



An
Bord
Pleanála

Inspector's Report ABP-306581-20

Development	Construction of crematorium, administrative offices, public facilities and new vehicular entrance (Natura Impact Statement included).
Location	Dowdallshill, Racecourse Road, Dundalk, Co Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	19788
Applicant(s)	Gerard Hughes.
Type of Application	Permission.
Planning Authority Decision	To grant with conditions.
Type of Appeal	Third Party
Appellant(s)	Fred O'Hagan and others.
Observer(s)	None.
Date of Site Inspection	8 th May 2020
Inspector	Deirdre MacGabhann

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	7
3.4. Third Party Observations	7
4.0 Planning History.....	8
5.0 Policy Context.....	9
5.1. National Policy Context	9
5.2. Development Plan.....	9
5.3. Natural Heritage Designations	10
5.4. EIA Screening	10
6.0 The Appeal	10
6.1. Grounds of Appeal	10
6.2. Applicant Response	11
6.3. Planning Authority Response	11
6.4. Observations/Further Responses.....	12
7.0 Environmental Impact Assessment Screening	12
8.0 Planning Assessment	13
8.3. Zoning.....	14
8.4. Traffic Issues.....	16
8.5. Emissions and Environmental Management	18

8.6. Residential Amenity	19
9.0 Appropriate Assessment.....	19
9.2. European sites	19
9.3. Screening	20
9.4. Assessment.....	20
9.5. Appropriate Assessment Conclusion	25
10.0 Recommendation	25
11.0 Reasons and Considerations	25
12.0 Conditions	25

1.0 Site Location and Description

- 1.1. The c.1.7ha appeal site is situated to the north east of Dundalk town centre and north of Castletown River. It lies to the west of Dundalk Racecourse and town's Inner Relief Road (R215). To the south it is bounded by Racecourse Road.
- 1.2. The site comprises part of a larger agricultural field (within the applicant's landholding), which rises away from the adjoining public roads to a high point towards the centre of the field. A mature hedgerow largely screens views of the site from Racecourse Road and the Inner Relief Road. To the west of the site is a residential property and to the north and west of this, an existing graveyard (St. Patrick's Cemetery). Two single storey residential dwellings lie opposite the appeal site, south of Racecourse Road and a higher density residential development and commercial development lie further west of the site. There is a public footpath along the southern side of Racecourse Road and along the western side of the Inner Relief Road.

2.0 Proposed Development

- 2.1. The proposed development, as revised by way of further information received by the planning authority on the 16th December 2019, comprises:
 - The construction of a crematorium building (705sqm) with two gas fired cremators and associated facilities. These include an office and reception area, meeting room and ceremonial hall. The crematorium is contemporary in design. Two roof folds extend separately over the crematorium space and ceremonial hall. The building is finished externally in a mix of rainscreen and timber cladding and timber curtain walling. Random round pole timber columns support the entrance canopy.
 - Construction of a new access road to the site from Racecourse Road. The internal access road will be 7m in width, cut into the site, with 2m footpaths along each side of the road. A total of 63 no. car parking spaces will be provided, six to the front of the crematorium building and 57 to the rear of the site, north east of the crematorium. Alongside the public road a 2m wide footpath will be constructed along the site frontage, linking it to the junction of

Racecourse Road with the Inner Relief Road. An uncontrolled pedestrian crossing will be provided to link the proposed footpath alongside the site to the existing footpath on the southern side of Racecourse Road.

- Surface water will be disposed of via two no. soakage trenches.

2.2. Submitted with the planning application are the following documents/reports:

- Planning Statement.
- Architects Design Statement (including a masterplan for the overall site).
- Natura Impact Statement.
- Infrastructure Design Details.
- Archaeological Report.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 10th January 2020, the planning authority decided to grant permission for the development subject to 8 no. conditions, including:

- C2 – Provision of sightlines in advance of development, footpath to be constructed and surface water to be disposed of within the boundaries of the site in accordance details submitted (FI).
- C3 – Development charge.
- C4 – Requires operation of the crematorium in accordance with UK Process Guidance Note PG05/02(04) and in line with best available techniques (BAT). Development to comply with the Waste Management Act 1996. Storage and disposal of waste to be in accordance with relevant EU and national legislation (including mercury). Construction and demolition waste management plan to be provided.
- C5 – Requires pre-development archaeological testing.
- C6 – Governs landscaping.
- C7 – Governs hours of construction.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 12th November 2019 - The Planning Report considers the merits of the development under a number of headings, including:
 - Strategic Employment Mixed Use (SEMU) Zoning – Proposed development considered to be acceptable given the primary nature of the crematorium as an industrial process, small proportion of the SEMU zoned lands (3%) and strategic importance of the development serving the local population and wider area.
 - Design, scale and form – Contemporary design would sit well within its setting and would be significantly screened from the Inner Relief Road. Applicant's master plan indicates that the development would not conflict with development proposals for adjoining lands and would provide access to these.
 - Impact on adjoining properties – No impacts anticipated given distance from site (c175m).
 - Natura 2000 sites – No impacts considered to arise.
 - EIA – Not required (development is not a class listed in Schedule 5 of the Planning and Development Regulations, 2001, as amended).

