



An
Bord
Pleanála

Inspector's Report

ABP-315458-23

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| Development | Construction of a crematorium and associated works. |
| Location | Derrymullen, Allenwood, Naas, Co. Kildare. |
| Planning Authority | Kildare County Council |
| Planning Authority Reg. Ref. | 22/509 |
| Applicant | Wellbrook Funeral Services. |
| Type of Application | Permission. |
| Planning Authority Decision | Grant of Permission |
| Type of Appeal | Third Party v Grant of Permission |
| Appellant(s) | Caroline Talbot. |
| Observer(s) | None. |
| Date of Site Inspection | 24/08/2023 |
| Inspector | Enda Duignan |

1.0 Site Location and Description

- 1.1.** The address of the appeal site is Derrymullen, Allenwood, Naas, Co. Kildare. The site is located to the south-east of the village centre of Allenwood on the southern side of the R403. The majority of the site is located outside of Allenwood's settlement boundary, however, access to the site is provided through the entrance and grounds of an existing funeral home on lands zoned 'Q' (Enterprise and Employment). The appeal site could be described as an uncultivated area of bogland which is enclosed by earthen berms and mature landscaping. In terms of the site's topography, the bogland area is relatively flat but is at a lower level than the existing funeral home and its attendant grounds. The site is bounded by existing drains and there is an existing waterbody which adjoins the site's western boundary. The appeal site has a stated area of 3.3ha.
- 1.2.** In terms of the site surrounds, the lands to the south-west, south and south-east are primarily in agricultural use. There are a number of dwellings to the north and north-west along the southern side of the R403 and the residential development of 'Cushalla' is located to the west of the appeal site.

2.0 Proposed Development

- 2.1.** The proposed development seeks planning consent for the construction of a gas operated crematorium facility to include:
- Crematorium with administration office;
 - Gas storage compound;
 - Wastewater treatment system with raised polishing filter.
- 2.2.** The crematorium has a stated floor area of c. 80sq.m. The larger portion of the building comprises the main crematorium which houses a gas oven. This is connected, by a link corridor to an administration office, 2 no. WCs and a kitchen area. The building has a flat roof form with a contemporary architectural expression and a maximum height of c. 4.8m.
- 2.3.** The crematorium will be accessed via the existing vehicular entrance off the R403 and new internal road lead from the rear boundary of the existing funeral home to the

centre of the site. Comprehensive landscaping is proposed across the appeal site and a forest walkway is provided through pockets of landscaping.

- 2.4.** The proposed development seeks consent to infill a section of the bogland by c. 700mm to provide a platform for the crematorium building, access road and circulation area. The Applicant's covering letter indicates that this is done so that the finished floor level is equal to that of the Wellbrook Embalming unit and chapel of rest, the level of which has been established under the flood risk assessment with planning application Ref. 14/605.
- 2.5.** The proposal was modified at further information stage and the on-site wastewater treatment was omitted from the scheme, whereby it is now proposed to pump wastewater from the site to the existing public sewer.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted planning permission for the proposed development subject to compliance with 19 no. conditions.

Conditions of note are detailed as follows:

Condition No. 2 requires the crematorium to operate in strict accordance with the requirements of the United Kingdom DEFRA Process Guidance Note 5/2 (12) 'Statutory Guidance for Crematoria, 2011'.

Condition No. 3 requires the Applicant to submit a schedule of monitoring of atmospheric pollutants bi-annually during the operational phase of the development.

Condition No. 4 requires the Applicant to submit a noise study and air quality impact assessment, with recommended remediation measures if required, within three months of the development being in full operation.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1. The Kildare County Council Planning Reports form the basis for the decision. The First Planning Report provides a description of the site, it outlines the planning history of the appeal site and provides a summary of applications that were considered relevant to the development proposal (i.e. applications for crematoriums across the country). The report summaries the issues raised in the third-party observation and also set out the policy at local level that is applicable to the development proposal.

3.2.1.2. Within their assessment of the application, the Planning Authority note that as the development is located outside the settlement boundary of Allenwood, the provisions of Table 10.3 of the County Development Plan (2017-203) regarding 'criteria for assessment of one-off enterprises in rural areas' apply to the subject proposal.

3.2.1.3. Given the nature of the development, the Planning Authority had regard to the UK Guidance for crematoria. Noting the separation distances available at the site, the scale of landscaping proposed and the operational nature of the development with no likely plume of smoke or harmful emissions, it was considered that the location was acceptable in principle. However, a further information was issued by the Planning Authority and the Applicant was requested to:

1. Comment on apparent non-compliance with ref.14/605 including matters such as location of buildings, advertisement, car park surface and surface water management.
2. Clarify the proposed operating hours of the crematorium.
3. Provide quantities and the source of fill material required to raise ground levels.
4. Clarify the proposed construction methodology, materials and finishes of the proposed walkways in the new woodland areas.
5. Demonstrate that the selected planting species for the woodland area are appropriate for wet ground conditions.
6. Submit both existing and proposed site section drawings.
7. Submit a revised site layout plan which indicated:
 - a. Sight lines at the vehicular entrance on the R403.
 - b. Vehicular parking for the existing and proposed development.

- c. EV charge points.
 - d. Disabled parking space.
 - e. Bicycle parking for the existing and proposed development.
8. Submit a Lighting Report and Site Lighting Layout Plan.
 9. Submit revised proposals for on-site wastewater treatment as a peat soils are generally unsuitable for disposal of treated wastewater as they provide inadequate percolation and may result in ponding, particularly during the winter. The Applicant could consider pumping to the public foul sewer.
 10. Submit an Air Quality Impact Assessment.
 11. Outline plans with regard to regularising the proposed activity (i.e. incineration of solid or liquid wastes) under the Air Pollution Act, and details of any prior discussions with the EPA, KCC or any other relevant body.
 12. Provide details of the type and volume of any solid waste produced as a result of the cremation process and what special procedures are required to ensure its safe disposal.

3.2.1.4. In response to the request for further information, the Applicant confirmed that the proposed operating hours would be from 9am to 5pm, Monday to Saturday. An alternative proposal was put forward which omitted the requirement for an on-site wastewater treatment system, and it was now proposed to now provide a pumping station to pump wastewater from the crematorium to the existing building and onwards to the existing foul connection. This approach was deemed to be acceptable by the Planning Authority. However, a clarification of further information was sought with respect to the following:

1. The Applicant was requested to amend the Air Quality Assessment to take account of the potential impact of building downwash as per Section 6.3 of the Environmental Protection Agency OEE document titled "Air Dispersion Modelling from Industrial Installations Guidance Note (AG4)".
2. Having regard to Section 6.2 of the Air Quality Assessment and the results of modelled predicted concentrations of relevant pollutants, it was unclear what the source of the Process Contribution (PC) levels for each year was. The Applicant was requested to clarify the source of this information.
3. The Applicant was requested to amend the elevation drawings to show the

stack height as recommended in the Air Quality Assessment.

