



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314603-22

<b>Development</b>	Develop a low capacity pet crematorium, log cabin, steel storage container, staff parking, sub-divide site and all necessary and ancillary site works
<b>Location</b>	Clonminam Industrial Estate, Portlaoise , Co. Laois
<b>Planning Authority</b>	Laois County Council
<b>Planning Authority Reg. Ref.</b>	22133
<b>Applicant(s)</b>	Thomas Moore
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Granted with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Glen Patten
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	25 <sup>th</sup> of July 2023.
<b>Inspector</b>	Caryn Coogan

## 1.0 Site Location and Description

- 1.1. The subject site, 0.12Ha is located within an established industrial site at Clonminam Industrial Estate, Portlaoise. The site is a portion of a larger site occupied by Booth Landscaping Products (subsidiary of Booth Concrete & Precast, Abbeyleix) which from this Portlaoise site, supply ready-mix concrete, concrete blocks, pier capping, wall capping, paving slabs, coloured chippings, gravel, etc.
- 1.2. The subject site is located to the rear of Clonminam Industrial estate alongside Kelliher's Electrical and the railway tracks.
- 1.3. There is a palisade fence along the south-western and south-eastern site boundary. There is stock piling of sand along the entire northeastern site boundary associated with the activities of Booth Concrete.
- 1.4. Access to the site will be via an existing hammerhead turning area that provides access to the Kelliher's Electrical site.
- 1.5. The railway line forms the northern site boundary.

## 2.0 Proposed Development

- 2.1. To develop a low-capacity pet crematorium, log cabin, steel storage container, staff parking, sub-divide site and all necessary and ancillary works
- 2.2. Application documentation includes specification for an Addfield PET200 Cremator – Diesel and an ash processing machine.
- 2.3. Following receipt of Further Information on 7<sup>th</sup> of June 2022 revised site location maps were submitted. The subdivided site will remain in the ownership of SNJ Properties Ltd who will lease the site to the applicant. `

## 3.0 Planning Authority Decision

### 3.1. Decision

Laois Co. Co. granted planning permission for the proposed development on 16<sup>th</sup> of August 2022 subject to 18No. conditions. The site-specific conditions can be summarised as follows:

4. Site entrance and layout to be in accordance with submitted plans.
5. The development shall operate in accordance with EU Animal By-Products Regulations (EC) No. 1069 of 2009 and Regulation No. 142 of 2011 under the supervision of the Dept. of Agriculture, Food and Marine.
6. Noise levels limitations
7. Certification to be forwarded to the planning authority regarding the installation of the unit, and an annual service certificate shall be inspected by the planning authority.
15. Landscaping and tree planting along the site boundaries
18. Total contributions payable €1,836

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- There is no provision in the development plan zoning matrix for a Pet Crematorium. It does state 'industrial' and 'light industrial' uses will normally be accepted on lands zoned for industry and warehousing development. Appeal reference PL11.308487 regarded a pet crematorium to be an 'industrial use'. The proposal is considered to be acceptable.
- The design and scale of the development is considered to be acceptable.
- There is insufficient information regarding potential noise, odour and smoke emissions.
- The application has been referred to Uisce Water for connection feasibility.
- There are no traffic generation concerns arising from the proposal.

- The site is not within a flood zone.
- There are no Natura 2000 sites adjacent to the development.
- Further information is recommended.
- Following the receipt of Further Information (07/06/22) and Clarification of Further Information (26/07/22) the reporting officer recommended a grant of permission.

### 3.2.2. **Other Technical Reports**

- Roads Office: The applicant is to submit attenuation calculations for the entire site in line with SUDS Manual. There are no disabled parking spaces provided. Tactile paving required. An auto track analysis is required as a fire tender should be able to turn at the turning head fronting the development. No objections
- Uisce Water – applicant must engage with Irish Water regarding a Pre-Connection Enquiry.

### 3.3. **Prescribed Bodies**

Department of Housing, Local Government and Heritage: Issues relating to Nature Conservation in terms of the bird nesting season and native hedgerows.

### 3.4. **Third Party Observations**

There were 2 third party objections:

- (i) Glen Patten from Dublin citing:-

He runs Pawprints Crematorium in Co. Meath for the past ten years and he services the area every week and return pets ashes on a weekly basis. The applicant states in the planning application there is a 6-8 week wait time for ashes to be returned.

There is no information from the Dept of Agriculture regarding the proposed site, and there is no mention of what is proposed for the contaminated water that arises from the pet cremation process.

