

An
Coimisiún
Pleanála

Commission Order

ABP-320513-24

Planning and Development Act 2000, as amended

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD23A/0292

Appeal by Mary Birnie and Alex Birnie of Saint Judes, Lucan-Newlands Road, Esker, Lucan, County Dublin against the decision made on the 18th day of July, 2024 by South Dublin County Council to grant subject to conditions a permission to Esker Lawn Cemetery Limited care of Cunnane Stratton Reynolds of Gainsboro House, 24 Suffolk Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of a new 485 square metres crematorium within the grounds of Esker Lawn Cemetery consisting of a congregation space, one number electric cremator and associated plant and services spaces, the provision of visitor toilets, and ESB substation; provision of new car parking area and minor adjustments to existing parking resulting in the net addition of two parking spaces; amendments to existing site landscaping involving removal and reduction of existing hard surfaces and roadway surfaces and all associated works; the construction of new landscaping works including a contemplation pond, water feature, planted landscape berms and swale drains at the building perimeter and at the adjacent area designated for grave spaces under planning register reference

number SD10A/0331 as part of a combined suds drainage and biodiverse planting strategy; temporary access for construction traffic to be provided from the eastern boundary, and the existing boundary treatment reinstated post construction, all at Esker Lawn Cemetery, Newlands Road, Lucan, 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

The Commission made its decision consistent with the Climate Action and Low Carbon Development Act 2015, as amended, the Climate Action Plan 2024 and Climate Action Plan 2025.

Having regard to the detailed design and location of the proposed development, within the established grounds of Esker Lawn Cemetery and to the provisions of the South Dublin County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning of the site, would not seriously injure the amenities of the area or of property in the vicinity, would not have any significant effects on the environment, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. 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 submitted to the planning authority on the 18th day of June, 2024, and by further plans and particulars received by An Bord Pleanála (now An Coimisiún Pleanála) on the 16th day of September, 2024, 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. (a) The congregation space within the crematorium building hereby permitted shall be used for committal services which form part of the cremation services carried out within this structure only. The crematorium building, including its congregation space, shall not be used for any other purpose.
(b) The committal service(s) shall take place between the hours of 1000 to 1600 Monday to Saturday only.
(c) Unless otherwise agreed in writing with the planning authority, no more than three committal services shall take place in the crematorium on any one day in accordance with the particulars submitted within the application.

Reason: To ensure that the development shall comply with the permission, and that effective control shall be maintained.

3. Prior to commencement of development on the site, a full emissions monitoring plan shall be submitted to, and agreed in writing with, the planning authority. This plan shall include provisions for independent monitoring and sampling to be carried out prior to commencement of development and thereafter, an annual Environmental Report shall be submitted within 12 months of the commencement of operation of the crematorium detailing the performance of the facility during the previous calendar year.

The report shall include:

- (a) details of the baseline emissions,
- (b) a record of the number of cremations carried out,
- (c) records of maintenance/servicing of the crematorium,
- (d) records of all monitoring carried out for both process control and air emissions. Any non-compliance with the required emission limits and control parameters shall be highlighted,
- (e) records of all waste management, and
- (f) a programme for any proposed measures including staff training necessary to ensure ongoing compliance of the crematorium with planning conditions.

Reason: In the interests of clarity, environmental protection and public health.

4. The development permitted shall be implemented in accordance with the arrangements set out in the Event Management Plan contained within the Transport Insights Consultant's Traffic and Transport Assessment Final Report, dated September 2024.

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

5. Full details of the materials, colours and textures of all external finishes of the proposed crematorium building and ESB substation shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

Reason: In the interest of visual amenity.

6. A plan containing details for the management of waste and, in particular, recyclable and/or hazardous materials within the development, including the provision of facilities for the storage, separation and collection, of the waste and, in particular, hazardous and recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable and hazardous materials, in the interest of the protection of the environment.

7. Prior to the commencement of development, the developer shall enter into a connection agreement with Uisce Éireann 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. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office, at all times. The plan shall include details of waste to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery disposal of this material in accordance with the provisions of the Waste Management Plan for the region in which the site is situated.

Reason: In the interest of public safety, sustainable waste management and the protection of amenities.

9. The proposed Landscaping Scheme, as submitted to the planning authority shall be carried out to the written satisfaction of the planning authority, within the first planting season following substantial completion of external construction work. 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 visual amenity and to promote biodiversity.

10. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

11. Prior to the commencement of Development, the developer shall undertake an Archaeological Impact Assessment (AIA). The Archaeological Impact Assessment shall be carried out as follows:

- (a) The developer shall engage the services of a suitably qualified Archaeologist to carry out an Archaeological Impact Assessment (AIA) which should include a programme of Archaeological Test Excavation. No subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent.
- (b) The archaeologist shall inspect the proposed development site (PDS) and detail the historical and archaeological background of

the site (consulting appropriate documentary sources) and review all cartographic sources and aerial photographs for the area.

- (c) The Archaeological Test Excavation shall be carried out under licence from NMS and in accordance with an approved method statement; note a period of 5-6 weeks should be allowed to facilitate processing and approval of the licence application and method statement.
- (d) Test trenches shall be excavated at locations chosen by the archaeologist having consulted the site drawings. Excavation is to take place to the uppermost archaeological horizons only, where they survive. Where archaeological material is shown to be present, the archaeologist shall have works suspended pending further advice from National Monuments Service. Please note that all features/archaeological surfaces within the test trenches are to be hand-cleaned and clearly visible for photographic purposes.
- (e) Having completed the work, the archaeologist shall submit a written report to National Monuments Service and South Dublin County Council describing the findings of the AIA including the results of the test excavations. The report shall comment on the degree to which the extent, location and levels of all proposed foundations, service trenches and other sub-surface works required for the development will affect the archaeological remains. This should be illustrated with appropriate plans, sections and any other required particulars.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

12. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, means to protect the public road, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

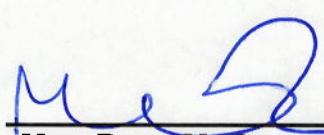
Reason: In the interests of public health and safety and environmental protection.

13. Site development and building works shall be carried out between the hours of 07:00 to 19:00 Mondays to Fridays inclusive, between 08:00 to 14:00 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.

14. 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 the 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 Coimisiún Pleanála, to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.



MaryRose McGovern

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate
the seal of the Commission.

Dated this 18th day of December 2025