4. The Applicant's response to Item No. 11 failed to clarify the Applicant's plans for regularising the proposed activity under the Air Pollution Act, nor did it outline details of any engagement the applicant has had thus far with the EPA or Kildare County Council in terms of environmental licensing. The Applicant was requested to review Item No. 11 and submit a more informative response for consideration.
5. It was noted that Applicant's response to Item No. 12 of the FI request gives the impression that there is zero solid waste resulting from the cremation process, and that everything gets turned into ash and gets deposited to the urn. This ignores the metals, implants and the ash generated from the coffin and its lining. The Applicant was requested to provide a more comprehensive response.

Following the submission of a response to the clarification of further information, the Planning Authority was satisfied that the proposed development was in accordance with the policies and objectives of the County Development Plan and permission was granted for the proposed development.

3.2.2. Other Technical Reports

Municipal District Engineer: Report received stating no objection subject to conditions.

Transportation Department: Initial report received recommending further information. Second report on file stating no objection subject to conditions.

Environment Department: Initial report received recommending further information. Second report on file recommending a clarification of further information.

Water Services: Initial report on file requesting the Applicant to submit a Site Specific Flood Risk Assessment. Second report received stating no objection subject to conditions.

Chief Fire Officer: Report received stating no objection subject to obtaining a Fire

Safety Certificate.

Heritage Officer: Report received stating no objection subject to a condition regarding boundary planting species.

3.3. Prescribed Bodies

EHO: Report received stating no objection subject to conditions.

Irish Water: Report received stating no objection subject to conditions.

3.4. Third Party Observations

One third-party observation was received from Caroline Talbot. It is noted that the observer is also the Third Party appellant in this case and the matters raised are broadly similar to those in the grounds of appeal which I will discuss in detail in Section 6.0 of this Report.

4.0 Planning History

4.1. 14/605: Planning permission granted by the Planning Authority for the construction of a Regional School of excellence for the training of hygienists and embalmers catering for the Funeral Directors Association together with staff offices and Chapel of Rest style Funeral parlour for all types of funeral services totalling 220sq.m. including car-parking, landscaping, connection to main foul sewer, and new site access as permitted under light industrial PI. Ref. no. 10/643 and all associated site development works.

4.2. 14/125: Planning permission refused by the Planning Authority for the erection of a Regional School of Excellence for the training of hygienists and embalmers catering for the Funeral Directors Association together with staff offices and chapel of rest style funeral parlour for all types of funeral services totalling 220.0sqm including car parking, landscaping, connection to main foul sewer, and new site access as permitted under light industrial PI. ref. No. 10/643 and all associated site development works. The application was refused for the following 1 no. reason:

- The application site is in an area zoned 'Q: Enterprise and Employment' under Variation No. 1 of the Kildare County Development Plan 2011-2017. The zoning objective is "to promote the development of employment generating uses".

'Funeral homes' and schools are identified as 'N' - Not Permitted, under the Zoning Matrix Table in the plan. Therefore, the development would contravene materially a development objective indicated in the development plan for the zoning of land for the use solely or primarily of particular areas for particular purposes (whether residential, commercial, industrial, agricultural, recreational, as open space or otherwise or a mixture of such uses) and would be contrary to the proper planning and sustainable development of the area.

4.3. 13/867: Planning permission refused by the Planning Authority to erect a chapel of rest style funeral home catering for all types of funeral services totalling 120sq.m. with embalming treatment room together with internal hearse garage, car parking, landscaping, connection to main foul sewer, new site access as permitted under light industrial pl. ref. No. 10/643 and all associated site development works. The application was refused for the following 2 no. reasons:

- The site subject to the application is in an area zoned 'Q: Enterprise and Employment' under the Kildare County Development Plan 2011-2017. The zoning objective is "to promote the development of employment generating uses". 'Funeral homes' are identified as 'N' - Not Permitted, under the Zoning Matrix Table in the plan. Therefore, the development would contravene materially a development objective indicated in the development plan for the zoning of land for the use solely or primarily of particular areas for particular purposes (whether residential, commercial, industrial, agricultural, recreational, as open space or otherwise or a mixture of such uses) and would be contrary to the sustainable development of the area.
- The site subject to the application is in an area outlined under Map Ref. 17.2 (Allenwood Village Plan) of the Kildare County Development Plan 2011-2017 as requiring the submission of a site-specific Flood Risk Assessment appropriate to the type and scale of the development being proposed. Objectives FL 1 and FL 2 of Section 17.5.1.11 of the plan states that it is an objective of the Council that such an assessment is carried out for developments such as that proposed. In the absence of the submission of such a Flood Risk Assessment it is considered that the development would be contrary to the 'Planning System and Flood Risk Management Guidelines for

Planning Authorities 2009', would be contrary to the objectives of the planning authority as outlined in the Kildare County Development Plan 2011-2017, is in an area which is at risk of flooding, would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

- 4.4. 10/643:** Planning permission granted by the Planning Authority for (a) Employment Park, consisting of 16 no. incubator units as follows, 2 no. Building Type A, - Single storey, portal framed, traditional designed buildings, consisting of 5 no. incubator units. (10 units in total) 1 no. Building Type B, - Single storey, portal framed, traditional designed building, consisting of 6 no. incubator units. (b) New Site access (as permitted under Pl. Ref. No. 06/609), connection to mains sewer, landscaping, boundary treatments, parking and all associated site development works.

5.0 Policy Context

5.1. Kildare County Development Plan, 2023-2029

- 5.1.1. The Kildare County Development Plan, 2023-2029 (CDP) came into effect on 28th January 2023, and after the decision of the Planning Authority to grant planning permission. The appeal site is partially located within the village settlement boundary of Allenwood and the northern portion of the site is zoned 'Q' (Enterprise and Employment', the objective of which seeks 'To promote the development of employment generating uses'. The purpose of this zoning is to promote the development of local employment. Permissible uses may include enterprise and incubator units, small scale industry and workshops. Uses will be considered on the merits of each planning application. Any proposal within this zone should have regard to the character of the village and of neighbouring uses.
- 5.1.2. The remainder of the site is located in a rural area and is therefore not governed by any land use zoning provision. Objective RD O1 is therefore relevant to the consideration of this appeal which seeks to 'Encourage the development of appropriately scaled alternative rural based small-scale enterprises that are appropriate in rural areas. All planning applications for one off enterprises in rural areas shall have regard to the criteria listed in Table 9.1 of the Plan.

