



An
Bord
Pleanála

Inspector's Report

ABP-315439-22

Development	Alterations to approved Funeral Home permission, reg. 4194/15, to provide a Cremator and Retention of removal of plant room.
Location	Former Tayto Factory, Greencastle Road, Coolock, Dublin 17, D17WF44
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	4988/22
Applicant(s)	T. Stafford and Sons Ltd.
Type of Application	Permission and Retention
Planning Authority Decision	Grant Permission and Retention
Type of Appeal	Third Party Appeal
Appellant(s)	Mannings Bakery Ltd
Observer(s)	None
Date of Site Inspection	27 th October 2023
Inspector	Frank O'Donnell

1.0 Site Location and Description

- 1.1. The subject site is located at the intersection of the Malahide Road (R107 Regional Road) and the Greencastle Road on the site of the former Tayto Factory in Coolock, Dublin 17. The site, which has a stated site area of 1.34 hectares (13,400 sqm) has a rectangular shape and is estimated to be located c. 6.5 km to the north-east of the centre of Dublin City.
- 1.2. The site comprises of an existing single storey light industrial/ factory type structure which has a stated floor area of 4,497 sqm and is the subject of current building works for the provision of a Funeral Home. The surrounding lands to the immediate north, north-east and north-west are all in general light industrial use. The nearest residential property, at its closest point, is estimated to be within 80 metres to the north-east of the front boundary of the subject site.

2.0 Proposed Development

- 2.1. The proposed development seeks both planning permission and retention.
- 2.2. Planning permission for alterations to previously approved Funeral Home development Reg. Ref. no. 4194/15 to provide an electric cremator and associated 3 no. flues.
- 2.3. Retention is sought for the removal of a plant room of 53 sqm at roof level.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dublin City Council issued a Notification of Decision to **GRANT** planning permission on 28/11/2022 subject to 7 no. conditions.

Condition no. 3 reads as follows:

3. *The developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Transportation Planning Division and the Noise & Air Pollution Section.*

Reason: To ensure a satisfactory standard of development.

Condition no. 5 reads as follows:

5. Prior to the commencement of development the applicant shall liaise with the Environmental Health Section Air Quality Monitoring and Noise Control Unit of Dublin City council and obtain their written agreement regarding the following:

a. The proposed development shall adhere to Dublin City Councils Construction and Demolition Good Practice Guide for Construction Sites in their Construction Management Plan.

b. The developer shall complete the Construction and Demolition Good Practice Guide and implement this guide into their Construction Management plan where practicable. When the developer has completed the Construction and Demolition Good practice guide shall submit the updated Construction Management plan to this Unit for review.

c. The good practice guide contains air, noise and vibration control measures to be implemented on site to minimise the impact on local residential properties. (WEB ADDRESS PROVIDED – See Condition).

d. Operational Phase (Noise pollution Mitigation measures,): The noise levels from the site, during the operational phase, measured as an LAeq (5min at night, 15 min in day) when all proposed plant is operating, shall not exceed the LA90 by 5dB(A) or more.

e. Noise levels should not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place.

f. Air Pollution Mitigation Measures: No emissions, including odours, from the activities carried on at the site shall result in an impairment of, or an interference with amenities or the environment beyond the site boundary or any other legitimate uses of the environment beyond the site boundary.

g. All emissions to air associated with the development, other than steam or water vapour, should be colourless and free from visible mist. All emissions should be free from offensive odour outside the process boundary.

h. Extract fumes, from the proposed development shall be minimised, and if necessary treated, using the best available technology.

i. Any stack emitting fumes from the proposed development shall be positioned in an area from which the emissions will cause the minimum nuisance.

j. Extraction & Ventilation: Before the use thereby permitted commences, a scheme shall be submitted to, and approved in writing by the Planning Authority for the effective control of fumes and odours from the premises. The scheme shall be implemented before the use commences and thereafter permanently maintained.

k. A suitably qualified and experienced person should undertake the design and installation of the ventilation system.

l. The ventilation system should be designed to incorporate a stack erected to a minimum height of 1 metre above the eaves of the premises or adjoining premises and be so sited to ensure the emissions will cause no nuisance.

m. A suitable filtration system must be installed to neutralise odours (if applicable) prior to their discharge.

n. The fan used to propel the extract shall be installed and be of sufficient power to ensure high exit velocity of the fumes during all weather conditions.

