



Comhairle Contae Thiobraid Árann
Tipperary County Council

Chief Executive Officer's Report

Part VIII Development, Construction of a Lawn Cemetery and Associated Works, Killenaule Road, Fethard, Co. Tipperary

18th May 2023

1. Nature and extent of the proposed development and the principle features thereof:

The development includes the construction of a Lawn Cemetery and Associated works. The development shall consist of:

- The construction of a multi-denominational Cemetery which shall be enclosed by masonry boundary walls on all sides and include the following: Main (front) Gate & Disability Access Gate; Car park to the front; flexible material cemetery access roads; Access paths to Irish Wheelchair Association Guidelines; Central Reflection Area with seating & planting; Columbarium Walls; Utility Shed & WC;
- The proposed development (total of 997 grave plots; 2 burials per plot) shall be constructed over 3 Phases i.e. Ph.1 – 522 Plots; Ph.2 – 435 Plots; Ph.3 – 40 Plots.

Phase 1

- Construction of: Cemetery Boundary Walls & Gates; provision of 33 No space Cemetery car-park inclusive of 3 Disabled parking spaces & 3 'Age Friendly' spaces to front of burial plot Sections; provision: 522 grave plots; access roads & paths; headstone foundation beams; Central Reflection Area; Provision of 'Steeltech' Utility Shed & WC; Waste Soil/ Grass Collection Area;

Phase 2 & 3

- Provision of: 435 No plots (Ph.2) and 40 No plots (Ph.3) Sections; 4 No Columbarium Walls; associated infrastructure; All to be constructed on an 'as the need arises' basis.

Associated Site Works shall consist of:

- Removal of 88.5m of existing hedgerow fronting adjoining agricultural lands to the north of the Cemetery and replacing with TII: CC-SCO-00321 (Timber Post & Tension Mesh Fencing) as per 'Farm Entrance & Hedge-Removal Agreement 19.08.2022' between Council and Landowner in order to facilitate sightline requirements.
- Provision of landscaping works & seating to burial ground and associated areas.
- Provision of drainage facilities: surface water & foul sewage, and water supply connection.
- Installation of Cemetery public lighting scheme extended over all 3 phases of the proposed development i.e. installed on an 'as the need arises' basis.

2. Site Location & Description

The site subject to this Part 8 application comprises 0.97 ha and is located to the immediate north of the Calvary Cemetery and to the east of the R689 Fethard – Killenaule Strategic Regional Road. The site is circa 900m north of the Main Street, Fethard. The site is currently in greenfield condition and is in agricultural use. The Fethard Rugby Club is situated to the west (on the opposite side of the R689 Strategic Regional Road). The site straddles the development boundary for Fethard and the proposed entrance is to be located within the 60 kph speed limit zone in close proximity to the 50 kph speed limit zone.

See Site Location Map and Site Layout Plan attached.

3. Public Consultation

Plans and particulars of the proposed development were available for inspection and purchase from 9:30 am to 4.30 pm., from Thursday 2nd March 2023 to Friday 31st March 2023 at the following locations:

- Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary (inspection and purchase).
- Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary (inspection and purchase).
- Tipperary County Council, Civic Offices, New Street, Carrick on Suir, Co. Tipperary

Submissions and observations with respect to the proposed development could be made in writing to Tipperary County Council no later than 4.30 pm on 17th April 2023.

No submissions were received from the public during the public consultation period.

4. Consideration of Submissions

N/A

5. Prescribed Bodies

The Part VIII application was referred to the following prescribed bodies for comment;

- HSE
- Inland Fisheries
- Regional Fisheries Board
- Southern Regional Assembly
- The Heritage Council
- An Taisce
- Irish Water
- Waterways Ireland

No written responses were received from the prescribed bodies.

6. Referrals

The Part VIII application was referred to the following internal sections for comment;

- Chief Fire Officer
- District Engineer
- Water Services

No written responses were received from the internal sections. The proposal was discussed verbally with the District Engineers Office (Mr. Aidan Fox) on the 11.05.23.

7. Planning Assessment

Planning Policy Context

The Tipperary County Development Plan (TCDP) 2022-2028 is the relevant development plan for the area.

The site straddles the Fethard Settlement Plan boundary with the majority of the site located within the boundary and zoned for social and public land use, the zoning objective of which is to ***“provide and improve social and public facilities”***.

