



An
Bord
Pleanála

Board Order PL 02.248325

Planning and Development Acts 2000 to 2017

Planning Authority: 16/365

Planning Register Reference Number: Cavan County Council

Appeal by Michelle Strauss and others care of Pemberley, Baltrasna, Ashbourne, County Meath against the decision made on the 15th day of March, 2017 by Cavan County Council to grant subject to conditions a permission to Raymond Cullivan of Corfeehone, Poles, County Cavan in accordance with plans and particulars lodged with the said Council.

Proposed Development: (i) Retain existing agricultural building (Block G), (ii) retain existing buildings for dog breeding (Block B, D4, D5, E and F), (iii) convert existing agricultural buildings to buildings used for dog breeding (Block C and D2), (iv) convert existing stables to building used for dog breeding (Block H), associated storage tanks and all ancillary works at Corfeehone, Poles, County Cavan.

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 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, it is 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.

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 be 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.

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 Lough Oughter and Associated Loughs Special Area of Conservation (Site Code 000007) and 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 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 two 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 six months of the date of this Order.
5. Details of the proposed animal exercise areas shall be submitted to the planning authority for written agreement within one month of the date of this Order.

Reason: In the interest of clarity and orderly development.

6.
 - (a) All sound trees on site (including those in surrounding hedgerows) shall be retained except those that require to be removed to facilitate the actual physical development of the site.
 - (b) The site and its boundaries shall be landscaped to the satisfaction of the planning authority. Planting shall comprise of native deciduous species.
 - (c) Any failures within the tree planting scheme within two seasons of planting shall be replaced.

Reason: In the interest of visual amenity.

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.