There is no mention of group disposal of pets which veterinary clinics require.

(ii) Tom McEvoy from Abbeyleix citing:

The planning permission granted to Arastra Construction Ltd under 08614 does not appear to have been developed in accordance with the planning permission to date, aerial footage is submitted.

The actual application fails to address the true state of the property and the actual development that will ensue thereafter.

Booth Precast Products appear to be operating lands to the northeast of the concrete batch plant.

The letter of consent to the planning application is signed by Mr. Booth who has a longstanding association with planning anomalies. The planning authority has repeatedly ignored its obligation to establish the true legal status of underlying planning matters.

There are no traffic or environmental evaluations with the application. Public health and well being are just as important as environmental matters. There is a children's Roll N' Bowl facility in the immediate vicinity.

## 4.0 **Planning History**

### 4.1 East of Site:

20/205: Planning permission granted for continuance of operations for twelve years beyond previous grant of permission (Ref:08614). Retention permission for staff facility containers.

08/614 Planning permission granted for a concrete batching plant, a single storey office, bored well, a mechanical truck wash, weigh bridge, truck and car parking with a high security fence.

### 4.2 West of the Site

01/872: Planning permission for two industrial units and two offices.

### 4.3 Relevant Cases:

**ABP 308487-20**

An Bord Pleanála REFUSED retention for a pet incinerator for pet cremation purposes at Shanahoe, Co. Laois, for the following 3No. reasons:

1. On the basis of the information submitted with the application and appeal, and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European Sites, the River Barrow and River Nore SAC (002162) and the River Nore SPA (004233) in view of the European Sites' Conservation Objectives. In such circumstances the Board is precluded from granting permission for the proposed development.
2. On the basis of the information submitted with the planning application and appeal, the Board cannot be satisfied that the development for which retention permission is sought and the proposed development, which would be located within the curtilage of the existing dwelling on site would not be seriously injurious to the residential amenity of this dwelling and of adjacent properties, and to the amenities of the area, by reason of traffic impact, noise, air quality, ground water and surface water quality. In this regard, the development for which retention permission is sought and the proposed development would be contrary to the proper planning and sustainable development of the area.
3. On the basis of the information submitted with the application and appeal, the Board cannot be satisfied that the development for which retention permission is sought and the propose development would not comprise an inappropriate form of development at this rural location which is inadequately serviced in terms of transport and water services infrastructure. The proposed development would be contrary to policy in Section 2.1.6 and Section 5.10 of the Laois County Development Plan 2017-2023 relating to preferred types of rural economic development. The development for which retention permission is sought and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

#### **APB-312084**

An Bord Pleanála granted planning permission for use of existing vacant building as a pet crematorium for domestic animals at Unit 15 Ennis Enterprise Centre, Gort Road Industrial Estate, Ennis. (incidentally, the current third party appellant is

allegedly linked to the third party appellant on ABP-312084). The basis for the grant of permission with conditions was as follows:

Having regard to the Light Industrial zoning objective of the site as set out in the Clare County Development Plan 2017-2023, the existing and general pattern of development in the area and the nature and scale of the proposed development, and subject to compliance with the conditions set out below, the proposed development, would constitute an acceptable use, would not seriously injure the amenities of the area or of properties in the vicinity and would be acceptable in terms of traffic and road safety and would not be prejudicial to public health. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 5.0 Policy Context

### 5.1. Development Plan

#### 5.1.1 Zoning The relevant development plan is the Laois County Development Plan 2021-2028.

The site is located on lands zoned '*to provide for an improve industrial and warehousing development*'.

The development plan states 'the propose of the zoning is to provide for heavy industry associated with environmental emissions including noise and odour with intensive hazardous processing and also provide for warehousing, light industry, technology related office development and general office development that exceed 400sq.m.. Other uses, ancillary or similar to industry and warehousing will be considered on the merits of each planning application and may be acceptable in this zone.