Reason: In the interest of public health

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Local Authority Planner** considered that the location of the facility within the confines of this industrial estate, separated from any residences should ensure that there would be no negative impact on residential amenity as a result of the subject planning permission.
- The Planner further considered that concerns raised regarding the potential for emissions from the facility and potential for interference/ risk to food processing within this industrial estate are addressed by the comprehensive

set of conditions recommended by the Environmental Health Officer (EHO), which are attached to the permission.

- The Planner therefore recommended that permission be Granted subject to 7 no. conditions.

3.2.2. Other Internal Reports

- The Report from the **Environmental Health Officer (EHO) (Air Quality Monitoring and Noise Control Section)** is presented under the main headings of Construction Phase and Operational Phase (Noise pollution Mitigation Measures, Air Pollution Mitigation Measures, Extraction & Ventilation).
- Under the heading of Construction Phase, it is stated that the developer is currently not in compliance with the above planning register. Recommendations are provided and these include adherence to the Dublin City Council Construction and Demolition Good Practice Guide for Construction Sites in the Construction Management Plan. The developer must complete the Guide and implement it into their Construction Management Plan, where practicable. When complete it is stated that the developer is to submit the updated Construction Management Plan (CMP) to the unit for review.
- It is stated that the Guide includes measures in relation to air, noise and vibration control measures to be implemented on site to minimise the impact on local residential properties. A weblink to the document is provided.
- Under the heading of Operational Phase, Mitigation Measures in relation to Noise Pollution, Air Pollution and Extraction & Ventilation are recommended.
- The **Drainage Division**, raise no objection to the proposed development subject to conditions. It is stated that the developer shall comply with all the conditions relating to surface water management of the previous grant of permission, ref no: 3462/19. It is further stated that there shall be no discharge of trade effluent to Dublin City Council sewers except where a licence is granted by Dublin City Council as required by the Local Government (Water Pollution) Acts, 1977 and 1990.

3.3. Third Party Observations

3.3.1. The application was the subject of 1 no. Third Party Observation/ Objection submission, as follows:

- Eamon Manning, c/o Mannings Bakery Ltd.

3.3.2. The main issues raised in the submission are summarised as follows:

- The Objector operates a food manufacturing facility on Greencastle Parade, which is close to the proposed development site.
- The applicant has failed to properly assess the impact of the facility on their food production business.
- The Air Dispersion modelling has had regard to commercial properties within 100 metres. The study does not include the impact on the particularly sensitive operations undertaken on their site.
- The Objector suggests that the Planning Authority should request that the applicant engages with them so they can better understand the potential risks to their business and ensure potential impacts are avoided.

4.0 Planning History

4.1. Planning History on the subject Appeal site

- 4.1.1. **VV29N.313456**: Applicant: T. Stafford and Sons, Unlimited Company. VACANT SITES LEVY APPEAL, Section 9. Case was due to be decided by 01/09/2022 and is therefore now overdue.
- 4.1.2. **3462/19**: Applicant: T. Stafford and Sons Ltd. Permission for alterations to a previously approved development Reg. Ref. 4194/15 including change of use of the northern warehouse (881.2 sqm) from a light industrial use to motor sales and service outlet and associated site works. Permission was **GRANTED** on 14/10/2019 subject to 17 no. conditions.
- 4.1.3. **4194/15/ X1**: Applicant: Jonathan Stafford. **EXTENSION OF DURATION (EOD)**. EOD was **GRANTED** on 03/05/2022.

- 4.1.4. **4194/15:** Applicant: T. Stafford & Sons Limited. Permission for the continuation of the light industrial use of the site comprising a central operating depot and head office facility (Funeral Home). Permission was **GRANTED** on 31/03/2016 subject to 13 no. conditions.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Appeal site is zoned Z10 – Inner Suburban and Inner City Sustainable Mixed Use in the Dublin City Council Development Plan, 2022 to 2028. The relevant zoning objective is:

- *‘To consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses.’*

- 5.1.2. The lands immediately adjoining the Appeal site to the north-west, north and north-east, are also zoned Z10 and form a combined area estimated to measure in the region of 4.96 hectares.