A small portion of the Part 8 application site is located outside of the settlement boundary on unzoned lands.

The zoning matrix does not include for a burial ground however a community facility is generally permitted on the social and public land use zone.

Specific Objective No. 6 of the Fethard Settlement Plan states that the Council, as opportunities arise and subject to resources will seek to support and implement the following objectives, over the lifetime of the Plan.

“To Identify land for the future expansion of the burial ground on the Killenaule Road to incorporate and facilitate new access arrangements”.

The relevant sections of the TCDP 2022 are set out below;

Section 6.9 (Burial Grounds)

The Council recognises the need for the provision of new burial grounds and the extension of existing, as appropriate to cater for the needs of a multi-cultural county. The individual Settlement Plans and LAPs have examined the adequacy of existing burial grounds, and where appropriate lands have been identified within each development centre for additional burial grounds. The use of alternatives to burial, such as cremation, and other burial options such as columbarium walls, will be considered in appropriate locations in the county subject to normal planning and environmental criteria.

Appendix 6, Section 6.1 (Road Design and Visibility at a Direct Access) of the Plan sets out sightline requirements for new entrances within the various speed limit zones.

Appendix 6

1.0 Habitats Directive Assessment

Habitats Directive Assessment (HDA), also known as Appropriate Assessment (AA), is a requirement under the Habitats Directive 92/43/EEC. Plans and projects which have potential to impact on Natura 2000 designated sites must be screened for AA, and a full AA must be carried out, unless it can be established through screening that the plan or project in question will not have a significant effect on any Natura 2000 Site(s). The planning authority will require, as appropriate, AA to be prepared in accordance with Article 6(3) and Article 6(4) of the Habitats Directive, and in accordance with the ‘Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities’ (DEHLG, 2009) and relevant EPA and European Commission guidance documents. AA shall be carried out in respect of any plan or

project likely to have a significant effect on a European site(s), either individually or in combination with other plans or projects, in view of the site's conservation objectives.¹

1.2 Environmental Assessment

The Environmental Impact Assessment Directive (Directive 2011/92/ EU as amended by 2014/52/EU on the assessment of the effects of certain public and private projects on the environment) requires an assessment of the environmental impact of certain projects. An Environmental Impact Assessment Report (EIAR) is required to accompany a planning application for development of a class set out in Schedule 5 of the Planning and Development Regulations 2001 (as amended) (the Regulations) which exceeds a limit, quantity or threshold set for that class of development. Environmental Impact Assessment (EIA) is the process by which the anticipated effects on the environment of a proposed development or project are measured, and if the likely effects are unacceptable, design measures or other steps can be taken to avoid, reduce or mitigate against those effects. An EIA may be required for development proposals below statutory thresholds outlined in the Regulations. If the proposed development is sub-threshold, and the planning authority considers that the proposal is likely to have significant effects on the environment, then an EIA must be submitted to the planning authority. The planning authority will have regard to Schedule 7 of the Regulations, and the associated 'Guidelines for Planning Authorities, and An Bord Pleanála on carrying out EIA' (DHPLG, 2018), in deciding whether a proposed development is likely to have significant effects on the environment along with 'Environmental Impact Assessment Guidance for Consent Authorities' (DEHLG, 2003) (and any amendment thereof) regarding sub threshold development. Prospective developers are advised to have regard to the supporting 'Guidelines on the Information to be contained in EIAs', (EPA, 2002) (and any amendment thereof) for further details on schedule six of the Regulations.

Principle of the Proposed Development

The proposed development is in accordance with the land use zoning objective for the site and the policies and objectives of the TCDP 2022 as they relate to burial grounds and is acceptable in principle.

Design & Layout

The proposed development is laid out with 33 car parking spaces, including 3 age friendly and 3 spaces for people with disabilities, to the front (west) of the site. The main entrance from the Regional Road includes for a vehicular gate and a special needs wheelchair access gate.

Vehicular access to the proposed plots is restricted by lockable removable bollards and a 3m one way circulation system for vehicular traffic is provided for within the cemetery. Vehicular access to the plots will be for undertakers and immediate family on funeral days. The site layout plan provides for a future pedestrian access to the existing cemetery to the south subject to agreement with the Church Authority in addition to future vehicular access to the north and east.

The 997 plots are to be delivered in three phases i.e. Phase 1 Rows A-H, Phase 2 Rows L-O and Phase 3 Rows P&Q.

