



Planning and Development Acts 2000 to 2017

Planning Authority: Cavan County Council

Planning Register Reference Number: 16/193

Appeal by Martina O'Dowd and others care of Drumgore, Loughduff, County Cavan against the decision made on the 2nd day of March, 2017 by Cavan County Council to grant subject to conditions a permission to Beatrice Steiner care of Michael Hetherton of Unit 3, Cavan Street, Oldcastle, County Meath in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of single storey detached Shed A, Shed B, Shed C and Shed D, all for the keeping of greyhounds, together with the provision of an entrance access point to the public road, and permission to construct (1) Shed E for the keeping of greyhounds, (2) designated dog run areas with mobile shelter units, (3) dog training area, (4) close up existing domestic entrance area, and (5) complete all ancillary site works and associated structures and services, all at Drumgore, Loughduff, County Cavan. The proposed development was revised by further public notices received by the planning authority on the 6th day of February, 2017. The further information included revised site boundaries and site layout as a result of a relocated percolation area, decommissioning of the existing percolation area, landscaping plans and new waste water treatment systems within the site boundaries.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the nature, scale and rural location of the proposed development, the pattern of development in the vicinity and the separation distances between the subject site and established residences together with the low volume of traffic on the surrounding network, it is considered that, subject to compliance with the conditions set out below, the proposed development would represent an acceptable use at this location, would not seriously injure the amenities of the area, would not be prejudicial to public health 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 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 25th day of January 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 within three months from the date of this order 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 puppies, present on the overall site at any given time shall not exceed 80. 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 1800 hours and 0800 hours every day.

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

4. A noise survey shall be undertaken to assess the impact of noise emissions arising from the current operation of the facility. The scope, methodology and timescale of this survey, shall be submitted to, and agreed in writing with the planning authority within eight weeks of the date of this order. Upon completion of the survey the results obtained shall be submitted to the planning authority. Details of appropriate noise mitigation measures shall be submitted to and agreed in writing with the planning authority if noise levels exceed the following parameters.

- (a) The noise levels from within the existing boundary of the development shall not exceed 55 dB(A) (15 minutes L_{Aeq}) at any point along the boundary of the development between the hours of 0800 hours and 2000 hours. At all other times the noise levels shall not exceed 40 dB(A) (15 minutes L_{Aeq}).
- (b) The developer shall arrange and pay for such independent noise monitoring as may be required by the planning authority and shall incorporate noise mitigation measures as agreed with the planning authority where noise levels exceed those as specified above.

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

- 5. All solid waste and foul effluent arising from the keeping of 80 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.

- 6. Within two months from the date of this order, the developer shall submit to and agree in writing with the planning authority, details of the proposed storage tank to accommodate wastewater discharge from the kennels. Such wastewater shall be collected in a sealed secure tank of appropriate volume not less than seven cubic metres. All effluent stored in the tank shall be collected and appropriately disposed of by a licensed contractor in accordance with the requirements of the planning authority.

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

7. 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.

8. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 25th day of January 2017, and 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. No system other than the type proposed in the submission shall be installed unless agreed in writing with the planning authority.
- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from 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 drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.

- (e) Within three months of the provision of the treatment system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the Environmental Protection Agency document.
- (f) Only effluent from the dwellinghouse shall be discharged to the treatment system.

Reason: In the interest of public health.

- 9. Maintenance contract for all wastewater treatment systems on site shall be entered into and kept in place at all times. Signed and dated copies of the maintenance contract shall be submitted to the planning authority on annual basis.

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

- 10. Access gates to the site shall open inwards and shall not open out onto any right of way or public road.

Reason: In the interest of traffic and pedestrian safety.

- 11. Visual examination of the surface water drainage system shall be carried out weekly. A log of such inspections shall be maintained and shall be available for inspection by the planning authority during normal working hours.

Reason: In the interest of public health.