It recommends further information in respect of the matters raised by Infrastructure Services (below).

- 9th January 2020 – Recommends granting permission for the development subject to conditions.

3.2.2. Other Technical Reports

- Infrastructure (23rd October 2019) – Recommends further information in respect of provision of footpath along the site frontage, uncontrolled pedestrian crossing to the southern side of Racecourse Road and appropriate kerbing at crossover points. Subsequent report (3rd January 2020) raises no objections subject to conditions.
- Environment (9th January 2020) – Sets out conditions for permission.

3.3. Prescribed Bodies

- Development Applications Unit (1st November 2019) – Recommend pre-development testing given the proximity of the site to archaeological sites (LH007-127001 and LH007-127002).
- Irish Water (11th November 2019) – No objections subject to conditions including that the applicant apply for a trade effluence licence.

3.4. Third Party Observations

3.4.1. Third party observers¹ make the following comments on the application:

- **Zoning.** Development is contrary to the zoning of the site, Strategic Employment Mixed Use' and materially contravenes the Dundalk and Environs Development Plan 2009-2015. The ceremonial (community) function is not secondary to the industrial use. No information on number of jobs provided to determine if the development is of strategic economic importance.
- **Masterplan.** Has no statutory weight.
- **Emissions.** Emission of toxic chemicals (mercury) and greenhouse gases (use of natural gas), dioxins and furans and other pollutants. Levels of radiation released from bodies that have undergone chemotherapy. Levels of radiation found in the chamber, filter and stack of crematoriums in the USA and monitoring of levels in proposed development. Need for waste licence. No data on cremators to be used or working hours.
- **Legislation.** No legislation in relation to crematoriums in Ireland. Inconsistent with section 5 of the Planning and Development Regulations.
- **EIA.** Need for EIA screening.
- **Access.** Many accidents have taken place at the location of the proposed development and risk of further accidents with development. Access should be from a slip off the main road. Increase in traffic on already busy road (used by Learner Driver Centre as a teaching location) and time to cross

¹ P. Mernagh, L. O'Hagan, P. O'Hagan, F. O'Hagan, D. Cairns, D. Smith, Quinn's Funeral Homes.

inner relief road. Increase in noise pollution for residents. Inadequate access for traffic that will use the development. Impact of privacy (lights shining into dwelling). Flooding of road at proposed site entrance (with water coming off the site). No traffic survey. Access to properties with increase in traffic. Road is a popular walking and running location for locals and school children. Difficulties accessing Racecourse Road from the bypass without extra traffic. Blind spot when cars are turning onto Racecourse Road from town.

- **Impact on amenity/property values.** Similar plan rejected in Fingal due to depreciating effect on property values, associated with commercial traffic in proximity to residential dwellings. Impact on dwelling (overshadowing).
- **Insufficient information.** Insufficient information on proposed development. Application incomplete (several buildings shown in site plan and not referred to in site notices). No hours of operation.
- **Water and drainage.** Plans do not consider wells serving nearby property. No survey of existing drainage into which site is connected.
- **Need.** Absence of a crematorium to serve Dundalk. The development is a modern emission facility in terms of emission monitoring. Other similar installations have been determined as not having any measurable impact on air quality or quality of life. There is rigorous governance by the EPA. Design of buildings are a refreshing interpretation of how a facility such as this should be placed in its environs.

4.0 Planning History

4.1. The following planning applications have been made in respect of the appeal site:

- PA ref. 98520040 – Construction of vehicular entrance and gates.
- PA ref. 55526217 – Temporary extraction of fill material for Inner Relief Road and restoration of site thereafter.

5.0 Policy Context

5.1. National Policy Context

- Project Ireland 2040, National Planning Framework.
- Regional Spatial and Economic Strategy for the Eastern and Midland Region (2019).
- Design Manual for Urban Roads and Streets (2019, v1.1 and 2020 update).

5.2. Development Plan

- 5.2.1. The Louth County Development Plan 2015-2021 designates Dundalk as a Level 1 town, in accordance with its strategic role in the region, as set out in national and regional planning guidelines. Economic development policies, set out in Chapter 6, seek to protect and enhance the status of the town as the principle centre of employment, industrial and commercial activity in the County, to zone land in accordance with the settlement hierarchy and to provide an adequate quantum of sites to accommodate a wide and flexible range of economic development opportunities (EDE 9 and EDE 10).
- 5.2.2. The Dundalk and Environs Development Plan 2009 – 2015, as extended, zones the appeal site, and the agricultural field which it forms part of, for ‘Strategic Employment Mixed Use’ the objective of which is to ‘provide a range of business and employment activities which have strategic importance’. Cemeteries, funeral homes, community facilities and light industrial uses are not permitted on the zone. Heavy industry is permitted. The Strategic Employment lands, that include the appeal site, are identified as an Opportunity Site in section 3.2.7 of the plan (Northern Environs Site). The purpose of the key opportunity sites includes to raise the profile of the town and environs at international, national and regional levels and to strengthen the position of the town for economic development and promote its role as a gateway. Policy EC 6 seeks to ‘encourage and facilitate development of identified key opportunity sites and areas in order to generate economic activity and renewal’.
- 5.2.3. To the west of the site, land including and adjoining the existing graveyard, is zoned ‘Community, Education and Recreation’, to ‘protect, provide and improve community,

education and recreational facilities'. Land to the south of Racecourse Road and land to the west of the appeal site is zoned 'Residential 1', with the objective to 'protect and improve existing residential amenities and provide for infill and new residential developments'.