#### 5.1.2 Objectives:

##### **DM ED 2 COMMERCIAL DEVELOPMENT - WAREHOUSES AND INDUSTRIAL USES/BUSINESS CAMPUSES**

1) The nature/activities/processes of the proposed development and site location factors;

- 2) The compatibility and impact with/on adjoining uses;
- 3) The traffic implications and alternative access, servicing and sustainable mobility plans / commuting arrangements;
- 4) The quality of building design;
- 5) The site layout including car parking arrangements;
- 6) Landscaping plans;
- 7) The energy efficiency and overall sustainability of the proposed developments;
- 8) Details in relation to surface water/stormwater management systems;
- 9) Details in relation to climate resilience measure

## 5.2 Legislation and Licensing Regime

REGULATION (EC) No 1069/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation)

- Article 8 Category 1 material –  
Category 1 material shall comprise the following animal by-products:
  - (a) entire bodies and all body parts, including hides and skins, of the following animals:
  - (b) animals other than farmed and wild animals, including in particular pet animals, zoo animals and circus animals” :
- The proposed development will be licensed by the Department of Agriculture under the EU (Animal By-Products) Regulations SI187/2014).
  - (6) The Minister may authorise the burning or burial on site or the disposal by other means of animal by-products in accordance with Articles 16(d) and 19(1)(b) and (2) of the Council Regulation and Article 15 of the Commission Regulation.
- Air Pollution Act, 1987
- Air Pollution Act, 1987, (Licensing of Industrial Plant) Regulations, 1988 .



## 5.2. Natural Heritage Designations

There are no Natura 2000 sites within 15km of the subject site.

## 5.3. EIA Screening

The Planning and Development Regulations 2001 (as amended) provides that EIA is required for the following classes of development:

- Class (10) of Schedule 5 Part 1-
  - Waste disposal installations for the incineration or chemical treatment as defined in Annex IIA to Directive 75/442/EEC5 under heading D9, of non-hazardous waste with a capacity exceeding 100 tonnes per day.
- Class (10) (b) (iv) of Schedule 5 Part 2 of
  - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

Having considered the above I am satisfied the proposed materials for cremation do not fall within the definition of non-hazardous waste as defined in the directive and as such the proposal is not a Part 1 class 10 development.

The site is not located within an ‘business district’ but is within the ‘built up area’ as defined by the Regulations. In this regard the site has a stated area of 0.12 ha and is well below the applicable threshold of 10 ha.

The site is an existing urban development located on industrial and warehousing zoned lands. The proposed use will not have an adverse impact in environmental terms on surrounding land uses. I note the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site (as discussed below in section 8.7). There is no hydrological connection present such as would give rise to significant impact on nearby water courses. The proposed development would not give rise to waste, pollution or nuisances that would be unexpected on industrial

zoned lands. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Laois County Council, upon which its effects would be marginal. The proposal is licensable under other codes.

I consider that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that upon 'Preliminary Examination', an 'Environmental Impact Assessment Report' for the proposed development is not necessary in this instance.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- It is unclear how large the facility is in terms of output because low capacity is not defined in numerical terms.
- Nature of Proposed Land Use: In the assessment of the proposal the reporting planners states the land use is not recognised in the development plan, that the proposed crematorium should be interpreted as an 'industrial use'. While it is accepted the use is akin to industrial i.e. the burning of remains of animals, the demand for the facility can be compared with retail development. The need for pet owners to have the remains of the animals treated in a similar way to those of human beings, suggest the need to identify catchment areas for such facilities. No information is provided in the planning application relating to the potential catchment area other than stating that the proposed development will lessen travel distance to have pets cremated.
- Need for Proposed Land Use: It is useful to refer to the Retail Planning Guidelines as a framework for assessing the proposed development in planning terms. The Retail Planning Guidelines make it clear that competition between service providers should not normally form a planning criterion. The core strategy of a development plan should show the retail areas which provides essential services including an appropriate level of retailing and amenities to serve the catchment population. This suggests the catchment area approach would determine the need for such a service. The approach should be adopted

for pet crematorium proposals given both the need to serve the demand from pet owning households while recognising environmental implications for such facilities which should avoid over provision of multiple services in a particular catchment area.

The planning authority failed to request further information from the applicant with regard to the catchment populations, and the number of cremations to be carried out on a daily/ weekly basis. The planning authority was unable in the absence of such information to determine whether a reasonable provision of service could be provided by the proposed development for its catchment area or whether multiple applications could be expected at other locations within the Laois area. The appellant provides a similar service with a catchment area that includes county Laois and there is no need for the proposed facility.

- Traffic Implications : It is not clear from the planning application documentation whether the pet crematorium will be accessible to members of the public. It is stated the ashes of the pet will be returned to the pet owners in a urn, if that happens it is likely the pet owners will be present at the cremation. The question of adequate carparking arises and whether an industrial estate is a suitable location for such activity arises, and whether a stand alone rural area would be more appropriate. There is no clarification on the carparking requirement or traffic volumes.
- Environmental Impacts: The reporting planner considered the original application contained insufficient information to determine the likely impacts on the environment in terms of ashes and odour. It is not stated where the ashes will be transferred to the urn on site, and where the containers will be stored on site. There are two buildings proposed on site: a steel container and a log cabin. In the absence of any information on the capacity of the facility, frequency of cremations and frequency of collections of ash containers, there is potential for environmental impact on the occupants of adjoining sites.

