



An
Bord
Pleanála

Board Order ABP-317989-23

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD22A/0457

Appeal by Colm McGrath of 1 Carrigmore Gardens, Citywest, Saggart, County Dublin against the decision made on the 15th day of August, 2023 by South Dublin County Council to grant permission subject to conditions to Cape Wrath Hotel Unlimited Company care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of a cemetery including: 8,047 number traditional burial plots; Columbarium walls; one single storey reception building (214.7 square metres gross floor area (GFA) comprising a reception, one office, one reception store, WC, kitchenette with photovoltaic (PV) solar panels at roof level; and the provision of an ancillary maintenance shed, bin and battery storage structures; the development includes a new vehicular access road from Gartres Lane to the N7/M7 Naas Road, with two vehicular access points serving the proposed cemetery; 110 car parking spaces (25 spaces to the east of the reception building and 85 within overflow car park areas to the south of the development); eight bicycle parking stands; and all associated hard and soft landscape and boundary treatment works including the reshaping of an existing lake and provision of a footbridge; provision of SUDS measures, associated lighting, associated signage, site services (foul and surface water drainage and water supply); and all other associated site excavation, infrastructural and site development works above

and below ground all at Citywest Hotel and Convention Centre, Saggart, County Dublin.

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:

- (a) the 'OS' (Open Space)' zoning objective of the site;
- (b) the policies and objectives of the South Dublin County Development Plan, 2022-2028;
- (c) the overall layout of the development which has been designed to preserve the existing woodland canopy and minimise the impact on existing vegetation and ecology where possible, whereby burial plots have been predominantly sited within the fairways of the former golf course;
- (d) the location of the site relative to existing and proposed public transport;
- (e) the high quality design of the reception building and its associated landscaping which provides ancillary and complementary functions to the proposed cemetery; and
- (f) the established and emerging pattern of development in the area, where the proposed development can provide a valuable civic amenity,

it is considered that, subject to compliance with the conditions set out below, including a condition which prohibits the laying out of remains in the Reception Building, the proposed development would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of the safety and convenience of pedestrians and road users, would not be prejudicial to public health and would safeguard the ecological value of the site. 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 received by the planning authority on the 19th day of July 2023, 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 Reception Building shall not be used for the laying out of remains.

Reason: To ensure compliance with the application site's zoning objective 'OS' where a 'funeral home' is not permitted, having due regard to the definition of 'funeral home' as contained in Appendix 6 of the South Dublin County Development Plan 2022-2028.

3. Prior to the commencement of development, the developer shall provide to the planning authority for written agreement confirmation of the intended operator for the finished development. In the event that no operator is found at this time, the developer shall submit details specifying how an operator shall be found, and a plan for how to operate the cemetery in the event no suitable operator is confirmed. The developer shall also submit a detailed plan for the management of headstone dimensions and plot alterations, for the written agreement of the planning authority.

Reason: In the interest of the proper planning and sustainable development of the area.

4. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority. This shall include:
 - (a) A report detailing the area of each different surface type in square metres and their corresponding run off coefficient, for the written agreement of the planning authority. The report shall include the total area of the entire proposed development and a table detailing each individual attenuation feature and volume in metres cubed of each feature.
 - (b) Drawings showing plan and cross sections of each Sustainable Urban Drainage feature, for the written agreement of the planning authority.
 - (c) Clarification as to whether family members will have the option to lay surfacing over burial plots with hard landscaping after burial has taken place (for example concrete over burial plot). In the event such alterations to burial plots is to be allowed, the developer shall supply details on the further management of additional surface water runoff, or a management plan to prohibit such works

Reason: To prevent flooding and in the interest of sustainable drainage.

5. Prior to the commencement of development, the developer shall submit details for the written agreement of the planning authority which comprise an undertaking that at least one metre of unsaturated soil will remain between the bottom of the deepest grave plot compared to the shallowest recorded water table for the site as provided for in the Environmental and Hydrogeological Assessment Report for the duration of the operation of the cemetery.

Reason: In the interest of the proper planning and sustainable development of

the area.