- 5.2.4. To the east of the appeal site, within the same agricultural field, are two national monuments, LH007-127001 and LH007-127002, an enclosure and metal working site respectively.

5.3. **Natural Heritage Designations**

- 5.3.1. The appeal site lies c. 0.5km to the north and west of Dundalk Bay Special Protection Area (site code 004026), Special Area of Conservation and proposed Natural Heritage Area (shared site code 000455).

5.4. **EIA Screening**

- 5.4.1. This matter is dealt with in my assessment, below.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. Grounds of appeal repeat matters raised in objections (summarised above) and make the following additional arguments:
- **Zoning.** Development materially contravenes policies of the Dundalk and Environs Development Plan 2009-2015. Lands are zoned for 'Strategic Mixed Employment Use' to provide a range of business and employment activities which have strategic importance. The ceremonial/community uses are not ancillary to the industrial use. Churches, cemeteries and community uses are not permitted in the zone. No information is provided on the number of jobs to be created. It is difficult therefore to analyse whether the development is of strategic economic (not social) importance. In accepting that the development constitutes 'heavy industry' the planning authority could create a potentially dangerous precedent. The 'heavy industrial' use is not

compatible with the community/ceremonial land uses. Development may be of regional importance from for the provision of social infrastructure. This differs from regional economic importance. The development does not constitute a sustainable economic use of lands at such a strategic location.

- **Masterplan.** The Masterplan has no material weight. The proposed development may impact on the development potential of these lands (proximity to incinerator).
- **EIA.** The application should be subject to environmental impact assessment or at least screening for EIA, given the proposed use and proximity of the site to Dundalk Bay SPA.

6.2. Applicant Response

- 6.2.1. The applicant responds to the matters raised in the appeal made. In the interest of brevity I refer to these in my assessment below.

6.3. Planning Authority Response

- 6.3.1. The planning authority respond to the appeal:

- **Zoning** – The development does not contravene the zoning objective for the site. Heavy industrial use is permitted in principle and the crematorium is an industrial process. In terms of floor area, the predominant use is processing of human remains. The ceremonial element of the development could take place at other locations, but the cremation process could not. Closest alternative facilities are in Belfast, Cavan or Dublin. Given the proximity of the site to the M1, various national counties and Northern Ireland the development is of strategic importance. The site amounts to 3% of the zoned lands, which are undeveloped. The development would not be at odds with the SEMU zoning of the site and is of a scale that would have no material impact on the volume of lands available for other SEMU related development.
- **Masterplan** – The masterplan provided by the applicant is indicative only. Any development proposals would be assessed separately. It includes provision of access to SEMU lands to the north, which is appropriate.

- **EIA** – The development is not of a type listed under Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) nor is it considered sub threshold development for the purposes of Schedule 7. Based on the information provided and having considered the nature, scale and location of the development, there is no real likelihood of significant effects on the environment.

6.4. Observations/Further Responses

- 6.4.1. In June 2020, the Board sought scientific information from the applicant to support the conclusions of the NIS. Further information was submitted by the applicant in August 2020, comprising an Air Quality Assessment Report. I refer to this document in my assessment below. The Report was circulated to parties to the appeal and responses were received from the planning authority and the appellant, with the appellant raising concerns regarding the lack of technical data on the proposed crematorium.

7.0 Environmental Impact Assessment Screening

- 7.1.1. The proposed development is of a type that constitutes a project for EIA purposes i.e. construction works. It is not a type which is listed in any particular class of development in Schedule 5 of the Planning and Development Regulations, 220 (as amended). However, it would comprise a sub-threshold development within Class 10(b)(iv), Infrastructure Projects, ‘urban development’ involving an area greater than 10 hectares in ‘other parts of a built up area’.
- 7.1.2. The proposed development will be constructed on a small site (1.7ha), substantially less than the threshold for EIA (10ha). It is situated in an existing urban area of Dundalk town, on agricultural land, removed from nearby residential development but in proximity to archaeological remains and European sites. The Department of Environment has requested pre-development testing but otherwise raises no concerns in respect of the development. For the reasons stated in the Planning Assessment, impacts on residential amenity are unlikely to arise.
- 7.1.3. The development will make modest use of natural resources (beyond construction). Waste products will arise from the cremation process, will be removed and disposed

of in accordance with waste legislation. Traffic associated with the development will be relatively modest in the context of the existing vehicle movements on adjoining roads.

- 7.1.4. The most significant emission from the development will be emissions to air from the crematoria. As discussed below, it is considered that the development would be operated in accordance with the UK Guidance of Crematoria and air quality standards and unlikely to give rise to significant effects on air quality. Potential impacts on European sites are considered in the Appropriate Assessment section of this report and I also conclude that no significant effects on the integrity of any European sites are likely to arise.
- 7.1.5. Having regard to the foregoing, notably the characteristics of the development, including its nature and size, and to its location and potential impact, it is evident that there is no real likelihood of significant effects on the environment. It is therefore concluded after a preliminary examination of the development under article 109(2) of the planning regulations that EIA is not required. This conclusion would be similar to that drawn by the Board in other cases (e.g. JD0026, 242683, 234947 and 214319).

