



An  
Bord  
Pleanála

## Inspector's Report ABP-306647-20

### Development

Construction of a crematorium and all associated site works and landscaping including decommissioning of existing waste water treatment system and provision of new waste water treatment system, new car parking and circulation, removal of the entrance gateposts, alterations to entrances at existing locations to create one dedicated entrance and one dedicated exit.

### Location

The former Duhallow Park Hotel site, Drumcummer Beg, Kanturk, Co. Cork.

### Planning Authority

Cork County Council

### Planning Authority Reg. Ref.

18/06880

### Applicant(s)

Classic Lodges (Ireland) Ltd

### Type of Application

Permission

### Planning Authority Decision

Refusal

### Type of Appeal

First Party -v- Decision

**Appellant(s)**

Classic Lodges (Ireland) Ltd

**Observer(s)**

John Murphy

The Island Crematorium Ltd

Dromcummer Residents' Association

**Date of Site Inspection**

21<sup>st</sup> May 2020

**Inspector**

Hugh D. Morrison

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## 1.0 Site Location and Description

- 1.1. The site lies on the northern side of the national secondary road, the N72, along that portion of this road which runs between Mallow, 17 km to the east, and Killarney, 46 km to the west. Approximately 1 km to the west of the site, the N72 forms a junction with the R579, a regional road, which runs northwards from Ballincollig. This junction is just to the north of the village of Banteer and it is 4 km to the south of the town of Kanturk.
- 1.2. The site lies to the N of the River Blackwater. The River Allow lies to the W and the River Glen lies to the S, both of which flow into the River Blackwater. This site is situated on the SE facing slopes of the valley through which this meandering River flows. Mount Hillary lies to the ESE and further away the Boggeragh Mountains lie to the S and the SW.
- 1.3. The site has a frontage of c. 400m onto the N72 and it is served by two access/egress points from/to this national secondary road. The main body of the site is of roughly rectangular shape with a chamfered NW corner and a minor SW tip. It extends over an area of 2.7093 hectares and it rises generally in a NNW direction. The topography of the central portion of the site has been altered to create lower and higher levelled areas in conjunction with its former use as a hotel. Ramps from the two access points serve either end of the raised area and a flight of steps connects the higher and lower levels. While the site has been cleared, the footprint of the former hotel and the accompanying car park on the raised area are still in-situ. Likewise, a retaining wall to the rear of the raised area remains in-situ and beyond this wall and on either side of the raised area are woodlands composed of mature deciduous trees.

## 2.0 Proposed Development

- 2.1. The proposal is to redevelop the cleared site to provide a crematorium. The proposed building (581.84 sqm) would be sited on the raised area. This building would be rectangular in shape and its principal elevations would face SW/NE. It would be clad in dark stained larch timber. The former elevation would feature a projecting entrance canopy and the latter elevation would adjoin a pond with a waterfall. This entrance would connect with the on-site access road, which would be

accompanied on either side by 32 car parking spaces. (A further 27 spaces would accompany this road at a lower level). The woodlands beyond the proposed pond and the existing retaining wall would be capable of being accessed by means of a network of pathways. The SE “side” elevation would overlook the River Blackwater Valley and it would be composed of a 3-D build-up feature which would project outwards progressively towards the top RHS corner of this elevation.

- 2.2. As originally proposed, the site would have continued to be accessed by means of the existing access points with the more westerly designated as the entrance and the more easterly as the exit. However, under revised plans, the former access would be closed and all access/egress to the site would be by means of the latter access, which would be accompanied by the insertion of a right hand turning lane in the N72.
- 2.3. The proposal would be served by a bored well and the existing on-site WWTS would be de-commissioned and a new packaged WWTS (PE 8) and polishing filter would be installed. An on-site surface water drainage system would be installed, too, which would incorporate a hydrocarbon interceptor, an attenuation tank, and a hydro-brake and which would discharge to an existing under road culvert.
- 2.4. The applicant envisages that the proposed crematorium would provide employment for 3 people. Two cremators would be capable of being installed in this crematorium and they would be served by an 8m high stack.
- 2.5. The applicant has summarised its understanding of the process comprised in cremation as follows:

*Cremation is a completely dust free and odourless process achieved by surrounding the body with dry air at 900 – 1000 degrees centigrade. Flames do not touch the body. The process is fully monitored using a PLC<sup>1</sup> based system to achieve optimum conditions. Ashes are collected, further processed in a cremulator and returned to the undertaker in an urn.*

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<sup>1</sup> PLC stands for Programmable Logic Controller.

## 3.0 Planning Authority Decision

### 3.1. Decision

Following receipt of further information, clarification of the same not possible for procedural reasons and so refusal issued on the following ground:

*On the basis of the information submitted, the Planning Authority is not satisfied that the proposed development would not adversely impact on public health and the environment by reason of serious air pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Further information was requested with respect to the following matters:

(i) Traffic

- Comparison needed with traffic generated by former hotel on the site,
- Feasibility of providing a right hand turning lane in the N72 to be explored,
- Centrally sited access/egress to site suggested with  $x = 3m$  and  $y = 215m$ ,
- Need to avoid overlaps in cremations to be addressed,
- Concentration in time traffic movements to be addressed, and
- Recommendations of Transportation Assessment Report to be followed up.

(ii) Air and Noise Assessments to be submitted.

(iii) Comprehensive Construction and Environmental Management Plan to be submitted.

(iv) Clarification needed with respect to the installation of a mercury and dioxide abatement plant and compliance with best practice operating standards.

(v) Details of height and design of stacks to be submitted and clarification of their compliance with best practice operating standards.

(vi) Clarification needed with respect to whether or not a gas connection would be required.

(vii) Details of the hydrocarbon interceptor to be submitted, along with calculations for its sizing.

(viii) Additional road gullies needed on either side of entrance/exit to ensure that surface water run-off from the sloping site is intercepted.

(ix) Calculations needed to justify the proposed 8PE WWTS.

(x) Proposed percolation area to be sized in accordance with Table 10.1 of the EPA's relevant CoP.

(xi) Public lighting scheme needed along the site's frontage with the N72.

(xii) Aforementioned scheme to comply with the relevant County Council requirements.

(xiii) Instructions set out as to how aforementioned scheme is to be presented for submission.

### 3.2.2. Other Technical Reports

- TII: Objects on the grounds that the proposal would be frontage development on the N72 (100 kmph), which would generate extra traffic movements that would adversely impact road safety. The FI did not change this advice.
- IFI: No objection in principle: Several potential areas of concern discussed, i.e. water pollution, fire/chemical spillage control, site drainage, and biosecurity.
- HSE (Environmental Health): Commentary provided on several areas of potential concern, i.e. fuel/chemical/remains storage, emissions to the air and noise, waste management and pest control, water supply and discharge, monitoring, and de-commissioning.
- Irish Water: No objection: Standard notes.
- Cork County Council:
  - Public Lighting: Following receipt of FI, no objection, subject to conditions.
  - Ecologist: Following receipt of FI, final advice conditional on conclusive advice from Environment.