- 5.1.3. Other policies and objectives that are relevant to the subject proposal include:
- **SC P16:** Support and facilitate the development of places of worship, multi-faith facilities, burial grounds, columbarium walls, and crematoria to cater for the needs of the county.
 - **SC O99:** Zone lands for the accommodation of burial facilities adjoining existing facilities at suitable locations, where such lands are located within or adjacent to existing towns, villages and rural settlements, subject to AA screening and where applicable, Stage 2 AA.
 - **SC O100:** Facilitate the development of new or extended burial grounds, including green cemeteries, eco-burial grounds, and crematoria having consideration for the burial preferences of multi-faith and non-religious communities by reservation of land at suitable locations and provision of local authority burial grounds subject to appropriate safeguards having regard to environmental, noise, and traffic impacts.
 - **SC O103:** Encourage and facilitate the development of places of worship in appropriate locations in urban centres and proximate to residential communities, public transport links and walking/cycling infrastructure.
 - **SC O105:** Facilitate the extension of existing burial grounds on unzoned lands at suitable locations.
- 5.1.4. It is also noteworthy that an action of the Council is to (SC A21) ‘Explore the feasibility of the provision of a district-type burial ground, including crematoria (subject to a site-specific feasibility study), in the:
- i. North-east of the county and
 - ii. Centre of the county.
- 5.1.5. Chapter 14 of the current CDP sets out policy with respect to Urban Design, Placemaking and Regeneration.
- 5.1.6. Chapter 15 of the current CDP sets out Development Management Standards.
- 5.1.7. Volume 2 of the current Plan sets out the policies and objectives that are specific to the various settlements across the County. I note that the appeal site is partially

located within Flood Zone A and B. Objective V AL19 (Allenwood) is therefore relevant to the subject proposal and seeks to 'Ensure that development proposals for lands identified by the dashed pink line on Map V2 - 3.1 shall be subject to a site specific flood risk assessment appropriate to the type and scale of development being proposed.'

5.2. Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009.

5.3. UK Guidance Policy

- 5.3.1. There are no specific guidelines in Ireland in respect of the planning and development of crematoriums. There are however two UK guidance documents both of which have been referenced by the Planning Authority, Applicant and the Third Party appellant. The relevant sections of the guidelines are set out below.

Federation of Burial and Cremation Authorities (FBCA) document "Recommendations on the Establishment of Crematoria" (2019)

- 5.3.2. It states that local authorities with populations of approximately 120,000 or more would be in a position to provide and manage a crematorium with a reasonable expectation of operating on a sound financial basis after the initial years of capital repayment and associated loan charges. In terms of the siting of crematorium, it is stated that 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. Previous developed land can often prove unsuitable due to land contamination which is unacceptable for the internment of ashes or due to the presence of residential property within 200 yards.
- 5.3.3. There is a growing recognition that new crematoria will be built in a countryside location close to the urban fringe. Ideal sites are rarely to be located in urban areas and it is emphasised that the suitability of the setting is of greater importance than the location in close proximity to population centres. The site should be reasonably

accessible by public transport and should have adequate water, electricity and drainage services.

- 5.3.4. The policy notes that experience has shown that some crematoria have been sited very satisfactorily in conjunction with cemeteries. A minimum of 2 hectares per estimated 1,000 cremations per annum per annum is recommended to provide sufficient space for crematoria, gardens, remembrance, traffic circulation, parking and a modest amount of space around the building. It notes that one of the most intrusive elements of any new crematorium is the chimney stack which must be designed to comply with guidance. The guidelines also provide detailed requirements in relation to site access and building layout and design.

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

- 5.3.5. These guidelines set out more technical and prescriptive requirements in respect of the activities involved in the cremation, the abatement plant required to reduce air pollutions, the emission limits and monitoring and the various control techniques in reducing emissions.

5.4. Natural Heritage Designations

- 5.4.1. The site is not located within or contiguous to a Natura 2000 site. The nearest designated site is the Ballynafagh Lake Special Area of Conservation (SAC) (Site Code: 001387) c. 3km to the east of the site.

5.5. EIA Screening

- 5.5.1. My assessment is that the form of development proposed, and which is the subject of this application, is such that it would not be of a class for the purposes of EIA as per the classes of development set out in the Fifth Schedule of the Planning and Development Regulations, 2001 (as amended). No mandatory requirement for EIA therefore arises and there is also no requirement for a sub threshold assessment.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A Third Party appeal has been submitted by Caroline Talbot with an address at Derrymullen, Allenwood, Naas, Co. Kildare. The grounds of appeal can be summarised as follows:
- 6.1.2. In terms of 'Siting & Location', the appellant notes that there are no national planning guidelines on the location of crematoria and no specific regulations pertaining to their operation. The Federation of Burial and Cremation Authorities (FBCA) document entitled "Recommendations on the Establishment of Crematoria" published in January 2019 and the PGN2 5/2 (04), entitled "Statutory Guidance for Crematoria" advise on the location of crematoriums should therefore be taken into consideration. An initial requirement of this document (Section 5 of the Cremation Act 1902' states that: "No crematorium shall be constructed nearer to any dwelling house than two hundred yards, except with the consent, in writing, of the owner, lessee, and occupier of such house, nor within fifty yards of any public highway, nor in the consecrated part of the burial ground of any burial authority." The appeal submission notes that permissions granted for crematoria since 1999 all have a minimum distance of at least 220m in urban areas and 300m+ in rural areas, well in excess of the required minimums per the UK standards. With this development, over 10 residential properties are located within the 200 yard/c183m minimum requirement as per the map included within Appendix 1 of the appeal submission.
- 6.1.3. In terms of the site's planning history, the appeal submission notes that access to the proposed development will be through an existing funeral home entrance on lands zoned 'Q'. Therefore, the previously permitted development (Ref. 14/605) must be viewed in conjunction with the current application. Following 2 no. failed applications, a third application (Ref. 14/605) (which included a Material Contravention of the County Development Pla) was then granted on the basis that the application would give rise to employment and educational uses within the zoned area of Allenwood. It is stated that to date, there have been no significant employment opportunities created by the funeral home, nor has the development operated as a Regional School of Excellence for training hygienists or embalmers. The reasons for the material contravention in the first instance have not been met nor does this application justify any further intensification of use of the landholding. The appellant also refers to the

Applicant's documented history of non-compliance with the conditions of the permissions and it is therefore considered that a grant of permission is premature pending compliance with the existing development.