8.0 Planning Assessment

- 8.1. Having regard to my inspection of the appeal site and the information on file, I consider that the key issues for this appeal relate to the following matters:
- Zoning.
 - Traffic issues.
 - Impact on residential amenity.
 - Emissions and environmental management.
- 8.2. Environmental impact assessment has also been raised and this matter is dealt with in section 7.0 of this report, above. The appellant also states that the application was incomplete (no reference to buildings). The planning authority validated the planning application and I consider that the statutory notices were consistent with the requirements of articles 18 and 19 of the Planning and Development Regulations 2001 (as amended) and are sufficient to inform the public regarding the nature and extent of the development. It is also argued by the appellant that there is insufficient

technical information on the proposed cremators. In the course of the application and appeal, the applicant has referred to the technical information on the crematoria provided by the supplier, DWF, for example, with the stack height (12m), volume flow rate, exhaust temperature, oxygen and moisture content built into the modelling exercise carried out for air pollution. I consider that this approach is reasonable and sufficient for the purposes of determining this appeal. If the Board decide to grant permission for the development, the applicant would be bound by it and adherence of standards set out in the permission.

8.3. Zoning

- 8.3.1. The appeal site is zoned for 'Strategic Employment Mixed Use' in the Dundalk and Environs County Development Plan 2009 – 2015. The objective of the zoning is to *'provide a range of business and employment activities which have strategic importance'*. Within the zone, heavy industrial uses are permitted in principle. Cemeteries, churches, funeral homes and community facilities are not.
- 8.3.2. The proposed development is a mix of two uses, the crematorium an industrial use and the associated ceremonial space, a social/community use, albeit a commercial development as stated by the applicant in response to the appeal. From the submitted plans, I calculate that the floor area associated with the crematorium/industrial use is 496sqm and the area associated with the community use 219sqm, based on the essential requirements for each use i.e. the crematorium/industrial space would require cremator hall, cold room, staff changing and welfare, office/reception and meeting/collection area. In contrast, the ceremonial spaces would require a hall, toilet facilities and associated comm/AV equipment.
- 8.3.3. This principle use is consistent with the land use zoning of the site. In contrast the secondary use (in floorspace terms), the ceremonial hall, is not referred to in the zoning matrix. Similar uses e.g. church, community facilities, are expressly not permitted in the zone. However, the zoning matrix is not exhaustive and use of the site as a crematorium merits consideration in the context of the overall objectives for the zone.
- 8.3.4. In this regard, I note:

- The proposed development comprises two inherently contradictory, but conjoined land uses (industry/community) and the proposed development would be difficult to situate in other land use zonings set out in the Development Plan e.g. Recreational, Amenity and Open Space.
- The appeal site adjoins St. Patrick's Cemetery and the proposed Site Layout Plan provides for a pedestrian connection between the sites.
- The appeal site comprises 3%, a very small proportion, of the lands zoned SEMU.
- The applicant has submitted a masterplan for the overall lands which demonstrates that the proposed development would not physically impede the future development of adjoining lands. It is acknowledged by the planning authority and applicant that this plan has no planning status. Any future development of the lands would be subject to scrutiny via the application process.
- The proposed development is contemporary and of high standard in design. It includes detailed proposals for hard and soft landscaping and is unlikely to detract from any future industrial development on adjoining lands.
- The community use associated with the development (ceremonial hall) is unlikely to impede other industrial development as it is associated with short term and infrequent use by individual members of the public.
- The overall objective of the zoning is to provide a range of business and employment activities which have '*strategic importance*'. The proposed development will provide direct employment and generate indirect employment locally (e.g. florist etc. – see applicant's response to appeal, paragraph 5.9). However, employment numbers are unlikely to be significant at a strategic/regional scale. Notwithstanding this, I understand from the information on file that there is a growing demand for cremation in the State (current levels are c 6% of 30,000 deaths per annum, compared to the UK rate of 75%) and an absence of services in Dundalk (nearest alternatives are in Belfast, Dublin and Cavan). In this regard the proposed development, with its proximity to the M1 and strategic location between Belfast and Dublin,

would have a strategic function (see potential catchment, Figure 4, Planning Statement).

- 8.3.5. Having regard to the foregoing, I consider that the proposed development would not be inconsistent with the zoning of the site, prevent or deter the development of the substantial lands SEMU lands which remain or detract in any substantial way from the objective of the zoning. I do not consider, therefore, that the development would materially contravene the policies of the Dundalk and Environs Development Plan 2009 – 2015.