The control of odours emissions may be regulated through an integrated Pollution Licence. There is no information on file regarding the need to obtain an Integrated Pollution Licence. In the event of a grant of permission, a

condition should be attached to ensure that no development will take place until an IPC licence has been obtained.

## 6.2. Applicant Response

The applicant claims the appeal is vexatious, under-handed, and anti-competitive based on the following evidence:

- Mr. Patten owns a business called Paw Prints Pet Crematorium, 90km from the subject site.
- Under appeal ref PL03.312084 a Ms Aimee Keller applied for planning permission to Clare Co. Co. for a low capacity pet crematorium which was ultimately granted planning permission by the local authority and An Bord Pleanala. The third party appeal was brought by a 'Don Weldon' who was not a real person. However, an employee of Mr's Pattens is Dawn Weldon.
- Mr. Patten is trying to delay/ prohibit any further competition to his business, and using up valuable resources with timing wasting during a housing crisis and other real issues facing Ireland.

In response to the appeal concerns the Board should note:

The proposed machine can facilitate a maximum of 7No. cremations per day depending on the size of the animals, therefore an average of 5No. animals is anticipated per day.

There were no objections from the adjoining businesses to the proposed development.

During the initial stages of the planning application, the third party raised the same concerns which were addressed in the planning application and accepted by the local authority. There were letters obtained from local veterinary practices expressing a need for such a service in Co. Laois, and they have assured him of business in the future. There are no pet crematoriums in Laois or the surrounding 5No. counties. The nearest crematorium is in Straffan, Co. Kildare, 64km from the site. There will not be an overabundance of the services if the proposed development is permitted.

There will be no members of the public admitted to the site. The business will be run on a collect and return basis.

Most of the concerns raised in the appeal are not part of the planning process. There will be licences/ certs required from the Dept. of Agriculture. The facility must comply with European Communities (Animal By-Products) Regulations 2014 (S.I. 187 of 2014) and in accordance with Regulation (EC) No. 1069/2009 and Regulation (EU) No. 142/2011. However, planning permission must be obtained prior to applying for licences.

In respect of the appellant's contention that an IPC licence is required, there is no such requirement for a pet crematorium, and having checked the IPC register of Ireland, none of the established pet crematoriums in Ireland have one.

### **6.3. Planning Authority Response**

The planning authority had no further comment on appeal.

## **7.0 Assessment**

7.1. Having inspected the subject site and considered the documentation on the file and had regard to the relevant planning policy and legislation, the appeal will be assessed under the following headings:

- Zoning, Principle and Compatibility
- Design and Layout
- Environmental Concerns
- Traffic
- Vexatious nature of the appeal
- Appropriate Assessment

### **7.2 Zoning, Principle and Compatibility**

The Clonminam Industrial estate is located to the south of Portlaoise town. There are a mix of commercial uses within the industrial estate in the general vicinity of the site, from an electrical company, to a concrete batching plant, and children's play

zone and an Enterprise centre, plus retailing warehousing. The subject site forms a small portion of a large site are hosting a concrete batching plant operated by Booth Concrete Limited. The proposed development is located on a subdivided portion of Booth's Concrete at the north- western extremity of the site.

- 7.2 According to the current development plan governing the area, the **Laois County Development Plan 2021-2028**, the subject site is zoned '*to provide for an improve industrial and warehousing development*'. According to the development plan the purpose of the industrial and warehousing zoning is '*to provide for heavy industry associated with environmental emissions, including noise and odour and with intensive or hazardous processing and also provide for warehousing, light industry, technology related office development and general office development that exceed 400 square metres. Other uses, ancillary or similar to industry and warehousing will be considered on the merits of each planning application and may be acceptable in this zone.*' There is no reference to a pet crematorium land use in Table 13.3 LandUse Zoning Matrix. There is should be determined if the proposed land use is appropriate in an industrial zoned area.
- 7.3 The Planning Report refers to an appeal decision (PL11.308487) relating to a pet crematorium at Shanahoe, Co. Laois. (A copy of the Inspector's Report on ABP 308487 is appended to this report and see Section 4.0 of this report). According to the Inspector's Report on case reference 308487, the proposed crematorium was considered to be an 'industrial' use. The proposed development was ultimately refused planning permission by the Board on the 11<sup>th</sup> of May 2021 for 3No. reasons relating to the Natura Impact Statement, residential amenities and an inappropriate development at the rural location in question. Also relevant, is another appeal case in Co. Clare, ABP -312084, for a low capacity crematorium, the Board recognised that industrial zoned land is appropriate for the proposed use as a pet crematorium. The Planning Report on file cited the local case PL11.308487 whereby the Board's inspector concluded a pet crematorium was a 'light industrial use'. This was echoed in the Inspector's Report associated with Case 312084.
- 7.4 In terms of the process involved with the proposed development, the pet incinerator is located within a steel shipping container. The incinerator includes two burners, a primary and secondary chamber. Both chambers are pre-heated to a desired

