



An  
Bord  
Pleanála

## Inspector's Report ABP-317989-23

### Development

The development will consist of a cemetery including: 8,047 no. traditional burial plots; columbarium walls; 1 single storey reception building and all other associated site development works.

### Location

Citywest Hotel and Convention Centre, Saggart, Co. Dublin.

### Planning Authority

South Dublin County Council.

### Planning Authority Reg. Ref.

SD22A/0457

### Applicant

Cape Wrath Hotel Unlimited Company.

### Type of Application

Permission.

### Planning Authority Decision

Grant of Permission.

### Type of Appeal

Third Party v Grant of Permission.

### Appellant

Colm McGrath.

### Observer(s)

Rathcoole Community Council CLG.

### Date of Site Inspection

11/07/2024.

### Inspector

Enda Duignan

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
4.0 Relevant Planning History .....	9
5.0 Policy Context.....	10
6.0 The Appeal .....	13
7.0 Assessment .....	17
8.0 Recommendation.....	37
9.0 Reasons and Considerations.....	37
10.0 Conditions .....	38
Appendix 1 – Form 1: EIA Pre-Screening & Form 2: EIA Preliminary Screening	
Appendix 2: Screening for Appropriate Assessment - Screening Determination	

## **1.0 Site Location and Description**

- 1.1.** The address of the appeal site is the Citywest Hotel and Convention Centre, Saggart, Co. Dublin. The site has a stated area of c. 13.45ha. and comprises a portion of the former golf course associated with the Citywest Hotel. The site is bound to the north and north-west by the N7, to the north-east by the Westpark apartment development and its attendant grounds, to the south-east by Garter's Lane and to the south and south-west by the remaining golf course grounds. I note that the convention centre and hotel are located further to the south and south-west. The site comprises a number of fairways associated with the former golf course which are separated by stands of mature trees. A large water feature is located within the eastern portion of the site and the site is largely screened from the surrounding area by mature planting. There is an existing tree lined avenue linking Garter's Lane and the N7 which bisects the appeal site in a north to south direction. To the south of the site is an access road which connects to the avenue and leads to the rear of the convention centre. In terms of topography, the site is primarily gentle sloping throughout, with fairways which are recessed from the woodland areas. The site is primarily grassland with the boundaries comprised of groups of mature trees that create an established planted landscape.
- 1.2.** In terms of the site's wider surrounds, there is a recently constructed residential development to the east of the site on the opposite side of Garter's Lane. There are a number of warehouses and industrial buildings further to the north and north-west on the northern side of the N7, with Casement Aerodrome located further to the north.

## **2.0 Proposed Development**

- 2.1.** The proposed development seeks planning consent for the development of a cemetery on a part of the grounds of the former golf course. The development comprises a total of 8,047 No. traditional burial plots which are proposed to be predominantly located within the fairways of the former course. The development also includes a number of Columbarium Walls located throughout the subject site.
- 2.2.** As part of the development, it is proposed to construct a single storey reception building with a gross floor area of c. 215sq.m. The building comprises a reception area

and the submitted floor plans would suggest that ceremonies would be held within this space. An office, reception store, WC, and kitchenette is then located to the south of a 7m wide paved walkway which cantilevers above the adjoining reprofiled water feature. The building has a contemporary architectural expression with a flat roof form and a maximum height of c. 6.2m. It is proposed to provide photovoltaic (PV) solar panels at roof level and separate bin and battery storage structures are proposed to the north-west of the reception building.

- 2.3.** The development includes the construction of a maintenance building which is to be located within an existing wooded area, adjacent to the existing site entrance off the N7. The structure has a pitched roof form with a maximum height of c. 5.8m and a total floor area of c. 274sq.m. The maintenance building is proposed to be setback c. 29m from the existing avenue which bisects the site and a new access from the south and west will serve the structure.
- 2.4.** It is proposed to access the site from a new junction off Garter's Lane, with a new perimeter road provided along the south and south-western boundary of the site. A new entrance will be provided from the northern side of this road which will provide vehicular and pedestrian access to the cemetery and associated reception building. A secondary gated entrance is proposed adjacent to the existing avenue which bisects the site. The development will be served by a total of 110 no. car parking spaces (25 spaces to the east of the reception building and 85 within overflow car park areas to the south of the development) and 8 bicycle parking stands. Permission is also sought for all associated hard and soft landscape and boundary treatment works, including the reshaping of the existing lake and the provision of a footbridge, provision of SUDS measures, associated lighting, associated signage, site services (foul and surface water drainage and water supply); and all other associated site excavation, infrastructural and site development works above and below ground.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority granted planning permission for the proposed development subject to compliance with 21 no. conditions.

Conditions of note include:

Condition No. 2 requires the omission of the northern part of the reception building as the use was considered to materially contravene the site's zoning objective.

Condition No. 3 requires the preparation and submission of a masterplan for the wider lands.

Condition No. 4 requires confirmation of the intended operator prior to the commencement of development.

Condition No. 9 requires the implementation of mitigation measures to protect flora and fauna.

Condition No. 14 requires the payment of a tree bond.

Condition No. 17 requires the submission of a Construction Environmental Management Plan (CEMP) prior to the commencement of development.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The South Dublin County Council Planning Reports form the basis of the decision. The first report provides a description of the site and the subject proposal, it sets out the planning history of the site and surrounds and identifies the site as being located within lands zoned 'OS' under the South Dublin County Development Plan, 2022-2028. The report also provides a summary of the matters raised in the observations on file and set outs the policy at local through to national level that is relevant to the development proposal. The report also indicates that pre-planning consultation was facilitated.

In terms of their assessment, the Planning Authority noted that a 'cemetery' use is open for consideration under the 'OS' zoning objective, if provided in the form of a lawn cemetery. However, they go on to note that a funeral home is a not permitted use and it was their view that part of the reception building, where ceremonies could be facilitated, was considered to be similar to a funeral home use and would therefore be

contrary to the zoning objective. The Applicant was therefore requested to omit this element of the development. Further information was also requested with respect to the following matters:

- The provision of a masterplan of the wider blue line area to justify the provision of the perimeter road, and interim design proposals for the remaining golf course lands.
- Information in relation to the intended operator of the finished development.
- More information in relation to the proposed use of the reception building, with cognisance to the site's land use zoning objective.
- More detail regarding the battery storage area.
- Survey and Invasive Species Management Plan in relation to Japanese knotweed.
- Mammal surveys.
- Roads, access, and traffic safety.
- Watercourses.
- Landscape design proposals.
- Landscape maintenance and management.
- Proposals for Sustainable urban drainage systems (SuDS).
- Arboricultural method statement.
- Aviation safety.
- Hydrogeology.

The proposed development was modified at additional information stage. A summary of the main modifications to the design of the development include:

- The proposal was amended to limit the extent of the perimeter road and the road serving the proposed cemetery was revised to extend from Garter Lane and connect with the existing footpath/internal service road through the centre of the site.
- The battery storage area was omitted.
- The number of car parking spaces on the site were reduced from 110 no. spaces to 66 no. spaces. 13 no. spaces are proposed as EV charging, equating to approximately 20% of spaces.
- The proposed culvert was tripled in size.

The Planning Authority in their assessment of the Applicant's response indicated that there are a number of items that should have ordinarily been addressed through a clarification of additional information. However, as there was no time to do this, planning permission was granted, subject to compliance with various conditions.

### 3.2.2. Other Technical Reports

Water Services: Initial report on file recommending a request for further information. The report indicates that the proposed 900mm culvert pipe for the watercourse is too small, and the Applicant was requested to redesign the channel with a box culvert of a suitable size instead of a 900mm pipe. In addition, the Applicant was requested to submit a drawing in plan and cross-sectional view showing the revised culvert design. Second report on file recommending a clarification of further information

Parks and Public Realm: Initial report on file recommending a request for further information with respect to the following:

- The submission of a Landscape Design Rationale.
- The submission of a Planting Plan
- Demonstration how natural SuDS features can be incorporated into the design of the proposed development.
- The submission of green infrastructure proposals and a green infrastructure plan.
- The submission of a scheme for the maintenance and management of the proposed landscape scheme.
- The submission of an Arboricultural Method Statement.
- Revised SuDS proposals.

Second report on file stating no objection subject to compliance with conditions.

Roads: Initial report on file recommending a request for further information with respect to the following:

- The submission of accurate plans demonstrating the provision of a visibility splays.
- Clarification of the proposed access arrangements for the existing entrance gate connecting the central access road to the N7.

- Clarification of the rationale for the 6.5m wide perimeter access road and accompanying cycle lane and footpath which continues from the 2 no proposed access points to the existing access road which runs parallel to the N7.
- The submission of a Mobility Management Plan.
- The submission of a revised car parking layout showing a reduction in the number of car parking spaces.
- The submission of a revised Transportation Assessment.

Second report on file stating no objection subject to compliance with conditions.

Environment: Initial report on file recommending a request for further information with respect to Applicant's hydrogeological assessment. Second report on file stating no objection subject to compliance with conditions.

### **3.3. Prescribed Bodies**

EHO: No objection subject to compliance with conditions.

Irish Water: No objection subject to compliance with conditions.

TII: Report received indicating they have no comment to make on the application.

Inland Fisheries Ireland (IFI): Observation received following the submission of the Applicant's further information response. Recommendations provided including a requirement for the Applicant to prepare a site-specific Construction Environmental Management Plan (CEMP) for the project and a revised design for the proposed culvert.

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

3.4.1. Four (4) no. observations were received in relation to the proposed development.

The issues raised within the observations can be summarised as follows:

- It was highlighted that there is a lack of justification for the development at this location.
- Concerns regarding the loss of designated green leisure space.
- It was considered that the proposed cemetery would represent an inexplicable underutilisation of a prime leisure/recreational asset.