- Environment: Following receipt of FI, some conditions drafted + the following recommendation: Consultant's advice that the screening model AERSCREEN be used in re-running an assessment of air dispersal.
- Area Engineer: Initially, objection raised on the grounds that the proposal would generate right hand turning movements on the heavily used N72 which would interfere with road safety and the free flow of traffic. However, following receipt of FI, no objection, subject to conditions.
- NRO: Following receipt of FI, no objection.

## 4.0 Planning History

- 08/5550: Demolition of existing hotel (2977 sqm) and its reconstruction to comprise 36-beds, 2 suites, function rooms and ancillary uses + construction of 13 detached dwellings (3 with detached garages) 6 of which would be used for short-term lettings, WWTS with new vehicular service entrance to accompanying compound and all associated site works: Permitted, subject to the omission of 4 dwellings.
- 09/7036: Amendments to 08/55500, i.e. changes to proposed hotel: Permitted.
- 13/4710: Extension of duration of 08/55500: Permitted until 12<sup>th</sup> June 2018.
- 14/4744: Demolition of existing hotel (2977 sqm) and construction of 4 houses: Refused at appeal (PL04.243731) on the grounds that, in the absence of local need underpinning the future occupation of the said houses, they would materially contravene the CDP's rural housing policy.
- 16/4732: Dwelling house: Refused on the grounds that, in the absence of local need underpinning its occupation, this dwelling house would materially contravene the CDP's rural housing policy.
- Pre-application consultation occurred on 19<sup>th</sup> December 2017.



## 5.0 Policy and Context

### 5.1. Development Plan

Under the Cork County Development Plan 2014 – 2020 (CDP) and the Kanturk – Mallow Municipal District Local Area Plan 2017 (LAP), the site is shown as lying within a rural area.

Under Section 6.9, the CDP discusses business development in rural areas. Objective EE 9-1 sets out criteria for proposals in this respect.

*The development of appropriate new businesses in rural areas will normally be encouraged where:*

- *The scale and nature of the proposed new business are appropriate to the rural area, and are in areas of low environmental sensitivity.*
- *The development will enhance the strength and diversity of the local rural economy.*
- *The proposal will not adversely affect the character and appearance of the landscape.*
- *The existing or planned local road network and other essential infrastructure can accommodate extra demand generated by the proposal.*
- *The proposal has a mobility plan for employees home to work transportation.*
- *Where possible the proposal involves the re-use of redundant or underused buildings that are of value to the rural scene.*
- *The provision of adequate water service infrastructure, and*
- *Provision of a safe access to the public road network (See Objective TM 3-1: National Road Network (c) and (d)).*

Under Section 14.4, brownfield development is discussed and Objective ZU 4-1 states “Recognise the employment potential of brownfield sites in both urban and rural areas in the County and their contribution to a more sustainable pattern of development.”

The LAP in its discussion of the key village of Banteer to the west of the site includes the following paragraph 4.3.16 under the section on employment and economic activity:

*The site of the former Duhallow Park Hotel is located c. 2km from Banteer. The hotel was a valuable asset to the community and the wider area in terms of the facilities it provided and its economic benefit to the area. The hotel closed a number of years ago and the site has been cleared and awaits redevelopment for a new use. Objective ZU 4-1 of Chapter 14 of the CDP recognises the potential of brownfield sites in urban and rural areas and their potential contribution to a more sustainable pattern of development. The Council will give favourable consideration to appropriate proposals which seek to promote the redevelopment of the site of the former Duhallow Park Hotel.*

## **5.2. Natural Heritage Designations**

Blackwater River (Cork/Waterford) SAC (002170)

## **5.3. EIA Screening**

The proposal is a type of development that would not come within the ambit of any of the types of development set out under Part 1 and 2 of Schedule 5 to Article 93 of the Planning and Development Regulations 2001 – 2019. Accordingly, the possibility of it being sub-threshold for the purposes of EIA does not arise.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The applicant begins by drawing attention to the single reason for refusal and the procedural matters that debarred the outstanding issue flagged by this reason to be addressed under clarification of further information. It then describes the site, the proposal, and the cremation process itself.

The applicant proceeds to address the said reason, as follows:

- Attention is drawn to Items 2, 4 & 5 of the PA's FIR. While the applicant's response to Item 4 was accepted by the PA's consultant, the software used in

responding to Items 2 & 5 was critiqued on the basis that it was not the most up-to-date. Thus, the software SCREEN3 has been superseded by AERSCREEN as the recommended one to use in air dispersal modelling.

- Accordingly, the applicant has re-run its air dispersal modelling using AERSCREEN software. The resulting assessment concludes as follows:

*The results of the air quality assessment demonstrates that under maximum operational scenarios, maximum 1-hour emissions from the crematorium's exhaust stack height of 8m above ground level will be effectively dispersed and emissions will be significantly lower than the air quality limit values specified in the Air Quality Standards Regulations 2011, SI No. 180, thus maintaining local ambient air quality and posing no risk to human health.*

- The applicant notes that UK advice on crematoria is the most relevant to Ireland and it is based on the widespread use of crematoriums. It also notes the absence of reported incidents in recent times of crematoria emissions causing any air quality impact or human health issues.
- The aforementioned revised air quality assessment was reviewed by the applicant's ecologist who undertook a "Literature Review on the Potential Ecological Effects of Mercury and Dioxins/Furins on Otter and Other Wildlife." He concludes his latest review as follows:

*Although research specific to crematoria is lacking, research from incinerators has shown direct links between the level of output and the level of mercury and dioxins/furins in wildlife. Best available practice at the proposed crematorium, i.e. maintaining a minimum temperature of 800 degrees centigrade, waste gas abatement system, cyclone dust extraction unit, activated carbon and sodium bicarbonate injection, will significantly reduce the emissions during the cremation process. At the low level of predicted output/emissions from the proposed development, any impact on wildlife would be imperceptible and not significant.*

*Therefore, based on the research available at the time of writing this report, emissions of mercury and dioxins/furins from the proposed crematorium will have no impact on the qualifying interests of the River Blackwater (Cork/Waterford) SAC.*

- The aforementioned revised air quality assessment was reviewed by the applicant's ecologist who undertook the NIS. She advises that no updates or changes to this NIS are required.
- Attention is drawn to the support of the NRO and the Area Engineer to the proposal as revised under FI. The TII's continuing opposition is thus questioned on the basis that it may not have fully considered the established use of the site, the LAP's support for its redevelopment, the consolidation of access/egress to one point on the N72, and the submitted Transportation Assessment and RSA.

## 6.2. Planning Authority Response

None

## 6.3. Observations

### (a) John Murphy of Coolachessker, Kanturk

- The former hotel on the site closed 14 years ago. Its site has remained idle since. To categorise this site as "brownfield" is a mistake, as such sites are either in urban areas or, as contemplated by Econ 3-11, if they are in rural areas, then they must have significant employment potential. The proposal would not exhibit such potential and so the site should be categorised as "greenfield".
- The site is ecologically sensitive: It is close to the River Blackwater SAC, its oak trees are a longstanding home to a large rookery, and its southern boundary abuts the said River's flood plain.
- To the west of the site, the N72 undergoes a succession of bends, and along the site's frontage the hard shoulder narrows significantly. The proposed introduction of a right hand turning lane into this road would mean that traffic approaching from the west at up to 100 kmph, with limited forward visibility, would effectively enter a chicane. Such an arrangement would be highly dangerous on a stretch of road that is already monitored for speeding by An Garda Siochana.