temperature of 850degrees Celsius. Once the chambers reach the required temperature the control system will switch to 'burn' cycle. The animals are introduced to the primary chamber for cremation. De-ashing is undertaken throughout the operations with access gained via a manual door. The ass residues are raked from the primary chamber hearth into the supplied ash box. Then transferred to a urn or similar receptacle to be forwarded to the pet owner. The process is in my opinion, light industrial. The remains of animals are collected form various veterinary clinics for cremation, and the ashes are returned to the clinics for collection by the owners. The third party appellant has incorrectly suggested that the Retail Planning Guidelines should be referred to in assessing the case. The appellant maintains there is a need to research the catchment area further because there is a need to avoid a multitude of similar practices serving the same area in the interests of environmental impacts. These impacts are not substantiated in the appeal. In my opinion, the appellant is clutching at straws to form a grounds of appeal to suggest the proposed pet crematorium is similar to retailing and would require a similar planning approach to a Retail Impact Statement. There are no members of the public anticipated on site. The applicant will collect from the veterinary clinics only.

7.5 On balance, and in the interests of being consistent, I consider the proposed use as a pet crematorium to be 'light industrial', and not detrimental to the amenities of 'industrial' zoned lands. I am satisfied the proposed use is compatible with the zoning objective for the area.

#### 7.6 **Design and Layout**

7.7 The subject site is 0.12ha, and will be leased by the applicant from the landowner, SNJ Properties Ltd. A letter of consent from the landowner is on the planning file. The site is currently includes stockpiles of stone and rubble associated with the permitted concrete batching plant on the wider site area to the east and south of the subject site.

7.8 The proposed development consists of two structures:

(i) The first is a steel shipping container (6.1m x2.5m) where the cremations will be carried out. According to the submitted documents the steel container will contain an

animal cremator, a vent to the rear, a chimney and on the outside a bunded diesel tank.

(ii) The second building is a log cabin, with a reception area, storage room and toilet.

In my opinion, neither structure is industrial-like in design and specification. I would consider both to be temporary structures. In addition, in my opinion, the cremation of deceased pets in a shipping container is a rather cynical and unsympathetic approach to the trust and beliefs of the owners of the deceased animals. There would appear to be no service area for the public. From my reading of the file, deceased pets will be collected from local veterinary practices, brought to the site where the cremations are carried out. The ashes, in most instances, will be returned to the various veterinary practices for collection, or in other instances the ash will be sent to a local Animal Collection Service. In a number of pet crematories, customers can bring their pets directly to the crematorium, however, this does not appear to be the case with the proposed development. Therefore, the facility is purely functional with the process been carried out in the steel shipping container.

The drawings do not indicate where the deceased pets will be stored, or where the ashes will be stored.

7.9 I consider the overall design to be substandard and not in keeping with the Economic Development Management Standards outlined in the Laois County Development Plan under section DM ED2. The design and specification of the two structures are not in keeping with adjoining buildings to the west, and other buildings throughout Clonminam Industrial estate. In addition, a log cabin and a steel shipping container are not compatible in design and specification to each other.

7.10 I do accept the site is located in an industrial estate which is not known for its architectural qualities. However, the existing buildings on each site in the vicinity are quality buildings, and range from portal frame industrial structures to two storey office buildings. The proposed structures are temporary in nature and will appear out of place and incongruous to the existing buildings in the estate. I do accept, in terms of visual amenity, the site currently holds very little value in terms of visual amenity due to the use on the site associated with a concrete batching plant and the supply of quarry products. However, I consider the proposed development to be inappropriate in terms of design and specification, and substandard when compared



to buildings in the immediate vicinity. The proposed development will set a highly undesirable precedent for inappropriate and substandard industrial structures within the industrial/ warehousing estate.