- The development would result in a significant amount of additional traffic congestion on the Saggart/Rathcoole access roads.
- It is highlighted that the application fails to indicate what will become of the remaining portion of the golf course. The intentions about development of the full golf course lands and how it will integrate into the overall new Saggart local Area Plan should be documented and agreed prior permission being granted.
- The development of a cemetery has not been identified as being required for Saggart in the SDCC Development Plan, nor were residents given the opportunity to consider this as part of the overall plan for Saggart.
- A submission questions what advice was given to the Applicant during the pre-planning process regarding disease control and the management of cemetery effluent and possibly contaminated surface water.
- It is highlighted that the internal road network necessary for the development and maintenance of the graves should be adequate without the need for a substantial perimeter road.
- It is contended that the major internal road is unnecessary and would disturb the quiet ambience and relationship of the lawn cemetery to the adjacent lakes.
- It was considered that the creation of sealed cells to trap surface water as well as foul drainage, so that both can be monitored and treated on site, before discharge to the public sewer.
- Concerns raised regarding the possibility of contaminated surface water to the pond and then to open watercourses and an appropriate physical barrier between the cemetery and the pond was suggested.

## **4.0 Relevant Planning History**

### **4.1. Appeal Site**

I note that there is an extensive planning history pertaining to the lands at the hotel and neighbouring convention centre.

Applications of relevance include:

**SD21B/0315:** Application deemed to be withdrawn which sought permission for a community sports & civic campus consisting of a golf facility including driving range and associated floodlighting and netting, mini golf area and bar/restaurant, 1 floodlit

GAA pitch, 2 rugby pitches, 3 football pitches, 5 floodlit tennis courts, 6 floodlit all-weather 5-a-side pitches, changing room facility, multi-sports building comprising indoor courts and activity/meeting rooms, playground facilities, 2 new vehicular accesses onto Garters Lane, solar PV panels, car/bicycle parking and all other associated landscaping and site development and drainage works above and below ground.

The application was declared withdrawn as the further information in respect of the application had not been received and more than six months had elapsed.

#### **4.2. Adjoining Site (west)**

**SD23A/0100:** Planning permission granted by the Planning Authority in February 2024 for development comprising the construction of a Photovoltaic Solar development to the north of the Citywest Hotel on lands formally in use as a golf course [comprising a change of use from former golf course to solar development]. The operational lifespan of the solar PV development is 30 years, and a Natura Impact statement (NIS) accompanied the planning application.

The Applicant in their further information response note that there is a small overlap between the boundaries of the site to the west and the appeal site.

## **5.0 Policy Context**

### **5.1. South Dublin County Development Plan, 2022 - 2028 (CDP)**

- 5.1.1. Under the South Dublin County Development Plan (CDP), 2022-2028, the site is located on lands zoned 'OS', the objective of which seeks 'To preserve and provide for open space and recreational amenities'. All lands within the immediate surrounds of the subject site are also zoned 'OS'. I note that there is also an objective on the zoning map to 'Protect and Preserve Significant View' along a section of the northern site boundary. To the south of the site are 3 no. designated Protected Structures which are detailed as follows:

- RPS Ref. No. 290: Saggart House - Saggart House & Gateway,
- RPS Ref. No. 292: Tassagart, Saggart - Tower House, Walled Stable Yard, Outbuildings, Gateways (RM).

- RPS Ref. No. 422 Garter Lane, Saggart - Range of rubble stone outbuildings, c.1820.

#### 5.1.2. **Green Infrastructure (Chapter 4)**

Section 4.2.2 relates to sustainable water management, and includes:

##### Policy GI4: Sustainable Drainage Systems

Require the provision of Sustainable Drainage Systems (SuDS) in the County and maximise the amenity and biodiversity value of these systems.

- **GI4 Objective 1:** To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.
- **GI5 Objective 4:** To implement the Green Space Factor (GSF) for all qualifying development comprising 2 or more residential units and any development with a floor area in excess of 500 sq m. Developers will be required to demonstrate how they can achieve a minimum Green Space Factor (GSF) scoring requirement based on best international standards and the unique features of the County's GI network. Compliance will be demonstrated through the submission of a Green Space Factor (GSF) Worksheet (see Chapter 12: Implementation and Monitoring, Section 12.4.2).

#### 5.1.3. **Quality Design and Healthy Placemaking (Chapter 5)**

#### 5.1.4. **Sustainable Movement (Chapter 7)**

- Policy SM1: Overarching – Transport and Movement Promote ease of movement within, and access to South Dublin County, by integrating sustainable land-use planning with a high-quality sustainable transport and movement network for people and goods.

Section 7.10 Car Parking

### 5.1.5. **Community and Open Space (Chapter 8)**

#### Section 8.15 Burial Grounds Policy

- COS13: Burial Grounds Facilitate the sustainable development of cemeteries and crematoria to cater for the needs of the County.
- COS13 Objective 1: 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, at suitable locations in the County, subject to appropriate safeguards with regard to environmental considerations, noise and traffic impacts.

### 5.1.6. **Infrastructure and Environmental Services (Chapter 11)**

#### Section 11.2.1 Sustainable Urban Drainage Systems (SuDS)

- Policy IE3: Surface Water and Groundwater Manage surface water and protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

#### Section 11.8.2 Casement Aerodrome

#### Section 11.8.6 Airport and Aerodrome – Noise

#### Section 11.8.7 Public Safety Zones

### 5.1.7. **Implementation and Monitoring (Chapter 12)**

Chapter 12 sets out development standards and criteria that arise out of the policies and objectives of the County Development Plan to ensure that development occurs in an orderly and efficient manner.

#### Section 12.4.2 Green Infrastructure and Development Management

#### Section 12.8.8 Burial Grounds Including Green Burial Grounds and Crematoria

## 5.2. **National Policy and Guidance**

Regard is had to:

- Project Ireland 2040 - National Planning Framework (2018).

- Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019-2031.
- Design Manual for Urban Roads and Streets (DMURS), 2019.
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009).
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

### **5.3. Natural Heritage Designations**

- 5.3.1. There are no Natura Sites within the immediate vicinity of the appeal site. The nearest designated site (Glenasmole Valley SAC (Site Code 001209) is located 5.6km to the south-west of the appeal site.

### **5.4. EIA Screening**

- 5.4.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## **6.0 The Appeal**

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

- 6.1.1. A Third Party appeal has been submitted by Colm McGrath with an address at Carrigmore Gardens, Citywest, Saggart. The appellant's submission indicates that they wish to reiterate the reasons for their objection in their original submission to the to the Planning Authority during the application stage. The submission contends that the ratio of burials to cremations in the Dublin area is currently 30/70 respectively. It is noted by the appellant that a recently opened cemetery in Lucan had anticipated up

to 9 burials per week when conceived. However, ten years on that figure is averaging at 2 burials per month. They go on to note that the existing Saggart cemetery has on average 1 burial per month and all cemeteries in the general west Dublin area are experiencing similar dramatic reduction in burials.

- 6.1.2. Therefore, it is submitted that the proposed cemetery at Citywest is unsustainable, unnecessary and unviable and in simple terms, a waste of space. It is the appellant's contention that the Saggart community deserve more imaginative development proposals from the owners of what is one of the largest hotels in Europe. The overarching tenet of planning is that it be for the common good which the current proposal fails to achieve.

## **6.2. Planning Authority Response**

- 6.2.1. In response to the Third Party appeal, the Planning Authority confirms its decision and indicates that the issues raised in the appeal have been covered in the Planner's report.

## **6.3. Observations**

- 6.3.1. An observation to the appeal has been submitted by Rathcoole Community Council CLG. The observation supports the appeal by Colm McGrath and the points made in relation to the proposed development. The observers note that they were extremely surprised with Planning Authority's decision to grant permission, as a major requirement of the request for additional information had not been complied with. i.e. the submission of a masterplan for the development of the entire former golf course. It is their view that the preparation of a master plan is critical for good planning, local area plan compliance, and overall local infrastructure development. The observation refers to the masterplan drawing for the Citywest Golf course that was submitted with ABP-312501-22 located on Mill Road to the site's south-west. It is stated that this drawing shows the intention to build a network of roads for residential housing on the remaining portion of the golf course after the cemetery and solar panel farm are completed. It is also stated that a planning condition has been included which requires an access route be constructed from the Mill Road development through the golf course lands to the Luas stop on Garter's Lane.

#### **6.4. First Party Response**

6.4.1. A response to the Third Party appeal has been prepared on behalf of the Applicant. In terms of the principle of development, as a cemetery is an open for consideration use, it is contended that the proposal should be accepted subject to detailed assessment against the principles of proper planning and sustainable development, and the relevant policies, objectives and standards set out in the Development Plan. A proposal would be subject to a full assessment on its own merit, and it can be permitted where it does not materially conflict with other aspects of the Development Plan. To this end, the submission refers the Section 8.15 of the Development Plan which relates to Burial Grounds. This informs Policy COS13 (Burial Grounds) and it:

- Outlines that the Local Authority are responsible for ensuring that there are adequate burial facilities.
- Confirms that cemeteries and crematoria can also be provided by the private sector.
- States that the burial needs of multi-faith and non-religious communities should also be taken into account with regard to such facilities due to the increased number of faith communities in the County.
- Refers to a recently extended cemetery, the planned expansion of another cemetery, and the development of a new private cemetery in the County.

The submission notes that the Planning Authority carried out a detailed assessment of the proposal to consider its impact and merit. The process required the Applicant to submit a response to a Request for Further Information, which itemised issues and provided clarity on the safeguards and environmental considerations to address each item. The response goes on to note that the technical supporting reports and design details are on record and do not need to be summarised given that the none of their contents has been called into question by the Appellant.

6.4.2. In terms of the appellant's claims that the proposed development is unsustainable, unnecessary and unviable, it is held that neither demand for a specific land use, nor market influences, should be considered as material planning considerations for the provision of a cemetery, and the salient issue to be considered with respect to this appeal is the land use principle. The submission refers to the Planning Authority's

Planner's Report (dated 15th August 2023) which addressed the item of 'Intended Operator'. It was acknowledged that the Applicant was committed to ensuring that the development is subject to best practice during the operational phase. It is also highlighted that a condition was included requiring the submission to the Planning Authority of the intended operator prior to the commencement of the development (Condition 4(A) refers). It is submitted that the proposal would also be consistent with the other requirements in that guidance section, noting that the proposed development:

- Is in a suitable location.
- Has compatible land use zoning objectives.
- Will not adversely impact on the amenity of adjacent existing residents or businesses.
- Will not disproportionately cause inconvenience by way of significant traffic congestion or car parking issues.
- Complies with appropriate legislative guidelines.