- The proposal contradicts TII policy to avoid the creation of new accesses onto the N72 above 60 kmph speed zones. As the site has not attracted traffic for 14 years, the existing accesses would effectively be proposed new accesses.
- The need for another crematorium in Munster is questioned. With two already in this province, the ratio of crematoria to population compares favourably with that of Leinster where there are four.
- In the absence of Irish regulations on crematoria, British ones are being used and yet these regulations advocate large sites of 5 – 10 acres that are served by public transport and accessed off local distributor roads.
- The applicant states that it would comply with the UK’s Process Guidance Note 5/4 (12), yet its proposal would fail to comply with other relevant UK regulations/guidance contained in the DoE’s Part 1 of the Environmental Protection Act 1990 on the siting and planning of crematoria and the Federation of Burial and Cremation Authorities 2012 Guidelines on the establishment of crematoria.
- Elsewhere, crematoria are sited in “tranquil” locations, a pre-condition that would be absent from the site, which is next to the N72.
- Concern is expressed that, while the applicant has obtained previous permissions for the site, they have not been implemented, apart from the demolition of the former hotel. Concern is also expressed that it does not have the expertise to operate a crematorium and that if permission is granted the site maybe sold on to another party for development.

## **(b) The Island Crematorium Ltd**

### **A: Principle of development**

Section 4.3.16 of the LAP is referred to and, in particular, the undertaking to give favourable consideration to appropriate proposals for the redevelopment of the site. The question thus arises as to whether or not the current proposal would be appropriate. This question is answered by means of assessing the proposal under the criteria set out in the CDP’s Policy EE 9-1.

(i) The scale and nature of the proposed new business are appropriate to the rural area, and are in areas of low environmental sensitivity.

- The site is adjacent to the River Blackwater SAC and so it is not in an area of low environmental sensitivity.
- At the draft stage of the LAP, the applicant made a submission to have the site identified for a crematorium. This submission was considered by the PA and it was not incorporated in the adopted LAP: Hence it can be deduced that such a use of the site was not deemed to be appropriate and so to accept it now would represent a failure to support plan-led development.

(ii) The development will enhance the strength and diversity of the local rural economy.

Attention is drawn to PL23.207695 in which the inspector stated that she considered that there is an onus upon an applicant seeking to develop a rural site for a crematorium to demonstrate the lack of suitable sites either within settlements or adjacent to them.

Under the current proposal, the applicant has failed to demonstrate that there is a need in the rural area in question for a crematorium and attention is drawn to the location of existing such facilities in Shannon and Cork, i.e. urban centres within c. 100km of the site.

(iii) The proposal will not adversely affect the character and appearance of the landscape.

The case planner's commentary in this respected is acknowledged and accepted.

(iv) The existing or planned local road network and other essential infrastructure can accommodate extra demand generated by the proposal.

See the discussion of traffic below.

(v) The proposal has a mobility plan for employees' home to work transportation  
No Mobility Management Plan has been submitted by the applicant.

UK Guidance on the Crematoria emphasises the need for sites to be accessible by public transport. By contrast, the subject site would be accessible only by private vehicles.

(vi) Where possible the proposal involves the reuse of redundant or underused buildings that are of value to the rural scene.

No opportunity in this respect has been forfeited by the demolition of the former hotel on the site.

(vii) The provision of adequate water services infrastructure

Following the receipt of FI, the PA's engineer advised that this criterion would be met.

(viii) Provision of a safe access to the public road network (See Objective TM 3-1: Items (c) & (d)).

Attention is drawn to Item (d) especially where the following scenario is to be avoided: one in which the generation of increased traffic from existing accesses onto national roads to which speed limits greater than 50 kmph would occur.

Attention is also drawn to the TII, NRO and Area Engineers' initial objection, which was maintained by the former engineer, but not the latter two engineers, following receipt of FI.

The PA's decision in this matter appears to be based largely on the following two premises:

- That the level of traffic generated by the proposal would be likely to be less than that previously associated with the former hotel on the subject site, and
- That a right hand turning lane to serve the proposal would facilitate safe turning manoeuvres into the site and would avoid queuing on the N72.

And yet these premises run contrary to the NRO's initial view that there is very little available information to make a robust comparison and instead relied solely on the information available from the Shannon Crematorium.

## **B: Traffic**

The applicant's revised Transportation Assessment Report (TAR) is critiqued as follows:

- Shannon Crematorium is assessed for the purpose of comparison. As this Crematorium is located at the edge of Shannon New Town and in close proximity to public transport, it is not comparable to the current proposal. Furthermore, it is not yet fully operational, being open only two years, and

traffic generation is suppressed by its location and the said proximity of public transport.

- Under PL23.207695, a more comparable site for a crematorium in Mocklerstown, Co. Tipperary was considered by the Board and refused on the grounds that it would be remote from a large population centre, it would generate traffic that would lead to congestion and hazard on the public road network, and it would be located in the open countryside in the absence of a demonstrable need for it to be so located. Furthermore, the Board commented on the need to factor in to site selection the proximity of public transport and the inspector anticipated that cortege travel patterns would lead to the said congestion.

The findings of the observer's consultant are reiterated as follows:

- Traffic volumes and patterns generated by the proposal would not be comparable to that of the former hotel upon the site.
- The safety and carrying capacity of the N72 would be impaired.
- The TII concurs with these concerns and their corresponding contravention of national and local objectives.

Additionally, the TAR fails to address the impact of abnormally large ceremonies or the greater intensity of use that would be facilitated by the use of a second cremator.

The TAR's use of a "typical" 38-bed hotel to simulate traffic generation from the former hotel on the site is critiqued, too. Thus, attention is drawn to the range of room occupancy rates that occur in different parts of the country and the use of higher rates would not be reflective of this part of the country: Hence the traffic generation depicted is inflated.

In the light of the above considerations, the comparative inputs to the TAR are flawed, i.e. cremation traffic figures are suppressed and hotel traffic figures are inflated.

### **C: The proposed RHT lane in the N72**

Attention is drawn to the consistent objection of the TII to the proposal. Thus, a tension has arisen between the TII's strategic policy perspective and the NRO/Area



Engineers' implementation perspective. Given that the former body's approval would be needed to alter the N72, how the proposed RHT lane would be provided, in practise, is open to question.

Attention is also drawn to the NRO's initial advice to the effect that it would be desirable to retain the overtaking opportunity afforded by the existing portion of the N72 adjoining the site. The applicant addressed the question of overtaking and submitted a map showing other opportunities along the N72 west of Mallow. Only three such other opportunities exist over a 10 km stretch and the nearest one to the west of the site would be shorter than the one in question. Consequently, the loss of the one in question would lead to driver frustration and an associated reduction in road safety as less suitable stretches would be likely to be used for overtaking.

