



An
Bord
Pleanála

Inspector's Report 312974-22

Development

Demolition of 2 no. outbuildings, construction of metal shed for use as dog day-care, construction of a dog run, change of use of part of existing residential garden to commercial use as dog day-care centre and all associated site works.

Location

Railway House, Healy's Bridge, Carrigrohane, Co. Cork.

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

20/39700

Applicant(s)

Niamh O'Meara

Type of Application

Retention Permission

Planning Authority Decision

Refuse Retention Permission

Type of Appeal

Third Party v. Decision

Appellant(s)

Emma Martin & Áine Matthews

Observer(s)

(1) Fionnuala O'Connell and Michael Clarkson

(2) Dawn McCarthy

Date of Site Inspection

24th January 2023

Inspector

Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.45 ha and is located at Railway House, Healy's Bridge, Carrigrohane, Co. Cork. It is generally linear in nature and extends in an east-west direction along the southern boundary of the Shournagh River, which adjoins the site to the north. Regional Road R579 and a detached dormer bungalow are elevated above the subject site and adjoin its southern/rear boundary. Healy's Bridge, which forms part the local road network, adjoins the eastern site boundary, while an area of open space and woodland adjoins it to the west. Vehicular access is via a recessed entrance in the eastern boundary and a gravel driveway which slopes down towards the central area of the site.
- 1.2. The site accommodates a detached dormer bungalow and 2 no. single-storey outbuildings. The site has been subdivided by metal fencing, with the western portion being enclosed and converted from a garden to a dog run for use as a commercial dog day-care centre. The dog run is characterised by wood chippings and individual pieces of play equipment throughout. A metal shed has also been provided adjacent to the southern site boundary in association with the commercial use.

2.0 Proposed Development

- 2.1. Retention planning permission is sought for (a) demolition of 2 no. outbuildings, (b) construction of a metal shed for use as dog day-care, (c) construction of a dog run, (d) change of use of part of the existing residential garden area from residential use to a commercial use as a dog day-care centre and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Refuse Retention Permission for the proposed development issued on 15th February 2022 for 1 no. reason as follows:

“The development proposed for retention is located in a partially serviced rural area and it is located within Metropolitan Cork Greenbelt. Based on the details submitted, the development proposed for retention by reason of its nature, would not come with

the provisions of Objective EE 9-1 (Business Development in Rural Areas) as it does not involve farm diversification. The policies and objectives in the Cork County Development Plan 2014 seek to direct commercial development towards serviced sites in urban areas and focus attention on lands within settlements which are zoned for development (Objective RCI 5-3). The development proposed for retention would be contrary to the stated objectives, contrary to the provisions of the Cork County Development Plan 2014 and contrary to the proper planning and sustainable development of the area”.

3.2. Planning Authority Reports

3.2.1. Planning Reports (29th January 2021 and 14th February 2022)

3.2.2. Following their initial assessment of the planning application, Cork City Council’s Planning Officer considered that **Further Information** was required in relation to 4 no. items as summarised below.

3.2.3. **Item No. 1:** There is insufficient detail on the use, with the following to be provided:

(a) Details of all services provided.

(b) Whether dog grooming and / or dog training are undertaken.

(c) If overnight kennelling / boarding is provided and if so, how many dogs are boarded and the location of the kennels.

(d) Whether the service operates at weekends and bank holidays and if so, the hours of operation.

(e) Maximum number of dogs catered for per day.

(f) Number of staff employed.

(g) Outline the uses undertaken and the purpose of the shed to be retained.

(h) Clarify whether the applicant owns any dogs.

3.2.4. **Item No. 2:** Noise concerns to be address by the preparation of a noise report which shall identify surrounding sensitive noise receptors, noise levels from dogs with survey to be conducted when max. numbers are on site, including collection / drop-off and feeding times, any mitigation measures to reduce impacts to nearby receptors.