- 5.1.3. Chapter 14 of the Development Plan relates to Land Use Zoning. Section 14.4.10 relates to – Inner Suburban and Inner City Sustainable Mixed Use Z10 and includes the following preamble:

- *The purpose of this zoning is to promote mixed-use in order to deliver sustainable patterns of development in line with the principles of the 15-minute city. The concept of mixed-use will be central to the development or redevelopment of these sites and mono uses, either all residential or all employment/office use, shall not generally be permitted.*
- *In order to ensure that a mixed-use philosophy is adhered to on Z10 zoned lands, the focus will be on delivering a mix of residential and commercial uses. There will be a requirement that a range of 30% to 70% of the area of Z10 zoned lands can be given to one particular use, with the remaining portion of the lands to be given over to another use or uses (e.g., residential or office/employment). For very small sites, typically less than 0.5ha, flexibility on mix requirement may be considered on a case-by-case basis, where it can*

be demonstrated that the proposal would not result in an undue concentration of one particular land-use on the Z10 landholding as a whole.

- *The primary uses supported in this zone are residential, office and retail, with ancillary uses also facilitated where they deliver on the overall zoning objective.*
- *There will be a requirement that for any significant scheme (on Z10 zoned lands greater than 0.5ha in size) seeking to increase densities and/or height, a masterplan is prepared (see also Appendix 3: Achieving Sustainable Compact Growth). The requirement to prepare a masterplan in respect of future development will also specifically apply to Z10 zoned lands at Malahide Road, Harmonstown Road, Goldenbridge Industrial Estate, 110-114 Cork Street, Glenview Industrial Estate and Brickfield House/ Sunshine Estate.*

5.1.4. Uses which are 'Permitted in Principle' and 'Open for Consideration' on lands zoned Z10 are listed in Chapter 14 – Land Use Zoning, Section 14.7.10.

5.1.5. A 'Funeral Home' is listed as a use which is 'Open for Consideration' on lands zoned Z10.

5.1.6. A 'Crematorium' use is not identified as a use which is 'Permitted in Principle' on any land use zoning designation in the City.

5.1.7. A 'Crematorium' use is however, 'Open for Consideration', on the following Land Use Zoning Designations:

- Z6 (Enterprise and Employment),
- Z7 (Employment (Heavy)),
- Z9 (Amenity/ Open Space Lands/ Green Network),
- Z12 (Institutional Land (Further Development Potential)),
- Z15 (Community & Social Infrastructure).

5.2. UK Guidance Policy

5.2.1. There are no specific guidelines in Ireland with regard to the planning and development of crematoriums. There are 2 no. UK guidance documents both of

which offer guidance in respect to the siting and development of crematoria, as set out below.

5.2.2. *Federation of Burial and Cremation Authorities (FBCA) document “Recommendations on the Establishment of Crematoria” (January 2019)*

5.2.3. This brief Guidance document addresses issues including the Siting of Crematoria, Buildings, Ancillary Accommodation and Methods of Disposal.

5.2.4. The Guidelines state that urban locations are rarely seen as ideal locations. The suitability of the setting is seen as being more important than a location close to established population centres. The sensitivity of Green Belt sites is also discussed where there is a general presumption against inappropriate development, except in very exceptional circumstances.

5.2.5. *Statutory Guidance for Crematoria (Process Guidance Note 5/2 (12) (September 2012)) published by Defra.gov.uk.*

5.3. **Natural Heritage Designations**

5.3.1. The site is not located within or adjacent to a Natura 2000 site. The nearest Natura sites are the North Dublin Bay SAC (000206), and the North Bull Island SPA (004006), some 2.8km to the south-east and separated from the subject site. The Santry River, which is connected to the Natura 2000 sites, is, at its closest point, located approx. 34m southwest of the site. The issue of Appropriate Assessment is appraised further below in Section 7.7.4 of this Report.

5.4. **EIA Screening**

5.4.1. The proposed development constitutes a project for the purposes of EIA, i.e., construction works. The proposed development does not fall within any development Class where a mandatory EIA is required.

5.4.2. An Environmental Impact Assessment (EIA) Screening Report was submitted as part of the planning application documentation. The Report concludes that the development falls within the category of an ‘Infrastructure Project’ under Part 2 of Schedule 5, 10) b) of the Planning and Development Regulations, 2001 to 2023. The Report further concludes that an EIA is not required.