### **(c) Dromcummer Residents' Association**

#### **(i) Conflict with the CDP and LAP**

Under Objective EE 9-1 of the CDP, the proposal would comprehensively fail to meet the criteria set out therein. Additionally, the site is adjacent to the River Blackwater SAC and dwelling houses to the E/NE and yet it is in a remote location, thus militating against the use of sustainable modes of transportation.

The LAP declares that "All proposals for development, put forward in accordance with the provisions of this LAP, must demonstrate compliance with the objectives of the CDP." While Section 4.3.16 comments on the site, it does not advise on future land use. The categorisation of this site as "brownfield" is questioned. Instead, it should simply be regarded as one in an unzoned rural area.

#### **(ii) Road traffic related issues**

- The TII's advice raising objection to the proposal is cited.
- The proposal would generate lengthy journeys by car and thus run contrary to climate change objectives.
- British Guidance is cited, which emphasises the need for sites to be accessible to public transport.
- Observer (b)'s consultant reviewed the applicant's Revised Transportation Assessment Report and RSA and his/her critique of the proposal is endorsed.

- Attention is drawn to the following:
  - Attendance at Irish cremations is tending to increase over time,
  - Experience at the Shannon crematorium indicates that when there is an overlap in attendance at cremations, overflow on-street car parking occurs,
  - Farm gates in the vicinity of the site would mean that traffic generated by the proposal would conflict with local agricultural use of the road,
  - The stretch of the N72 in question is used for overtaking, and
  - The hazardous junction between the N72 and the R579 lies a short distance to the SW of the site.

### **(iii) Proximity of the River Blackwater SAC**

- Attention is drawn to the hydraulic link that exists between the site and the SAC via a road culvert and a field drain and so a source/pathway/receptor route exists.
- The applicant has not identified the risk to the SAC posed by its proposal,
- Its consultant cannot definitively state that the proposal would not significantly effect the SAC,
- Toxins could deposit on hard surfaces and, through surface water run-off, enter the SAC, thereby posing a risk to aquatic species, and
- If a fire were to occur, then toxins could likewise enter the SAC.

### **(iv) Adverse impacts of emissions to the atmosphere**

The applicant's air dispersal model is critiqued on the following grounds:

- It does not appear to take into account the setting of the site within a valley: Thus, under certain atmospheric conditions, e.g. inversion, inadequate dispersion would occur and so emissions may remain close to the ground, and
- Experience of odours from agricultural operations within the valley indicates that they tend not to disperse and so these odours linger.

#### **(v) Other relevant Board decisions**

Attention is drawn to the refusal of crematoriums elsewhere in the country at appeal, i.e. PL23.207695, PL06D.239578, and PL07.241541.

#### **6.4. Further Responses**

None

### **7.0 Assessment**

7.1. I have reviewed the proposal in the light of relevant UK publications, the CDP and the LAP, the planning history of the site, the submissions of the parties and the observers, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Sustainability, location, and land use,
- (ii) Visual amenity,
- (iii) Environmental impacts,
- (iv) Traffic management and road safety,
- (v) Water, and
- (vi) Appropriate Assessment.

#### **(i) Sustainability, location, and land use**

7.2. At present there are 7 crematoriums in Ireland, i.e. 4 in Dublin and 1 a piece in Cavan, Shannon, and Cork (Rocky Island, Ringaskiddy). As yet, there are no national planning guidelines on the location of crematoriums and no specific regulations pertaining to their operation. In these circumstances, external sources are looked to for guidance and direction in these respects. Thus, the parties have drawn upon the UK-wide, i.e. including Northern Ireland, Federation of Burial and Cremation Authorities (FBCA) document entitled "Recommendations on the Establishment of Crematoria" published in January 2019 and the PGN<sup>2</sup> 5/2 (04), entitled "Statutory Guidance for Crematoria", which was published in revised form in

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<sup>2</sup> PGN is Policy Guidance Note.

September 2012. The former document advises on the location of crematoriums and the latter document sets out relevant environmental standards.

- 7.3. The FBCA's document states that "There is a growing recognition that new crematoria will be built in a countryside location close to the urban fringe" and it adds that "Ideal sites are rarely to be located in urban areas and it is emphasised that suitability of setting is of greater importance than its location in close proximity to population centres." In this respect, its advice on siting of crematoria is set out below:

*The process of site selection should be aimed at achieving quietness and seclusion. A woodland or parkland setting, or an area of undulating ground with good natural features and mature trees, would enable the establishment of a good natural setting with a minimum of horticultural treatment. A visual impact assessment will help to identify any attractive views beyond the boundaries of the site that could be usefully preserved as part of the overall landscape design.*

- 7.4. The document recommends that sites should have a minimum area of 2 hectares for each estimated 1000 cremations per annum and they should be "reasonably accessible by public transport". It also recommends that a separation distance of 200 yards (183m) between any crematorium and dwelling houses in the vicinity be respected.
- 7.5. The site formerly accommodated Duhallow Park Hotel (2977 sqm), which was closed 14 years ago and subsequently demolished several years ago. The site has been vacant since this closure, although permission was obtained for a replacement 38-bed hotel and 9 detached dwellings, this expired on 12<sup>th</sup> June 2018. Thus, the site was the subject of a hotel use in the past and, up until recently, there was an extant permission for the resumption of such use. However, as the site was cleared and this permission was not implemented, the hotel use has been abandoned.
- 7.6. Under the CDP and the LAP, the site lies within a rural area, albeit one that is 2km away from the village of Banteer (population 355) and 5km away from the town of Kanturk (population 2350). Ordinarily, this site would be available for rural uses, e.g. agriculture or forestry. However, under Section 4.3.16 of the LAP, the former hotel use of this site is recognised as having been "a valuable asset to the community and the wider area in terms of the facilities it provided and its economic benefit to the area." Objective ZU 4-1 of the CDP recognises the potential of brownfield sites in urban and rural areas to contribute to a more sustainable pattern of development

and so the PA undertakes to “give favourable consideration to appropriate proposals which seek to promote the redevelopment of the site of the former Duhallow Park Hotel.”

