



An  
Bord  
Pleanála

**Board Direction**  
**BD-009139-21**  
**ABP-309593-21**

The submissions on this file and the Inspector's report were considered at Board meetings held on 05/07/2021 and 23/09/2021

At the meeting of the 05/07/2021, the Board decided to defer consideration of this case and to issue a Section 137 notice to the parties. The notice addressed the Board's uncertainty around whether the future plans for the site included the continued use of five existing domestic dog kennels on site and which the Board considered could give rise to cumulative noise impacts on residential receptors.

The Board considered the submissions received in response to the Section 137 notice at the meeting held on the 23/09/2021 and 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 site within a sparsely populated rural area together with the nature and extent of the development proposed it is considered that subject to compliance with conditions set out below, the proposed development would not seriously injure the visual and residential amenities of the area and would generally be acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.



## Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the drawings received by the Planning Authority on 15th day of January 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to use for boarding of up to 6 dogs and any change of this use or any intensification of its use shall not take place without the benefit of a further planning permission.

**Reason:** To protect the amenities of property in the vicinity.

3. Prior to the commencement of development, the five existing dog kennels and pens detailed on the Proposed Site Layout Plan (Drawing 3(a)) submitted with the planning application (dated 3<sup>rd</sup> day of October 2020) shall be removed in full from the site.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of clarity.

4. The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive location between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time.



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:** To protect the residential amenities of property in the vicinity of the site.

5. Wash water generated in the kennels shall be discharged to a suitably sized effluent tank prior to collection by an authorised waste collector or can be discharged to the existing wastewater treatment system subject to the applicant demonstrating adequate capacity within that system.

**Reason:** In the interest of public health.

6. Faecal waste and soiled bedding shall be collected daily and placed in a suitably sized effluent tank prior to collection by an authorised waste collector. Details of all waste storage on site shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

**Reason:** In the interests of Public Health

7. All uncontaminated roof water from building and clean yard water shall be separately collected and discharge in a sealed system to adequate soakpits and shall not discharge or be allowed to discharge to foul effluent drains or to the public road.

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

8. The proposed kennel shall be constructed and operated in accordance with Department of Rural and Community Development document "Dog Breeding Establishment Guidelines", July 2018.

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



9. Prior to the commencement of construction of the boarding kennels, details of the materials, colours and textures of the external finishes shall be submitted to the Planning Authority for agreement.
- Reason:** In the interest of orderly development.
10. No advertisement and advertising structure shall be erected or displayed within the curtilage of the site without a prior grant of planning permission.
- Reason:** In the interest of visual amenity.
11. Customer parking and turning facilities shall be provided for on the site and sightlines at the entrance shall be maintained to the satisfaction of the planning authority. Details of all requirements relating to the access, including sightlines and parking provision shall be agreed in writing with the Planning Authority prior to the commencement of development.
- Reason:** In the interests of Traffic Safety
12. 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. 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 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

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**Board Member**

*Maria Fitzgerald*

**Date:** 23/09/2021

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Maria Fitzgerald



