



An
Bord
Pleanála

Inspector's Report PL02.248253

Development	Retain single-storey detached sheds (Sheds A to D) for the keeping of greyhounds and permission to construct Shed E, dog run area, dog training area, revised site boundaries and relocate percolation area.
Location	Drumgore, Loughduff, County Cavan.
Planning Authority	Cavan County Council.
Planning Authority Reg. Ref.	16/193.
Applicant	Beatrice Steiner.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party v. Grant
Appellants	Martina O'Dowd and Others.
Observers	None.
Date of Site Inspection	16 th June, 2017.
Inspector	Paul Caprani.

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1.0 Introduction

- 1.1. PL02.248253 relates to a third party appeal against the decision of Cavan County Council to issue notification to grant planning permission to retain a number of sheds for the keeping of greyhounds together with permission to construct an additional shed, a dog run area, a training area and the relocation of the percolation area for the wastewater treatment serving the house together with revised site boundaries at a site at Drumgore, outside the village of Lough Gowna in south-west Cavan. The grounds of appeal argue that the keeping of greyhounds on the site in question has given rise to significant environmental impacts together with adverse impacts on residential amenity for the dwellings in the surrounding area.

2.0 Site Location and Description

- 2.1. The subject site is located in the townland of Drumgore approximately 3 kilometres east of the small village of Lough Gowna in south-west Cavan. The area is rural in character and is characterised by a drumlin landscape interspersed with small lakes. The River Erne runs in a north-south direction approximately 400 metres to the west of the site. There are a number of small lakes in the vicinity including Sallaghan Lough, Bawndoora Lough and Swan Lough to the west and south-west of the site. White Lough and Black Lough are located to the east and south-east of the subject site.
- 2.2. The site is located on the southern side of an acute bend on the local road L2513 which runs eastwards from the village of Lough Gowna. In terms of surrounding settlement there are two dwellinghouses directly north of the subject site and a dwellinghouse to the north-east. These dwellinghouses are approximately 120 to 150 metres from the subject site. There are no dwellings on the southern side of the local access road in the immediate vicinity of the site.
- 2.3. The subject site is irregularly shaped and has a stated area of 1.14 hectares. It accommodates a two-storey late 19th century/early 20th century cottage style dwelling together with a series of sheds (referred to in the drawings as Shed A, B, C, and D) together with a number of outhouse structures all of which are located in

close proximity to the dwellinghouse which is located in the northern part of the site adjacent to the public road. The remainder of the site comprises of a large field to the rear which is currently under grass and incorporates a downslope from north to south. The field is surrounded by hedgerows and dense natural growth interspersed with mature trees. The eastern boundary of the site comprises of a temporary type of wooden post fence.

- 2.4. The septic tanks serving both the dwellinghouse and the sheds housing the dogs are located to the immediate south-west of the buildings and are indicated on Drawing 02-A1-FI, Item 8 received by Cavan County Council on 25th January, 2017. A dog walking area is also located near the eastern boundary of the site to the north of the sheds accommodating the greyhounds.

3.0 Proposed Development

- 3.1. Retention of planning permission is sought for four sheds on site which are detailed below:
- Sheds A and B comprise of two elongated sheds to the south-east of the dwellinghouse which are contiguous to each other. Each of the sheds accommodate kennels for the greyhounds. Shed A accommodates eight kennels while Shed B accommodates seven kennels. The sheds rise to a maximum height of 3 metres and are, in total, 19 metres in length. The combined floor area of the sheds is 50 square metres.
 - Shed C is located to the immediate east and comprises of a larger structure 5.8 metres in height with a gross floor area of 54 square metres. It resembles a typical agricultural structure with corrugated iron cladding. A dog run area is located to the rear of Shed C.
 - Shed D is located to the immediate west of Sheds A and B and comprises of a flat roof rectangular structure with a gross floor area of 41 square metres.
- 3.2. In addition to the above planning permission is sought for a new shed (referred to as Shed E in the drawings). It comprises of an extension to Shed D with a gross floor area of 62.4 square metres incorporating a flat roof and rising to a height of 2.655

metres. The planning application form indicates that this shed will be used for the keeping of greyhounds.