6.1.4. Notwithstanding the commentary within the Planner's report where they state that proposed development would not be visible from the towpath at the Grand Canal, it is stated that the site is located in high amenity scenic area which is used by many people on a daily basis and forms part of the Grand Canal Greenway. Photographs are included within Appendix 1 of their submission which show the visibility of the site from the towpath.

6.1.5. In terms of compliance with the criteria for developments in rural areas, it is stated the proposal is not a standalone enterprise, and therefore, does not meet the criteria when added to the existing funeral home business as:

- The floor area of the crematorium and existing funeral home are in excess of 200sqm.
- It will not enhance the local rural economy.
- The proposed development is not located on the site of a redundant farm building or yard.
- There is no economic benefit to its location in the area.
- The proposed development would be visible from the Grand Canal Greenway, adversely affecting the landscape from a high amenity scenic route.
- The potential of gas, odour emissions and noise from the proposed development will affect nearby residences, including the use of their private spaces.
- While no additional signage is proposed, the existing signage on the landholding is not in compliance with the conditions of permission granted.

6.1.6. It is stated that the development does not come within the scope for which the original material contravention of the land zoning was sought for and granted. The granting of this permission would result in a further intensification of a material contravention of use of the overall landholding.

6.2. Planning Authority Response

- 6.2.1. Response received from Planning Authority which requests the Board to uphold the decision to grant planning permission.

6.3. Observations

None

6.4. First Party Response

- 6.4.1. A response to the Third Party appeal has been prepared on behalf of the Applicant. The following is noted within their response:

- In terms of the separation distance to the appellant's property, it is stated that there is scope to move the building further south achieving a 200m separation distance between her property and the proposed crematorium. The location of the crematorium was never an issue with the Local Authority, and the Applicant would have been in a position to facilitate any changes if requested.
- The Applicant's response notes that they commenced the business in 2020 and at this time Covid hit and they were dictated by HSE rules not to open a school of any order or size. It is noted that they are fully paid-up members of Irish Funeral Directors Association (IFDA). Currently, the IFDA are not supporting them as they have distanced themselves from our embalming facility as their membership would be forced to upgrade/ use the Applicant's facility only.
- It is stated that the appellant's reference to non-compliance with previous permissions relates to development contributions. It is stated that there was over 50k in contributions which the Applicant is actively engaging with the Local Authority, whereby payments are made on a monthly basis.
- It is stated that the proposed development would not be visible from the towpath on the grand canal.
- It is considered that the proposed development is a stand-alone enterprise and therefore the appellant's comments regarding floor area, redundant farm buildings etc. is not applicable.

6.5. Further Information Request

- 6.5.1. Under the Zoning Map for Allenwood Village (Volume 2 of the current CDP), it was

evident that the appeal site is now located on lands which are partially located within a 'Flood Risk Area'. As per V2 3.7 (Allenwood) of the CDP, it is an objective (V AL19) of the Council to seek to 'Ensure that development proposals for lands identified by the dashed pink line on Map V2 - 3.1 shall be subject to a site specific flood risk assessment appropriate to the type and scale of development being proposed.' In this regard, the Applicant was requested by the Board to submit a site specific flood risk assessment (SSFRA) for the proposed development.

6.6. First Party Response

- 6.6.1. In response to the request for further information, the Applicant submitted a SSFRA for the proposed development which was prepared by North West Environmental. The detail of which is discussed in the assessment of the appeal.

6.7. Planning Authority Response

None.

6.8. Third Party Appellant Response

- 6.8.1. A response has been received from the Third Party appellant which notes that it is not possible to make any comment due to the poor quality of the report (SSFRA) and the associated maps/figures.

7.0 Assessment

The main issues to be considered are those raised in the Third Party's grounds of appeal and the detail contained within the Applicant's SSFRA, I am satisfied that no other substantive issues arise. It is noted that the issue of appropriate assessment also needs to be addressed. The various issues can be dealt with under the following headings:

- Principle of Development & Site Suitability.
- Residential Amenity.
- Design & Visual Impact.
- Flooding.
- Appropriate Assessment.

7.1. Principle of Development & Site Suitability

- 7.1.1. The proposed development seeks planning consent for the construction of a gas operated crematorium facility. The facility includes a crematorium with an associated administration office and a gas storage compound. The site will be accessed from the vehicular entrance serving the existing funeral home and a new internal road will lead from the rear boundary of the funeral home site to the proposed crematorium located further to the south-east. The proposal also includes comprehensive landscaping across the site and the provision of forest walkway throughout the site.
- 7.1.2. In terms of the nature of the proposed development, Section 10.16 (Places of Worship/Burial Grounds) of the Plan acknowledges that there is no crematorium in Kildare at present with facilities in Dublin serving the county's need. The policy notes that whilst crematorium facilities are better served on a regional basis, it is likely given the population growth, lack of burial ground space and the burial preferences of people in Kildare, that a demand may arise in the future. It is policy of the current Plan (SC P16) to 'Support and facilitate the development of places of worship, multi-faith facilities, burial grounds, columbarium walls, and crematoria to cater for the needs of the county.' In addition, Objective SC O100 also seeks to facilitate the development of new or extended burial grounds, including green cemeteries, eco-burial grounds, and crematoria having consideration for the burial preferences of multi-faith and non-religious communities by reservation of land at suitable locations and provision of local authority burial grounds subject to appropriate safeguards having regard to environmental, noise, and traffic impacts. Having regard to the foregoing, it is evident that there is high level policy support in the current Plan for a development of this nature.
- 7.1.3. While there are no specific guidelines either nationally or in the current Plan with regard to the siting and the location of crematoriums, it is relevant in my view to have regard to the UK guidance on the matter. The UK guidance recommends a woodland or parkland setting with mature trees to enable the establishment of a good natural setting. In addition, the guidance suggests that sites within greenbelts in close proximity to population centres may be appropriate locations. The guidance notes that the most convenient site for a crematorium would be within or attached to an existing

cemetery and sites should generally be a minimum of 2ha. The minimum area as recommended in the UK Guidance is based on an estimated 1,000 cremations per annum so as to provide sufficient space for the crematorium, garden of remembrance, traffic circulation, parking and a modest amount of space around the building.