- 3.2.5. **Item No. 3:** Clarify how dog waste is managed.
- 3.2.6. **Item No. 4:** Submit details of how the demolition waste from the 2 no. outbuildings was managed.
- 3.2.7. The applicant submitted a **Response to the Request for Further Information** on 29th October 2021. The applicant's response was deemed to contain **Significant Further Information** and the planning application was readvertised to the public. The response can be summarised as follows:
- 3.2.8. **Item No. 1:**
- (a) Dog day care only.
 - (b) Grooming and dog training are not undertaken.
 - (c) No overnight kennelling / boarding is undertaken.
 - (d) The service does not operate at weekends or bank holidays.
 - (e) Up to 12 dogs are cared for per day.
 - (f) The applicant is the only employee.
 - (g) The shed is for storage and shelter only.
 - (h) The applicant owns 4 dogs.
- 3.2.9. **Item No. 2:** A Noise Assessment and Report has been completed by Moloney & Associates, Acoustic and Environmental Consultants Ltd.
- 3.2.10. **Item No. 3:** Dog waste is collected and stored in compostable bags and is disposed in a refuse bin every 2 weeks.
- 3.2.11. **Item No. 4:** All waste generated during the demolition of the 2 no. outbuildings was disposed of using skips from a licensed waste operator in 2014. Waste dockets are not available.
- 3.2.12. Following an assessment of the submitted information, the Planning Officer noted that there were no development plan policies on home based economic activities and that objective RCI 5-2 of the plan states that the purpose of the greenbelt is to focus attention on lands within settlements which are zoned for development. As such, it was recommended that retention planning permission be refused for the development.

3.2.13. **Other Technical Reports**

3.2.14. **Area Engineer (26th January 2021):** No objection to the proposed development subject to conditions.

3.2.15. **Environment (29th January 2021 and 11th February 2022):** Recommended that Further Information be requested in relation to: (1) the submission of a noise report which identifies sensitive receptors, predicted noise levels and mitigation measures, number of dogs on the premises and their location at night-time, (2) management of waste for demolished buildings.

3.2.16. Following the applicant's Further Information submission, no objections arose to the proposed development subject to conditions.

3.3. **Prescribed Bodies**

3.3.1. **Inland Fisheries Ireland:** None received.

3.3.2. **Irish Water:** None received.

3.4. **Third Party Observations**

3.4.1. A total of 10 no. third-party observations were made on the application by: (1) Nicola Fitzgibbon and Brendan Lucey, 6 Sliabh Rua, Courtbrack, Blarney, Co. Cork, (2) Liam Conroy, Beacon Hill House, Blarney Road, Clogheen, Cork, (3) Dawn McCarthy, Cedardale, Healy's Bridge, Carrigrohane, Cork, (4) Emma Martin and Aine Matthews, 58 Conlara, Kerry Oike, Carrigrohane, Cork, (5) Deirdre and Darragh Sexton, 28 Woodlands, Kerry Pike, Cork, (6) Eoghan and Paula O'Shea, Clogheen, Co. Cork, (7) David O'Neill, 30 Woodlands Lower, Kerry Pike, Cork, (8) Kasper Pedersen, 36 Riversedge, Fionn Laoi, Ballincollig, Co. Cork, (9) Linda Bell, Gurranneredmond, Donoughmore, Co. Cork, (10) Catherine Coburn, 2 Towering Heights, Tower, Blarney, Co. Cork.

3.4.2. Nine of the observers expressed their support for the proposed development, while one observer noted their opposition to same. The issues which are raised can be summarised as follows: (1) vital service for local community, (2) negative impact on residential amenities by reason of noise and traffic hazard, (3) use accommodates more than 12 dogs and provides boarding services, (4) no information provided on environmental issues such as noise, traffic, waste management and flood risk, (5)

function of metal shed not confirmed, (6) commercial use not acceptable in greenbelt and contravenes objective RCI 5-3 of the development plan.

- 3.4.3. An additional 5 no. observations were made on the applicant's Significant Further Information submission by: (1) Susan and Brendan Mullane, Oakleigh, Healy's Bridge, Carrigrohane, Cork, (2) Nicole Leavey, Woodstream, Healy's Bridge, Carrigrohane, Cork, (3) Deirdre and Darragh Sexton, 28 Woodlands, Kerry Pike, Cork, (4) Brendan Lucey, 6 Sliabh Rua, Courtbrack, Blarney, Co. Cork, (5) Emma Martin and Aine Matthews, 58 Conlara, Kerry Pike, Carrigrohane, Cork.
- 3.4.4. All the observers noted their support for the proposed development. The new issues which were raised can be summarised as follows: (1) no excessive noise levels arise from the development, and (2) no grooming, training or overnight kennelling is provided.

4.0 Planning History

- 4.1. No recent planning history.

5.0 Policy and Context

5.1. Cork City Development Plan 2022-2028

- 5.1.1. While the Cork County Development Plan 2014 was in force at the time this planning application was lodged, the Cork City Development Plan 2022 – 2028 has been adopted in the interim and is the relevant local planning policy document for the purposes of adjudicating this appeal case.