6. (a) Prior to the commencement of development, the developer shall engage with the planning authority and Inland Fisheries Ireland (IFI) and submit revised designs to the planning authority for the proposed culvert (or alternative works). Detailed drawings shall be agreed in writing which minimise the extent of the culvert and, where a box culvert is the only option, the floor of the culvert shall be embedded below the existing stream level and the up and downstream side of the culvert openings. There shall be no impediment to the passage of fish as a result of the culvert. Evidence of engagement with IFI in relation to an agreed design shall accompany the submission.
- (b) Prior to the commencement of development, and subsequent to agreement of item (a) above, the developer shall provide a copy of consent from the Office of Public Works, under Section 50 of the Arterial Drainage Act, 1945 to develop the proposed culvert, or alternatively provide a copy of a letter or email from the OPW confirming that the proposed culvert is exempt from the above mentioned Section 50.

Reason: In the interest of the proper planning and sustainable development of the area.

7. Prior to the commencement of development the developer shall enter into a connection agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

8. The developer shall implement all the recommended mitigation measures included in all environmental and ecological reports submitted in support of this

application, including, but not limited to measures stated in the Ecological Impact Assessment, Environmental and Hydrogeological Assessment Report, Badger/Fauna Survey and Wildlife Aviation Impact Assessment. A pre-construction survey of trees for felling shall be conducted prior to removal and a full fauna survey shall be undertaken. Where recommendations to minimise the impact of the development on wildlife have been recommended (that is, Badger/Fauna Survey), the developer shall submit details to the planning authority for written agreement on how these items have been incorporated into the design of the scheme prior to the commencement of development.

Reason: In the interest of proper planning and sustainable development.

9. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following:

- collection and disposal of construction waste,
- surface water run-off from the site,
- on-site road construction,
- construction of the proposed culvert,
- environmental management and mitigation measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures.

A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The CEMP shall be prepared in conjunction with and signed off by the project ecologist and shall have regard to the various mitigation measures included within both the Ecological Impact Assessment and the Badger/Fauna Survey (May 2023) submitted to the planning authority by way of further information. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interest of environmental protection.

10. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the landscape drawings submitted with the application and the revised drawings submitted to the planning authority on the 19th day of July 2023.

Reason: In the interest of amenity and public safety.

11. The development shall be carried out and operated in accordance with the provisions of the Mobility Management Plan (MMP) (Travel Plan) submitted to the planning authority on the 19th day of July 2023. The specific measures detailed in Section 5 of the MMP to achieve the objectives and modal split targets for the development shall be implemented in full. The developer shall undertake an annual monitoring exercise to the satisfaction of the planning authority for the first five years and shall submit the results to the planning authority for consideration and placement on the public file.

Reason: To achieve a reasonable modal split in transport and travel patterns in the interest of sustainable development.

12. A detailed Construction Traffic Management Plan shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

13. The developer or any agent acting on its behalf, shall comply with submitted Resource Waste Management Plan (RWMP) dated December 2022 and shall accord with the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021). All records (including for waste and all resources) pursuant to the RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.

14. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

15. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

16. Prior to the commencement of development, the developer shall submit to the planning authority the following, with written confirmation of agreement from the Department of Defence:

- (a) A Wildlife Aviation Impact Assessment.
- (b) A Glint and Glare Assessment to ensure the development will not impact flight safety in relation to Casement Aerodrome. During the

construction phase of the development, the developer shall implement adequate bird control measures to mitigate the effects of birds on Air Corps flight operations.

Reason: In the interest of aviation safety.

17. The landscaping scheme shown on the application drawings, and the revised drawings submitted to the planning authority on the 19th day of July 2023 shall be implemented within the first planting season. 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 interest of residential and visual amenity.

18. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. The schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

19. Arboricultural Assessment

- (a) An accurate updated tree survey of the site, which shall be carried out by an arborist, shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to

be retained.

- (b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled. This shall include the specific tree protection measures for works within the two number woodland areas (Plantation Woodland W1 and W5) to minimise the impact on the existing trees which are to be retained. This is necessary given the substantial nature of the works proposed within these areas of the site.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.

- 20. Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum radius of two metres from the trunk of the tree or centre of the shrub, and to a distance of two metres on each side of the hedge for its full length and shall be maintained until the development has been completed. No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: In the interest of visual amenity and to protect trees and planting during the construction period.

- 21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be agreed in writing with the planning authority, to secure the protection of the trees on site and to make good any damage caused during

the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To secure the protection of trees on the site.

22. 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.



Tom Rabbette

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 3rd day of Sept 2024