



Planning and Development Acts 2000 to 2020

Planning Authority: Kildare County Council

Planning Register Reference Number: 20/533

Appeal by Anthony Travers care of Clarke and Company, Consulting Engineers of Highland View Terrace, Fairgreen, Naas, County Kildare and by Caroline and Declan Looby of Baybush, Straffan, County Kildare and by Arlene Higgins of Baybush, Straffan, County Kildare against the decision made on the 6th day of November, 2020 by Kildare County Council to grant subject to conditions a permission to the said Anthony Travers in accordance with plans and particulars lodged with the said Council:

Proposed Development: 1. Retention of canopied horse shelter. 2. Retention and continuation of established use of dog kennels and cattery. 3. Retention of single storey building for the purposes of dog kennels and cattery including outdoor play area, timber fencing and dog run with boundary fence. 4. Retention of “Woofy’s” sign at roadside entrance gate and 5. All associated site development works. As revised by the further information received by the planning authority on the 16th day of October 2020 which consists of a new wastewater treatment system at Baybush, Straffan, County Kildare.

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 site, the scale of the activity and its distance from neighbouring residential properties and the policies and objectives of the Kildare County Development Plan 2017-2023, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the amenities of the area or of residential property in the vicinity, would be acceptable in terms of traffic safety and convenience, and 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 submitted on the 2nd day of October 2020, 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The total number of dogs to be housed overnight at any given time shall not exceed 10 as per the details submitted to the planning authority on the 2nd day of October 2020.

Reason: In the interest of clarity.

3. All dogs being housed overnight and shall not be in the open air after 2100 hours or before 0700 hours on any day.

Reason: To safeguard the amenities of the area.

4. The existing house and the kennel/cattery development shall be jointly occupied as a single unit and shall not be sold, let or otherwise transferred or conveyed save as part of an overall development.

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

5. All noise mitigation measures as set out within the planning documentation submitted to the planning authority on the 2nd day of October 2020, shall be fully implemented. Written and photographic confirmation of the implementation of these measures shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order.

Reason: In the interest of residential amenity and the proper planning and sustainable development of the area.

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.

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

7. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

8. (a) All foul waste and soiled water shall discharge to the Irish Agrément Board approved Sepcon BAF wastewater treatment system.
- (b) The wastewater treatment system shall be located not nearer than seven metres from the dwelling, not nearer than seven metres from any other dwelling, not nearer than ten metres from any watercourse/stream, not nearer than three metres from the site boundary and not nearer than four metres from a road or slope break/cut. The wastewater treatment system shall be located not nearer than 40 metres from any water supply source unless such source is from a public piped supply, in accordance with the EPA Code of Practice “Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)” and Department of Environment and Local Government/EPA/GSI “Groundwater Protection Responses for On-Site Wastewater Systems for Single Houses”.

Reason: In the interest of public health, to avoid pollution, and to ensure the proper planning and sustainable development of the area.

9. (a) The treated effluent from the Oakstown BAF wastewater treatment system shall be discharged to a polishing filter, which shall be designed and constructed in accordance with the EPA Code of Practice “Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)”.

- (b) The polishing filter shall be located not nearer than ten metres from the dwelling, not nearer than ten metres from any other dwelling, not nearer than ten metres from any watercourse/stream, not nearer than three metres from site boundary, not nearer than four metres from a road or slope break/cut and not nearer than 40 metres from any water supply source unless such source is from a public piped supply, in accordance with the EPA Code of Practice “Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)” and Department of Environment and Local Government/EPA/GSI “Groundwater Protection Responses for On-Site Wastewater Systems for Single Houses”.
- (c) A suitably qualified engineer familiar with the Site Characterisation Form prepared for the site, shall design the polishing filter, supervise its construction and submit certification to the planning authority that all works have been completed in compliance with the requirements of the EPA Code of Practice “Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)”.
- (d) With regards to all other aspects of the wastewater treatment system installation, the I.S. EN 12566-3:2005 and Site Suitability Report received on shall be followed.
- (e) With regard to all other aspects of the polishing filter construction, the revised Site Characterisation Form dated the 26th day of September 2020 shall be followed.

Reason: In the interest of public health, to avoid pollution and to ensure the proper planning and sustainable development of the area.

10. Any well shall be located not nearer than 40 metres from the Oakstown wastewater treatment system and polishing filter and any other wastewater treatment systems and percolation areas/polishing filters, in accordance with EPA Code of Practice “Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)” and Department of Environment and Local Government/EPA/GSI “Groundwater Protection Responses for On-Site Wastewater Systems for Single Houses”.

Reason: In the interest of public health, to avoid pollution and to ensure the proper planning and sustainable development of the area.

11. All solid household waste from the development shall be offered for collection to a waste contractor in possession of a valid waste collection permit either under the Waste Management (Collection Permit) Regulations 2021 or the Waste Management (Collection Permit) Regulations 2007 and the Waste Management (Collection Permit) (Amendment) Regulations, 2008 whichever may be relevant. Alternatively, the householder may bring household waste to an appropriate civic waste facility or recycling centre. **No burning of waste is permitted.** (The householder may wish to use an on-site compost bin for suitable wastes and where a dry recyclable bin collection service is available it should be utilised).

Reason: In the interest of public health and the use of best practice guidelines in order to avoid pollution.

12. The developer shall pay to the planning authority a financial contribution of €17,217.90 (seventeen thousand two hundred and seventeen euro and ninety cent) in respect of public infrastructure and facilities benefitting 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 prior to commencement of development 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. The application of any indexation required by this condition 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.

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

Dated this day of 2021