- 3.3. Permission is also sought for a designated dog run area with mobile shelter units. The dog run area is to be located to the south-west of the sheds in the open field. It comprises of nine 3-metre-wide running lanes 101 metres in length.
- 3.4. Permission is also sought for the closing of a previous site access which is located centrally within the site facing directly onto the public road. The existing site access at the north-west corner of the site is to be upgraded.
- 3.5. Finally, planning permission is sought for the upgrading of the existing septic tanks and percolation areas on site.

4.0 Planning Authority Assessment

4.1. Decision

Cavan County Council issued notification to grant retention of planning permission and planning permission for the proposed development subject to 15 conditions.

4.2. Initial Assessment of Planning Authority

- 4.2.1. The planning application was lodged on the 26th April, 2016. A large number of letters objecting to the proposed development have been lodged raising issues in relation to impact on residential amenity mainly through noise and other environmental impacts -water and odour pollution etc.
- 4.2.2. A report from Inland Fisheries Ireland states that any watercourses/ditches within the property should be protected in terms of water quality, topography and habitat. In the event of planning permission being granted measures should be put in place to minimise potential damage which could possible occur during construction.
- 4.2.3. The initial planner's report recommends the following information be sought.
 - Details of the number of dogs that are currently kept on site and the total number of greyhounds to be housed per shed together with the anticipated number of dogs to be held as a result of the expansion of the development.

- Submit details of the collection and storage of waste, wastewaters and washdown waters within the development.
- Submit details of the removal and eventual disposal of waste and wastewater.
- Further details in relation to wastewater treatment facilities serving the dwellinghouse and proposed facilities.
- Submit a location map clearly identifying all existing and potential dwellinghouses within a 400 metre radius of the site.
- Submit an assessment of impacts of the construction and operation of the facility on noise and odour sensitive locations within 400 metres of the development including mitigation measures to be employed.
- Submit specific details on the regular facility monitoring proposed on site.
- Further details in relation to the well serving the site and distances from all and proposed wastewater treatment facilities located within 250 metres of the well.
- Provide details of the proposed surface water discharge drainage system.
- A revised site layout map showing all features in the vicinity identified in Table 6.1 of the EPA Code of Practice.
- Confirm that the disposal or disturbance of any asbestos utilised in the building structure shall only be carried out in accordance with appropriate regulations under the supervision of appropriate qualified person.
- Provide full details in relation to the nature of the business on site.
- Provide full details of traffic movements including the number and type of vehicles in and out of the site.
- Submit a landscaping scheme for the site.
- Submit details of how the applicant proposes to comply with the requirements of Inland Fisheries Ireland.
- Submit details of the sightlines at the entrance of the site.
- Submit legal confirmation that the applicant is the legal owner of the area outlined in blue on the site location map.

- Clarify whether or not the establishment is currently registered as a greyhound breeding establishment under the Welfare of Greyhounds Act 2011.
- Submit justification for the development at this location in terms of objectives set out in Section 3.6 of the Cavan County Development Plan.
- Submit details of an Appropriate Assessment Screening.

4.3. Further Information Submission

- Further information was submitted on 25th January, 2017. In terms of justification for the proposed development it is stated that the keeping of greyhounds is widely recognised as agriculture and reference is made to Teagasc fact sheet 58 in this regard. Details of the Teagasc note is attached as are details of the registration by the Department of Agriculture, Food and the Marine. A licence from Bord na gCon is also attached.
- Additional drawings were submitted identifying all existing and potential dwellinghouses within a 400 metre radius of the site. A map is also submitted indicating the location of the well serving the site with distances from all existing and proposed wastewater treatment facilities within 250 metres.
- A separate drawing is submitted detailing landscaping proposed.
- It is also stated that the applicant holds a greyhound breeding licence issued by the Irish Coursing Club (ICC). This facilitates the total of 56 greyhounds on site. The applicant hopes to apply for a licence for 24 more dogs giving a total on-site average of 80 dogs.
- With regard to types of waste produced on site, it is stated that the types of waste generated include nut bags, packaging materials and tins and milk containers. These are disposed of in the bins supplied by Oxygen.
- Dog droppings take place during the walking of the greyhounds and are collected using a picker and bucket and then disposed of using Wilton Waste Limited containers for compost. These consist of small brown bins. Dishes and spoons and all utensils for feeding the dogs are washed in a bucket with hot water and washing up liquid. The waste is then emptied into a drain going to the septic tank serving the greyhounds. Every morning the kennels are

hosed down and hygienically cleaned. The wastewater from every single shed goes directly to a drain serving the septic tank used for greyhounds. Details of the existing contracts for the existing waste companies are attached.