5.4.3. I am satisfied that an Environmental Impact Assessment is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The Grounds of Appeal are summarised under the following main headings, as follows:

- Material Contravention/ Zoning

The Appellant is of the opinion that the Board must consider whether the application is a Material Contravention of the Development Plan having regard to the recent material change of zoning of the subject lands where a crematorium is not listed as acceptable in principle or open for consideration. The Appellant suggests it is and as such, they are of the opinion that the Board must apply the tests for Material Contravention before it can grant permission.

A Crematorium is not identified as a use which is acceptable in principle or open for consideration on Z10 lands.

The Appellant quotes the Z10 zoning objective and part of the Z10 notes contained in Section 14.7.10 of the Plan. The Appellant states that these sites are expressly earmarked for a new future direction. Whatever the future for the applicant's land, the Appellant considers that the proposed development has the potential to impact negatively on the neighbouring Z10 property.

- Air Quality

The Appellant is concerned about food safety and sources of pollution in the forms of odours, gases, trace elements and other particle matter. The nature of existing businesses in the area are generally trade and retail bases with no notable processes generating potential harmful emissions that could impact on the operation of the Appellants bakery.

The Appellant has sought expert advice in respect of the Air Modelling Report presented as part of the planning application and considers that the conditions of the Notification of Decision to GRANT lack any controls in respect of

maintenance or ongoing monitoring of emissions from the proposed crematorium.

The Appellant is of the opinion that the Board should seek clarification from the applicant or the Council or both on the issue of stack heights as there is a potential contradiction.

The Appellant considers that should the Board be minded to grant permission, it should first request the applicant to submit full details of all filtering and flue equipment (and other relevant equipment) and submit a detailed report of maintenance and monitoring proposed and this should be circulated to the Appellant for review and comment.

In addition, or potentially as an alternative to the above, the Appellant respectfully requests the Board includes conditions like those attached to Appeal ref. no. PL37.242683 which relates to a consented Crematorium in Ballinasloe, County Galway.

The Appellant requests that the Board attach conditions requiring an annual environmental report and that the relevant monitoring outputs (lab tested monitoring results) are submitted each quarter to the Local Authority and are made available for public inspection.

6.2. Applicant Response

- The Applicant's Response has been grouped under the following main headings.
- **Impact on the appellant's existing business:**
 - This Ground of appeal is not substantiated by the appellant and is unfounded. The opinion of the independent expert is not submitted with the appeal.
 - The Cremator will not result in any adverse odours being released into the air, therefore there is no impact on immediate surrounds, or premises at further locations such as the Appellant's business. Sufficient information is provided in the submitted details. The Case Officer did not foresee any adverse impacts on the Appellant's Property.

- The cremator structure within the appeal site is located over 175 metres from the front elevation of the Appellant's Bakery Business with a further 200 metre separation distance to the food production areas. This separation distance is submitted to be substantial which reduces the scope for an impact to occur.
- The Appellant is located northwest from the site and having regard to the separation distances between the proposed cremator and the Appellant's premises and the prevailing wind direction in Ireland, which travels from the southwest, heading eastwards, it may be considered that the proposal will not result in any negative odour, in any instance, odours would not travel to the appellant's business.
- The Applicant is currently refurbishing the premises in accordance with granted planning reg. ref. no. 4194/15 as amended by planning reg. ref. no. 3462/19. The scheme will include a variety of uses, including a coffee shop. Once completed, the premises, i.e., the funeral home and cremator, will be occupied by the applicant who is one of Ireland's leading Funeral Directors. The subject application for a cremator has been made with regard to the approved land uses. The Applicant is satisfied that there will be no undue impacts on the coffee shop, a use which shares similarities with the Appellant. The Applicant considers that as there are no adverse impacts to an on-site food/ coffee unit that this demonstrates that there are little or no adverse impacts on the Appellant's lands.
- The Applicant therefore submits to the Board that due regard has been had to existing and approved businesses in the area including the subject site and the further located Appellant's site and is satisfied that the proposal will not result in any undue impact on them.
- **Maintenance and Ongoing Monitoring:**
 - This is also in the interests of the Applicant, i.e., the ongoing maintenance and monitoring of the flue. The Applicant submits that there is no need to amend or reword condition no. 5. The Applicant quotes condition no. 5 as attached to the Local Authority Notification of Decision to Grant permission.