- 7.7. In the light of Section 4.3.16, the PA is committed to the redevelopment of the site for an appropriate use. The reference to the communal and economic benefits of the former use implies an aspiration that any new use would afford similar benefits.
- 7.8. Cremation is a relatively new use within an Irish context. Accordingly, it is not cited in any of the Classes of use set out in Part 4 of Schedule 2 to Article 10 of the Planning and Development Regulations, 2001 – 2019. I recognise that, whereas the process could be considered to be industrial in nature, the character of the use is communal and so as a “hybrid” use it should be deemed to be *sui generis*.
- 7.9. Within the emerging Irish experience, crematoriums are, outside of Dublin, geographically dispersed. The applicant envisages that their proposed crematorium would be well placed to serve the needs of North County Cork and Kerry, lying as it would do between the existing crematoriums to the south of Cork City and in Shannon. Thus, the communal benefit would be spread more widely than simply the locality of the site. The applicant also envisages that 3 jobs would be created. Other economic benefits would be likely to ensue for local shops and eateries.
- 7.10. Observers question whether there is a need for the proposal, whether it would contribute sufficiently to the local economy, and whether the site would be suitable. They also drawn attention to the applicant’s submission to the review of the LAP and to the criteria set out in Objective EE 9-1 of the CDP.
- 7.11. I recognise that there is no obligation upon the applicant to demonstrate that their proposal is “needed”. That said their reference, cited above, to the location of existing crematoria in Munster and the envisaged catchment “between” these locations of the proposed one suggests that *prima facie* there is at least a potential need. I note that Section 4.3.16 does not state the scale of contribution that any new use should contribute to the local economy. I note, too, that the suitability of the site is, in the first instance, a matter for the applicant to be satisfied of. In the light of the FBCA’s advice, cited above, the existing woodland on the site and the pleasant southerly views available from it would accord, on the one hand, with this advice. On the other hand, the raised nature of the site ensures its prominence and the

proximity of the N72 results in traffic noise. Arguably, the former would be compensated for by means of the accessibility of the woodland and the latter would be mitigated to a degree by the noise of a waterfall that would accompany the proposed pond.

- 7.12. The applicant's submission requested that the site be identified for specific use as a crematorium. The CEO's commentary<sup>3</sup> on this submission stated that "in the absence of a detailed review of the site, and assessing alternatives, it is considered that justifying this site alone for the use proposed would be premature." The current application has, in effect, triggered such a review, albeit without the consideration of alternatives. Ordinarily such consideration would only arise under an EIAR.
- 7.13. The CDP's Objective EE 9-1 addresses business development in rural areas and it sets out 8 criteria against which relevant proposals should be assessed. The first, second, and sixth criteria have a bearing on the discussion under the current heading. Thus, the scale and nature of the proposal need to be appropriate and the site needs to be in an area of low sensitivity, the local rural economy needs to benefit, and, where possible, redundant buildings need to be reused.
- 7.14. I have discussed the substance of the second criterion above and the sixth is not applicable to a cleared site, such as the subject one. Turning to the first criterion, the current proposal would entail the construction of a building on the site of a former hotel (2977 sqm). This building would present as the equivalent of a two-storey one with a floorspace of 581.84 sqm. It would be accompanied by a 59-space car park (as revised), the spaces to which would be laid out along the length of the on-site access road. The applicant envisages that there would be no more than 5 cremations per day held between 09.30 and 17.00.<sup>4</sup> Thus, the extent of building would be less than that which was historically on the site and the level of activity would be analogous, i.e. a potentially busier day time use but closed in the evening/night time. I will discuss traffic as a discrete issue under the (iv) heading of my assessment. The site adjoins the River Blackwater SAC and so it is in the vicinity of an environmentally sensitive area. I will discuss the ensuing relationship between the proposal and this SAC under the (vi) heading of my assessment.

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<sup>3</sup> Page 25 of the Chief Executive's Opinion on the Issues Raised by Submissions & recommended Amendments dated 6<sup>th</sup> March 2017.

<sup>4</sup> Paragraph 3.7 on Page 11 of the TAR (FI edition).

- 7.15. Turning again to the question of sustainability, Section 4.3.16 refers to this subject in the narrow sense of the re-use of a formerly developed site as against breaking-in a green field site. In the wider sense, this subject relates to the quest to reduce the number and length of car journeys and to encourage a change of transport mode away from reliance upon the car. The FBCA's advice refers to the desirability of good access to public transport, something which the Shannon Crematorium achieves. In the case of the subject site, there is a railway station in Banteer and Kanturk is served by Bus Eireann's 243 Route from Cork City and Mallow. However, as the former village is 2km away and the latter town is 5km away, the use of the said public transport would have to be supplemented by, for example, the additional use of a taxi.
- 7.16. The observers draw attention to the Board decision on PL23.207695, in which a proposal for a crematorium in rural Tipperary was refused, partly on the grounds that it was remote from a large centre of population. Clearly, the subject site is in a rural area where the nearest sizeable town is Mallow, 17km away and with a population of 12,459. That said, the two largest centres of population in Munster, Cork and Limerick, are already served by crematoriums in Ringaskiddy and Shannon, respectively. The subject site would be roughly equidistant between these existing ones and so the applicant's aspiration to serve the intervening population is cogent. As this site is on the N72 between Mallow and Killarney, the proposed crematorium would arguably serve these centres of population and the more scattered population in their respective hinterlands and beyond. Thus, in terms of sustainability, while it would be inconvenient for public transport, it would afford the opportunity for shorter car journeys. As Irish mourners tend to use private transport, I consider that weight can reasonably be given to this sustainability gain, which the site would afford.
- 7.17. I conclude that there is no in principle land use objection to the siting of the proposed crematorium on the site, which has been earmarked for redevelopment under the LAP, and that, in terms of sustainability, its location between the two existing crematoriums in Munster would present the opportunity for a reduction in the length of car journeys undertaken by mourners from within North County Cork and Kerry.

## **(ii) Visual amenity**

- 7.18. Under Appendix E of the CDP, a Landscape Character Assessment of the County is set out. This Assessment shows the site as lying within an area the character type of which is described as being a fertile plain with moorland ridge (landscape value and sensitive are deemed to be high and landscape importance is deemed to be County).
- 7.19. The applicant has submitted a topographical site survey, which shows that the SW half of the site has been altered to form a raised area upon which the former hotel and accompanying car park were laid out. By contrast, the NE half of the site comprises wooded slopes, which extend along the entire NW boundary of the site above retaining walls that remain in-situ. Thus, the site occupies a prominent position within the local valley landscape and it presents as partially man-made and partially natural.
- 7.20. The applicant has submitted a proposed landscaping plan and a proposed site landscape elevation to the south, both of which are of assistance in visualising what is being proposed. The former plan shows the retention of the vast majority of trees already on the site and their augmentation with further tree planting, for example, in the exposed embankment to the raised area and in conjunction with the on-site access road and car parking spaces. This plan also shows the provision of a sunny garden within the raised area and a wild flower meadow adjacent to the eastern portion of the SE boundary to the site. The latter plan shows the proposed building sited in a position towards the eastern end of the raised area, where it would “read” as being above the consolidated entrance/exit to the site. The presenting SE elevation would have a height of 8.135m and a width of 23m and it would be composed of a build-up feature, which would project outwards progressively towards the top right-hand corner of this elevation. The building would be clad throughout in dark stained larch timber, a finish that would complement the rustic character of the site.
- 7.21. In terms of visual impact, the applicant has stated that the siting of the proposed building with its narrower elevation to the more exposed SE would ensure that the scale of the building is relieved. The presence of retaining walls and trees above to the rear of the site would ensure that this building would be contained within the



existing skyline. Thus, while its rectangular form would ensure that it has a contemporary feel, it would be in scale with its surroundings. The specification of a deep parapet would allow the exhaust stack to be hid and the mass of the building would be relieved by the aforementioned feature and openings in the longer elevations to the SW and NE.