- A site characterisation form and assessment in relation to the on-site wastewater treatment system has been submitted. The trial hole indicated that the groundwater level is 1.1 metres below ground level. A T value of 35 was recorded. A P value of 28 was recorded. It is therefore recommended that a soil polishing filter and the installation of a CMD proprietary wastewater treatment system should be constructed on site. Baseline noise levels were recorded beside the proposed Shed E. The measured average noise level (L_{eAq}) were as follows:
 - Daytime – 49 dB(A).
 - Evening time - 42 dB(A)
 - Night-time 31- dB(A).
- The noise report goes on to assess the predicted noise levels under a worst case scenario (99.4 dB(A) – recorded when dogs were barking simultaneously at a location adjacent to the kennels). The model predicts the perceived noise level at the nearest noise sensitive locations in the vicinity (ie houses between 120m and 300m from the kennels. These are estimated to range between 47 and 52 dB(A) at the nearest noise sensitive locations.
- In terms of odour detailed mitigation measures are set out in the report to ensure that odour impacts are kept to within an acceptable level.
- Details of the proposed surface water discharge drainage system around the site are also set out. Details are indicated on the A3 drawing submitted entitled “FI – Item 9 – Surface Water Drainage”.
- A letter from the applicant states that she will undertake only to carry out disposal or disturbance of asbestos in the existing structures in accordance with appropriate Regulations and under the supervision of appropriately qualified personnel.
- Details of a business plan is submitted in response to Item No. 12 of the additional information request.

- Details of a landscaping plan are also submitted (see drawing titled “A1 – FI – Item 14 – Landscaping”).
- An AA Screening Report indicates that all Natura 2000 sites are in a distance greater than 9 kilometres from the subject site with no direct receptors. It is concluded that there will be no significant impacts on Natura 2000 sites. A number of recommendations are set out including a Method Statement to protect surface waters from construction and operation activities on site..
- Details of sightlines available are indicated on Drawing entitled 06-83-FI- Item 16.
- Details are submitted indicating that the applicant is the legal owner of the lands in question.
- Details of an ICC Greyhound Breeding Establishment Licence if also submitted.

4.4. Further Assessment from the Planning Authority

- A handwritten report from the Area Engineer states that, as the entrance to this development already exists, the engineer is satisfied that planning should be granted, subject to a legal agreement from the landowner across the road to ensure that a hedge is not planted along his wire fence.
- A report from the Executive Scientist states that if the Planning Authority proceeds with a grant of planning permission, a number of conditions should be attached. A total of 10 conditions are listed.
- A report from the Veterinary Officer notes the absence of any Department of Agriculture, Food and the Marine Building Specifications for Greyhound accommodation/kennels. If the Planning Authority proceeds with a grant of planning permission for the development, it is recommended that a condition be attached requiring the applicant to notify Cavan County Council immediately of any changes to the premises, or the registration status under the Welfare of Greyhounds Act, 2011.
- A number of letters of objection were submitted on foot of the additional information the contents which have been read and noted.

- A further planning report was prepared on foot of the additional information submitted and assesses the information submitted and concludes that all issues relating to noise, odour, traffic and the environment have been adequately addressed in the further information response and therefore it is recommended that planning permission be granted for the development.
- In its decision dated 2nd March, 2017 planning permission was granted for the proposed development subject to 15 conditions.

5.0 Planning History

The local authority planning report notes that there are no previous planning applications on the subject site. There is a current enforcement file (Reg. Ref. 16/09) which is still open in relation to the subject site.

6.0 Grounds of Appeal

6.1. A third party appeal was submitted by Martina O'Dowd and the Combined Residents of Loughduff. The grounds of appeal are outlined below.