#### 7.11 **Environmental Concerns**

The proposed pet crematorium machine includes an integrated **odour** and pollution prevention system, otherwise known as the secondary after chamber, which ensures there are no odours from the machine. The carcasses will be stored in refrigerated containers. It is anticipated 7No. pets would be incinerated per day.

The incinerator is operated at times in accordance with the manufacturers operating instructions. It undergoes annual servicing. There were sound emissions measurements carried out on the factory floor. Sound power levels have been determined in accordance with the relevant methodology. The site is located within an industrial estate alongside the railway tracts, the ambient noise levels are conducive to the industrial and concentration of commercial activities in the general vicinity.

Irish Water were satisfied with the proposed development and recommended a grant of permission subject to conditions.

A catcher tray will collect the ash (6m x 6m x 50mm) will collect the ash before it is transferred into the receptacle to be returned to the pet owner.

#### 7.11 **Traffic**

The third-party appeal cites traffic concerns stating the planning application documentation do not clarify if there will be members of the public attending the premises. On appeal the applicant confirms there will be no members of the public permitted onto the site. Having regard to the location of the site at the end of a service road in an industrial estate with a hammerhead to the front of the site, I am satisfied that there are no traffic concerns arising from the proposed development.

There is adequate carparking proposed to cater for the development.

The Roads Design Office recommended a condition be attached for the applicant is to submit attenuation calculations for the entire site in line with SUDS Manual. A disabled parking space is to be provided, and tactile paving required on hard

surfacing. In addition, an auto track analysis is required as a fire tender should be able to turn at the turning head fronting the development.

## **7.12 Vexatious Nature of the Appeal**

- 7.13 The applicant has stated that the third-party appellant, Mr. Patten resides in Dublin. He owns Paw Prints Crematorium in Co. Meath. According to the applicant, he is trying to delay or prohibit the current proposal from being developed. Mr. Patten's crematorium is 90km from the subject site, and his case that the proposed development will interfere with his business is not substantiated in appeal. He has presented no evidence to support his case. It is further submitted the planning process should not be used as a process to stop commercial competition.
- 7.14 The applicant also claims under appeal Ref 312084 where an Aimee Keller applied for planning permission to Clare Co. Co. for a low impact pet crematorium, which was appealed to An Bord Pleanala by a 'Don Weldon'. The applicant alleges this is a false name. There is an employee Paw Prints Crematorium (owned by Mr. Patten) called Ms Dawn Weldon who lives in Navan and objected to a development proposal in Ennis Co. Clare.
- 7.15 According to Section 138 of the Planning and Development Act 2000, the Board can dismiss an appeal if it considers the appeal to be vexatious, frivolous or without substance or foundation or it is made with the sole intention of delaying the development or the intention of securing money or gifts.
- 7.16 I have assessed the planning merits of the development as presented on appeal. I am sceptical about the intentions of the appellant regarding this appeal having regard to the fact he lives in Dublin, and he owns a similar business 90kms to the north of the proposed development. The appeals process should not be used as a mechanism against commercial competition or to purposely delay the development proposal.

## **8.0 Appropriate Assessment**

- 8.1 The project is not directly connected with or necessary to the management of a European site and therefore needs it needs to be determined of the development is likely to have any significant effects on European sites.

## **8.2 Receiving Environment**

1) The subject site is an existing industrial site with a permitted use as a concrete batching plant within an industrial estate.

2) The site is not located within or adjoining a designated European site.

3) The site is not within a zone of influence of any European site.

8.3 Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

8.1. I recommend the decision to grant planning permission for the proposed development be overturned and the proposed development be refused for the following reason.

## 9.0 Reasons and Considerations

The application site is zoned Industrial and Warehousing “*to provide for an improve industrial and warehousing development*” in the Laois County Development Plan 2021-2027. Objective DM ED 2 of the development plan relating to Commercial Development – Warehouses and Industrial Uses/ Business campus requires a quality building design. Having regard to the design and specification of both temporary structures associated with the proposed pet crematorium, the visual context of the site relative to the existing buildings in the general vicinity of the site, it is considered the proposed development by reason of the scale and layout, conflicting and inappropriate specifications would be visually incongruous to the area, fails to provide a quality design response to the proposed use as a pet crematorium on the site and represents a substandard form of development that would set an undesirable precedent for similar development proposals in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Caryn Coogan  
Planning Inspector

15/01/2024