



An  
Bord  
Pleanála

**Board Order**  
**PL 02.248658**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Cavan County Council**

**Planning Register Reference Number: 16/437**

**Appeal** by Michelle Strauss and others care of Sue Kilbracken of Killegar, Carrigallen, County Leitrim against the decision made on the 16<sup>th</sup> day of May, 2017 by Cavan County Council to grant subject to conditions a permission to Edward Mulvaney of Kilduff, Redhills, County Cavan in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of existing buildings A and B and covered shelter and change of use from existing farm buildings, buildings C and D for dog breeding, exercise yards, play zone and associated works at Kilduff, Redhills, 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, 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 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 20<sup>th</sup> 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 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, 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 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. 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 interests of amenity, public health and to prevent pollution of water courses.

9. (a) The domestic wastewater 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 wastewater 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 wastewater treatment plant.
- (e) Only effluent from the dwellinghouse shall be discharged to the domestic wastewater treatment plant treatment system.

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