7.1.4. I note that the majority of the appeal site is located on the edge of the Allenwood settlement boundary, and the subject proposal will represent an extension and diversification of an existing business (i.e. funeral services). The Applicant indicates that the facility will cater to c. 1,500 cremations per annum. The portion of the site within which the crematorium would be located has an area of c. 3ha and the proposed development would therefore comply with the relevant guidance in this regard. There are a number of mature trees across the site and around its perimeter and the proposal includes comprehensive landscaping proposals. The UK Guidance emphasises the need for seclusion which is conducive to a place of solitude, retreat and privacy. In my view, the natural setting of the site and its setback from any public roads would offer the solemnity and appropriate decorum which should be afforded to patrons and visitors to the facility. The UK Guidance also provides recommendations with respect to appropriate separation distances from existing residential properties. I will discuss this matter in further detail in Section 7.2 of this report. Overall, I am satisfied that Applicant's proposals to provide a crematorium is in accordance with the policy provisions of the current Plan and I would agree with the Planning Authority's view that the principle of development is acceptable at this particular location.

7.1.5. Although the existing funeral home is located on lands zoned 'Q', the proposed development is located outside the Allenwood settlement boundary and is therefore located within a rural area of the county. In this regard, the Planning Authority in their assessment have had regard to the relevant policy provisions for small scale enterprises in rural areas. Under the current Plan, Objective RD 01 seeks to 'Encourage the development of appropriately scaled alternative rural based small-scale enterprises that are appropriate in rural areas'. The objective goes on to note that all planning applications for one off enterprises in rural areas shall have regard to the criteria listed in Table 9.1 of the Plan and an assessment against the relevant criteria is included below.

7.1.6. Assessment against Criteria listed under Table 9.1 of the Plan.

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| <p>Development proposals shall be limited to small-scale rural based business development with a floor area at circa 200 square meters and shall be appropriate in scale to its location.</p> | <p>The proposed crematorium has a stated floor area of c. 80sq.m. and is therefore considered to be appropriate in scale to its location.</p> |
| <p>The development will enhance the strength of the local rural economy.</p> | <p>The proposal is located adjacent to the Allenwood settlement boundary and is unlikely to have an impact on the strength of the local economy given it comprises an extension/diversification of an established business.</p> |
| <p>The proposed development will normally be located on the site of a redundant farm building / yard or similar agricultural brownfield site.</p> | <p>Not applicable in the case of the subject proposal. However, the site forms an extension of any existing funeral home and associated services and the natural characteristics of the site lends itself to a development of this nature.</p> |
| <p>There is a demonstrable social and economic benefit to being located in a rural area.</p> | <p>Whilst the proposal is a commercial operation, a social benefit is provided to bereaved families who will be able to avail of the services within their own county. The need for a development of this nature has been identified in the policy provisions of the current Plan.</p> |
| <p>The proposal shall include a comprehensive planting plan of native species to screen the development.</p> | <p>Yes, the proposal is accompanied by comprehensive landscaping proposals, and it is recommended that suitable condition be attached to a grant of permission. See Section 7.3 of this report for further detail.</p> |
| <p>The proposal will not adversely affect the character and appearance of the landscape.</p> | <p>The proposal is considered to be acceptable having regard to the visual amenities of the surrounding area. See Section 7.3 of this report for further detail.</p> |
| <p>The proposal will not be detrimental to the amenity of nearby properties, and in</p> | <p>The proposed development is considered to be acceptable having regard to the</p> |

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| particular the amenities of nearby residents. | residential amenity of properties within the vicinity of the site. See Section 7.2 of this report for further detail. |
| The existing or planned local road network and other essential infrastructure can accommodate extra demand generated by the proposal. | Yes. The proposal seeks to utilise the vehicular entrance serving the existing funeral home. |
| The proposal shall be accompanied by a mobility plan catering for employees' home to work transportation. | Not applicable in this instance as it is not proposed to increase the number of employees. The proposed development represents an extension/diversification of an existing business. |
| Adequate proposals to cater for any waste arising at the facility. | Following amendment at further information stage, the proposed development now proposes to connect to the existing foul water sewer. This was deemed to be acceptable by the Planning Authority. |
| All advertising should be kept to a minimum and be suitable in design and scale to serve the business. | No additional advertising forms part of the development proposal. |
| Proper planning and sustainable development. | There is policy support for a use of this nature and the proposed development is generally in compliance with the relevant policy provisions of the County Development Plan. The proposals are therefore considered to be in accordance with the proper planning and sustainable development of the area. |
| The proposals should conform to all other objectives of the County Development Plan. | Yes, as above. |

7.1.7. In terms of allegations by the Third Party Appellant of current non-compliance with the Planning Authority's conditions of a previous permission, I note that Planning Enforcement is the role of the respective Planning Authority, and An Bord Pleanála has no role in this matter.

7.2. Residential Amenity

7.2.1. The Third Party Appellant has highlighted concerns with respect to the proximity of the proposed development to their residence and other properties within the vicinity of the appeal site, noting the recommended minimum separation distances prescribed in the relevant UK Guidance documents. In this regard, the UK Guidance refers to Section 5 of the Cremation Act 1902, which states that 'No crematorium shall be constructed nearer to any dwelling house than two hundred yards, except with the consent, in writing, of the owner, lessee, and occupier of such house...'. However, the guidance goes on to note that in the case of crematoria established in Greater London subject to London County Council (General Powers) Act 1935 Section 64, and 1971 Section 7, the 200 yards limit from any dwelling house is reduced to 100 yards. Therefore, it is reasonable to conclude that reduced separation distances are deemed to be acceptable in more urban areas.

7.2.2. In terms of the site surrounds, the dwellings to the west of the site are located within lands zoned 'B' (Existing/Infill Residential). Lands to the south of these dwellings and to the west of the appeal site are zoned 'F' (Open Space and Amenity). There are also number of properties (including the dwelling of the Third Party Appellant) to the north of the site on lands zoned 'Q' (Enterprise and Employment) and on lands outside the Allenwood settlement boundary. Within their assessment of the application, the Planning Authority noted that there are 7 no. dwellings situated within 183m (200 yard equivalent) of the proposed crematorium. It was also noted that separation distances in excess of 100m were provided from any areas of open space associated with these dwellings. Having regard to the separation distance available at the site, the scale of landscaping proposed and the operational nature of the development with no likely plume of smoke or harmful emissions, the Planning Authority formed the view the location of the development was generally considered to be acceptable. The proposed structure will have a maximum height of c. 4.8m (max. stack height of c. 6.3m) and

given the separation distances to properties within the surrounds, I am satisfied that the proposal will not unduly compromise the residential amenity of properties within the vicinity of the site by reasons of overlooking, overshadowing, loss of daylight/sunlight or by being visually overbearing. However, the key considerations in this instance relate to air quality, odour or noise impacts associated with the operation of the proposed development. These issues therefore require further consideration given the nature of the proposed development.