- The Applicant submits that Condition no. 5 is sufficient and includes a number of agreement requirements. As a result, the Applicant submits that there are adequate measures in place to ensure that no negative impacts will occur, and that monitoring will also occur.
- **Compliance with recently adopted Development Plan, 2022 to 2028:**
 - The proposal is still in compliance with the new development plan.
 - Application site is zoned Z10 – Inner Suburban and Inner City Sustainable Mixed Use, the objective is *‘to consolidate and facilitate the development of inner city and inner suburban sites for mixed-use.’*
 - Z10 zoning purpose is to promote mixed use sustainable development/ 15-minute City. Mono uses shall not generally be permitted.
 - The Applicant quotes Permissible Uses and uses which are Open for Consideration on Z10 lands.
 - Application/ appeal site is currently undergoing works approved under planning reg. ref. no. 4194/15 and 3462/19, as extended, which relate to the refurbishment of the structure for mixed use purposes including funeral home, coffee shop, motor sales unit, chapels and florist.
 - The cremator is ancillary to the permitted use and therefore falls within the remit of the approved use. The proposal will comprise of 1 no. cremator fitted within an existing unit.
 - If considered by the Board to be a separate class of land-use, the applicant refers to Section 14.3.1 of the Plan wherein it is stated that *‘there will be a presumption against uses not listed under the permissible or open for consideration categories in zones Z1, Z2, Z6, Z8, Z9, Z11, Z12 and Z15.’*
 - The subject appeal site is zoned Z10. The Applicant considers that therefore the uses which are not listed in the zoning matrix are deemed to be *‘other-uses’* and the development plan states that *‘other uses will be dealt with in accordance with the overall policies and objectives in this plan.’* The Applicant submits that a Cremator to the rear of the funeral

home is compliant with the development plan policies and objectives, and therefore may be approved. The Applicant considers that the Appellants assertion that the development materially contravenes the development plan is outright incorrect.

6.3. **Planning Authority Response**

- None

6.4. **Observations**

- None

6.5. **Further Responses**

- None

7.0 **Assessment**

7.1. **Introduction**

7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and having inspected the site, and having regard to relevant local/ regional/ national policies and guidance, in my opinion, the substantive issues in this appeal are as follows:

- Zoning/ Material Contravention
- Suitability of site to accommodate a Crematorium
- Design and Layout
- Air Quality
- Other issues
 - Appropriate Assessment

7.2. Zoning/ Material Contravention

- 7.2.1. The former Dublin City Council Development Plan, 2016 to 2022, was in force at the time of the Planning Authority's decision issued on 28/11/2022. Under that said Plan the subject site, together with the adjacent lands to the immediate north-west, north and north-east, and lands further to the north, were zoned Z6 Employment/ Enterprise and were ascribed the following zoning objective, i.e., *'to provide for the creation and protection of enterprise and facilitate opportunities for employment creation'*. Under the said former Plan and the associated Z6 zoning of the subject Appeal site, a 'Funeral Home' was a use which was identified as being *'Open for Consideration'*.
- 7.2.2. Under the current Dublin City Development Plan, 2022 to 2028, which came into effect on 14th December 2022, the subject Appeal site and the adjacent land to the immediate north-west, north and north-east have been rezoned *'Z10 Inner Suburban and Inner City Sustainable Mixed Use'*, Zoning Objective *'To consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses.'* A 'Funeral Home' is listed as a use which is *'Open for Consideration'* on Z10 zoned lands. A 'Crematorium'¹ is not a use which is either *'Permitted in Principle'* or *'Open for Consideration'* on Z10 zoned lands.
- 7.2.3. A key consideration is whether the proposed Cremator is ancillary to the permitted use and as a result therefore falls within the remit of the permitted use or whether the proposed Cremator falls within a separate class of land use. In my opinion, the proposed Cremator, by reason of the nature of activities proposed, falls within a separate class of land use, and cannot be considered ancillary to the primary 'Funeral Home'² use. A Funeral Home is a place for preparation and display whereas the activity of Cremation does not fall within the same definition and is a distinct activity in of itself.