8.4. **Traffic Issues**

- 8.4.1. **Traffic.** The appeal site is situated on Racecourse Road. This is an inner urban route linking the Inner Urban Relief Road to the R132 to the west of the site. It is a wide road, c.7m in width, with a single lane in each direction. A footpath is provided along its southern side. The road forms a simple priority junction with the Inner Relief Road, with a right turn lane off the major Road for traffic travelling south on the road wishing to turn onto Racecourse Road.
- 8.4.2. In response to the appeal, the applicant describes Racecourse Road as a high quality Urban Link Road (UAP2) with a two way capacity of c.2000 vehicles/hr (Table 2, Capacity of Urban Roads, TA79). This compares to daily flows of c.5000 vehicles/day with a peak hourly flow of 600vehicles/hour.
- 8.4.3. The town's Inner Relief Road, to the east of the appeal site is described as an Urban Arterial Route with a 2 way capacity of 2,500 vehicles/hr (Table 2, Capacity of Urban Roads, TA79). This compares to existing flows of c.13,000 vehicles/day with a peak hourly flow of 1,500 vehicles/hour.
- 8.4.4. The applicant proposes a priority junction at the entrance to the appeal site c.165m west of the junction of Racecourse Road with the Inner Relief Road. The junction is designed to have 65mx2.4m sightlines, set back 2.4m in each direction, which would be consistent with the requirements set out in the NRA's Design Manual for Urban Roads & Streets (Table 4.2) and with the requirements of the County Development Plan which refer to these technical standards (Policy TC12). In practice, available sightlines will be greater (see photographs/plans). The development would also provide a footpath along the northern side of Racecourse Road, connecting it to the

existing footpath alongside the western side of the Inner Relief Road and, by uncontrolled pedestrian crossing, to the existing footpath alongside the southern side of Racecourse Road. This would enhance pedestrian connectivity and provide a safe crossing point on Racecourse Road.

- 8.4.5. In response to the appeal, the applicant estimates that the development will generate c.65 vehicles per service at the facility, with the maximum daily traffic generated by the development c.260 vehicles/day. This equates to 4 services per day. Whilst I would acknowledge that the development will give rise to a larger number of vehicle movements, these are modest in comparison to existing flows on adjoining roads. The predicted number of trips would also appear to be less than the threshold required for a Traffic and Transport Assessment i.e. predicted trips are less than 100 in/out trips in peak hours, and car parking is less than 100 (see section 4, appendix 6 of appellant's response to appeal).
- 8.4.6. Data on collisions on Racecourse Road and the Inner Relief Road in the vicinity of the site indicates a relatively low level of minor collisions i.e. 3 no. minor injury collisions on Racecourse Road in the vicinity of the site and 6 no. minor injury collisions at the junction of the Relief Road/Racecourse Road over a period of 12 years (section 5.0 of appendix 6 of appellant's response to appeal).
- 8.4.7. Having regard to the forgoing and the absence of concerns raised by the planning authority, I am satisfied that the proposed development could be accommodated within the local road infrastructure and would not give rise to traffic hazard.
- 8.4.8. **Noise pollution.** Given the relatively small increase in vehicular traffic, over and above existing levels, increase in noise pollution for residents is also likely to be modest.
- 8.4.9. **Flooding of the public road.** The applicant does not dispute that there have been instances of flooding along Racecourse Road but states that these have been localised, sporadic and temporary and not arising from the appeal site alone. I note that the applicant proposes collecting all surface water arising on site in a surface water network with discharge to soakage trenches within the site. Condition no. 2 of the planning authority's grant of permission also refers to this matter and would precludes discharge of surface water onto the public road.

8.5. Emissions and Environmental Management

- 8.5.1. Parties to the appeal raise concerns regarding potential emissions from the cremation process, including mercury and radiation from bodies undergoing recent radiation therapy. There is no national technical guidance on crematoria. Instead the applicant refers to the UK's Guidance for Crematoria: Process Guidance Note 5/2 2012 and the European Environmental Agency Guidebook on Incineration of Corpses 2016 (Appendix 4 and 5 of appellant's response to the appeal). The Guidelines set out the types of emissions likely to arise from crematoria, for example, including hydrogen chloride (HCL), particulate matter, carbon monoxide, sulphur dioxide, nitrogen oxide, volatile organic compounds, mercury (from fillings), dioxins and furans (from combustion of wood cellulose and chlorinated plastics) and methods by which emissions can be reduced and/or removed. Means of reduction/removal include avoiding the use of certain materials (e.g. chlorinated plastics), correct operation of the combustion process and use of filter systems e.g. carbon filters for the removal of mercury. The UK Guidelines refer to best available techniques and set out emission limit values for different parameters, again including mercury, dioxins and furans and others. They also set out requirements for monitoring and reporting.
- 8.5.2. The applicant provides an assessment of likely air emissions in the Air Quality Assessment Report in respect of likely effects on European sites (see section 9.0 of this report). It predicts very small increases in air pollutants compared to background levels and air quality standards. Whilst this exercise was carried out for likely effects on flora and fauna, the predictions apply to the human environment, and I would consider, on the basis of the information presented, that the proposed development, subject to its operation in accordance with the UK Standard as proposed, is not likely to give rise to substantial air pollution to breach air quality standards. Further, it is my understanding from similar applications in the public domain (e.g. Shanganagh Crematorium Study, PL37.242683) that predicted emission limits from crematoria are typically well within emission limit values and air quality standards.
- 8.5.3. In their decision to grant permission for the development, the planning authority require adherence to the UKs' Guidance document. This approach seems

reasonable and would be consistent with the approach previously taken by the Board. If the Board are minded to grant permission for the development I would therefore recommend conditions requiring adherence to these standards, with monitoring and emission testing in accordance with the requirements of the planning authority (a crematorium is not a Scheduled Activity under the EPA Act 1992, as amended, or the Air Pollution Act, 1987, as amended).