- It is considered that a grant of planning permission for this development is a direct contravention of the appellants' rights under Article 8 of the European Convention of Human Rights.
- The operation of this facility is incredibly noisy. The howling, crying and squealing of dogs can be heard at all hours of the day. It is very distressing. The noise is particularly noticeable at night and is affecting the sleep of many residents including young children.
- The facility generates a significant amount of waste which results in particularly offensive smells.
- Farmers in the vicinity are not able to graze livestock due to the large number of greyhounds and the potential for attacks on livestock due to roaming of greyhounds.

- Residents in the area did not want their children playing in their backgardens or visiting neighbouring friends because they are concerned of possible attacks from roaming greyhounds.
- Reference is made to a number of European Court Judgements where it was ruled that, the Spanish Government had breached their obligations under Article 8 of the Convention of Human Rights in terms of protecting the amenity of citizens due to environmental impacts and problems. It is contended that Cavan County Council failed to protect the right of the community under Article 8 to the peaceful enjoyment of their homes by allowing this facility which emits serious noise and odour pollution.
- It is stated that the kennel facility has been operating since 2015 in breach of the Planning and Development Acts. The applicant had the opportunity to seek planning permission before growing the business on the subject site. It is contended therefore that there is a real and substantial risk that the applicant will not comply with the retention of planning permission and planning permission sought under the current application.
- It is argued that the proposed development is contrary to the Water Framework Directive as any development that has the potential to adversely affect the water body should not proceed where the impacts are not fully understood. The burden of proof shall be solely with the applicant and it is argued that the application in this instance has not discharged the burden. It is argued that the effect of dog waste on waterways is not fully understood.
- It is argued that the proposed development is contrary to the policies and objectives set out in the development plan in relation to agriculture and rural enterprises. It is noted that Cavan County has a very small greyhound industry. The greyhound racing community resides and competes primarily outside Cavan County and therefore the benefits which could be potentially derived from greyhound racing will be largely felt in counties outside Cavan. The facility will generate a single job and therefore is of limited benefit to the economy.
- Very little information has been provided in relation to traffic and in relation to the number of trips to and from the facility. The traffic impact has failed to account the rubbish collection and other trips to and from the facility. The proposal

necessitates a full traffic and transport assessment. The subject property is located on a treacherous bend.

- Concerns are expressed that the information in relation to wastewater generation only assesses the wastewater from the dwellinghouse. There has been no proper assessment of the wastewater associated with the dogs.
- The applicant has provided no information about the volume of waste generated by the dogs. The estimated volumes of solid waste and urine are set out in the grounds of appeal. It is estimated that on an annual basis just under 10,000 kilograms of solid waste would be produced and 462 cubic metres of wastewater (including urine and washdown) would be produced on an annual basis. The adequacy of the proposed proprietary wastewater treatment system (Aquamax system) to cope with the volume of waste and to cope with the faecal residue is of great significance having regard to the groundwater vulnerability of the area (high to extreme).
- The installation of a 7,000 litre tank is entirely insufficient to cope with the wastewater generated by this facility.
- The proposal represents a substantial risk of urine leaching into groundwater.
- In relation to the disposal of solid waste, it is suggested that there is evidence on file that the waste collector is not aware that the composting bins provided are used for the disposal of dog waste as opposed to organic waste. It is also suggested that to date dog waste has been left on piles on land (see photographs attached). Dog waste is an extremely hazardous substance containing micro-organisms which poses a serious public health concern. It is argued that some of the pathogens and bacteria contained in dog faeces can have significant and life threatening impacts on livestock.
- Also submitted as part of the grounds of appeal is an assessment of the noise report submitted by way of additional information on behalf of the applicant. The critique of the noise report submitted as part of the grounds of appeal suggest that there are a number of significant omissions. In particular it is stated that the noise assessment report purports to measure the worst case scenario of all dogs barking. However, there is no mention of the number of dogs on site at the time of monitoring or where they were being housed. There was no mention in the

report of the qualifications of the author. No details are provided in relation to whether or not the sound level metres were appropriately calibrated. No information has been provided in relation to microphone attachments, certificates of calibration or a map showing monitoring locations. No details are provided in relation to the nature of the ground or the meteorological conditions on the day of the survey. It is considered that the above omissions cast a large shadow of doubt over the accuracy of the survey undertaken and the conclusions drawn in relation to same.