7.22. I conclude that the proposal would be compatible with the visual amenities of the area.

### **(iii) Environmental impacts**

7.23. The cremation process, which is central to the proposal, would have environmental impacts in terms of noise and emissions to the air. Under further information, the applicant submitted an Air Quality and Noise Impact Assessment of this proposal. This Assessment was in turn reviewed by the PA's consultant.

7.24. With respect to air quality, the baseline in the locality of the site is understood to be good with, under the Air Quality Standards Regulations 2011, no exceedances of limit values to individual pollutants. The said Assessment modelled mathematically predicted combustion gas, organic compounds, and particle emissions for the proposed crematorium exhaust stack based on maximum operating specifications, i.e. 10 cremations a day with both cremators in use at once. The results set out in Table 3 of the Assessment show that maximum 1-hour ground level concentrations of pollutants would be well within the aforementioned limit values and so the above cited Regulations would not be infringed.

7.25. The Air Quality Assessment also sets out the air pollution control measures that would be incorporated in the proposal. Thus, waste gas and particle abatement systems are described and the absence of visible smoke and odours from the exhaust stack are predicted. Continuous emission monitoring equipment would also be installed.

7.26. The PA's consultant critiqued the submitted Air Quality Assessment on the basis that the most up to date modelling programme was not used and worst case parameters were not consistently adopted. Consequently, the PA's refusal was triggered by this critiqued.

7.27. At the appeal stage, the applicant has resubmitted their Air Quality Assessment using the prescribed modelling programme and consistent worst case parameters,

which do not require “a fully developed set of meteorological and terrain data” to ensure their accuracy. As before, the results show that emissions would be within the aforementioned limit values, albeit with somewhat less head room than previously. The Air Quality Standards Regulations 2011 would, thus, continue to be upheld.

- 7.28. With respect to noise impact, the applicant undertook a noise survey, which utilised locations at either end of the site that are, variously, relatively close to adjacent dwelling houses to the east and a farmhouse to the west. This survey recorded that, due primarily to the proximity of the N72, day time baseline noise levels are high, i.e. 67.5 – 68.5 dB(A)  $L_{Aeq, 1hr}$ .
- 7.29. During the construction phase, the applicant predicts that the recommended noise limit of 70 dB(A)  $L_{Aeq, 1hr}$  would typically be complied with at the aforementioned nearest dwelling houses and farmhouse. They itemise mitigation measures that would be undertaken to ensure such compliance.
- 7.30. During the operational phase, the cremators would be the main noise source with an output of 82 dB(A). However, they would be installed in a space that would be the subject of noise attenuation to “at least 48 dB(A)”. Traffic generated by the proposal would also result in noise. However, given the above cited baseline noise level, this would be subsumed within it. Confidence is thus expressed that the day time noise attributable to the proposal at the nearest dwelling houses and farmhouse would not exceed the commonly applied noise limit of 55 dB(A)  $L_{Aeq, 1hr}$ . Nevertheless, the applicant undertakes to carry out noise monitoring of the crematorium once it is commissioned.
- 7.31. I conclude that the environmental impacts of the proposal would be compatible with safeguarding public health and the amenities of the area.

#### **(iv) Traffic management and road safety**

- 7.32. Under further information, the applicant prepared a revised Transportation Assessment Report (TAR), which compares the predicted traffic generation by the proposal with that which would arise were the former hotel on the site to be replaced. It also draws upon a traffic count taken at the existing Shannon Crematorium over a week long period.

- 7.33. The TAR establishes a baseline by means of am and pm peak traffic counts on the N72, which were undertaken in February 2018 during term time. These counts indicate that the national secondary road experiences light to moderate traffic flows, i.e. an AADT of c. 5800 PCUs.
- 7.34. With respect to traffic generated by the former 30-bed hotel, the profile would have been affected by the use of a function room<sup>5</sup> for weddings, 2 or 3 of which would have been held weekly.
- 7.35. With respect to traffic that would have been generated by the previously permitted 38-bed hotel, the modelled profile (excluding any function room usage) would have resulted in 123 car movements over a 24-hour period, with 10 during the am peak and 9 during the pm peak.
- 7.36. With respect to traffic generated by the 140 seat Shannon Crematorium, the profile on the busiest day observed resulted in 136 car movements, with 5 during the am peak and 31 during the pm peak. Thirty was the maximum number of cars observed at any one cremation and the average number was 17.
- 7.37. The proposed 50 seat crematorium would hold a maximum of 5 cremations a day between 09.30 and 17.00, i.e. 90 minutes would be allowed for each one to ensure that they are capable of being separated out. To ensure a particularly robust assessment of the proposal, 160 car movements were allocated to each of the peak hours, a number which allows the effect of 40 arrivals and 40 departures over a 15-minute period to be mimicked. These movements would result in a 5.2% increase in traffic on the N72 during the am peak and a 4.9% increase during the pm peak, i.e. well below the 10% threshold for significance.
- 7.38. Observer (b) has critiqued the revised TAR on several points. Thus, it states that the hotel room occupancy rate applied reflects a busy urban scenario rather than a rural one and so inflates the number of resulting car movements. By contrast, the comparability of Shannon Crematorium is questioned on the basis of its edge of town location near to public transport connections. Attention is also drawn to its relatively recent opening, i.e. it may not yet be fully operational.

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<sup>5</sup> When in use for conferences, this function room could accommodate 300 delegates.

- 7.39. I note the observer's concern over room occupancy assumptions. I note, too, its concerns over the comparability of the Shannon Crematorium. In this respect, Appendix B to the TAR shows the day-by-day numbers of cremations. They range from 1 to 4, with the busiest single cremation occurring on a day in which there were 4. Given that the applicant has used this busiest cremation as a benchmark for their assessment, I consider that the applicant's contention that this assessment is robust is justified in this respect.
- 7.40. Observer (b) further questions whether the use of a second cremator would facilitate a greater number of cremations and it anticipates scenarios wherein larger gatherings would occur. This observer also draws attention to the likely incidence of corteges, which was an issue for the Board in the case of PL23.207695.
- 7.41. My understanding of the proposal is that the use of a second cremator may not have that great a bearing on the number of cremations, as the above cited time allowance for each cremation would appear to be the critical factor in this respect. Presumably, too, the availability of 50 seats would effectively cap the size of gatherings that could be anticipated. The proximity of the proposed sunny garden to the crematorium building would perhaps facilitate any overflow situation that may arise. The availability, too, of a total of 59 car parking spaces would be likely to be capable of serving the needs of larger gatherings.
- 7.42. Under Paragraph 5.10 of the TAR, the applicant discusses the question of corteges behind a hearse. They recognise that such corteges tend to travel slowly when passing the home of the deceased and in moving to and from the church. Their consulting engineers state that "To our knowledge and in our experience the funeral cortege does not move excessively slowly upon arrival at the crematorium" and attention is drawn to the inclusion within the above summarised assessment of an allowance for 40 cars arriving and departing within a 15-minute period.
- 7.43. The NRO, as a consultee to the PA, commented on corteges, too. Thus, the engineer concerned stated that "We would expect the intensity of arrivals over a short period behind the funeral cortege for a cremation to be high. This however would be similar to a wedding party which would have been held at the hotel."
- 7.44. I note from the applicant's assessment that, as revised, the single point of access/egress to the site and the accompanying right hand turning lane in the N72