¹ Crematorium: A structure housing a furnace for burning human remains to ashes. (Appendix 15: Land-Use Definitions, Dublin City Development Plan, 2022 to 2028)

² Funeral Home: Use of a building, or part thereof, for the laying out of remains, the holding of burial services, and the assembling of funerals. A building, or part thereof, used solely for making funeral arrangements is considered to be an office use. (Appendix 15: Land-Use Definitions, Dublin City Development Plan, 2022 to 2028)

- 7.2.4. It is also noted that there is a clear distinction between a 'Funeral Home' and a 'Crematorium' made in the development plan in terms of permissible/ non permissible land uses. A 'Crematorium' is not identified as a use which is 'Permitted in Principle' on any land use zoning designation anywhere in the City under the current Dublin City Development Plan. A 'Crematorium' is however, identified as being, '*Open for Consideration*', on lands zoned Z6 (Enterprise and Employment), Z7 (Employment (Heavy)), Z9 (Amenity/ Open Space Lands/ Green Network), Z12 (Institutional Land (Further Development Potential)) & Z15 (Community & Social Infrastructure).
- 7.2.5. As the proposed Crematorium is a use which is not considered to be ancillary to the permitted primary Funeral Home use, is a separate and clearly distinguished use in the development plan to that of a Funeral Home, is not a use which is identified as being 'Permitted in Principle' on any land use zoning under the current development plan, and is identified as a use which is solely 'Open for Consideration' on certain separate land use zonings within the plan, and having regard to the urban location and context of the subject site, the proximity to established commercial uses and proximity to existing residential development, it is my view that the proposed 'Crematorium' use on the subject Z10 '*Inner Suburban and Inner City Sustainable Mixed Use*' zoned lands, represents a Material Contravention of the relevant zoning objective which is '*to provide for the creation and protection of enterprise and facilitate opportunities for employment creation*'. It is therefore my opinion that permission should be refused.
- 7.2.6. While it is acknowledged that the Board has the power to Grant permission in the case where a Planning Authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, as set out in Section 37 2) of the Planning and Development Act, 2000 to 2023, and subject to certain criteria, it is my opinion that this Section does not apply in this instance as the Planning Authority has in fact Granted permission, albeit based on the former development plan.
- 7.2.7. Notwithstanding this issue, it is my opinion that the subject proposal does not satisfy the said criteria. The proposed development is not of strategic or national importance, there are no identified conflicting development plan objectives, there is no specific justification for same having regard to the Regional Spatial and Economic

Strategy and there is no apparent justification of same having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

- 7.2.8. I am satisfied that the proposed development materially contravenes the Z10 zoning objective of the lands and that permission should therefore be refused.

7.3. **Suitability of the site to accommodate a Crematorium**

- 7.3.1. The site is in an urban area, is brownfield in nature, comprises of a former factory unit which is being adapted for use as a funeral home, is surrounded by established commercial uses and is proximate to residential properties.

- 7.3.2. Whilst there are no specific national guidelines or development plan guidance regarding the siting and location of crematoria, it is in my view appropriate to make reference to the UK guidance in relation to same. The UK Guidance recommends that a woodland or parkland setting or an area of undulating ground with good natural features/ mature trees as being a suitable location for a crematorium. Sites within Green Belts in close proximity to urban centres may be appropriate locations. A distance of 200 yards from residential properties is referenced. The Guidance suggests that the most convenient sites involve the co-location/ siting of crematoria within or attached to an existing cemetery and sites should generally be of 2 hectares. The subject Appeal site does not meet many of the criteria as set out in the UK Guidelines.

- 7.3.3. In addition, it is considered that the subject site cannot be considered to offer the required solemnity and seclusion for a Crematorium as referenced in the said Guidelines.

- 7.3.4. Having regard to the above and to the specific urban setting of the subject site, I am not satisfied that the subject site is suitable to accommodate a Crematorium/ Cremator.

7.4. **Design and Layout**

- 7.4.1. I would have significant concerns in respect of the design and layout of the proposed crematorium. The crematorium building appears to be commercial/ industrial in character in keeping with the established industrial appearance of the rear of the

overall building. In addition, it is somewhat removed and at a distance from the main building and the associated 2 no. Chapels.