The proposal also includes for a Steeltech utility shed and soil and grass collection to the front of the site.

Boundary Treatment is shown to be 1.75m high boundary wall along the north, south and eastern boundaries with a 1.7m high plastered block wall along the west/front boundary.

A new 1.2m timber post and tension mesh fencing is also to be provided to the agricultural lands to the north where the existing boundary is to be set back in order to deliver sightlines.

The design and layout of the proposed development is considered to be acceptable and will not have any negative impact on the amenities of the area.

Services

Roads: The proposal includes for a new vehicular entrance into the proposed cemetery and also includes for a new farm entrance into the agricultural lands to the north.

Sightlines of 90m are shown from the cemetery entrance from a 4.5m setback. The works required to deliver the sightlines are within the Part 8 boundary. Hedgerow to be setback is to be replaced with a timber post and tension mesh fencing as referred to above. The sightlines as shown were discussed with the District Engineers office on the 11.05.23 and it was confirmed that same are acceptable. I am satisfied that the required 90m sightlines are achievable from the new/relocated agricultural entrance serving the lands to the north.

Public Lighting: Following discussions with Environment and Climate Action Section it has been confirmed that the proposal does not include for public lighting within the cemetery.

Wastewater: The steeltech shed includes a WC. There is no existing foul water drainage network available on the site and as an interim measure it is proposed to connect the shed to an on-site wastewater, pre-cast, concrete holding tank complete with an audible and visual alarm system.

The reason for this decision is that the sanitary facilities are only intended for the use of the appointed Cemetery Caretaker and/or Burial Ground Committee and for occasional use by others such as HSE personnel with regard to the carrying out of exhumations and, as such, it is expected that wastewater loads will be of a very low. On this basis, a 6cu.m holding tank would require de-sludging approximately once per year. After a period when the Cemetery has become more established and maintenance duties have become more onerous; hence increased wastewater loadings, the Council can dispense with the holding tank system and avail of the option to discharge wastewater directly to the existing public sewer (where the current nearest connection point is located on the near side of the public road, approximately 150m towards Fethard Town Centre).

As part of the proposed development works it is proposed to lay a 110mm diameter upvc sewer pipe from the Utility building to the public footpath so as to facilitate future connection.

Water: The Steeltech shed includes a WC. The public water supply is located to the front of the site and the development is to connect to same.

Surface water: Surface water system is set out on Proposed Drainage and Services Drawing 1002-01. Surface water will discharge to an attenuation tank with hydrobrake prior to discharging to the public surface water drain in order to ensure that greenfield run off rate is maintained.

Hydrology

A hydrogeological assessment of the proposed burial ground was commissioned by the Environment Section of the Council so as to assess the use of then site as a potential burial ground and that it was appropriately located and would not pose a risk to sensitive receptors such as human health, groundwater and surface water bodies and would conform with best practice and the requirements of the Water Framework Directive (WFD) including the Groundwater (2010) and Surface Water (2009) Regulations.

An initial Tier 1 and subsequently, a Tier 2 intrusive Hydrogeological Assessment investigation was carried out by Hidrigeolaíocht Uí Chonaire Teoranta on behalf of the Council.

The report concludes as follows:

“Given the outcome of the quantitative risk assessment, the potential risk associated with double burials at the proposed burial ground site is considered to be low. As such, in line with a Tier 2 assessment under the UK guidance (EA, 2004); it is considered that the proposed development should be acceptable from a hydrogeological perspective”.

Flooding

I have reviewed the most up to date flood risk mapping for the county and note that the site subject to this Part 8 is located outside of same.

Archaeology and Cultural Heritage

The Part 8 application includes an Archaeological and Cultural Heritage Impact Assessment (ACHIA) undertaken by AEGIS Archaeology Limited.

There are no recorded archaeological monuments within the site boundaries. The subject site does not lie within any zone of notification for any monument and does not lie within the zone of archaeological potential for the historic town of Fethard. Furthermore, during a site inspection by the Consultant Archaeologist no previously unrecorded archaeological features were recorded.

By virtue of the scale of the proposed development the ACHIA recommends that a geophysical survey be undertaken, followed by archaeological testing under licence.

Notwithstanding the recommendation contained in this report, noting that the development site is removed from known archaeology, it is considered that archaeological monitoring may be a more appropriate approach in this instance. It has been agreed with the Lead Section that the National Monuments Section (NMS) will be consulted prior to commencing the works and the requirements of the NMS will be complied with at that stage.