6.4.3. In response to the appellant's calls for an alternative proposal, it is submitted that an examination of potential alternative development proposals is neither proposed by the Appellant, nor required to support the application. It is held that "more imaginative development proposals" would also need to ensure conformity with the land use zoning and general aims and objectives of the Development Plan. It is considered that the proposed cemetery use satisfies this requirement. It is stated that the proposed development is also cognisant of concurrent proposals in the immediate context, which include the construction of a photovoltaic solar development (Ref. SD23A/0100)) which relates to the same former golf course lands.

6.4.4. Owing to the cessation of the golf course use in 2020, and the subsequent planning applications on the former golf course lands, it can reasonably be concluded that a golf course use will not be reintroduced to these lands. It is contended that the subject proposal takes account of the existing landscape character and the legacy of the former golf course use and would successfully co-exist with existing, permitted and prospective neighbouring developments and contribute positively to the existing and emerging character and setting. In addition, the proposal would neither depend on, or



prejudice, the success of neighbouring proposals and would constitute an appropriate use of the former golf club lands.

## **6.5. Further Responses**

None.

## **7.0 Assessment**

Having examined the application details and all other documentation on file, including the reports of the Local Authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development, Use & Zoning
- Layout, Landscaping & Ecology
- Access
- Drainage
- Appropriate Assessment

### **7.1. Principle of Development, Use & Zoning**

- 7.1.1. The Applicant is seeking planning consent for the development of a cemetery on the grounds of a former golf course previously associated with the Citywest Hotel. The development proposes to provide a total of 8,047 no. traditional burial plots which are generally laid out within the fairways of the former course. In addition, Columbarium Walls are provided in various locations throughout the site in order to cater for cremated remains. Under the South Dublin County Development Plan, 2022-2028 (Plan), the entirety of the subject site is located on lands zoned 'OS' (Open Space). I note that the objective of 'OS' zoned lands is 'To preserve and provide for open space and recreational amenities'. There are a range of uses which are identified as being open for consideration under this zoning and it also applies to the lands within the immediate surrounds of the site. A cemetery is a land use which is one of those uses that are identified as being open for consideration. However, a caveat is included which states they can only be considered in instances where it is provided in the form of a lawn cemetery. Appendix 6 (Definitions of Use-Classes) of the current Plan defines a 'lawn' cemetery as a burial ground in which the headstones are placed in a

horizontal position. Overall, the Planning Authority was satisfied that the principle of development was generally acceptable at this location and was in accordance with the relevant zoning. I would generally share this view, given the proposed development is provided in the form of a lawn cemetery and is a civic amenity which should be considered in the context of the emerging pattern of development in the surrounding area, which includes higher density residential developments which are both permitted and under construction. I also note that the appeal site has excellent access to public transport, being located within walking distance of the Luas and a number of bus stops. Further to this, the layout of the development has been designed to minimise the impact on existing vegetation and ecology where possible, whereby the fairways have had a significant influence on the layout of the burial plots across the site. Overall, the site readily lends itself to a development of this nature. However, I note that an element of the proposed development comprises the construction of a reception building which has an internal layout that would likely accommodate funeral ceremonies or associated services. Within their assessment of the application, the Planning Authority refer to the definition of a funeral home (i.e. A building or part of a building used for the laying out of remains, the holding of burial services and the assembling of funerals...). They go on to note that a funeral home is a land use which is not permitted under the 'OS' zoning objective and the Applicant was invited to either omit this element of the development or alternatively redesign the scheme so as not to provide space for the laying out of remains or holding/assembling of funerals, given the use would materially contravene the zoning.

- 7.1.2. In response, the Applicant contended that the range of functions provided within a funeral home, will not be undertaken within the proposed reception building. It is the intention that the reception building will be used as a gathering space prior to burial/internment services at the designated traditional burial plots or columbarium walls within the wider cemetery grounds. In addition, it would be used for services prior to the removal of remains for burial at a traditional burial plot. It was the Applicant's view that the reception building excludes key salient uses relating to a funeral home as defined under the current Plan and it was considered that the provision of this non-denominational reception/gathering space which includes holding services, constitutes an essential component to the proposed cemetery. The Applicant also

refers to The Cemeteries Clauses Act, 1847, Article/Section 11 of which states:

- 'the Company, upon any land which by the special Act they are authorized to use for the purposes of the cemetery, may build such chapels for the performance of the burial service as they think fit, and may lay out and embellish the grounds of the cemetery as they think fit.'

Irrespective of the foregoing, it was the Planning Authority's view that the above does not override the site's zoning objective. A condition was therefore included which provides for the omission of the northern part (140sq.m.) of the reception building, with the Applicant being required to submit a revised design for the building prior to the commencement of development. As it has been confirmed by the Applicant that the reception area would be utilised for holding ceremonies, I would concur with the Planning Authority that the reception area as proposed would fall within the definition of a funeral home, as per Appendix 6 of the current Plan. This element of the development would therefore materially contravene the relevant zoning objective. However, I am cognisant that a reception area, which would allow visitors to congregate before or after burials, is a space that would be complementary to the proposed cemetery use and would in my view accord with the relevant zoning objective. This could be particularly important in instances of inclement weather. Therefore, I am satisfied that to address concerns regarding a material contravention of the zoning, a condition could be included which prohibits funeral ceremonies or services being carried out on site. In addition, a revised design for the reception space with an overall reduced floor area (maximum 70sq.m.) could be agreed with the Planning Authority prior to the commencement of development. As detailed further in this report, the buildings are designed to a high standard, can provide a valuable civic amenity and will provide ancillary and complementary functions to the proposed cemetery. I note that the development also includes the construction a maintenance building which is to be located proximate to the northern site boundary. Overall, I am satisfied that this is ancillary to the cemetery use and would fully accord with the 'OS' zoning objective of the site.

- 7.1.3. The Third Party appellant in this instance has questioned the necessity of a development of this nature at this location. Their submission highlights that the ratio of burials to cremations in the Dublin area is currently 30/70 respectively and they have

highlighted that there has been a dramatic reduction in the requirement for burials in cemeteries within the surrounding area. It is the appellant's view that a new cemetery at this location is unsustainable, unnecessary and unviable and is therefore contrary to proper planning. Policy guidance within Section 12.8.8 (Burial Grounds) of the current Plan notes that development proposals for new cemeteries will be considered in suitable locations with compatible land use zoning objectives. An Applicant will be required to demonstrate a need for the development and that the proposal will not adversely impact on the amenity of adjacent existing residents or businesses, or disproportionately cause inconvenience by way of significant traffic congestion or car parking issues. Although this issue does not appear to be fully engaged with in the initial Planner's Report, it is confirmed within their report that the Applicant had failed to provide information on who the intended operator of the cemetery would be, and this was therefore requested by way of further information.

- 7.1.4. As part of their response, the Applicant indicates that no specific operator had been identified to date and would be appointed subsequent to a grant of permission. The Planning Authority then refer to the policy guidance of the Plan (Section 12.8.8) which refers to a demonstration of need and they go on to note that an understanding of the intended operator is necessary to assess whether this development is required at the proposed location. It is noted within their second report on file that a clarification of additional information should ordinarily be sought so the Applicant could clarify how an operator would be engaged and what would happen if no suitable operator were identified. However, as there was insufficient time to seek this information, a condition was attached which requires the Applicant to provide confirmation of the intended operator for the finished development. In the event no operator is found at this time, the condition requires the Applicant to submit details specifying how an operator shall be found, and a plan for how to operate the cemetery should they be unable to confirm an operator at that time. I note that Section 12.1 (Overview) of the Plan indicates that proposals for development will need to take account of all of the standards and criteria that apply to the particular development, in addition to being assessed for consistency with the policies and objectives set out in the preceding chapters of the Plan and compliance with relevant guidelines and legislative requirements. Within the Applicant's response to the Third Party appeal, it is held that neither demand for a

specific land use, nor market influences, should be considered as material planning considerations for the provision of a cemetery, and the salient issue to be considered with respect to this appeal is the land use principle. Whilst I note that a need has not been demonstrated nor has an operator been confirmed, I am satisfied that the Planning Authority and the Applicant have had sufficient regard to this issue and the policy guidance of the Plan and the inclusion of a condition which requires an operator to be confirmed prior to the commencement of development will satisfactorily address this matter.

- 7.1.5. I am conscious of the commentary contained within the observation to the appeal from the Rathcoole Community Council CLG. Concerns were raised that the Applicant had failed to prepare and submit a masterplan for the entire golf course as requested by the Planning Authority at further information stage. It is their view that the preparation of a masterplan is critical for good planning, local area plan compliance, and overall local infrastructure development. The observation also refers to a masterplan drawing for the Citywest Golf course that was submitted with ABP-312501-22 located on Mill Road to the site's south-west. Within their assessment of the application, the Planning Authority noted that no rationale or justification had been provided for the proposed perimeter road around the site boundary. The applicant was therefore requested (Item 1(a)) to provide a masterplan for the remaining blue line lands, to provide some insight into the future intention of these lands and thereby the requirement to provide the road as currently designed. It is noted that the Applicant will be severing the existing golf course, with half of the fairways remaining untouched by the current proposal. The applicant was therefore also requested (Item 1(b)) to provide information in relation to the temporary use of the remaining golf course lands and to provide clarity on any associated landscaping proposals for the remaining undeveloped golf course. In response, the Applicant amended the scheme to limit the extent of the proposed perimeter access road, with the revised access road from Garter's Lane providing access to the proposed cemetery at two locations serving the overflow car park and internal footpaths through the development. With respect to Item 1(b), the Applicant noted that the application site is located within the former golf club lands which have been unused since 2020 and they refer to subsequent Applications made by the Applicant on lands within the former golf club.

7.1.6. In response, the Planning Authority stated that while the Applicant had provided a basic planning history, it was not considered that the Applicant had meaningfully engaged with the request as a masterplan was sought to understand the current and future plans for the land. As there was insufficient time to request this information, a condition was included which required the Applicant to agree an indicative masterplan with the Planning Authority for the full blue line landholding prior to the commencement of development. I note that there are no specific policies or objectives of the Plan which require the preparation of a masterplan. This is a standalone application and is considered on its individual merits. In my view, the inclusion of this condition is unnecessary given that it will not be binding, nor will it influence the design of the development as currently permitted by the Planning Authority. In addition, I note that Third Parties would have no opportunity to engage in the compliance process or provide commentary on the details of the masterplan. The condition included by the Planning Authority also requires details to be submitted regarding an interim use of the remaining golf course lands in the event that SD23A/0100 is not granted. I note that in the intervening period, this permission has been granted by the Planning Authority. Overall, I am satisfied that the principle of development is acceptable at this location, and I see no benefit or planning gain that can be achieved from requiring the Applicant to engage in this matter post consent. However, this matter could be explored if any future application within the Applicant's overall landholding is forthcoming.