8.6. Residential Amenity

- 8.6.1. The proposed development is generally removed from residential dwellings, with the nearest property c.150m to the south west and two other properties to the >160m to the south. No impacts as a consequence of overshadowing will therefore arise.
- 8.6.2. Having regard to my assessment of emissions from the development, I do not consider that any adverse effects will arise as a consequence of emissions to air. I
- 8.6.3. In response to the appeal it is stated that the development will operate between 9am and 5/6pm. Impact on privacy of dwellings to the south of the site by virtue of lights shining into dwellings, is therefore unlikely to be significant.

9.0 Appropriate Assessment

- 9.1. The application for the proposed development includes a Natura Impact Assessment (NIS) and Air Quality Assessment Report. The NIS examines the likely effect of the development on European sites and concludes that, following mitigation, the proposed development does not have the potential to affect the conservation objectives of any such site. The Air Quality Assessment considers the effect of likely pollutants from the development and, adopting a worst case scenario, predicts that emissions would comply with ambient air quality standards with no impact on the qualifying interests or conservation objectives for Dundalk Bay SAC/SPA. I refer to these two reports in my assessment below.
- 9.2. **European sites**
 - 9.2.1. The appeal site lies c.500m north and west of the Dundalk Bay Special Protection Area (site code 004026) and Special Area of Conservation (site code 000455). It

also lies c.5.5km to the southwest of Carlingford Mountain SAC (site code 000453) and 13.5km to the south west of Carlingford Lough SPA (004078), Carlingford Shore SAC (site code 002306) and other European sites clustered around Carlingford Lough in the UK. Stabannan-Braganstown SPA (site code 004091) lies >10km to the south west of the site.

9.3. Screening

9.3.1. The appellant’s Natura Impact Statement screens out European sites which are removed from the immediate area of the site and focuses on Dundalk Bay SPA and Dundalk Bay SAC on the basis of distance, relative position, topographical considerations, land uses and physical structures. This approach does not seem unreasonable, in particular in view of the conclusions of the appropriate assessment.

9.4. Assessment

9.4.1. Qualifying interests of European sites are:

European Site	Qualifying Interests
Dundalk Bay SAC	Estuaries Mudflats and sandflats not covered by seawater at low tide Perennial vegetation of stony banks Salicornia and other annuals colonising mud and sand Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) Mediterranean salt meadows (<i>Juncetalia maritimi</i>)
Dundalk Bay SPA	Great Crested Grebe (<i>Podiceps cristatus</i>) Greylag Goose (<i>Anser anser</i>) Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) Shelduck (<i>Tadorna tadorna</i>) Teal (<i>Anas crecca</i>) Mallard (<i>Anas platyrhynchos</i>) Pintail (<i>Anas acuta</i>) Common Scoter (<i>Melanitta nigra</i>) Red-breasted Merganser (<i>Mergus serrator</i>) Oystercatcher (<i>Haematopus ostralegus</i>) Ringed Plover (<i>Charadrius hiaticula</i>) Golden Plover (<i>Pluvialis apricaria</i>) Grey Plover (<i>Pluvialis squatarola</i>) Lapwing (<i>Vanellus vanellus</i>) Knot (<i>Calidris canutus</i>) Dunlin (<i>Calidris alpina</i>) Black-tailed Godwit (<i>Limosa limosa</i>) Bar-tailed Godwit (<i>Limosa lapponica</i>) Curlew (<i>Numenius arquata</i>)

	Redshank (<i>Tringa totanus</i>) Black-headed Gull (<i>Chroicocephalus ridibundus</i>) Common Gull (<i>Larus canus</i>) Herring Gull (<i>Larus argentatus</i>) Wetland and Waterbirds
--	---

9.4.2. **Conservation objectives.** Conservation objectives for the European sites are:

- Dundalk Bay SAC (site code 000455) and SPA (site code 004080) – To maintain/restore the favourable conservation condition of habitats/species of conservation interest by reference to defined attributes and targets.
- Carlingford Mountain SAC (site code 000453) – To maintain/restore to favourable conservation condition the habitats and/or Annex II species for which the site has been selected.

9.4.3. **Potential Effects.** Potential effects arise from the following components of the proposed development:

- **Construction** – The appeal site is physically removed from the European sites there would be no land take from it or other direct effects, for example by way of fragmentation of habitat etc. Indirect effects by way of noise, dust and visual disturbance may arise from construction activity. There are no watercourses on or adjoining the appeal site or, therefore, surface water pathways that connect the appeal site to European sites. (The nearest watercourse appears to be south of Racecourse Road with outfall to Castletown River which flows into Dundalk Bay – see attachments). Discharges to ground could migrate to groundwater bodies with the risk of pollution e.g. from hydrocarbons.
- **Operation** – During operation potential impacts on the European sites may arise as a consequence of disturbance (e.g. lighting) and air pollution from the cremation process, with possible effects on riverine or estuarine habitats. Impacts could also arise from the discharge of polluted waters from the site.