- The odour assessment carried out does not adhere to guidelines and the report is of absolutely no value for the purposes of assessing odour pollution.
- The appropriate assessment screening is based on the facility housing 56 dogs whereas the planning permission sought and granted is for 80 dogs. It is also premised on the grounds that the wastewater treatment system is adequate to cater for the facility whereas the appeal argues this is not the case. It is also suggested that there is a problem with water pollution in the area and it is contended that the development is already impacting on the River Erne and Lough Gowna.
- It is understood that there is a ringfort in the field directly behind the proposed site which has previously prevented development on this land. It is suggested that close proximity of a ringfort should require an archaeological assessment.

7.0 Appeal Responses

Planning Authority's Response to the Grounds of Appeal

- Wastewater generated from the sheds would be discharged into a "dog" septic tank and the waste from this tank and other dog waste would be taken away by an approved waste disposal company. Conditions 3, 4 and 5 relate to the installation and monitoring of the septic tank. Conditions 6, 7, 8 and 9 relate to groundwater and surface water protection and monitoring.
- In relation to the noise and odour report, the Planning Authority are satisfied with the report submitted.

- The breeding and keeping of greyhounds is considered to be an agricultural use. Given that the site is located in a rural location which is not a national or European designated special policy area, the proposed use is considered to be in compliance with the agriculture objectives of the Cavan County Development Plan.
- An appropriate assessment screening report submitted was considered acceptable given the distance to the nearest Natura 2000 site and that the proposal would not warrant a result in a Stage 2 Appropriate Assessment. The Planning Authority therefore respectfully request that An Bord Pleanála uphold the decision to grant planning permission.

7.1. A response on behalf of the applicant was received outside the appropriate period of four weeks and was therefore returned to the applicant.

8.0 Development Plan Provision

The site is governed by the policies and provisions contained in the Cavan County Development Plan 2014 – 2020. The following policies are relevant.

ED02 – To encourage and facilitate agricultural diversification in to agri-businesses such as organic food, rural/agri-tourism, farmhouse accommodation, pet farms, horse tracking centres and small to medium size enterprises subject to the retention of the holding floor primarily agricultural use and the proper planning and sustainable development of the area.

ED03 – To support the horticulture and nursing stock industry as a means of diversifying agriculture and contributing to the maintenance of population in the rural area.

ED04 – To ensure that all agricultural activities comply with legislation on water quality such as the Phosphorous Regulation, the Water Framework Directive and the Nitrates Directive.

ED05 – To encourage the development of environmentally sustainable agricultural practices, to ensure that development does not impinge on the visual amenity or the countryside and that watercourses, wildlife habitats and areas of ecological importance are protected from the threat of pollution.

ED06 – To recognise and support the role of farmers and custodians of the natural resources of the countryside and of rural landscapes which are valuable to existing and future generations. Ensure that development does not have an undue negative impact on the visual or scenic amenity of the countryside. Protect soil, groundwater, wildlife habitats, conservation areas, rural amenities and scenic views from adverse environmental impacts as a result of agricultural practices.

ED07 – To support agricultural development as a contributory means of maintaining the population in the rural area and sustaining the rural economy while maintaining and enhancing the standing of the rural environment to the application of the Water Framework and Habitats Directive.

9.0 **Assessment**

I have read the entire contents of the file, visited the site and its surrounding and have had particular regard to the issues raised in the grounds of appeal. I consider the following issues to be relevant in detailing with the current application and appeal before the Board.

- Principle of Development
- Contravention of Article 8 of the European Convention of Human Rights
- Noise
- Solid Waste Generation
- Wastewater Generation
- Implications for Groundwater and Surface Water
- Impact on Livestock in the Surrounding Fields
- Traffic Issues

9.1. **Principle of Development**

There are a number of policies contained in the county development plan namely Policy ED02 and Policy ED07 which would indicate that the use of the subject site, being located in a rural area, for the breeding of dogs is in accordance with the general policy objective contained in the development plan.