would be capable of easing a scenario wherein a cortege arrives at the access point to the site from the east. I note, too, both the applicant's qualification of the word "slowly" in the above cited commentary with the word "excessively", i.e. that corteges arriving at the site access would tend to move slowly is not denied, and the modelling of 40 cars arriving and 40 cars departing over a 15-minute period. Such modelling may not capture the phenomenon of a cortege sufficiently, e.g. 40 cars arriving within a shorter period of time, and so I am concerned that any dismissal of the potential for delays to other road users may be misplaced. Likewise, the point of similarity with weddings identified by the NRO needs to be weighed in the light of the fact that such events are said to have occurred 2 of 3 times a week, whereas under the current proposal up to 5 cremations would occur daily. Thus, the more frequent arrival along the N72 of relatively slow moving corteges at the site is in prospect with likely associated delays for other road users.

- 7.45. Beyond the aforementioned factors, I note that there are a considerable number of funeral homes and churches in the surrounding area of North County Cork and so the possibility of corteges proceeding from these homes and churches to the proposed crematorium arises. Inevitably, these corteges would have cause to use the N72 over shorter or longer lengths and so the prospect exists of columns of cars passing along this national secondary road, which would not otherwise be there, and effecting as a result its operating efficiency.
- 7.46. As discussed under the first heading of my assessment the proposed crematorium would be likely to be used by those travelling from Kerry and throughout North County Cork. While I do not necessarily envisage that those travelling from further afield would do so in corteges, I am concerned over the likely incidence of corteges from points nearer by and the impact that they would have on good traffic management. Such impact would be of a higher order than that experienced heretofore when wedding receptions were held on the previously developed site.
- 7.47. The Spatial Planning and National Roads (SPNR) Guidelines discuss TTAs. The applicant's TAR is a TTA. The Guidelines state that the fundamental test of a TTA is to establish whether "any adverse traffic impact identified is significant enough to require revision of the development proposal or whether the proposed response measures are sufficient to mitigate the impact of the development on the road network to acceptable levels." As discussed above, the selection of the said 15-

minute period raises a question mark over whether or not the TAR has passed this test. More fundamentally, I am concerned that the siting of the proposed crematorium on the subject site, which is only capable of being accessed off the N72, would, in conjunction with the prospect of relatively slow moving corteges, inevitably adversely affect the operational efficiency of this national secondary road. Thus, the introduction of local traffic in this format would prejudice the strategic role of the N72 and thus be contrary to Section 1.4 of the SPNR Guidelines, which state that “the planning system must ensure that the strategic traffic function of national roads is maintained by limiting the extent of development that would give rise to the generation of short trip traffic on national roads or alternatively by ensuring that the trip demand from future development will primarily be catered for on the non-national network.”

- 7.48. The resolution of the aforementioned issue is beyond the reach of the applicant as it would appear to be inherent to the presenting situation of seeking to access a crematorium off a national road in a rural area. Whereas the said Guidelines indicate some leeway for national secondary roads where the AADT is below 3000 PCUs, the N72 would exceed this threshold. Essentially, then, I share the TII’s concern insofar as it relates to the adverse implications of this proposal for good traffic management.
- 7.49. Under further information, the applicant made significant revisions to the proposal with respect to access/egress to the site. Thus, as originally submitted, the two existing access points to the site were to be retained and the more westerly was to have been a dedicated entrance while the more easterly was to have been a dedicated exit. However, as revised, the more westerly access would now be closed and access and egress would be undertaken solely via the more easterly access, which would be accompanied by the insertion of a right-hand turning lane. The requisite sightlines and forward visibility would be available in conjunction with these upgraded arrangements, which have been the subject of a Stage 1/2 RSA.
- 7.50. Observers, variously, draw attention to the presence of a hazardous junction between the N72 and the R579 to the west of the site and a twisty stretch of the N72 between this junction and the site, the fact that the N72 as it passes the site is subject to a 100 kmph speed limit and functions as a stretch used for overtaking, and the reality that as the site has been vacant for so long its accesses should be regarded as effectively new ones on to a national secondary road.

- 7.51. During my site visit, I had cause to use the said junction and accompanying stretch of the N72. I consider that, as this junction is c. 1km from the site, the hazard attendant upon its use does not affect road safety in the immediate vicinity of the site. Likewise, I consider that the variable alignment of the road between it and the site is such that travel speeds tend to be less than 100 kmph on approach from the west and so any concerns about the proposed revised road layout need to be viewed in this light.
- 7.52. The applicant's TAR challenges the designation of the stretch of the N72 as one for overtaking on the basis that it is technically too short to do so at speeds of 100 or 85 kmph. An accompanying aerial photograph of the N72 between the site and Mallow identifies other stretches in which overtaking can be undertaken.
- 7.53. I note the applicant's challenge. However, the stretch in question does still allow for the overtaking of slow-moving vehicles, e.g. agricultural road users. That said, the prevalence of comparable or better stretches, as shown on the said aerial photograph, mean that I would not want to attach much weight to its loss, under the revised access arrangements for the site.
- 7.54. I note, too, the suggestion that the accesses through dint of disuse should be viewed as "new". While I understand the point being made, in the light of the discussion of the planning history of the site and Section 4.3.16 of the LAP under the first heading of my assessment, I do not consider that the site can be regarded as only available for rural uses and so exception cannot reasonably be taken, in principle, to the resumption of access to it, as proposed.
- 7.55. I conclude that, while the proposal may be capable of being accessed/egressed satisfactorily from the N72, the likely incidence of corteges on this national secondary road, which would inevitably be generated by the proposal, would adversely affect the operational efficiency of this road and so be contrary to the SPNR Guidelines, which seek to safeguard the strategic, as distinct from local traffic role, of national roads.

**(v) Water**

- 7.56. The proposed crematorium would be served by a new bored well, which would be dug in the site in a position up gradient from the proposed polishing filter discussed below. I understand that, while there is a public water mains underneath the N72, the

difference in levels between the proposed building and this road would militate against adequate pressure and so the option of a bored well has been selected.