5.2. Land Use Zoning

- 5.2.1. The site is subject to land use zoning "City Hinterland" (ZO 20) as identified on zoning map no. 17 (Kerry Pike and Hinterland) of the development plan. The objective of this land use zoning is "to protect and improve rural amenity and provide for the development of agriculture".
- 5.2.2. The primary objective of this zone is to preserve the character of the City Hinterland generally for use as agriculture, rural amenity, open space, recreational uses, green and blue infrastructure and to protect and enhance biodiversity. Rural-related business activities which have a demonstrated need for a rural location are also

permissible. Any development associated with such uses should not compromise the specific function and character of the City Hinterland in the particular area.

- 5.2.3. Section 12.6 of the plan states that where developments or uses are proposed that are ancillary to the dominant or main use of a site or development, such proposals will be considered on their own merits.

5.3. **Economy and Employment**

- 5.3.1. **Objective 7.18: Home Based Economic Activities** - To permit home based economic activities where, by virtue of their nature and scale, they can be accommodated without detriment to the amenities of residential areas.
- 5.3.2. **Objective 7.21: A Sustainable Rural Economy** - To work with stakeholder organisations and representative groups and rural communities to promote and facilitate appropriate sustainable economic development, job creation and support services in our rural hinterland. This includes supporting the implementation of the Government's strategy; 'Our Rural Future: Government's blueprint to transform rural Ireland' (March 2021).
- 5.3.3. **Objective 7.22: Diversification of the Rural Economy** - To facilitate a more dynamic rural economy by supporting innovation and diversification in areas including, but not limited to, renewable energy generation at appropriate locations and scales, sustainable tourism, the bioeconomy, circular economy, social enterprise, craft industries and sustainable food generation.

5.4. **Development Management**

- **Home Based Economic Activity**

- 5.4.1. In determining applications involving work from home, the planning authority will have regard to: (1) the type of business proposed, (2) the nature and extent of the work, (3) reason for its location, (4) the proposed times of operation, (5) anticipated levels of traffic generated by the proposal, accessibility and car parking, (6) the effects on amenities of adjoining occupiers – hours of work, noise and general disturbance, (7) number of members of the public visiting the premises – times, car parking, traffic, noise, (8) whether deliveries will be received and how this will be managed, (9) arrangements for storage and collection of waste.

5.4.2. A temporary permission may be granted to enable the planning authority to monitor the impact of the development in the area.

- **Rural Economic Development**

5.4.3. Care is needed to ensure proposals do not have significant adverse impacts on the receiving environment in terms of, but not limited to, residential amenity, economic activity, the environment, biodiversity, transportation and utility services.

5.4.4. All development proposals should be of a high-quality design that is reflective of, or compatible with, the character of the surrounding area and surrounding development and uses. The scale should be reflective of the site's rural location and limitations associated with the public transport and road networks.

5.5. **Natural Heritage Designations**

5.5.1. None.

5.6. **EIA Screening**

5.6.1. Having regard to the nature and scale of the development, comprising a small-scale, commercial dog day-care centre, there is no real likelihood of significant effects on the environment arising from the development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. A third-party appeal against the Planning Authority's Notification of the Decision to Refuse Retention Permission for the proposed development has been lodged by Emma Martin and Aine Matthews, 58 Conlara, Kerry Pike, Carrigrohane, Cork. The grounds of appeal can be summarised as follows:

- The refusal reason is inconsistent with decisions of a similar nature in County Cork (ABP Ref. 309593-21/Cork County Ref. 20/06461 and Cork County Ref. 18/5490) and contradicts employment objectives of the 2014 county development plan for rural areas.

- The refusal reason is based on an incorrect interpretation of development plan objective EE 9-1 (Business Development in Rural Areas) and fails to recognise the strategic policy context of the Metropolitan Greenbelt and the employment policy of the development plan.
- The service is not provided elsewhere in the vicinity and is important for the local community.
- The demolition works fall within exempted development provisions and were carried out in 2014 when the site was bought, and the overgrown garden was cleared.
- The applicant owns 4 dogs and the number of dogs permitted should have regard to the commercial viability of the business.
- The applicant is willing to accept a condition limiting the number of dogs on site and other conditions as may be considered appropriate should the Board decide to grant retention planning permission.
- Objective RCI 5 – 3 seeks to “generally” reserve the Metropolitan Greenbelt for use as agriculture, open space, recreation uses and protection / enhancement of biodiversity. The inclusion of the word “generally” recognises that not all uses will be agriculture, open space or recreation.
- There is a large commercial nursery and an industrial reclamation yard proximate to the application site. The location is historically on a train station and former train track which suggests that agriculture has long ceased to exist and cannot be re-established.
- The proposed development should be supported as an innovative, indigenous enterprise as provided for in Table 6.1 of the plan (Employment Hierarchy – Rural Areas).
- The proposed development aligns with objective EE 9-1 of the development plan regarding business development in rural areas. The wording of this objective does not exclusively relate to farm diversification and the Planning Authority’s assessment in this regard is misplaced.
- The proposed development aligns with Objective ZO 21.1 of the Draft Cork City Development Plan 2022. The site is located in the City Hinterland under