Ecology

Ecology Scoping Report undertaken by INIS Environmental Consultants Ltd concludes that no habitats of ecological significance occur adjacent to or within the site subject to the Part 8. No other ecological constraints, such as the presence of mammals or evidence of their usage of the property and surrounding area were recorded, nor were any high-impact invasive species. Therefore, it can be concluded that there are no ecological constraints to constructing the proposed burial ground.

Appropriate Assessment (AA)

The Planning Authority has had regard to the document 'Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities' published by the DoEHLG in December 2009. This document provides a guide to the requirements of Articles 6(3) and 6(4) of the Habitats Directive.

The Part 8 application includes an AA Screening Report undertaken by INIS Environmental Consultants.

Through an assessment of the source-pathway-receptor model, which considered the Zone of Influence of effects from the proposed works and the potential in-combination effects with other plans or projects, the following findings were reported:

- The proposed development is not directly connected with, or necessary to, the management of any European site;
- The proposed development will not give rise to likely significant effects on the Qualifying Interests of any SAC, in view of best scientific knowledge and in view of the conservation objectives of the European sites concerned; and
- The proposed development will not give rise to likely significant effects on the Special Conservation Interests of any SPA, in view of best scientific knowledge and in view of the conservation objectives of the European sites concerned. On the basis of objective scientific information, it is the considered opinion of Inis Environmental Consultants Ltd. that, in completing its report to inform the Screening for Appropriate Assessment in respect of the proposed works at Fethard, either individually or in combination with other projects and plans, is not likely to have a significant effect on any European site. Therefore, a Stage 2 Appropriate Assessment under Article 6(3) of the Habitats Directive is not required for this development

The Lead Section has considered the above report together with the hydrology report and undertaken a screening exercise which appraises the potential impact of the development on the Lower River Suir SAC and other Natura 2000 sites. It is considered that the proposed project poses no potential negative effects on the Lower River Suir SAC or any Natura 2000 site. I concur with the conclusion of the AA screening undertaken by the Lead Section.

Environmental Impact Assessment (EIA)

Schedule 5 (Development for the purposes of Part 10), Part 2, Category 10 (Infrastructural Projects) of the Planning and Development Regulations includes for the following;

(b)(ii) Construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development.

(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

An examination of the nature, size and location of the development has been undertaken (see EIA Screening Report undertaken by Geoenvironmental Consultants attached) and it has been concluded that the characteristics of the potential impacts are not considered to be significant.

There are no long-term negative impacts which can be associated with the project. Whilst temporary noise levels and disturbance are typical of any construction phase, the proposed works are generally remote from sensitive receptors and any potential impact will be short term and effectively managed through best practice measures. No impact interactions have been identified. No likely significant long-term or permanent negative environmental impacts have been identified in the course of the screening process. All works will be confined to the proposed 0.972 hectare site.

The findings from the other relevant reports completed as part of the assessment process have shown that the potential for any direct or indirect impact on groundwater and/or protected areas is low and the likelihood of any significant effects occurring as a result of the works can be excluded.

I concur with the findings of the above mentioned reports and I am satisfied that there is no real likelihood of significant effects on the environment arising from the proposed development, and accordingly an EIA is not required.

8. Conclusions and Recommendations

The Planning Authority is satisfied that the proposal, subject to the following considerations being implemented, is in accordance with the Tipperary County Development Plan 2022-2028, will not impact on the visual amenity of this area, is acceptable in terms of access, built heritage, drainage, presents no significant impacts on the conservation objectives of the Lower River Suir SAC and presents no flood risk issues.

The development as set out on the plans and particulars is considered acceptable and is consistent with the principle of the proper planning and sustainable development of the area. Therefore, it is recommended that the proposed development should proceed subject to the following recommended requirements and conditions.

9. Requirements and Conditions

The development should be subject to the following:

1. Prior to development commencing on the site the lead section shall consult with the National Monuments Service (NMS) and shall comply with any requirements of the NMS with respect to geophysical surveys, archaeological testing and archaeological monitoring.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.



Signed: Caroline Conway
Senior Executive Planner

Date: 18.05.23

Signed: 
Ann Marie Devaney
A/Senior Planner

Date: 18/05/2023

Signed: 
Dave Carroll
A/Director of Services

Date: 19/05/2023