7.2.3. It is recommended within UK Guidance that crematoriums operate free from any visible smoke plume or odour. Manufacturer's specification originally received with the application claim to meet those requirements and as part of the further information response, the Applicant submitted an Air Quality Impact Assessment prepared by Mabbett & Associated Ltd. The assessment notes that the facility will be open Monday to Saturday, and it is anticipated that the crematorium will undertake an average of four to five services per day, and possibly one or two on Saturday. An overview of the 'Representative spec cremation system' is enclosed with the application and it is confirmed that Matthews Environmental Solutions Limited have been appointed by the Applicant to provide an abated human cremation system at the site. The various plant associated with the crematorium will comprise of:

- One wide body single end cremator chamber serviced by an integrated heat recovery exchanger,
- A dedicated mercury abatement system,
- An air blast cooler unit, and,
- Associated items such as the ash processer and the chimney liner.

7.2.4. A detailed (modelled) air quality assessment was undertaken with regards to emissions from the proposed cremator oven. The emissions from the cremator oven were modelled using a new generation Gaussian plume air dispersion model. The model considered key pollutants from the stack to evaluate likely impacts on sensitive human health receptors in the vicinity of the site. A screening assessment of the impact on local ecological sites was also undertaken (i.e. Ballynafagh Lake SCA, Ballynafagh Bog SAC and Mouds Bog SAC). A model was prepared which included nearby sensitive properties such as dwellings and places of work and which also

considered cumulative impacts. The model identified that all emissions will be less than 50% of the threshold value and in the majority of case will represent c 1 - 2% of the threshold value for receptors across all timeframes (annual, daily, 8-hour and 1-hour mean values). The assessment concludes that the results and impacts at sensitive receptors were quantified and compared with the air quality standards and significance criteria and at locations of human exposure, all process contributions (PCs) were sufficiently low that the impact could be considered insignificant. Similarly, at ecological sites, the impacts due to emissions were found to be 'not significant'. Following the response to the Clarification of Further Information request with respect to technical matters within the air quality assessment, the Planning Authority's Environment Department was satisfied that the proposed development was acceptable subject to compliance with appropriate conditions.

7.2.5. The Environmental Protection Agency (EPA) Odour Impact Assessment Guidance (AG5) outlines that odour sensing olfactory cells are linked to areas of the brain that control emotions and memory processes. Offensive odours can therefore have impacts on the health and well-being of humans, especially if one is subjected to the odour for extended periods of time. At sufficiently high concentrations odorous compounds may have a direct effect on human health. Also, an individual's health may suffer indirectly due to stress associated with odour impact. Due to the high temperatures associated with the process, cremations typically do not emit any odours that are objectionable and I note that the UK Guidance notes that 'odour is prevented by good combustion'. Odour related impacts associated with the operation of the proposed development were screened out within the Air Quality Impact Assessment as a high combustion methodology is proposed. Notwithstanding this, the Planning Authority have recommended a condition requiring the crematorium to operate in strict accordance with the relevant UK Guidance documents. In addition, the Applicant is required to carry out a detailed Noise Study and Air Quality Impact Assessment, with recommended remediation measures if required, within 3 no. months of the development being fully operational and at any other time as may be specified by the Planning Authority. Given the nature of the proposed development and the inclusion of the conditions as recommended by the Planning Authority, I am satisfied that the residential amenity of residents within the vicinity of the site will be preserved.

7.2.6. Although the Applicant confirms that the proposed cremator unit will be enclosed and fitted with noise abatement features, the application does not provide details with respect to the predicted noise levels that are generated by the proposed cremator and the associated plant. Notwithstanding this, I note the separation distances from existing residences, and I have had regard to the various conditions as recommended by the Planning Authority which will both restrict noise levels at noise sensitive locations during the construction and operational phase of the proposed development and which shall require the Applicant to carry out a Noise Study within three months of the crematorium being fully operational. Subject to compliance with these conditions, I am satisfied that the proposed development is acceptable from a residential amenity perspective.

7.3. Design & Visual Impact

7.3.1. As noted, the proposed crematorium will have a contemporary architectural expression with a height of c. 4.8m. The chimney stack serving the cremator unit will then project by c. 1.5m above the roof to a maximum height of 6.3m. I note that the stainless steel stack is modestly sized with a diameter of c. 300mm. The appeal site is proposed to be comprehensively landscaped and a forestry walkway is proposed throughout the site. As part of the development, it is proposed to raise the ground levels by c. 700mm over an area of c. 255sq.m. to facilitate access to the site and to ensure adequate freeboard in the event of flooding. The Applicant confirms that c. 1,140m³ of fill material is required to raise the ground levels and the material will be sourced locally. I note that existing and proposed site levels are illustrated in the site sections which were submitted as part of the Applicant's response to the request for further information.

7.3.2. Concerns have been raised by the Third Party appellant with respect to the potential visual impact of the development when viewed from the site surrounds. The appellant notes that the site is located in high amenity scenic area which is used by many people on a daily basis and forms part of the Grand Canal Greenway. I note that the zoning map for Allenwood includes a Protected View (GC 36) from the existing bridge which crosses the Grand Canal, c. 300m to the south-west of the proposed crematorium. As per Section 13.5 (Scenic Routes and Protected Views) of the current Plan, the Council

recognises the need to protect the character of the county by protecting views and scenic routes. However, it is acknowledged that in certain circumstances, some development may be necessary. In this regard, appropriate location, siting and design criteria should strictly apply. Whilst the crematorium may be partially visible from this particular vantage point, I am satisfied that the overall scale, height and form of the proposed structure is generally in keeping with the established character of the site and surrounds. I note that the existing vegetation will screen the development from the towpath along the Grand Canal. Irrespective of this however, it is my view that the proposed development will not detract from the scenic quality of the area and I am satisfied therefore that the proposed development is acceptable having regard to the visual amenities of the area. The site is also substantially set back from the R403 to the north and is largely obscured by houses and existing vegetation. The Planning Authority have recommended a condition with respect to landscaping which I consider to be appropriate in this instance.