## **7.2. Layout, Landscaping & Ecology**

7.2.1. In terms of the layout and design of the development, the Applicant's landscape consultant has indicated that design concept aims to conserve the existing woodland landscape and redevelop the previous golf course fairways into a series of connected parkland spaces. The aim is for visitors of the cemetery to firstly understand the space as a parkland and secondly as a burial/interment memorial space. To this end, it is stated that the golf course layout has been redesigned, in the least invasive way possible, preserving the existing woodland canopy. The traditional burial spaces will be located in what were the fairways, with grave markers designated to pay tribute while marking the burial place. Ash urns will be located in columbarium walls which

will punctuate the landscape and are mostly placed in the woodland areas to reduce the visual impact while integrating them with the existing landscape. The main road to the site will provide both vehicular and pedestrian access to the grave plots, as well as for ongoing maintenance of the cemetery. Each fairway also includes a secondary pedestrian path that will allow easier access to the burial areas.

7.2.2. The Applicant's consultant notes that the reception building will be mainly used as a reception building for services with toilets, as well as providing an office for management purposes. A memorial forest with a water feature is proposed at the entrance to the reception building. It is stated that this space has been designed as a reflection and mourning area, as well as an appropriately designed place where visitors can get together before and after the ceremonies. The path leading from the memorial forest and reception building provides views to specimen tree at the centre of the lake, as well as views through the landscaped cemetery. The lake where the building is located has been based on the reshaped existing water feature and the proposal now includes the provision of a footbridge. The path leading from the reflection area to the reception building will bring visitors to a viewpoint that overlooks the lake. In summary, the Applicant's consultant indicates that the cemetery will be a collection of high-quality spaces that will aspire to the following precepts:

- provide a high-quality parkland;
- create a respectful and beautiful space for people to lay their loved ones to rest;
- provide hearse access throughout the site;
- provide walking paths;
- enhance habitat values and biodiversity;
- create inviting, well-designed open spaces for visitors to simply relax or to remember their loved ones.

7.2.3. As noted above, the remodelled lake will partially wrap around the proposed reception building. This building has a total floor area of c. 215sq.m. and comprises a reception area, office, reception store, WC, and kitchenette. The building has a contemporary architectural expression with a flat roof form and materials and finishes comprise a combination of rough cast concrete and vertical hardwood timber cladding for the principal elevations with a buff polished concrete roof slab. The building has a split

level height which ranges from c. 3.7m to a maximum of c. 6.2m. Overall, I am satisfied that the reception building and its integrated landscaping scheme are well considered and are designed to a high standard. I note the significant separation distances from nearby residential properties, with buildings associated with the Westpark Apartment development being located a minimum of c. 120m to the north-west. Given the overall scale and form of the development, the generous separation distances and the existing and proposed tree covering and landscaping, which act to screen the site from the surrounding area, I am satisfied that the development is acceptable having regard to the residential and visual amenity of the site and surrounding area and the development can provide an important civic amenity to the wider surrounds.

7.2.4. As indicated in the foregoing, it is the Applicant's contention that the golf course layout has been redesigned, in the least invasive way possible, preserving the existing woodland canopy. During the Planning Authority's initial assessment of the application, further information was recommended by the Public Realm section which required the submission of a comprehensive Landscape Design Rationale, Planting Plan, details of all hard and soft landscaping, Green Infrastructure Plan, Maintenance and Management Scheme, SuDS proposals and a SuDS Management Plan and an Arboricultural Method Statement. Overall, the Public Realm section was generally satisfied that the revised development was acceptable subject to compliance with suitable conditions. However, the Water Service's section did recommend a clarification of further information with respect to the Applicant's SuDS proposals. The Planning Authority formed the view that this matter could be addressed by way of compliance with a condition.

7.2.5. The Applicant's Arboricultural Method Statement notes that there were approx. 450 trees tagged as part of the survey. It is contended that the proposed scheme has been designed around the existing trees on site and there will be very low levels of tree removal. In addition, further tree planting is proposed to reshape some of the woodland areas into a form that compliments the new layout. It is stated that a total of 34 no. trees are to be removed due to the road layout or due to health and safety reasons. However, it is noteworthy that that consultant confirms that the various tree groups across the site contain many more specimens, and it is estimated that the total number



of trees on the site is in fact in excess of 2-3,000, where most of the trees were plantation trees or woodland plantations for the golf course. Having examined the Applicant's Tree Survey and Tree Impact Plan, it would appear that the overall extent of tree removal on site is somewhat underreported. There is a tree line along the eastern site boundary with Garter Lane (c. 70m) which is being removed in its entirety to facilitate the setback boundary at this location and the access to the site. In addition, the southern perimeter road will bisect 'Plantation Woodland W5' and would likely require the extensive removal of trees within this portion of the site. This would be necessary to facilitate the perimeter road and the access and circulation roads to the cemetery itself. It would also be necessary to remove a significant number of trees within the woodland area along the northern site boundary (Plantation Woodland W1) in order to provide the maintenance building and its associated access routes. Having inspected the appeal site, I observed many mature specimen trees which were located within each of the woodland areas. Notwithstanding this, I note that the proposal provides extensive supplementary planting to mitigate the tree loss and I am generally satisfied that an acceptable balance has been struck in terms tree preservation. It is recommended that a condition be included which requires the Applicant to submit a revised Arboricultural Method Statement, including an updated tree survey, which provides specific details of the tree protection measures for works within the 2 no. woodland areas. Every effort should be taken to minimise the impact on existing trees which are to be retained. This is necessary given the substantial nature of the works proposed within these areas of the site. In addition, it is my view that an updated boundary treatment plan be submitted which provides specific details of all existing and proposed boundary treatments. This shall include details of the boundary treatment for the southern side of the southern perimeter road which is currently unknown.

- 7.2.6. In terms of ecology, the application was supported by an Ecological Impact Assessment (EclA) for the proposed development. The Planning Authority noted that bat surveys were conducted in September 2020 and 2022, with breeding bird surveys being carried in June – July 2022. These were deemed to be the appropriate period for such surveys to have been undertaken. However, the EclA acknowledged that mammal surveys were conducted in September, a poor time to observe mammal

movements. The Applicant was therefore requested to undertake these surveys during the appropriate period and provide a report detailing the results with any recommended mitigation measures adapted into the scheme by way of further information. Included as appendices to the EclA were a Bat/Fauna Impact Assessment (Appendix 1) and Breeding Bird Surveys 2022 (Appendix 2).

7.2.7. The EclA indicates that a project ecologist will be appointed prior to works or site clearance commencing on site. In terms of the Applicant's proposals for public lighting, the EclA notes that lighting on site will be set to 3000°K and will primarily use low level bollards. These bollards are designed to have limited upward lighting. In addition, recessed low level lights and a modular strip light in the building will also be used (3000°K). The EclA notes that all lighting on site will be designed to comply with bat lighting guidelines and the timing of lights and settings will be developed to the satisfaction of the project ecologist and SDCC Heritage Officer. The EclA goes on to note that pre-construction surveys will be carried out in relation to terrestrial mammals, amphibians, bats (including trees of bat roosting potential), birds (including birds utilising the pond). Derogation licences will be sought from the NPWS where species of conservation importance are noted on site. Prior to the commencement of works, including site clearance, it is stated that on site species of conservation importance will be dealt with in compliance with NPWS derogation licences where relevant. The various sensitive receptors and potential impacts of the proposed development identified in the EclA are summarised in Table 7.1 below:

**Table 7.1**

Sensitive Receptor	Potential Impact
Camac River	<ul style="list-style-type: none"> <li>- Habitat degradation.</li> <li>- Dust deposition.</li> <li>- Pollution.</li> <li>- Silt ingress from site runoff.</li> <li>- Downstream impacts.</li> <li>- Negative impacts on aquatic and bird fauna.</li> </ul>
Birds (National Protection)	<ul style="list-style-type: none"> <li>- Removal of nesting habitat.</li> <li>- Removal of foraging habitat.</li> <li>- Destruction and/or disturbance to nests (injury/death).</li> <li>- Predation.</li> </ul>
Bats (International Protection)	<ul style="list-style-type: none"> <li>- Removal roosting/foraging habitat.</li> <li>- Lighting Impacts.</li> </ul>

Woodland (Local Importance)	- Loss of commuting habitat.
Ponds	- Loss of frog habitat.

7.2.8. I note that Table 10 of the EclA also provides a detailed series of construction phase mitigation measures in order to help mitigate and minimise the potential negative impacts on the biodiversity within the site's Zone of Influence (Zol), including the stream that leads to the Camac River. As part of the Applicant's further information response, an additional mammal assessment was carried out by Dr Chris Smal. The Report noted that several signs of fox (*Vulpes vulpes*) were observed on site. Follow up monitoring with trail cameras revealed that fox presence was frequent at the east and north-east of the site. A fox was captured on camera on a regular basis alongside the conifer treeline adjacent to the apartments at the east. The response goes on to note that foxes are not a protected species. The trail cameras also revealed presence of grey squirrels (*Sciurus carolinensis*) (invasive) and a hedgehog (*Erinaceus europaeus*) (protected). No badger (*Meles meles*) (protected) and no otter (*Lutra lutra*) (protected) were noted on site or along the fringes of the three ponds in the study area. As a result of the additional survey, the Applicant has committed to various additional mitigation measures which are included on Pages 14-16 of the Badger / Fauna Survey (May 2023). I am conscious that there are various recommendations contained within the Badger / Fauna Survey with respect to the lake within the eastern portion of the site given the potential impact of the proposed development on amphibians.