- 7.57. The proposed crematorium would also be served by a packaged WWTS (PE 8) and polishing filter, which would replace an existing WWTS which would be de-commissioned.
- 7.58. The applicant has undertaken a site characterisation exercise, which has informed the selection of a packaged WWTS, a Solido 4512. This exercise has also informed the design of a polishing filter, which would entail the removal of existing gravel bedding to a former car park and its replacement with imported soil exhibiting a T value of c. 10. Such soil would also be used in the formation of a raised area to ensure the requisite clearance depth from the seasonally high underlying water table.
- 7.59. The applicant has indicated that the selection of a PE of 8 reflects the equivalent of the attendance of 36 people in a function room on a day long basis<sup>6</sup>. Given that the seating capacity of the proposed crematorium would be 50 and that the average size of anticipated gatherings would be less than this figure, I consider that the selected PE would be reasonable.
- 7.60. The OPW's flood maps show the site, as distinct from the N72, as not being the subject of flood risk from the River Blackwater, i.e. this national secondary road would be affected by an AEP of 0.1%. Under the proposal, the developed portion of the site would be the subject of a new surface water drainage system, which would ensure that such water either discharges to the proposed extended pond that would adjoin the NW elevation of the proposed building or to an existing culvert underneath the N72 in the NE corner of the site. This system would incorporate an attenuation tank, which would be sized to cope with a 1 in 100 year storm event, and which would be accompanied by a hydrocarbon interceptor and a hydro-brake, which would ensure that a greenfield run-off rate is achieved.
- 7.61. I conclude that the proposed water supply and foul and surface water drainage arrangements would be capable of being satisfactorily provided.

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<sup>6</sup> Reference is made to Table 3 of the EPA's CoP for Small Communities, Business, Leisure Centres and Hotels.



## **(vi) Appropriate Assessment**

- 7.62. The site does not lie in a Natura 2000 site. However, to the SE of this site lies the Blackwater River (Cork/Waterford) SAC (002170), and there is a hydrological link between it and this SAC afforded by a culvert underneath the N72.
- 7.63. The applicant has undertaken a Stage 1 Screening Exercise for AA, which concludes that, without relevant mitigation measures, significant impacts arising from the proposal upon the said SAC cannot be discounted. They then proceed to Stage 2 and the submission of a Natura Impact Statement (NIS).
- 7.64. I will draw upon the applicant's Stage 1 and Stage 2 documentation and relevant NPWS documentation in undertaking an Appropriate Assessment of the proposal. In this respect, I consider that the applicant's NIS is sufficient to allow me to carry out an AA for the proposal, as originally submitted.
- 7.65. I acknowledge that the aforementioned hydrological link means that there is a source/pathway/receptor route between the site and the Blackwater River SAC. During the construction phase of the proposal, there is a risk that surface water run-off from the site could convey contaminants, pollutants, or silt to this SAC. Likewise, during the operational phase, a similar risk would arise and there would be an additional risk that groundwater could be polluted by the discharge from the proposed WWTS and polishing filter. Thus, under these scenarios, the risk posed is to water quality in the Blackwater River.
- 7.66. At the application stage, the applicant addressed the question as to whether pollutants emitted from the proposed exhaust stack would have a significant effect upon otters, which, as discussed below, are one of the relevant qualifying interests. The applicant undertook a review of the literature on this subject and concluded that no such effect would arise. At the appeal stage, following the submission of a revised Air Quality Assessment, this question was revisited, and the same conclusion was reached.
- 7.67. Of the qualifying interests in the Blackwater River SAC, the following ones would be susceptible to water pollution in the locality of the site:
- Water courses of plain to montane levels with *Ranunculion Fluitantis* and *Callitriche-Batrachion*,

- Brook Lamprey,
- River Lamprey,
- Atlantic Salmon,
- Freshwater Pearl Mussel, and
- Otter.

The Conservation Objectives for the former four of these qualifying interests is to maintain their favourable conservation condition and the Conservation Objectives for the latter two of these qualifying interests is to restore their favourable conservation condition.

7.68. The applicant has addressed how the above cited potential construction phase risk would be mitigated. Thus, under further information, a detailed Construction and Waste Environmental Management Plan (CWEMP) was submitted, which addresses surface water management. In addition to standard good construction practices designed to avoid pollution, the key measures proposed are illustrated on drawing no. 219092-02 (revision A) and they would entail the “front loading” of the development with the formation of an impermeable earthen berm along the frontage of the site with the N72 and the installation of the proposed attenuation tank and accompanying hydrocarbon interceptor and hydro-brake. Thus, prior to the occurrence of any other development, these measures would be in-situ and so the opportunity to intercept water borne pollutants before they leave the site would exist. The hydrocarbon interceptor, in particular, would be the subject of a regular maintenance programme.

7.69. The applicant has addressed how the above cited potential operational phase risks would be mitigated. Thus, the same attenuation tank and accompanying items would continue to intercept water borne pollutants before they leave the site. The selected packaged WWTS and the design of polishing filter would ensure that the relevant EPA CoP requirements can be met, thereby safeguarding the quality of groundwater. Again, a regular maintenance programme of this WWTS would ensure its on-going satisfactory operation.

7.70. The proposal, as revised, would entail the insertion of a right-hand turning lane in the N72 adjacent to the proposed site access. Drawing no. NRB-RFI-003 (revision A)

shows that this insertion would require the widening of the existing carriageway along the eastern half of the site's frontage with this national secondary road. Such widening would be outside the aforementioned berm and so it would not benefit from the surface water management arrangements described above. On page 6 of the CWEMP, the applicant refers to the insertion of this lane and it states that the responsibility for the protection of the Blackwater River SAC from surface water borne pollutants would be the responsibility of either the NRO or the TII, as the bodies responsible for undertaking the said road widening. Accordingly, no details of mitigation measures in this respect have been submitted. As this lane is integral to the revised proposal and the achievement of satisfactory access arrangements to the site, this omission undermines the required comprehensive coverage of all relevant mitigation measures designed to protect the water quality of the Blackwater River SAC.

- 7.71. In the light of the circumstances outlined in the foregoing paragraph, the Board may wish to afford the applicant the opportunity to address the identified gap in the submitted NIS.
- 7.72. On the basis of the information provided with the application and appeal, including the NIS, and in the light of the assessment carried out above, I am not satisfied that the proposed development individually, or in combination with other plans or projects, would not adversely affect the integrity of European Site No. 002170, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

## 8.0 Recommendation

That permission be refused.

## 9.0 Reasons and Considerations

1. Having regard to the strategic traffic function of national roads as set out in Section 1.4 of the Spatial Planning and National Roads Guidelines, the location of the site and its exclusive access off the N72, and the practice in rural areas of forming a cortege behind a hearse, the Board considers that the siting of the proposed crematorium on the subject site would inevitably lead to the incidence of relatively slow moving corteges travelling along the said national secondary road with associated delays for other road users, which would thereby adversely affect this road's operating efficiency and prejudice its strategic traffic function. The proposal would thus be contrary to the principles of good traffic management, it would adversely affect the use of a national road in contravention of the said Guidelines, and so it would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the absence from the submitted Natura Impact Statement of any mitigation measures to ensure that surface water run-off from road works, required to insert a right hand turning lane in the N72 in conjunction with the proposed access to the site, would not pollute the Blackwater River SAC, the Board is not in a position to conclude that the proposed development individually, or in combination with other plans or projects, would not adversely affect the integrity of European Site No. 002170, in view of the site's Conservation Objectives, and so it is precluded from granting permission to this development.

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Hugh D. Morrison  
Planning Inspector

29<sup>th</sup> May 2020