this plan, with the objective stating that rural-related business activities which have a demonstrated need for a rural location are permissible in this area.

- An Bord Pleanála recently granted planning permission for a dog boarding kennels for commercial use at Cullen, Riverstick, Co. Cork (ABP Ref. 309593-21) under which the principle of this use in a rural area was considered acceptable.
- Cork County Council also granted permission for commercial dog boarding kennels within the Millstreet Greenbelt in 2019 (Planning Authority Reg. Ref. 18/5490). In assessing this application, the Planning Officer referred to Objective EE 9 – 1 of the plan, but did not link it to agriculture and farm diversification.
- The proposed development is not contrary to objectives EE 9 - 1 and RCI 5 – 3 of the development plan, or the proper planning and sustainable development of the area.
- The proposed development seeks to regularise a modest business which provides an essential service for the local area, on which it has no significant negative impacts. Conditions can be imposed to mitigate any adverse effects.

6.2. Planning Authority Response

6.2.1. None received.

6.3. Applicant Response

6.3.1. A response to the appeal was received from the applicant on 3rd April 2022 and can be summarised as follows:

- A commercial nurseery is located in close proximity to the application site, beyond which is a commercial storage yard. A reclamation yard and plant storage yard are located on the other side of the site. Of these existing businesses, the subject development is making the least impact on the rural setting and is working with the landscape to provide care and shelter for animals.

- The fencing in the garden has been chosen to blend in with the landscape and the shed has been placed under a canopy of trees, in order to have as little impact on the view of the surroundings.
- The day-care business operates from 8 am – 6 pm Monday to Friday, with 1 employee only (the applicant). Noise is controlled and kept to a minimum. No overnight kennelling, training or grooming is provided.
- The development is the only dog day-care facility on this side of the city, provided in a spacious and secure country location. The service caters for local residents, reducing commuting times.
- The proposed development is supported by local residents, resident associations and customers.

6.4. **Observations**

6.4.1. Observations on the appeal were received from: (1) Fionnuala O’Connell and Michael Clarkson, Springfield, Rocklodge, Carrigrohane, Cork, and (2) Dawn McCarthy, Cedardale, Healy’s Bridge, Carrigrohane, Cork.

6.4.2. The issues which are raised can be summarised as follows: (1) inappropriate use in Metropolitan Greenbelt, (2) development is contrary to development plan policies and objectives, (3) there is nothing exceptional about the development which would warrant its location, (4) similar facilities operate in industrial parks where noise and traffic are expected, (5) inappropriate precedent, (6) negative impact on residential amenity, (7) suggested noise mitigation measures are unenforceable, (7) development is an essential local service.

7.0 **Assessment**

7.1. I am satisfied that the main issues for consideration in this case include:

- Compliance with Development Plan Policy
- Impact on Residential Amenity
- Appropriate Assessment