7.2.9. A report was received from Inland Fisheries Ireland (IFI) following the submission of the Applicant's further information. The report notes that proposed development is within the Camac River catchment which will be the receiving waterbody for the surface water runoff generated from within the site at both the construction and operational phases of the development. It is stated that Camac River is a recognised salmonid system, which is under significant ecological pressure primarily resulting from the significant development taking place within the catchment. Although considerable sections of main channel are culverted, sections that remain on the surface invariably support self-sustaining populations of Brown trout (*Salmo trutta*). The report also notes that the river supports populations of migratory Sea trout in the lower reaches. Other species include the protected European eel, Freshwater Crayfish

(*Austropotamobius pallipes*) and Lamprey (*Lampetra* sp.) species, listed under Annex II of the EU Habitats Directive. The report recommends that a detailed site-specific Construction Environmental Management Plan (CEMP) for the project be prepared. Whilst I acknowledge the content of the Applicant's Outline CEMP, it is my recommendation that a condition be included which requires the submission of a finalised CEMP prior to the commencement of development. This CEMP shall be prepared in conjunction with and signed off by the project ecologist and shall have regard to the various mitigation measures included within both the EclA and the Badger / Fauna Survey (May 2023) submitted by way of further information. Subject to compliance with the various mitigations measures and a condition requiring the submission of a detailed CEMP for the proposed project which is to be submitted prior to the commencement of development, I am satisfied that the proposed development will have a minimal adverse impact on the sensitive ecological receptors which have been identified in the project's Zol. I am therefore satisfied that the proposed development is generally acceptable in this regard.

### **7.3. Access**

- 7.3.1. There is currently an existing access to the south of the site on Garter's Lane which may have historically served the former golf course grounds. This ultimately connects to the avenue which bisects the appeal site and I note that this entrance and the immediately adjoining lands are located outside the Applicant's blue line boundary. As noted, Section 12.8.8 (Burial Grounds) of the current Plan indicates that proposals for new cemeteries will be considered in suitable locations where they will not disproportionately cause inconvenience by way of significant traffic congestion or car parking issues. The site has a boundary to Garter's Lane for a distance of c. 70m and which currently comprises a timber railing fence which is back planted by trees of varying maturities. The proposed development seeks planning consent to remove the existing boundary and provide a new access to the site at its southern end. A new boundary which is set back within the site will be provided along Garter's Lane and a new widened pedestrian path and cycle lane has been provided along its boundary. A new internal road will then bisect the southern part of the golf course, where it will ultimately culminate at the existing avenue serving the golf course to the west. An additional entrance is provided off the southern perimeter road which will provide access to the reception building and overflow car parking area. As noted, it is evident

from the submitted Tree Survey (Drawing No. 1872\_TS\_P\_01), that the provision of this perimeter road will require the removal of a significant area of woodland along the southern site boundary (Plantation Woodland W5).

- 7.3.2. Garter's Lane consists of a single carriageway 2-way road which links the N7 National Road with Saggart Village and which is currently subject to a 50km/h speed restriction. In terms of site access, the Planning Authority's Roads Department requested the Applicant to submit revised plans demonstrating the provision of a visibility splay of 2.0m x 90m in both directions from the entrance on Garter's Lane. In addition, they were requested to clarify the proposed access arrangements for the existing entrance gate connecting the central avenue to the N7. As noted earlier, the Applicant's layout was revised to curtail the length of the perimeter road. In addition, Drawing No. CTW-CSC-ZZ-XX-DR-C-0105 has been amended to demonstrate visibility splays. A 65m visibility splay is provided in each direction which is noted as being in compliance with DMURS Standards. This was ultimately deemed to be acceptable to the Planning Authority given the posted speed limit along this section of Garter's Lane. In addition, the Applicant confirmed that no access to the site shall be provided from the N7 and the existing gates will remain closed as is the case with the current arrangement.
- 7.3.3. As part of the Roads Department's further information request, the Applicant was requested to submit a revised Transportation Assessment which analysed how local traffic would be affected if the Garter Lane/Fortunestown Lane junction upgrades are not implemented. Clarity was also requested on how the visitor traffic to/from the cemetery was calculated, noting discrepancies in the figures given in the Transport Assessment and the Environmental & Hydrogeological Assessment. It was also noted that data on daily and yearly funeral numbers should be clearly shown and justified based on similar developments. Further to this, the Applicant was required to submit a Mobility Management Plan detailing the predicted number of visitors travelling to and from the site by public transport or active travel and any measures to be put in place to promote the use of sustainable transport.
- 7.3.4. In response, the Trip Generation within the revised Transportation Assessment was updated to include for 1,095 interments per year (averaging 3 funerals a day). Additional traffic surveys were also undertaken over a 5-day period (Thursday 30<sup>th</sup>

March to Wednesday 5<sup>th</sup> April 2023), at Kilmashogue Cemetery, an established cemetery facility in South County Dublin. The Applicant's assessment notes that this existing cemetery has over 3,000 plots, or approximately 4,500 internments (based on 1.5 interments per plot), which is nearly three times the number of interments than is anticipated at the proposed Cemetery at the end of year 1. The average daily trips to the Kilmashogue Cemetery were recorded as 256 Total Daily Trip (128 Arrivals and 128 Departures) and a daily total of 486 Total Daily Trips (243 Arrivals and 243 Departures) has been assumed for the proposed development at the end of year 1. The assessment notes that the proposed development will have a worst-case 0.7% and 0.9% increase in traffic at the existing Garter Lane / Fortunestown Lane junction. Nonetheless, the existing junction has been modelled as per the existing junction arrangements. This Traffic Signal Controlled Junction consists of a stand-alone traffic signal-controlled T-Junction with single lane approaches and a full all-red pedestrian crossing phase, which results in limited performance and capacity, in particular at peak times where there are a large number of vehicles turning right from Garter Lane onto Fortunestown Lane which block northbound vehicles. The assessment concludes that the proposed development has a minimal impact on the capacity of the junction. In addition, the assessment has had regard to permitted and planned junction improvement, which was conditioned as part of an adjacent permission for Strategic Housing on lands to the east of Garter's Lane (ABP-300555-18, Condition 3(i)), which includes for a new right turn lane on the junction's southern arm.

- 7.3.5. Further to the above, the Applicant submitted a detailed Travel Plan (Mobility Management Plan) for the proposed development. It is noted within the Travel Plan that the key to its success will be the appointment of a Travel Plan Coordinator for the development, once operational. This person will be vested with total responsibility for the implementation of the plan and should be granted the authority and time to execute the Plan and be provided with sufficient resources to realise the Plans success. It is recommended that the Final Travel Plan be set in motion, sensibly at full operational stage and should evolve and develop with the development, taking into account changing Staff and Visitors and their travel preferences and needs. It is also stated that annual reviews of the Plan should include a full stakeholder survey, providing valuable information for target setting and marketing target groups. Having considered the Applicant's Travel Plan, the Roads Department was satisfied that the use of

sustainable transport will be promoted through a reduction in car parking spaces by 40%, the construction of upgraded pedestrian and cycling facilities within the site boundary, along with the proximity of site to LUAS and future bus services. Given the various recommendations contained within the Plan, which include a requirement to appoint a Travel Plan Coordinator, it is my view that a condition be included which requires the Applicant/operator to undertake an annual monitoring exercise to the satisfaction of the planning authority for the first 5 years, and submit the results to the planning authority for consideration and placement on the public file.

- 7.3.6. Having regard to the foregoing, I am satisfied that the proposed development would not represent a hazard to traffic and vulnerable road users nor would the proposed development once operational, result in undue traffic congestion or on-street car parking pressures. The proposed development is considered to accord with Section 12.8.8 (Burial Grounds) of the current Plan and is therefore in accordance with the proper planning and sustainable development of the area. I would agree with the Planning Authority that there should be a requirement for the Applicant to prepare and submit a Construction Management Plan for the development. This can reasonably be addressed by way of condition and shall be submitted prior to the commencement of development on site.

#### **7.4. Drainage**

- 7.4.1. In terms of foul drainage, the Applicant's Engineering Services Report estimates that up to 500 people may use the proposed complex during its most demanding period. The report notes that an existing 225mm diameter foul sewer traverses the subject lands from west to east. This sewer then connects into an existing sewer flowing south to north. It is proposed to divert a section of the existing 225mm foul sewer and all foul effluent generated from the proposed development is proposed to be collected in separate foul pipes and flow under gravity, to the existing 225mm diameter foul sewer on the subject lands.
- 7.4.2. For surface water drainage, the Engineering Services Report noted that the vast majority of the site will fully allow storm water generated to drain into the subsoil as they will be grass/porous surfaces. It is stated that the subject lands currently have a

pond on the site which forms part of the previous lands use as a golf course. It is proposed to modify the general geometry of the lake and it will allow storm water generated on site from the proposed building to be stored in the lake. The lake has an existing connection to the water course which passes through the subject lands which operates with a high level overflow and will be maintained. As noted earlier in this report, the Planning Authority requested further information with respect to the Applicant's proposals for SuDS. This included a requirement for the Applicant to submit plans showing how surface water shall be attenuated to greenfield run off, as well as a comprehensive SuDS Management Plan to demonstrate that the proposed SuDS features have reduced the rate of run off into the existing surface water drainage network. As part of their response to the Planning Authority's request, the Applicant noted that the proposed scheme had taken the position of incorporating a full suite of SuDS, notably:

- The proposed roads will have a drain at either side to allow storm water generated on the roads surface to percolate back into the subsoil and to allow for groundwater recharging.
- The local access internal roads will have a porous surface to allow rainwater generated on the road to percolate through the surface and recharge the groundwater table.
- Carparking areas within the proposed developed will have permeable paving type surfacing. This will allow surface water generated to drain directly into the subsoils and again to aid in the re-charge of the ground water table.
- The limited hard surfacing located around the main building will drain into the existing lined pond. From here a limited discharge rate, set at 2.0l/sec, will allow storm water to drain into the existing surface water course running through the site.

7.4.3. In their assessment of the Applicant's response, it was outlined by the Planning Authority's Water Services that Item No. 11(e) had not been adequately addressed and a clarification of additional information was recommended. This would have requested the Applicant to submit the following:

- a. A report detailing the area of each different surface type in m<sup>2</sup>, and their corresponding run off coefficient which included the total area of the entire proposed development. A table in a report detailing each individual attenuation



feature and volume in m<sup>3</sup> of each feature.

- b. Drawings showing plan and cross sections of each Sustainable Urban Drainage feature.
- c. Clarify if family members will have the option to lay surfacing over burial plots with hard landscaping after a burial has taken place (for example concrete over burial plot).

