



An
Bord
Pleanála

**Board Direction
PL02.248658**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15th November 2017.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, 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.

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 the Lough Oughter and Associated Loughs Special Area of Conservation (Site Code: 000007) or the Lough Oughter Complex Special Protection Area (Site Code: 004049) or any other European Site in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 20th day of April 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 the commencement of development and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The number of dogs, including pups, present on the overall site at any given time shall not exceed 180. 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 interest 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 interest of orderly development and residential amenity.

4. 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.

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

5. 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.

6. 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.

7. 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.

8. Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters) Regulations, 2014, as amended.

Reason: To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of water courses.

9. (a) The domestic waste water treatment plant in use by the operators and staff of the development authorised by this grant of permission shall be located, constructed and maintained in accordance with the requirements of the document entitled “Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p. e.≤ 10)”, Environmental Protection Agency, 2009.
- (b) Within three months of the date of this order the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the domestic waste water treatment plant has been installed and commissioned and is working in a satisfactory manner and in accordance with the standards set out in the Environmental Protection Agency document.
- (c) A maintenance contract for the treatment system shall be entered into for a minimum period of five years for the provision of the treatment system and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakways shall be located such that the clean surface water from roofs and paved areas of the site shall be diverted away from the location of the domestic waste water treatment plant.
- (e) Only effluent from the dwellinghouse shall be discharged to the domestic waste water treatment plant treatment system.

Reason: In the interest of public health.

10. 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 the Board 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: 21st November 2017.

Maria FitzGerald