- 7.4.2. Based on the submitted floor plans, it is noted that the layout does not appear to include, for example, a vestry, committal hall/ adjacent coffin storage facilities, viewing room, bearers' room, a Chapel of Rest or a dedicated treatment room for ashes.
- 7.4.3. In addition, I would have concerns that the design and layout of the proposed crematorium does not satisfy many of the recommended design criterion set out in the UK Guidelines. I am satisfied that the design and layout of the crematorium is not in accordance with the proper planning and sustainable development of the area.

7.5. **Air Quality**

- 7.5.1. The Planning Application is accompanied by an Air Quality Screening Assessment Report. The findings of the Assessment conclude that maximum predicted Ground Level Concentrations for Hydrogen Chloride and Mercury are below the 5% threshold for 'significant impact' stated in the 2020 EPA Air Dispersion Guidance Note AG4 for criteria requiring a cumulative assessment.
- 7.5.2. The Appellant refers to having sought expert advice in respect of the submitted Air Modelling Report but has not provided such expert advice as part of the appeal. The Appellant notes that in general the content of the submitted Air Modelling Report is robust. I would agree with the Appellant that the Air Quality Screening Assessment Report is robust.
- 7.5.3. The Report and recommendations of the Local Authority Environmental Health Officer (EHO) (Air Quality Monitoring and Noise Control Section) are noted. In addition, the assessment of the Local Authority Planner in relation to Environmental Health and the associated recommended condition no. 5 are also noted.
- 7.5.4. The Appellant seeks that more robust air quality conditions be applied and refers to condition no's 2 & 3 of a Board decision to Grant permission for a Crematorium in Ballinasloe, County Galway, as appeal ref. no. ABP.37.242683 refers. I have reviewed the said conditions which in my view are detailed and specific to a crematorium. I note that almost identical conditions, (see condition no's 3 & 4), have

been applied in the case of a separate Board decision to Grant permission for a Crematorium in County Louth, as appeal ref. no. ABP-306581-20 refers.

- 7.5.5. In my opinion and where the Board is of a mind to Grant permission, amended, and more robust Air Quality conditions should be applied, such as Conditions 2 & 3 of Appeal Ref. no. ABP.37.242683 and/ or conditions 3 & 4 of Appeal Ref. no. ABP.306581.20.

7.6. **Conclusion of Assessment**

- 7.6.1. Having regard to the above, I am satisfied that the proposed crematorium use on the subject site will result in an adverse impact on amenities of premises in the vicinity, including established residential development and will unduly diminish neighbouring development potential and thus the consolidated and comprehensive development of the area.
- 7.6.2. I am also satisfied that the proposed development Materially Contravenes the Z10 zoning objective of the lands and that permission should therefore be refused.

7.7. Other issues

7.7.1. **Appropriate Assessment**

- 7.7.2. It is noted that the planning application was accompanied by an Appropriate Assessment Screening Report. The content of this Report including the Screening Conclusion presented in Section 7.0 of same is noted.
- 7.7.3. Having regard to the nature and scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

- 8.1. I recommend that the Board refuse planning permission for the proposed development based on the reasons and considerations set out below.

9.0 Reasons and Considerations

1. The proposed development, as presented, would materially contravene the “Z10 Inner Suburban and Inner City Sustainable Mixed Use”, zoning of the site, as set out in the Dublin City Development Plan 2022 - 2028, which seeks ‘to consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses’, as it would serve to adversely affect the amenities of premises in the vicinity, including residential amenity, would unduly diminish neighbouring development potential and thus the consolidated and comprehensive development of the area and would therefore, as a result, prejudice the proper planning and sustainable development of the area.
2. It is considered that the proposed crematorium use is not suited to this urban area and the surrounding land uses are generally unsuitable and unsympathetic for the proposed crematorium use. The proposed development would, therefore, if permitted, 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.

Frank O’Donnell
Planning Inspector

8th January 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-315439-22		
Proposed Development Summary	Alterations to approved Funeral Home permission, reg. 4194/15, to provide a Cremator and Retention of removal of plant room.		
Development Address	Former Tayto Factory, Greencastle Road, Coolock, Dublin 17, D17WF44		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	√	
	No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	√	Not a Class	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No	√		No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	√	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____