9.4.4. **Mitigation.** Mitigation measures referred to in the NIS, section 4.6, include:

- **Construction.** Standard construction practices to manage hazardous materials, control sediment, soils (e.g. dust blow) and invasive species.

- **Operation.** Development to be connected to public infrastructure. Use of low glare lighting within the site and absence of external light source or floodlighting. Surface water to be discharged to soakage trenches. Operation of the crematorium in accordance with the emission limits set out in the UK's Guidance for Crematoria: Process Guidance Note 5/2. Appropriate storage of hazardous materials. Human remains (ashes) to be removed from site by family members. Waste products from cremation process to be removed from site by authorised contractors, in accordance with the Waste Management Act 1996 and other relevant legislation.

9.4.5. **Likely effects (direct, indirect and cumulative).**

9.4.6. **Construction.** The appeal site is located alongside two busy urban roads, removed from nearby European sites, and separated from them by urban development and agricultural land. The only pathway connecting the site to the European sites is via groundwater. Proposed mitigation measures referred to are standard construction practices and include means to control sediment and accidental spills on site and therefore discharges to ground. Subject to their implementation, significant direct or indirect effects on European sites are unlikely to arise.

9.4.7. **Operation.** During operation, with the distance of the development from Dundalk Bay, intervening development and the proposed measures to manage lighting within the site significant effects on European sites by way of disturbance are unlikely.

9.4.8. With regard to air pollution, the applicant states that the development will be operated in accordance with the UK guidelines for crematoria. Emissions from the proposed development are assessed by the applicant using the AERMOD dispersion model (version 19191) and following guidance issued by the EPA. The modelling exercise assumes a worst case scenario, including worst case background concentrations of baseline levels of relevant pollutants, the effects of building downwash (including 12m emission stack which will serve both cremators – see section 2.8 of report) and worst case operations with all emission points running continuously for a full year.

9.4.9. The UK's Process Guidance Note for Crematoria sets out in Table 4 (see attachments) emissions from crematoria that require abatement. These include mercury, hydrogen chloride, total particulate matter, carbon monoxide, organic

compounds, dioxins (if the combustion provisions of temperature, residence time and oxygen in row 8 to 10 are not met) and particulate matter.

9.4.10. In accordance with the guidelines, the Air Quality Assessment predicts likely emissions for a number of these pollutants, including the following:

- NO_x and SO₂ – Predicted ground level concentrations of these pollutants are shown in Figures 3 and 4 and Tables 6 and 7 of the Air Quality report. They indicate very small and insignificant increases in ground level concentrations relative to the maximum annual limit for the protection of vegetation (Air Quality Standards 2011).
- Mercury and hydrogen chloride - Similarly, predicted emissions of mercury and hydrogen chloride lead to very modest increase in levels over background levels and well below emission standards. The standards referred to in the report are in respect of human health, as there are no standards for these parameters in the Air Quality Standards, 2011. Notwithstanding this, data for the European sites do not identify any particular sensitivities or threats to conservation interests from air pollution.

9.4.11. The report also considers nitrogen deposition (which can have deleterious effects on ecology and biodiversity) and predicts emissions to be well below critical load level for habitat types, where this information is available. See Table 10 of the Report which is based on the Critical Load for Nitrogen deposition as indicated by the UNECE in their 2011 report '*Review and revision of empirical critical loads and dose-response relationships*'.

9.4.12. It is stated that other pollutants are not predicted to impact on nearby sensitive receptors (section 2.0 of report). I would infer from this statement and the UK Process Guidance Note that the applicant is referring to total particulate matter, carbon monoxide and organic compounds.

9.4.13. The Air Quality Standards specify limit values for particulate matter of between 20 and 50 µg/m³ (depending on particle size). The emission limit value for particulate matter in the UK Guidance Note for crematoria is 20mg/m³ averaged over an hour of cremation and is therefore consistent with the air quality standards for the protection of human health. I note that the Natura 2000 standard data forms for Dundalk Bay

SAC and SPA do not indicate that either site is at risk from increasing air pollution or particulate matter.

- 9.4.14. Emissions of carbon monoxide and volatile organic compounds, at or below emission limit levels, will disperse to air and are unlikely to have no significant impact on background levels or any impact at ground level.
- 9.4.15. With regard to dioxins, the UK's guidance note states that if the combustion provisions in rows 8 to 10 of Table 4 (relating to temperature of combustion, residence time and oxygen) are not met, then a dioxin limit of 0.1 nanogram/m³ and monitoring should be applied. The applicant states that the proposed crematorium will be provided by a Dutch company (DWF) and their technical information (attached) indicates compliance with rows 8-10 of Table 4, indicating complete removal of dioxins. I note that the planning authority's grant of permission requires the applicant to adhere to best available techniques and I would recommend that this form part of the Board's order to ensure compliance with technical standards to ensure the removal of dioxins.
- 9.4.16. Having regard to the foregoing and, on the basis of the available scientific information, I would consider that the proposed development is not likely to give rise to significant effects on the conservation interests of the European sites.
- 9.4.17. **Cumulative effects.** Table 5 of the NIS sets out details of extant permissions in the area of the site. These are generally small scale developments with little risk of significant effects on European sites. Under PA ref. 14520003 permission was granted in 2014 for the widening of the Dundalk race track. The application included a NIS and the planning authority granted permission for the development, concluding that, subject to implementation of conditions, the development would not adversely impact on the nearby European sites (Dundalk Bay SAC and SPA). It is not clear whether or not this permission has been implemented. Assuming that it has not been (worst case scenario) and assuming the two developments were progressed in tandem, given the location of the proposed development, separated from Dundalk Bay by the racecourse, the relatively modest site area of the development and the proposed mitigation measures proposed for both projects, I do not consider that there is a risk of significant in combination effects arising from the construction phase of the development.