7.2. Each of these issues is addressed in turn below.

7.3. Compliance with Development Plan Policy

- 7.3.1. The Planning Authority refused retention permission for the development for 1 no. reason, based on its non-compliance with Objective EE 9-1 of the 2014 county development plan (Business Development in Rural Areas) as it does not involve farm diversification. It was also noted that the development plan seeks to direct commercial development to serviced sites in urban areas and focus attention on lands within settlements which are zoned for development (Objective RCI 5-3).
- 7.3.2. The Cork City Development Plan 2022-2028 has been adopted since this planning application was lodged and is the relevant local policy document for the adjudication of this appeal case. The site is zoned as “City Hinterland” (ZO 20) under the current plan, the objective of which is “to protect and improve rural amenity and provide for the development of agriculture”. The primary objective of this zone is to preserve the character of the City Hinterland generally for use as agriculture, rural amenity, open space, recreational uses, green and blue infrastructure and to protect and enhance biodiversity.
- 7.3.3. Rural-related business activities which have a demonstrated need for a rural location are also permissible in the City Hinterland. Any development associated with such uses should not compromise the specific function and character of the City Hinterland in the particular area. Where developments or uses are proposed that are ancillary to the dominant or main use of a site or development, such proposals will be considered on their own merits. Development management standards for home based economic activity and rural economic development are provided in the development plan as summarised in Section 5.4 of this report.
- 7.3.4. One of the observers submits that the retained use is inappropriate in the Metropolitan Greenbelt and that similar facilities operate in industrial parks, where traffic and noise are expected. It is submitted that there is nothing exceptional about the development which would warrant its location and that the proposed development would set an inappropriate precedent.
- 7.3.5. In examining the principle of the development from a land use perspective, I consider that this rural site is a reasonable location for a dog day-care business. The applicant resides on the subject site and the use to be retained is ancillary to the residential function. I also consider that the proposed development would be in accordance with

Objective 7.21 (A Sustainable Rural Economy) and Objective 7.22 (Diversification of the Rural Economy) of the development plan which seek, inter alia, to promote and facilitate appropriate sustainable economic development, job creation and support services in the rural hinterland and to facilitate a more dynamic rural economy. As such, I consider that the proposed development is acceptable in principle at this location and can be considered under the site's land use zoning objective.

7.4. Impact on Residential Amenity

- 7.4.1. An observation has been made on the appeal by the owner of the adjoining dwelling to the south of the subject site. The observer submits that the dog day-care centre has a significant impact on their residential amenities by reason of its proximity and the noise impacts arising. It is considered that the mitigation measures outlined in the applicant's noise assessment are unenforceable. The observer requests that the Board uphold the Planning Authority's decision to refuse retention permission in this instance.
- 7.4.2. The applicant submitted a noise assessment in response to Item No. 2 of the Planning Authority's Request for Further Information. The assessment was undertaken over the course of a day (0800 to 1800) when 12 no. dogs were present on the site, including drop-off and collection times. A noise monitoring location (Bd1) was selected adjacent to the southern site boundary and the nearest noise sensitive location (observer's dwelling). The location was 1 m from the boundary wall and all measurements are façade levels, which represents a worst-case assessment. Efforts were made to measure the specific noise source from individual dogs by undertaking exercises which triggered a barking response.
- 7.4.3. The noise survey reported a total ambient noise level at point Bd1 ranging from 48 dBA to 52 dBA. It is noted that most of the ambient noise at the site arose from road traffic and birds. Table 4.1 of the report summarises World Health Organisation guideline values for community noise in specific environments, with levels of 55 dB resulting in serious annoyance in the daytime and evening for outdoor living areas and levels of 50 dB resulting in moderate annoyance. Table 1 of the report provides the noise monitoring results and confirms that the total measured ambient noise exceeded 50 dB in one 30-minute sample only (52dB recorded between 10:10 – 10:40).

- 7.4.4. The report concludes that, during the survey, the specific noise from dogs was slight and transient. The noise attributable to individual barking events was limited and deemed to be non-intrusive due to its transient and intermittent nature, its relatively low amplitude and the level of ambient noise from other sources (traffic, birds). Planned disturbances to stimulate the dogs resulted in short-term barking events which typically subsided within 10 seconds. The identified noise levels demonstrate that the likely noise emitted by well-managed dogs is not likely to cause significant noise impact at the nearest houses. It is recommended that consideration be given to fitting the eastern façade of the dog run with a 2.5 m high acoustic barrier, which will further reduce the potential noise impact from barking dogs. It is noted that good management practices are essential to ensure that dogs do not become excessively aroused or stressed.
- 7.4.5. The noise report also identifies mitigation measures which are currently operated by the day-care centre to minimise noise emissions including: (1) dogs are screened before entry to ensure they do not pose a risk of excessive barking, (2) the centre operates between 0800 and 1800 during weekdays, with no overnight kennelling or boarding, (3) a maximum of 12 dogs are catered for, (4) constant supervision of dogs by an experienced handler. Following the applicant's Further Information submission, I note that the Environment Department of the Planning Authority had no objection to the proposed development, subject to conditions, including, inter alia, the erection of the 2.5 m acoustic barrier on the eastern boundary of the dog run, the restriction of overnight boarding and the presence of a maximum 12 no. dogs on the site at any time.
- 7.4.6. The observer's concerns regarding the noise arising from the development and the resulting impact on their residential amenity are acknowledged. However, while the site is located in a rural area, I consider that an element of noise is a normal part of life in such areas, including that associated with activities such as farming, agricultural and forestry. I also observed during my inspection that this area is characterised by noticeable traffic noise, arising from the regional road to the south of the applicant's and observer's sites, and from the local road to the east. While I acknowledge that some noise impacts will arise on foot of the retained development, I do not consider that the extent of these impacts would warrant a refusal of planning permission in this instance having regard to the scale of the use, the intermittent

nature of the noise, the proposed hours of operation and the results of the submitted noise assessment.

