



Planning and Development Acts 2000 to 2018

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 18/90

Appeal by Brian and Sonya Hennessy of Islandkeane East, Fenor, Tramore, County Waterford against the decision made on the 9th day of August, 2018 by Waterford City and County Council to grant subject to conditions a permission to Bill and Anne Marie Lennon care of Brian Hanrahan of 4 Parklands, Knockenduff, Tramore, County Waterford in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of four dog kennels including fenced outdoor run/paddocks with associated works at Islandkeane East, Fenor, Tramore, County Waterford.

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 rural location of the development proposed for retention, the scale of the activity proposed and its distance from adjoining residential properties, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would not seriously injure the residential amenities of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety, and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further information submitted on the 17th day of June, 2018, 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 and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The total number of dogs to be housed at any given time shall not exceed four.

Reason: In the interest of clarity.

3. All dogs shall be housed and shall not be in the open air after 2000 hours or before 0800 hours on any day.

Reason: To safeguard the amenities of the area.

4. The existing house and the development for which retention is sought shall not be separately sold, let or otherwise transferred or conveyed save as part of the house and its site.

Reason: To restrict the use of this development in the interest of residential amenity.

5. All animal feeds shall be stored in dog and rodent proof containers within the confines of the boarding kennel building.

Reason: In the interest of public health.

6. Water supply and drainage arrangements, including the disposal of uncontaminated surface water and solid waste, shall comply with the requirements of the planning authority for such works and services and no surface shall discharge onto adjoining properties or the public road.

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

7. All soiled water/foul drainage from the kennels area and yards used by the dogs shall be discharged to the wastewater treatment plant on site. The developer shall provide a sampling manhole to the requirements of the planning authority for the sampling of the effluent from the wastewater treatment plant within six months of the date of this Order.

Reason: To prevent pollution of watercourses, ground water and all other waters and to safeguard the amenities of the area.

8. Waste sent off site for recovery or disposal shall only be conveyed by an authorised waste contractor and transported from the subject site to an authorised site of recovery/disposal in a manner which will not adversely affect the environment.

Reason: To provide for the recovery/disposal of waste and the protection of the environment.

9. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

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 within three months of the date of this Order 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 An Bord Pleanála 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.

Terry Ó Niadh

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.