9.5. Appropriate Assessment Conclusion

- 9.5.1. Having regard to the foregoing, I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site Nos. 004025 and 000455, or any other European site, in view of the site's Conservation Objectives.

10.0 Recommendation

- 10.1. Having regard to the foregoing, I recommend that the Board grant permission for the development.

11.0 Reasons and Considerations

- 11.1. Having regard to the detailed design, industrial use and strategic function of the proposed development, its modest scale on lands zoned for Strategic Mixed Employment Use, its location in proximity to the urban and regional transport routes and removed from residential development, 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 properties in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

12.0 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 on the 16th December 2019, and by further plans and particulars received by An Bord Pleanála on the 4 th August 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be
----	---

	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>a. Prior to the commencement of development, sightlines of 65m in each direction of the site entrance, from a point 2.4m back in from the edge of the public road over a height of 1.05m, as indicated in Site Layout Drawing No. 3805-FI-002 Rev A, shall be completed to the written satisfaction of the planning authority, and thereafter maintained throughout the lifetime of the development.</p> <p>b. Prior to the operation of the development, the proposed footpath along Racecourse Road and pedestrian crossing, as indicated in Site Layout Drawing No. 3805-FI-002 Rev A, shall be completed to the written satisfaction of the planning authority.</p> <p>Reason: In the interest of traffic safety.</p>
3.	<p>The crematorium shall be designed, constructed, operated and monitored in accordance with the United Kingdom Secretary of State's Guidance for Crematoria (Process Guidance Note 5/2 (2012)). The emission limit values and control parameters set out in this document shall be adhered to (best available techniques). In this regard, the following details shall be submitted to the planning authority for written agreement prior to commencement of construction:</p> <p>(a) detailed drawings of the stack design;</p> <p>b) a detailed monitoring programme for stack emissions including continuous monitoring for the relevant parameters specified for continuous monitoring in the United Kingdom guidance document Process Guidance Note 5/2 (2012);</p> <p>(c) specific procedures for the commissioning phase;</p> <p>(d) training proposals for operational staff;</p>

	<p>(e) arrangements for the disposal of waste arising in accordance with statutory requirements.</p> <p>Reason: In the interest of environmental protection and public health.</p>
4.	<p>Prior to commencement of development on the site, a full emissions monitoring plan shall be submitted to the planning authority for written agreement. 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:</p> <p>(a) details of the baseline emissions;</p> <p>(b) a record of the number of cremations carried out;</p> <p>(c) records of maintenance/servicing of the crematorium;</p> <p>(d) records of all monitoring carried out for both process control and air emissions. Any non-compliance with the relevant emission limits and control parameters set out in the UK Process Guidance Note 5/2 (2012) shall be highlighted;</p> <p>(e) records of all waste management;</p> <p>(f) a programme for any proposed measures including staff training necessary to ensure ongoing compliance of the crematorium with planning conditions.</p> <p>Reason: In the interest of environmental protection and public health</p>
5.	<p>All operations shall be carried out to ensure that no nuisance from odour, fumes, smoke, dust or other matter occurs beyond the boundaries of the site.</p> <p>Reason: To safeguard the amenities of the area.</p>
6.	<p>Details, including samples, of the materials, colours and textures of all the finishes of the proposed crematorium building and memorial wall</p>

	<p>shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>The hours of operation of the crematorium facility shall be between the hours of 09.30 and 18.00 Monday to Sunday. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<p>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.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable and hazardous materials, in the interest of protecting the environment.</p>
9.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall be prepared in accordance with “Best Practice Guidelines on the Preparation of Waste Management Plans for the Construction and Demolition Projects” published by the Department of the Environment, Heritage and Local Government in July, 2006. 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,</p>

	<p>minimisation, recovery and disposal of this material in accordance with the provisions of the Waste Management Plan for the region of which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
10.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and means to protect the public road.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
11.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p>

	<p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
12.	<p>The landscaping scheme shown on Proposed Site Plan, drawing no. P002, as submitted to the planning authority and which includes retention of all site boundaries, shall be carried out, to the written satisfaction of the planning authority, within the first planting season following substantial completion of external construction work.</p> <p>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.</p> <p>Reason: In the interest of residential and visual amenity.</p>
13.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
14.	<p>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</p>

<p>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 the Board to determine the proper application of the terms of the Scheme.</p> <p>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.</p>

Deirdre MacGabhann
Planning Inspector

28th September 2020