The Planning Authority noted that Item 'c' above was considered to be of particular relevance, as any permissible works to burial plots that impact surface water runoff could have a direct impact on the suitability of the proposed SuDS. Although a clarification of further information was not sought by the Planning Authority on this issue, Item Nos. a – c were included as conditions to the grant of permission. Given the number of burial plots proposed across the site and the lack of clarity as to whether family members have an option of laying hard landscaping after a burial has taken place, I would agree with the Planning Authority that a condition should be included which requires the Applicant to either supply details on the further management of additional surface water runoff or submit a management plan to prohibit such works (i.e. laying of hard surfacing over individual burial plots).

- 7.4.4. I note that there is an existing watercourse which flows in a south-west to north-east direction from a pond associated with the former golf course (outside red line boundary) where it connects to the Camac River which runs adjacent to Garter's Lane. Surface water from the site during the construction and operational phase of the proposed development would discharge into this watercourse. The Applicant's proposal to include a new permitter access road from Garter's Lane requires a section of the existing watercourse to be culverted to facilitate the road's construction. In their assessment of the application, the Water Services section indicated that the proposed 900mm culvert pipe for the watercourse was too small, and the Applicant was requested to redesign the channel with a box culvert of a suitable size in lieu of the 900mm pipe and to ensure that each end of the culvert had SuDS friendly wing walls. In addition, they were requested to submit a plan and cross-sectional view showing a revised culvert design and to clarify if a Section 50 application from the OPW was required for the proposed culvert. In response, the Applicant had tripled the size of the culvert with details provided on Drawing No. CTW-CSC-ZZ-XX-DR-C-0102. In terms

of the Section 50 application, the Planning Authority noted that they engaged with the OPW on this matter who indicated that that it would be necessary for an Applicant to obtain a Section 50 application for the culvert. A condition has been included which requires the Applicant to submit revised designs for the proposed culvert or alternative works, in consultation with both the Planning Authority and IFI. The condition stipulates that the Applicant shall submit evidence of engagement with IFI in relation to an agreed design. In addition, the extent of the culvert should be minimised and, where a box culvert is the only option, the floor of the culvert shall be embedded below the existing stream level and the up and downstream side of the culvert opening. The requirement for this revised designed stems from the recommendations of IFI included within their report on file. The condition also requires the Applicant to provide a copy of consent from the OPW under Section 50, to develop the proposed culvert, or alternatively provide confirmation that the proposed culvert is exempt.

- 7.4.5. In support of the application, the Applicant submitted an Environmental & Hydrogeological Assessment Report to assess the suitability of the site for a cemetery development. The assessment consisted of trial pit excavation, groundwater monitoring well drilling and installation, soil sampling, groundwater sampling and laboratory analysis. The report notes that the proposed traditional burial ground is proposing to ensure that at least 8ft (2.44m) of overburden is present in compliance with the 1888 Irish regulations together with a further 1m of subsoil cover beneath to bedrock, in order to comply with the relevant Northern Ireland (NI) and United Kingdom (UK) Guidelines. Table 2.1 of the Applicant's Report provides a summary of the various hydrogeological requirements and main criteria required for burials outlined in the above referenced guidance documents and includes information with respect to minimum separation distances (wells, watercourses, drains, dry ditches) and limitations that graves shall not be dug in areas susceptible to groundwater flooding and there shall be at least 1m clearance between the base of the grave and bedrock or the top of the water table. Based on the north-westerly groundwater flow direction, the report notes that the only surface water that potentially receive baseflow from groundwater is the River Camac. A large pond within the south-eastern area of site is to be retained and is expected to be shallow and lined, and therefore should not receive groundwater from the site.

7.4.6. In January 2022, eight trial pits were excavated across the site to an average depth of 3.5mBGL. The report notes that there was some minor seepages of groundwater observed during the excavation of the trial pit depths ranging between 2.8 and 3.5mBGL. It is stated that the perched water is not continuous across the site. Three boreholes were also drilled on-site, with MW101 and MW102 installed as monitoring wells in the northern and eastern region of the site respectively. The report notes that the required 3.44m depth of overburden cover is present across the majority of the proposed burial area with the exception of the north-western area of the site where weathered bedrock was present at 2.5mBGL. The 3.44m cover incorporates a maximum interment depth of eight feet (2.44m) and 1m of undisturbed subsoil below the base of the burial pit. The report concludes that the proposed development complies fully with the separation distances from the rivers, groundwater abstraction wells, drainage ditches and with the various ground conditions required in the Irish Law and UK cemetery guidance. Therefore, the initial site investigation demonstrates that the site is suitable for use as a cemetery consisting of traditional burial plots. In terms of the potential contaminants of concern arising from traditional burials, a detailed quantitative risk assessment (DQRA) was undertaken in order to predict impact if any on the groundwater and downgradient surface waters, arising from the operational stage of the cemetery development. The report indicates that the outcome of the DQRA was that no unacceptable risks to groundwater were identified.

7.4.7. During the assessment of the application, the Planning Authority's Scientific Officer requested further information to enable a full assessment of the Applicant's proposals, namely:

- Details of the lake to be submitted, i.e. is it constructed/natural? If constructed, details of how it is fed, lined and its capacity.
- Submission of a site drawing that overlays the interment locations with ground water depths.
- Details on the number of traditional interments per plot (stacking) and whether this varies across the site.
- Ground investigation information for the south-western portion of the site or a justification for its omission.

- To demonstrate that they consulted with Inland Fisheries Ireland on surface water quality issues and incorporate any recommendations of IFI, given the nature of the proposed use.

In response, the Applicant confirmed that the lake was constructed as part of the former golf course development and does not allow retained water to recharge to the ground water table. Storm water from the hard landscaping and the new building is proposed to discharge into the pond. The Planning Authority noted that the only outstanding item for confirmation was that there shall be a requirement for at least 1m of unsaturated soil to be provided between the bottom of the deepest coffin, compared to the shallowest recorded water table across the site. However, they were satisfied that this could reasonably be addressed by way of condition. I note that the application is also supported by a Site Specific Flood Risk Assessment which concludes that the likelihood of onsite flooding from the hydrogeological ground conditions is deemed to be minor and within acceptable levels. Overall, I am satisfied that the Applicant has adequately demonstrated that the site is suitable for a development of this nature and that development shall not pose a threat to public health by way of groundwater contamination, subject to compliance with appropriate conditions. The proposed development is therefore considered to be acceptable and in accordance with the proper planning and sustainable development of the area.

## **7.5. Appropriate Assessment - Screening Determination**

7.5.1. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000, as amended) is not required. Further detail is included within Appendix 2 of this report.

7.5.2. This conclusion is based on:

- Objective information presented in the Screening Report, Ecological Impact Assessment (EclA), Outline Construction and Environmental Management Plan (CEMP), Environmental & Hydrogeological Assessment Report and the

Site Specific Flood Risk Assessment.

- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.
- Distance from European Sites.
- Impacts predicted would not affect the conservation objectives.

7.5.3. I note that no measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

## **8.0 Recommendation**

8.1. Grant of permission is recommended.

## **9.0 Reasons and Considerations**

9.1. Having regard to:

- (a) the 'OS' (Open Space) zoning objective of the site;
- (b) the policies and objectives of the South Dublin Development Plan, 2022-2028;
- (c) The overall layout of the development which has been designed to preserve the existing woodland canopy and minimise the impact on existing vegetation and ecology where possible, whereby burial plots have been predominantly sited within the fairways of the former golf course.
- (d) The location of the site relative to existing and proposed public transport;
- (e) The high quality design of the reception building and its associated landscaping which provides ancillary and complementary functions to the proposed cemetery; and,
- (f) The established and emerging pattern of development in the area, where the proposed development can provide a valuable civic amenity,

it is considered that, subject to compliance with the conditions set out below, including a condition which prohibits funeral ceremonies/services being carried out on site, the proposed development would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of the safety and convenience of pedestrians and road users, would not be prejudicial to public health and would safeguard the

ecological value of the site. The proposed development would, therefore, 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, as amended by the further plans and particulars received by the planning authority on the 19<sup>th</sup> day of July 2023, 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.

Reason: In the interest of clarity.

2. Prior to the commencement of development, the applicant, owner or developer shall submit revised plans for the Reception Building which reduces the floor area of the northern part of the building to a maximum of 70sq.m. Funeral ceremonies or services shall be prohibited from being carried out on site.

Reason: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

3. Prior to the commencement of development, the applicant shall provide confirmation of the intended operator for the finished development. In the event that no operator is found at this time, the applicant shall submit details specifying how an operator shall be found, and a plan for how to operate the cemetery in the event no suitable operator is confirmed. The Applicant shall also submit a detailed plan for the management of headstone dimensions and plot alterations, for the written agreement of the Planning Authority.

Reason: In the interest of the proper planning and sustainable development of the area.

4. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of

development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority. This shall include:

- a. A report detailing the area of each different surface type in m<sup>2</sup>, and their corresponding run off coefficient, for the written agreement of the planning authority. The report shall include the total area of the entire proposed development and a table detailing each individual attenuation feature and volume in m<sup>3</sup> of each feature.
- b. Drawings showing plan and cross sections of each Sustainable Urban Drainage feature, for the written agreement of the Planning Authority.
- c. Clarification as to whether family members will have the option to lay surfacing over burial plots with hard landscaping after burial has taken place (for example concrete over burial plot). In the event such alterations to burial plots is to be allowed, the applicant shall supply details on the further management of additional surface water runoff, or a management plan to prohibit such works

Reason: To prevent flooding and in the interests of sustainable drainage.

5. Prior to the commencement of development, the Applicant shall submit details for the written agreement of the Planning Authority which comprise an undertaking that at least 1m of unsaturated soil will remain between the bottom of the deepest coffin compared to the shallowest recorded water table for the site as provided for in the Environmental & Hydrogeological Assessment Report for the duration of the operation of the cemetery. The Applicant is advised to contact the South Dublin County Council Environmental Scientific Officer in the event of any difficulties in providing this information.

Reason: In the interest of the proper planning and sustainable development of the area.

6.

- a. Prior to the commencement of development, the Applicant shall engage with Planning Authority and Inland Fisheries Ireland (IFI) and submit revised designs for the proposed culvert (or alternative works). Detailed

drawings are to be agreed in writing which minimise the extent of the culvert and, where a box culvert is the only option, the floor of the culvert shall be embedded below the existing stream level and the up and downstream side of the culvert openings. There shall be no impediment to the passage of fish as a result of the culvert. Evidence of engagement with IFI in relation to an agreed design shall accompany the submission.