Policy ED02 seeks to encourage and facilitate agricultural diversification into agri-businesses such as organic food (rural/agri-tourism, farmhouse accommodation, pet farms, horse tracking centres and small to medium sized enterprises subject to the retention of the holding for primary agricultural use and the proper planning and sustainable development of the area.

ED07 seeks to support agricultural development as a contributory means of maintaining the population in the rural area sustaining the rural economy whilst maintaining and enhancing the standing of the rural environment and through application of the Water Framework and Habitats Directive.

The development plan also notes there is a need to promote and diversification in new employment opportunities within the agricultural sector in order to sustain rural communities and to ensure the viability of existing community services. Cavan County Council will support diversification of the rural economy.

I also refer the Board to the fact sheet submitted by the applicant (Fact Sheet No. 58 – May 2006). The opening paragraph states “Greyhound breeding and rearing is an integral part of rural life in Ireland and while it is a relatively small section of Irish agriculture as a whole, it is an important element in the country’s livestock sector”.

I would also refer the Board to Appeal Ref. PL18.237886 which related to, inter alia, the permission for an extension to the kennels and works outside Carrickmacross, County Monaghan. The inspector’s report states *“from the outset, I consider the principle of locating dog kennels and a dog pound within a sparsely populated rural area to be acceptable. This facility can be considered small scale local enterprise which generates employment and provides necessary services to the county”*. It is acknowledged that *“while noise generated by this development may be more audible in a quiet countryside; I consider this type of location for a dog pound to be more preferable in more populated areas. Indeed, I would be of the view that one of the most important criteria with the location of such facility would be that noise disturbance can be minimised”*.

In the case of the above application (Reg. Ref. 237886) the Board upheld the decision of the Planning Authority and granted planning permission for the kennels at this location.

For the reasons set out above I consider the breeding and rearing of greyhounds is an appropriate pursuit in this rural area and is more suitable to a rural area than a more densely populated urban or suburban area. For this reason, I consider the principle of development to be acceptable at this location.

9.2. Contravention of Article 8 of the European Convention on Human Rights

Article 8 of the European Convention on Human Rights states that everyone has a right to respect for his private and family life, his house and his correspondence.

In relation to the contravention of Article 8 raised in the grounds of appeal, I do not consider that permitting a development such as that proposed would necessarily contravene Article 8 of the above convention. It is not the purpose of the planning code to adjudicate as to whether or not any development may be in contravention of the European Convention on Human Rights. If the Board conclude that the proposal would have an unacceptable impact on the environment or on the residential amenities of the area, it should refuse planning permission on the grounds that the proposal is not in accordance with the proper planning and sustainable development of the area and not on the basis of any contravention of the European Convention on Human Rights.

9.3. Noise

Noise is a major concern raised by the appellants and was a consistent issue raised in the various observations submitted to the Planning Authority. I visited the site and it was not apparent to me during my site inspection that noise constituted a significant issue. When I first arrived on the site the dogs barked but they settled down after a short period on getting used to my presence. I do acknowledge however that my site inspection may be atypical of the noise environment associated with a kennel, particularly where noise disturbance arises during the quieter rural environment at night-time. I also acknowledge that the baseline environment prior to the establishment of the kennels would have been characteristically low for a typical rural environment.

I have assessed the noise report submitted. It models the potential impact arising from the development under a worst case scenario where simultaneous dog barking occurs over a period of time. The noise report also carried out a baseline survey when the facility was operating (January, 2017). The average L_{Aeq} ranged from 32dB(A) (night-time) to 49dB(A) (daytime) within the facility. Thus, the baseline noise survey with the facility operating, is characteristic and typical of noise climate which could be expected in a rural environment.

Under maximum worst case scenario recorded (99.4 dB(A) within the facility), the predicted impact at the nearest noise sensitive location is estimated to be below 53dB(A). The modelling is based on the reduction of sound propagation over distance at the nearest noise sensitive receptors ie houses in the vicinity of the kennels. The anticipated noise climate which could result from the proposed development is in my view acceptable given that the modelling undertaken represents an absolute worst case scenario. This worst case scenario is likely to occur infrequently and is highly unlikely to occur over long periods of time. Dogs typically bark, yelp and howl when visitors arrive or during feeding times and this frenzy tends to last a few minutes after which period the dogs calm down.