7.4. Flooding

- 7.4.1. The Zoning Map for Allenwood Village (Volume 2 of the current CDP) identifies the appeal site as being partially located within a 'Flood Risk Area'. As per V2 3.7 (Allenwood) of the CDP, it is an objective (V AL19) of the Council to seek to 'Ensure that development proposals for lands identified by the dashed pink line on Map V2 - 3.1 shall be subject to a site specific flood risk assessment appropriate to the type and scale of development being proposed.' In this regard, the Applicant was requested to submit a site specific flood risk assessment for the proposed development. On the 29th September 2023, the Applicant submitted a Site Specific Flood Risk Assessment (SSFRA) to the Board for the proposed development. I acknowledge that the appellant has indicated in their response the SSFRA that it was not possible to make any comment due to the poor quality of the report and associated maps/figures.
- 7.4.2. Section 3 of the SSFRA notes that the western boundary of the site is marked by the Cushahulla River (also referred to as the Coolearagh River), which flows towards the south-south east until it reaches the Slate River c. 900m downstream. It is stated that this river usually carry water all year around, with the exception of the driest summer periods. The river bed is about 2.5-3m lower than its banks. The other boundaries of

the site are marked by two ditches densely overgrown with vegetation, approximately 1m lower than their banks. The proposed development entails the construction of a crematorium and associated car park, but also the landscaping of the current site with the plantation of numerous trees and creation of a network of forest walks. Given the nature of the development, the SSFRA indicates that the development would fall within the "Less vulnerable development" category, under the subcategory of "Buildings used for non-residential institutions".

7.4.3. In terms of fluvial flooding, the SSFRA notes that the area around and within Allenwood was designated as an Area for further Assessment (AFA), being a location prone to flooding and where the risks associated with flooding are considered to be potentially significant. Flooding was attributed to "the Coolearagh River, out of bank flooding occurs due to insufficient channel capacity inundating the floodplain". It was stated that detailed hydraulic modelling was undertaken in the OPW publications for both Mid-Range and High-End Future Climate Change scenarios, in both cases determining the number of properties likely to be impacted and the adaptability of different potential viable measures. Given the very low number of properties considered potentially at risk and the restricted potential financial damage deriving from such flooding event, it was considered that Allenwood was at low risk during a 1% AEP fluvial event, and consequently the existing maintenance regime should continue in order to preserve the current Standard of Protection, with no need for flood relief works.

7.4.4. For coastal flooding, the general Allenwood AFA is located c. 50km from the closest sea coast, and the site lowest elevation is 77.30mOD. Hence, the risk of flooding from the sea has been considered non-existent. In the case of groundwater flooding, the SSFRA notes that the site is underlain by the limestone of the Allenwood Formation, which is classified by the Geological Survey of Ireland (GSI) as an "Aquifer of Local Importance, karstified (Lk)". The karstification aspect of this bedrock formation is derived from observation in other localities and often from examination of borehole cores and logs. No karst features are mapped by the GSI in the area, with the closest, Clonbulloge Spring, being located ca. 15Km to the south west, in a different rock formation. The SSFRA notes that the risk of groundwater flooding in this area is

considered negligible.

- 7.4.5. In terms of pluvial flooding, the SSFRA has indicated that proposed development entails the construction of a crematorium and associated buildings, for a total of 700sq.m. to be covered by hard surfaces, which constitutes c. 2% of the area of the site under assessment. It is stated that the proposed development is designed to cater for the 1 in 100 year plus 20% for climate change, with a storm water collection system fitted with a no-return valve at the last manhole, restriction of peak runoff rate and reduction of runoff leaving the site and concrete permeable paving blocks for the parking area, in accordance with the guidelines of "Greater Dublin Strategic Drainage Study". It is therefore concluded that the risk of pluvial flooding is considered low due to the proposed measures. I note that the SSFRA has also taken climate change into consideration.
- 7.4.6. It is noted within the SSFRA that when examining the River Flood Extent map produced by the OPW, the Cushahulla River (aka the Coolearagh River) overflows its banks near the north-western corner of the site which is likely due to the insufficient capacity of existing culverts downstream (as also stated in the studies compiled under CFRAM). Flood waters then enter the ditch marking the northern border of the site, which in turn backs up for its all length carrying water to the ditch along the eastern border. Flood waters appear to create a relatively large pond in the western end of the site and also, at a much lower scale, along the northern ditch. The area most affected would be the western part of the site which is to be utilised for tree planting and a forest walk. The SSFRA notes that the area where it is proposed to build the Crematorium and its associated buildings is not affected by flooding (i.e. Flood Zone C), even in its most severe scenario.
- 7.4.7. As the proposed Crematorium is to be located within Flood Zone C, the SSFRA notes that no flood water displacement will be caused by this element of the proposed development. However, the proposal also includes the construction of an unpaved gravel access road which utilises a permeable finish. Although it is considered that the construction of the gravel driveway would not cause the displacement of flooding waters, this assumption is based on the road being built at the current ground level.

As detailed earlier in this report, the submitted site sections illustrate that the levels are proposed to be moderately increased to facilitate access to the site. Notwithstanding this, I am satisfied that this matter could be addressed by way of condition so to ensure that any ground levels within Flood Zone A or B remain unaltered.

7.4.8. The Finished Floor Level for the proposed crematorium is of 78.975mOD, providing a freeboard of 700mm. I note that this freeboard is in excess of the requirement included in the "Greater Dublin Strategic Drainage Study" (i.e. 500mm higher than the predicted elevations for the 1% AEP). As a result, flood waters in the case of such an event (1% AEP) would not have an impact on the crematorium or the associated office. The SSFRA acknowledges that there is the possibility that flood water could affect the proposed entrance to the site, with depths which may make it difficult and possibly unsafe to drive through. However, it is confirmed within the SSFRA that the Applicant shall suspend activities at the crematorium on such occasions. This approach is reasonable in my view for a commercial operation of this nature.

7.4.9. In terms of a justification test, it is reiterated in the SSFRA that the proposed development is considered to be classified as a "Less Vulnerable Development" (Buildings used for non-residential institutions). Given the location of the proposed crematorium within Flood Zone C, it was considered that a justification test was not deemed to be required. I am satisfied that this approach is acceptable. Having regard to the nature of the proposed development (i.e. being a less vulnerable form of development) and the information contained within the Applicant's SSFRA, including the location of the proposed crematorium, the associated office, car parking and circulation space within Flood Zone C, and subject to compliance with appropriate conditions, I am satisfied that proposed development is acceptable from a flood risk management perspective and is in accordance with the policy provisions of the County Development Plan and the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices) (2009). The proposed development is therefore considered to be in accordance with the proper planning and sustainable development of the area.

