planning and sustainable development.

12. All foul waste, trade effluent and soiled water shall discharge to the public foul sewer system.

**Reason:** In the interest of public health and the use of best practice guidelines in order to avoid pollution.

13. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority (Infrastructure Section) for such works and services.

**Reason:** In the interest of public health.

14. Prior to the commencement of development, the developer shall enter into water and waste-water connection agreement(s) with Uisce Éireann.

**Reason:** In the interest of public health.

15. No advertising signs, or devices shall be erected outside the premises without a prior grant of planning permission. No display of goods or materials or advertising boards shall take place on the adjoining footpaths.

**Reason:** In order to prevent advertising clutter and in the interest of visual amenity.

16. Operating hours of the facility shall be 0900-1700 Monday to Friday in accordance with the information submitted with the planning application. The crematorium shall not operate outside these hours. The landscaped grounds around the crematorium shall only be accessible to the public during these hours.

**Reason:** In the interest of residential amenity.





17. 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 residential amenities of property in the vicinity.



18. 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 or 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.

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



Dated this 17<sup>th</sup> day of April 2024