- b. Prior to the commencement of development, and subsequent to agreement of item A) above, the applicant shall provide a copy of consent from the OPW, under Section 50, to develop the proposed culvert, or alternatively provide a copy of a letter or email from the OPW confirming that the proposed culvert is exempt from section 50.

Reason: In the interest of the proper planning and sustainable development of the area.

7. Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

8. The applicant shall implement all the recommended mitigation measures included in all environmental and ecological reports submitted in support of this application, including, but not limited to measures stated in the Ecological Impact Assessment, Environmental & Hydrogeological Assessment Report, Badger/Fauna Survey and Wildlife Aviation Impact Assessment. A pre-construction survey of trees for felling shall be conducted prior to removal and a full fauna survey shall be undertaken. Where recommendations to minimise the impact of the development on wildlife have been recommended (i.e. Badger/Fauna Survey), the Applicant shall submit details on how these items have been incorporated into the design of the scheme prior to the commencement of development.

Reason: In the interest of proper planning and sustainable development.



9. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: -

- collection and disposal of construction waste,
- surface water run-off from the site,
- on-site road construction,
- construction of the proposed culvert, and
- environmental management and mitigation measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures.

A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The CEMP shall be prepared in conjunction with and signed off by the project ecologist and shall have regard to the various mitigation measures included within both the EclA and the Badger / Fauna Survey (May 2023) submitted by way of further information. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interest of environmental protection.

10. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the landscape drawings submitted with the application and the revised drawings submitted on 19<sup>th</sup> July 2023.

Reason: In the interest of amenity and public safety.

11. The development shall be carried out and operated in accordance with the provisions of the Mobility Management Plan (MMP) (Travel Plan) submitted to the planning authority on 19<sup>th</sup> July 2023. The specific measures detailed in

Section 5 of the MMP to achieve the objectives and modal split targets for the development shall be implemented in full. The developer shall undertake an annual monitoring exercise to the satisfaction of the planning authority for the first 5 years and shall submit the results to the planning authority for consideration and placement on the public file.

Reason: To achieve a reasonable modal split in transport and travel patterns in the interest of sustainable development.

12. A detailed Construction Traffic Management Plan shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

13. The developer or any agent acting on its behalf, shall comply with submitted Resource Waste Management Plan (RWMP) dated December 2022 and shall accord with the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021). All records (including for waste and all resources) pursuant to the RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.

14. Site development and building works shall be carried out between the hours of 8am to 6pm Mondays to Fridays inclusive, between 9am to 2pm on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

15. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which

shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

16. Prior to the commencement of development, the applicant shall submit the following, with written confirmation of agreement from the Department of Defence:

- a. A Wildlife Aviation Impact Assessment.
- b. A Glint and Glare Assessment to ensure the development will not impact flight safety in relation to Casement Aerodrome. During the construction phase of the development, the applicant shall implement adequate bird control measures to mitigate the effects of birds on Air Corps flight operations.

Reason: In the interest of aviation safety

17. The landscaping scheme shown on the application drawings, and the revised drawings submitted to the planning authority on 19<sup>th</sup> July 2023 shall be implemented within the first planting season. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

18. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. The schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

#### 19. Arboricultural Assessment

- a. An accurate updated tree survey of the site, which shall be carried out by an arborist, shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.
- b. Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled. This shall include the specific tree protection measures for works within the 2 no. woodland areas (Plantation Woodland W1 & W5) to minimise the impact on the existing trees which are to be retained. This is necessary given the substantial nature of the works proposed within these areas of the site.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.

20. Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum radius of two metres from the trunk of the tree or centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed. No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: In the interest of visual amenity and to protect trees and planting during

the construction period.

21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of 3 years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To secure the protection of trees on the site.

22. 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 of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to 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

31<sup>st</sup> July 2024

## Appendix 1 - Form 1

### EIA Pre-Screening [EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-317989-23		
<b>Proposed Development Summary</b>	The development will consist of a cemetery including: 8,047 no. traditional burial plots; columbarium walls; 1 single storey reception building and all other associated site development works.		
<b>Development Address</b>	Citywest Hotel and Convention Centre, Saggart, Co. Dublin.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	Yes
		<b>No</b>	No further action required
<b>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?</b>			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
<b>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]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
No			
Yes	X	Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of	10 (Infrastructure projects) (b) (iv) Proceed to Q.4

		other parts of a built-up area and 20 hectares elsewhere.		
--	--	---	--	--

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: \_\_\_\_\_

Date: 31<sup>st</sup> July 2024



## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-317989-23	
<b>Proposed Development Summary</b>	The development will consist of a cemetery including: 8,047 no. traditional burial plots; columbarium walls; 1 single storey reception building and all other associated site development works.	
<b>Development Address</b>	Citywest Hotel and Convention Centre, Saggart, Co. Dublin.	
<p><b>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</b></p>		
-	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<ul style="list-style-type: none"> <li>- <b>Nature of the Development</b></li> <li>- Is the nature of the proposed development exceptional in the context of the existing environment?</li> <li>- Will the development result in the production of any significant waste, emissions or pollutants?</li> </ul>	No. Whilst a change of land use is proposed, the development is proposing a cemetery within the grounds of an existing golf course with minimal impact on the existing vegetation across the site. The development includes ancillary reception and maintenance buildings which are of a relatively modest scale.	No
<ul style="list-style-type: none"> <li>- <b>Size of the Development</b></li> <li>- Is the size of the proposed development exceptional in the</li> </ul>		No

<p>context of the existing environment?</p> <p>- Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>		No
<p>- <b>Location of the Development</b></p> <p>- Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>- Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>No designations apply to the subject site.</p> <p>The development would be connected to the public wastewater services.</p>	<p>No</p> <p>No</p>
<p>- <b>Conclusion</b></p>		

<ul style="list-style-type: none"> <li>- There is no real likelihood of significant effects on the environment.</li> <li>- EIA not required.</li> </ul>		
---	--	--

Inspector: \_\_\_\_\_

Date: 31<sup>st</sup> July 2024

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 2

### Screening for Appropriate Assessment Screening Determination

#### Step 1: Description of the project

I have considered the proposed residential development, in light of the requirements of S177U of the Planning and Development Act 2000 as amended. An Appropriate Assessment Screening Report dated December 2022 was submitted with the application and prepared by Altermar Marine and Environmental Consultancy. In addition, the application is supported by an Ecological Impact Assessment (EclA), an Outline Construction and Environmental Management Plan (CEMP), an Environmental & Hydrogeological Assessment Report and a Site Specific Flood Risk Assessment. These documents have been prepared on behalf of the Applicant and the objective information presented informs the screening determination.

The address of the appeal site is Citywest Hotel and Convention Centre, Saggart, Co. Dublin. The site has a stated area of c. c. 13.45ha. and comprises a portion of the former golf course associated with the Citywest Hotel. I have provided a detailed description of the site location and its surrounding context in section 1 of my report, while the development is described in detail in section 2. Detailed specifications of the proposed development are provided in the AA Screening Report and in other planning documents provided by the Applicant. In summary, the development seeks planning consent for the development of a cemetery including: 8,047 no. traditional burial plots; columbarium walls; 1 single storey reception building and all other associated site development works.

There are no Natura Sites within the immediate vicinity of the appeal site. The nearest designated site (Glenasmole Valley SAC (Site Code 001209) is located 5.6km to the south-west of the site. SACs and SPAs within 15km of the site and those with direct or indirect pathways have been identified in the Applicant's Screening Report. The AA screening Report indicates that the Zol of the proposed project would be seen to be restricted to the site outline, with potential for minor localised noise and lighting impacts during construction which do not extend significantly beyond the site outline nor are they likely to have any significant effects on any European sites. European sites within a 15km of the site are identified as follows:

- Glenasmole Valley SAC (001209) – 5.6km
- Wicklow Mountains SAC (002122) - 7km
- Rye Water Valley/Cartron SAC (001398) – 8.5km
- Red Bog, Kildare SAC (000397) – 11.4km
- Wicklow Mountains SPA (004040) – 10.3km
- Poulaphouca Reservoir SPA (004063) – 12km

In the case of the above SACs and SPAs, there are no direct or indirect hydrological pathways from the proposed development site to the European Sites. I would agree with the Applicant that construction and operation of the proposed development will not impact on the conservation interests of the Designated Sites and no potential impacts are foreseen.

However, the Applicant's area of assessment was expanded to include designated sites beyond 15km with the potential for a hydrological connection which are detailed as follows:

- South Dublin Bay SAC (000210) – 15.9km.
- North Dublin Bay SAC (000206) – 19km.
- South Dublin Bay and River Tolka Estuary SPA (004024) – 16km.
- North Bull Island SPA (004006) – 19km.

Applying the precautionary principle, these sites are examined in further detail below.

I note that a submission has been received on the application from IFI. The report provides design recommendations with respect to the Applicant's proposals for the construction of the proposed culvert. In addition, it is their view that the Applicant should be required to prepare a detailed CEMP for the proposed development.

## **Step 2: Potential impact mechanisms from the project**

The SACs and SPAs within Dublin Bay are located downstream from the proposed site at a minimum hydrological distance of approximately 15.9km. A watercourse which bisects the southern portion of the site connects to the Camac River which runs proximate to the site's south-eastern boundary along Garter's Lane. This acts as an outflow for any potential surface water attenuation flows downstream through a mosaic of industrial, commercial and residential environments within a large urban area comprising roads, footpaths and other associated infrastructure. This stream may have the potential for indirect impacts during the construction phase of the development on the various SACs and SPAs within Dublin Bay given the weak hydrological connection to the site via the Camac River and River Liffey. In addition, foul water would be seen as output from the site during the operational phase of the development that could potentially extend to these Natura 2000 sites. With this in mind, and implementing the precautionary principle, an assessment of potential hydrological impacts on the SACs and SPAs will act as a proxy for assessing the potential for indirect hydrological impacts on them or any other Natura 2000 site, given its closest proximity. These are considered in further detail below.