- 7.4.7. In addition, in considering the location of the dog run relative to the observer's property, I note that it is located on the western portion of the application site, beyond the western-most boundary of the observer's property. I note that the applicant's noise assessment recommends that an acoustic barrier be erected along the eastern boundary of the dog run and I consider that this mitigation measure would be appropriate. This matter can be addressed by condition.
- 7.4.8. I also recommend that appropriate conditions be attached governing the capacity of the dog day-care centre, its hours of operation and the on-site noise levels. While the Planning Authority's Environment Department identified a noise condition for inclusion, I note that it relates to industrial noise. In reviewing the precedent case identified by the appellants (ABP Ref. 309593-21), I consider that a similar noise condition as attached to that permission by the Board would be more appropriate in this instance.
- 7.4.9. In conclusion, I consider that the retained development would be acceptable under the land use zoning of the site and would not result in any significant negative impacts on the residential amenity of neighbouring properties which would warrant a refusal of permission. As such, I recommend that permission be granted to retain the development.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the retained development, comprising a dog day-care centre, its location relative to Natura 2000 sites, and the natural assimilative capacity of the subject site to cater for the retained development, no appropriate assessment issues arise, and it is not considered that the retained development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

7.6. Note

- 7.6.1. The Planning Authority's Environment Department identified planning conditions to be attached should planning permission be granted to retain the development. For the avoidance of doubt, I note that several of these conditions relate to the construction phase of the development, and given the retention nature of this

application, I do not recommend that they be attached by the Board (condition nos. 1a, 1b, 2a, 3a, 3b, 4a, 4b, 4c, 5a, 5b and 5c of report dated 11th February 2022 refer). I also consider that the conditions recommended in the Area Engineer's Report of 26th January 2021 are not required in this instance having regard to the nature of the development and the retention status of this application.

8.0 Recommendation

8.1. I recommend that retention planning permission be granted for the development.

9.0 Reasons and Considerations

9.1. Having regard to the nature, scale and extent of the retained development, Objective 7.21 (A Sustainable Rural Economy) and Objective 7.22 (Diversification of the Rural Economy) of the Cork City Development Plan 2022-2028 which seek, inter alia, to promote and facilitate appropriate sustainable economic development, job creation and support services in the rural hinterland and to facilitate a more dynamic rural economy, it is considered that subject to compliance with the conditions set out below, the retained development would be acceptable in this rural location and would not seriously injure the residential amenities of the area. The development is, therefore, in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 19th day of January 2022, except as may otherwise be required in order to comply with the following conditions.</p> <p>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 carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>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 3 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.</p> <p>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.</p>
3.	<p>(a) This permission relates to dog day-care only. No breeding or boarding of dogs shall be permitted unless authorised by a separate grant of planning permission.</p> <p>(b) A maximum of 12 no. dogs shall be present on site at any given time.</p> <p>Reason: To protect the residential amenities of property in the vicinity of the site.</p>
4.	<p>A 2.5 m high acoustic barrier shall be erected on the eastern boundary of the dog run. Details of the proposed acoustic barrier shall be submitted to, and agreed in writing with, the Planning Authority within 3 months of the date of this Order.</p> <p>Reason: To protect the residential amenities of property in the vicinity of the site.</p>

5.	<p>Noise levels shall not exceed 55 dB(A) rated sound level (that is corrected sound level for a tonal or impulsive component) at the nearest noise sensitive location between 0800 and 1800 hours Monday to Friday inclusive. Procedures for the purposes of determining compliance with this limit shall be submitted to, and agreed in writing with, the Planning Authority within 3 months of the date of this Order.</p> <p>Reason: To protect the residential amenities of property in the vicinity of the site.</p>
6.	<p>The hours of operation of the development shall be restricted to 0800 to 1800 hours Monday to Friday only. The development shall not operate on Saturdays, Sundays or public holidays.</p> <p>Reason: To protect the residential amenities of property in the vicinity of the site.</p>

Louise Treacy
Senior Planning Inspector

10th February 2023