7.5. Appropriate Assessment

- 7.5.1. The site is not located within or contiguous to a Natura 2000 site. The nearest designated site is the Ballynafagh Lake Special Area of Conservation (SAC) (Site Code: 001387) c. 3km to the east of the site. Other European sites within the wider vicinity of the appeal site include:
- Ballynafagh Bog SAC (000391), c. 4.3km to the east of the site,
 - Mouds Bog SAC (002331), c. 6.5km to the south of the site, and,
 - Pollardstown Fen SAC (000396), c. 9.3km to the south of the site.
- 7.5.2. The proposed development seeks planning consent for the construction of a crematorium, site access, landscaping and associated site works. Following revisions to the design of the development at further information stage, the wastewater treatment system was omitted from the scheme, and it is now proposed to pump wastewater from the proposed crematorium to the existing public sewer. I note that the Planning Authority has raised no concerns with this aspect of the proposal subject to compliance with suitable conditions.
- 7.5.3. I note that the appeal site has a western abuttal with the Cushahulla River which flows towards the south-south east until it reaches the Slate River, c. 900m downstream. From an examination of the relevant GIS data for river waterbodies and their river flow directions, it is evident that there is no hydrological connection between the appeal site and any of the above referenced Natura 2000 sites. Taking into consideration the nature, extent and scope of the proposed development and to the nature of the receiving environment, with its access to the existing foul water network and with no direct hydrological or ecological pathway to any 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. Grant of permission is recommended.

9.0 Reasons and Considerations

9.1. Having regard to:

- The location, nature, scale and design of the proposed development,
- The provisions of the Kildare County Development Plan, 2023-2029, and,
- The specific characteristics of the site and surrounds,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, is acceptable in terms of the public health and traffic safety and is not susceptible to flood risk on site or elsewhere downstream and would. Therefore, the proposed development would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 3rd May 2022 and as amended by further plans and particulars received on 23rd September 2022 and 4th November 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Materials, colours and textures of all external finishes shall be in accordance with the drawings and specifications hereby approved. In addition,
 - a. The external walls shall be finished with render in a neutral colour.
 - b. The roof shall be blue/black or slate grey in colour. Orange or red colour roofing shall not be used.
 - c. No brick, reconstituted stone or dry (pebble) dash shall be used.

Reason: in the interest of visual amenity.

3. This permission provides for the installation and operation of one oven for the cremation of human remains. The crematorium shall operate in strict accordance with the requirements of the United Kingdom DEFRA Process Guidance Note 5/2 (12) "Statutory Guidance for Crematoria" 2011.

Reason: In the interest of public health and the use of best practice guidelines to avoid pollution.

4. Prior to commencement of development, the Applicant shall submit for the agreement of the Planning Authority a schedule of monitoring of atmospheric pollutants to be submitted by-annually during the operational phase of the development. This shall include the name of the responsible person for carrying out the monitoring.

Reason: In the interest of public health and the use of best practice guidelines to avoid pollution.

5. A detailed Noise Study and Air Quality Impact Assessment, with recommended remediation measures if required, shall be carried out by a competent air and noise environmental consultant within three months of the development being in full operation and at any other time as may be specified by the Planning Authority. The Noise and Air Quality Impact Assessments shall be submitted for the consent of the Planning Authority. The AQIA shall take into account site specific background concentrations of the relevant atmospheric pollutants.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

6. The operator of the crematorium shall keep a record of any odour complaints received from the public. Where problems are ongoing, visual and olfactory boundary checks shall be made once a day when the installation is in operation. Time, location and weather conditions such as wind direction and strength should be recorded. Once the source of emissions is known corrective action should be taken.

Reason: In the interest of public health and the use of best practice guidelines to avoid pollution.

7. Applicant shall use “Best Practicable Means” to prevent/minimise noise and dust emissions during the construction and operational phases of the development, through the provision and proper maintenance, use and operation of all machinery all to the satisfaction of the Planning Authority.

Reason: In the interest of public health, and the use of best practice guidelines to avoid nuisance.

8. All landscaping shall comply with the landscaping proposal received on 23rd September 2022. All boundary hedgerows shall be planted with semi-mature native species and cherry laurel (*Prunus laurocerasus*) shall not be planted. The Applicant shall ensure all landscaping is implemented in full prior to operation of the crematorium and any species which fail to establish within five years of the initial operation of crematorium shall be replaced in accordance with the permitted scheme ensuring adequate screening of the development.

Reason: In the interest of visual amenity.

9. Noise Control

a. Construction Stage - Noise limits for construction activity of 70 dB(A) (LAeq 1 hour) apply between 0800 hours and 1800 hours Monday to Friday inclusive (excluding bank holidays) and between 0800 hours and 1300 hours on Saturdays when measured at any noise sensitive location* in the vicinity of the site. Sound levels shall not exceed 45 dB(A) (LAeq 1 hour) at any other time.

b. Operational Stage - There shall be no clearly audible tonal component or impulsive component in the noise emission from the development at any noise sensitive location*, and noise from the development shall not give rise to sound pressure levels (Leq 15 minutes) measured at *noise sensitive locations which exceed the following limits:

- i. 55 dB(A) between the hours of 0800 and 1800 Monday to Friday inclusive (excluding bank holidays), or
- ii. 45 dB(A) at any other time.

Note: *Noise sensitive location is deemed to be any dwelling house, hotel or

hostel, health building, educational establishment, place of worship or entertainment, or any other facility or area of high amenity which for its proper enjoyment requires the absence of noise at nuisance levels.

Reason: In the interest of public health and residential amenity.

10. The ground levels for the proposed access road shall remain unaltered where it bisects Flood Zone A/B.

Reason: In the interest of public health.

11. The outdoor lighting scheme shall be carried out in accordance with the Dialux outdoor lighting scheme received 23rd September 2022. The Developer shall comply with all future site lighting requirements of the Planning Authority in relation to adjusting the lights by re-aiming, the addition of louvres & shields and / or dimming. This is to deal with any glare issues that may arise for road users, residents and adjacent lands / properties which may only become apparent when the installation has been commissioned. The public lighting scheme shall be fully implemented prior to the first occupation of the development.

Reason: In the interest of pedestrian, cyclist and vehicular safety, proper planning and sustainable development.

12. All foul waste, trade effluent and soiled water shall discharge to the public foul sewer system.

Reason: In the interest of public health and the use of best practice guidelines in order to avoid pollution.

13. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority (Infrastructure Section) for such works and services.

Reason: In the interest of public health.

14. Prior to the commencement of development, the developer shall enter into water and waste-water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

15. No advertising signs, or devices shall be erected outside the premises without a prior grant of permission. No display of goods or materials or advertising boards shall take place on the adjoining footpaths.

Reason: In order to prevent advertising clutter and in the interest of visual amenity.

16. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application or the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Enda Duignan

Planning Inspector

29/02/2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

| | |
|--|---|
| An Bord Pleanála Case Reference | ABP-315458-23 |
| Proposed Development Summary | Construction of a crematorium and associated works. |
| Development Address | Derrymullen, Allenwood, Naas, Co. Kildare. |

| | | |
|--|------------|----------------------------|
| 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 | Yes |
| | No | No further action required |

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 | X | 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 | x | | 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: 29/02/2024