



An
Bord
Pleanála

Board Direction
PL02 248325

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16.04.2018.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the location of the proposed development and the development proposed for retention in an unzoned rural area where the predominant land use is agriculture and to the objective of the planning authority as set out in the Cavan County Development Plan 2014 to 2020, to encourage and facilitate agricultural diversification into agri-businesses including pet-farms, the Board considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed for retention would not endanger public safety by reason of traffic hazard, would not pose an unacceptable risk of environmental pollution and would not seriously injure the residential amenities of properties in the vicinity. The proposed development and the development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board adopted the Inspector's report in relation to Appropriate Assessment screening and concluded that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant

effect on any European Site in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment is Appropriate is not, therefore, required.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that, notwithstanding the restricted sightlines in a northerly direction at the junction of the L6041 and L2011, given the scale of the proposed development and the traffic likely to generated, in the context of the volume of traffic on the existing road network, the proposed development would not endanger public safety by reason of a traffic hazard.

Conditions

1. The development shall be carried out, completed and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 3rd day of February, 2017, 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, completed and retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The number of dogs present on the overall site at any given time shall not exceed 350. A readily readable register of all dogs present shall be maintained and shall be available for inspection by the planning authority during normal working hours.

Reason: In the interests of orderly development and residential amenity.

3. All dogs shall be housed indoors between the hours of 2000 hours and 0700 hours every day.

Reason: In the interests of orderly development and residential amenity.

4. Within 2 months of the date of this Order, the applicant shall submit proposals to the planning authority to improve the sightlines to the east of the junction of the L6041 and L2011. These proposals shall be to the satisfaction of the planning authority. The proposed works to the improvement of the junction shall be carried out within 6 months of the date of this order.

Reason: In the interest of traffic safety.

5. Details of the proposed animal exercise areas shall be submitted to the planning authority for written agreement within 1 month of the date of this Order.

Reason: In the interest of clarity and orderly development.

6. PA Condition No 5

7. (a) All solid waste and foul effluent arising from the keeping of dogs shall be stored in secure and covered bins, shall be disposed of by a licensed contractor and shall comply with the requirements of the planning authority.

(b) Within two months of the date of this Order a detailed waste management plan, to include details of the types of waste (including dog waste, contaminated sawdust and contaminated straw and soiled water/wash water), the method of disposal and frequency of collection to be submitted to the planning authority for written agreement

Reason: In the interest of public health and to ensure a proper standard of development.

8. Water supply and drainage arrangements, including the disposal of uncontaminated surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

9. The noise level shall not exceed 55 dB(A) rated sound level, as measured at the nearest noise sensitive location. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to ensure a proper standard of development.

10. Details of noise and odour monitoring requirements shall comply with the requirements of the planning authority.

Reason: In the interest of public health and to ensure a proper standard of development.

11. 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 the 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.

Board Member

Date: 16.04.2018

Terry Prendergast