**Steps 3 & 4: European Sites at risk from impacts of the proposed project and likely significant effects on the European site(s) 'alone'**

Natura 2000 Site	Qualify Interests/Special Conservation Interests for which the Natura 2000 Site has been designated.	Conservation Objectives	Impact Assessment
South Dublin Bay SAC (000210)	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>	<p>To maintain or restore the favourable Conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>There is the potential for hydrological connectivity between the proposed site and this SAC during the construction and operational phase of the proposed development.</p> <p>Surface water drainage from the proposed site is directed towards an artificial lake and subsequently onwards towards an outflow watercourse via attenuation that has hydrological connectivity to the River Carmac and subsequently to the River Liffey.</p> <p>During the construction phase, standard pollution control measures would be put in place and are outlined in the submitted Construction and Environmental Management Plan (CEMP). These include surface water management, material storage, waste management and other environmental management measures. It is my view that the measures outlined are typical and well proven construction methods and would be expected by any competent developer whether or not they were explicitly required by the terms and conditions of a planning permission.</p> <p>I also consider that, even if the aforementioned best practice construction management measures were not in place, the possibility of significant effects on designated sites is unlikely given the nature and scale of the development, the intervening distance between the development and the designated sites and the resultant dilution factor with regard to the conservation objectives of the relevant designated sites and habitats and species involved. I</p>

			<p>therefore do not include these measures as 'mitigation measures' for the purposes of protecting Natura sites.</p> <p>In addition, a detailed quantitative risk assessment (DQRA) was undertaken as part of the Applicant's Environmental &amp; Hydrogeological Assessment in order to predict impact if any on the groundwater and downgradient surface waters, arising from the operational stage of the cemetery development. It is concluded within the report that no unacceptable risks to groundwater were identified.</p> <p>Given the relatively moderate scale of the proposed development, it will make a very small contribution to the overall capacity of the licensed WWTP at Ringsend.</p> <p>The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely.</p>
North Dublin Bay SAC (000206)	<p><u>Habitats</u></p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	<p>There is the potential for hydrological connectivity between the proposed site and this SAC during the construction and operational phase of the proposed development.</p> <p>Surface water drainage from the proposed site is directed towards an artificial lake and subsequently onwards towards an outflow watercourse via attenuation that has hydrological connectivity to the River Carmac and subsequently to the River Liffey.</p> <p>During the construction phase, standard pollution control measures would be put in place and are outlined in the submitted Construction and Environmental Management Plan (CEMP). These include surface water management, material storage, waste management and other environmental management measures. It is my view that the measures outlined are typical and</p>

	<p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190] Species</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p>		<p>well proven construction methods and would be expected by any competent developer whether or not they were explicitly required by the terms and conditions of a planning permission.</p> <p>I also consider that, even if the aforementioned best practice construction management measures were not in place, the possibility of significant effects on designated sites is unlikely given the nature and scale of the development, the intervening distance between the development and the designated sites and the resultant dilution factor with regard to the conservation objectives of the relevant designated sites and habitats and species involved. I therefore do not include these measures as 'mitigation measures' for the purposes of protecting Natura sites.</p> <p>In addition, a detailed quantitative risk assessment (DQRA) was undertaken as part of the Applicant's Environmental &amp; Hydrogeological Assessment in order to predict impact if any on the groundwater and downgradient surface waters, arising from the operational stage of the cemetery development. It is concluded within the report that no unacceptable risks to groundwater were identified.</p> <p>Given the relatively moderate scale of the proposed development, it will make a very small contribution to the overall capacity of the licensed WWTP at Ringsend.</p> <p>The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely.</p>
South Dublin Bay and River Tolka Estuary SPA (004024).	Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046]	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation	There is the potential for hydrological connectivity between the proposed site and this SAC during the construction and operational phase of the proposed development.



	<p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>	Interests for the SPA.	<p>Surface water drainage from the proposed site is directed towards an artificial lake and subsequently onwards towards an outflow watercourse via attenuation that has hydrological connectivity to the River Carmac and subsequently to the River Liffey.</p> <p>The development cannot increase disturbance effects to birds in Dublin Bay given its distance from these sensitive areas (i.e. minimum of c. 16km). There are no sources of light or noise over and above that this is already experienced in this built-up, urbanised location.</p> <p>Habitats on the site or on any adjacent lands are not suitable for regularly occurring populations of wetland or wading birds which may be features of interest of the South Dublin Bay and River Tolka Estuary SPA. The development will not lead to any decrease in the range, timing, or intensity of use of any areas within any SPA by these SCI bird species. The development will not lead to the loss of any wetland habitat area within the SPA and no ex-situ impacts can occur.</p> <p>Noise from the works would be localised to the vicinity of the site. Noise from the works would be deemed to have a negligible impact on the SCIs due to the distance from the SPA.</p> <p>During the construction phase, standard pollution control measures would be put in place and are outlined in the submitted Construction and Environmental Management Plan (CEMP). These include surface water management, material storage, waste management and other environmental management measures. It is my view that the measures outlined are typical and well proven construction methods and would be expected by any competent developer whether or not they were explicitly required by the terms and conditions of a planning permission.</p>
--	---	------------------------	--

			<p>I also consider that, even if the aforementioned best practice construction management measures were not in place, the possibility of significant effects on designated sites is unlikely given the nature and scale of the development, the intervening distance between the development and the designated sites and the resultant dilution factor with regard to the conservation objectives of the relevant designated sites and habitats and species involved. I therefore do not include these measures as 'mitigation measures' for the purposes of protecting Natura sites.</p> <p>In addition, a detailed quantitative risk assessment (DQRA) was undertaken as part of the Applicant's Environmental &amp; Hydrogeological Assessment in order to predict impact if any on the groundwater and downgradient surface waters, arising from the operational stage of the cemetery development. It is concluded within the report that no unacceptable risks to groundwater were identified.</p> <p>Given the relatively moderate scale of the proposed development, it will make a very small contribution to the overall capacity of the licensed WWTP at Ringsend.</p> <p>The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely.</p>
North Bull Island SPA (004006)	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for the SPA.	There is the potential for hydrological connectivity between the proposed site and this SAC during the construction and operational phase of the proposed development. Surface water drainage from the proposed site is directed towards an artificial lake and subsequently onwards towards an outflow watercourse via attenuation that has hydrological connectivity to the River Carmac and subsequently

	<p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>		<p>to the River Liffey.</p> <p>The development cannot increase disturbance effects to birds in Dublin Bay given its distance from these sensitive areas (i.e. minimum of c. 16km). There are no sources of light or noise over and above that this is already experienced in this built-up, urbanised location.</p> <p>Habitats on the site or on any adjacent lands are not suitable for regularly occurring populations of wetland or wading birds which may be features of interest of the North Bull Island SPA. The development will not lead to any decrease in the range, timing, or intensity of use of any areas within any SPA by these SCI bird species. The development will not lead to the loss of any wetland habitat area within the SPA and no ex-situ impacts can occur.</p> <p>Noise from the works would be localised to the vicinity of the site. Noise from the works would be deemed to have a negligible impact on the SCIs due to the distance from the SPA.</p> <p>During the construction phase, standard pollution control measures would be put in place and are outlined in the submitted Construction and Environmental Management Plan (CEMP). These include surface water management, material storage, waste management and other environmental management measures. It is my view that the measures outlined are typical and well proven construction methods and would be expected by any competent developer whether or not they were explicitly required by the terms and conditions of a planning permission.</p> <p>I also consider that, even if the aforementioned best practice construction management measures were not in place, the possibility of significant effects on designated sites is unlikely given the nature and scale of the</p>
--	--	--	---

			<p>development, the intervening distance between the development and the designated sites and the resultant dilution factor with regard to the conservation objectives of the relevant designated sites and habitats and species involved. I therefore do not include these measures as 'mitigation measures' for the purposes of protecting Natura sites.</p> <p>In addition, a detailed quantitative risk assessment (DQRA) was undertaken as part of the Applicant's Environmental &amp; Hydrogeological Assessment in order to predict impact if any on the groundwater and downgradient surface waters, arising from the operational stage of the cemetery development. It is concluded within the report that no unacceptable risks to groundwater were identified.</p> <p>Given the relatively moderate scale of the proposed development, it will make a very small contribution to the overall capacity of the licensed WWTP at Ringsend.</p> <p>The construction and operation of the proposed development will not impact on the conservation interests of the site and therefore, no significant effects likely.</p>
--	--	--	--

**Step 5: Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'**

The development of the proposed cemetery is catered for through land use planning, including the South Dublin County Development Plan, 2022-2028, covering the location of the application site. This has been subject to AA by the Planning Authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note also the development is located on serviced and zoned lands in a suburban area. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water.

Page 31 of the Applicant's Screening Report considered 'In-Combination Effects' and States and it is confirmed within the report that no cumulative effects will occur for any Natura 2000 sites from the proposed development. Permissions referenced include:

- SD21A/0022 – Citywest, Dublin 2: Change of use from warehouse to office.
- SD22A/0269 – Baldonnell Business Park: Signage application.
- SD21A/0230 – Baldonnell Business Park: Logistic Warehouses.

- SHD3ABP30055-18 – Garters Lane: Residential development comprising 526 residential units.
- SD21A/0240 – Citywest: Change of use.
- SD21A/0162 – Citywest: Warehouse development.
- SD16A/0441 – Garters Lane: Residential development.

Whilst the Screening Report has failed to mention a number of permitted development within the site surrounds, these mainly relate to other residential/industrial/commercial developments and would be subject to the similar construction management and drainage arrangements as the subject proposal (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites). Notably Planning permission has been granted under Ref. SD23A/0100 on the adjoining site for works comprising the construction of a Photovoltaic Solar development with an operational lifespan of 30 years. Although the application was accompanied by a Natura Impact statement (NIS), the Planning Authority had concluded that, having regard to the nature of the development and the distance of connections from the Natura 2000 sites, the development would not require further Appropriate Assessment.

Therefore, I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s). No further assessment is required for the project.

### **Overall Conclusion - Screening Determination**

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000, as amended) is not required.

This conclusion is based on:

- Objective information presented in the Screening Report, Ecological Impact Assessment (EclA), Outline Construction and Environmental Management Plan (CEMP), Environmental & Hydrogeological Assessment Report and Site Specific Flood Risk Assessment.
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.
- Distance from European Sites.
- Impacts predicted would not affect the conservation objectives.

I note that no measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.