While the grounds of appeal include a critique of the noise report submitted on behalf of the applicant, this critique in my view does not fundamentally challenge the methodology employed in the noise assessment undertaken. The comments on the whole are limited to the various pieces of information which were omitted in the report as opposed to fundamentally challenging the conclusions arrived at in the report.

In conclusion therefore and based on the information contained on file, I am satisfied that the noise impact arising from the operations while may on occasions give rise to some levels of disturbance would in overall terms, be acceptable.

9.4. **Solid Waste Generation**

Concern is expressed that the waste generated on site has been significantly underestimated. It is also suggested that there isn't sufficient capacity in the bins to cater for the solid waste generated. It is also suggested that the waste collector may not be aware of the nature of waste being collected at the facility. It appears from the

information contained on file that dog droppings are collected and placed in brown bins for composting. A letter is contained on file from the waste recycling company stating that bins are supplied on a fortnightly basis for collection. There is nothing on file to suggest that the waste contractors are not aware of the contents of the bins. The grounds of appeal also suggest that dog excrement is being deposited around the perimeter of the site. Having inspected the site, I found no evidence of this. In fact, I noted that the site was relatively clean and well-kept during my site inspection. If there is insufficient capacity to cater for the solid waste additional bins can be provided by the waste recycling company. It would be appropriate that a condition be attached to any grant of planning permission requiring that all solid waste generated on site be removed by a licensed contractor.

9.5. **Wastewater Generation**

It is proposed to treat domestic effluent generated within the dwellinghouse by way of an upgraded wastewater treatment system. The site has been the subject of a comprehensive site suitability assessment and the applicant has demonstrated that the site is suitable for proprietary wastewater treatment systems and a polishing filter. The Aquamax system to be installed has the capacity for treating effluent to a sufficient standard prior to discharging to a polishing filter. There is also ample room to the rear of the site to accommodate the polishing filter/percolation area.

With regard to the wastewater from the greyhound sheds, it is estimated according to the grounds of appeal that the greyhounds will produce in the region of 70 to 80 litres of urine daily (based on a maximum of 80 dogs). This will result in approximately 500 to 600 litres per week and 2 to 2,500 litres of urine per month. To cater for this wastewater, it is proposed to install a 7,000 litre tank which will be emptied periodically by a licensed contractor. Details of the tank are not contained on file. However, even allowing for the washing of the kennels I would estimate that the proposed tank could have sufficient capacity to cater for the kennels subject to being emptied by a licensed contractor on a periodic basis, perhaps monthly or bi-monthly. Again I consider this issue could be adequately addressed by way of condition.

9.6. Implications for Groundwater and Surface Water

A significant concern raised in the grounds of appeal relate to the potential contamination of surface water and groundwater as a result of solid waste and wastewater generated by the kennels. I have argued above, that provided solid waste is stored in secure bins, I have no reason to believe that the waste generated will present an environmental threat to either surface water or groundwater and by implication to livestock in the area. Likewise, I do not consider that the collection of wastewater generated by the kennels in secure tank which would be emptied when required by a licensed contractor will give rise to similar pollution issues. Assuming that any such tank is secure, there is no reason to believe that the effluent generated by the kennels will give rise to threats to surface water or groundwater and as such the proposed development will not impact on any of the fundamental objectives set out in the Water Framework Directive, Nitrates Directive or Phosphate Directive as suggested in the grounds of appeal. It should be borne in mind that livestock populate fields throughout the countryside and during the summer months this waste is not collected by a licenced contractor. Thus the arrangements to be put in place and the kennels is much less likely to give rise to pollution than normal livestock rearing.

9.7. Impact on Livestock in the Surrounding Fields

In order to appropriately address this issue, it should be a condition that the applicant is required to provide proper stock-proof fencing, specifically designed to contain greyhounds together with the landscaping proposals submitted. I consider that if appropriate stockproof fencing were to be provided around the boundary of the site, this would mitigate against any potential attacks or annoyance of livestock in the surrounding fields. It will be incumbent upon the owners of the facility to ensure that the facility is managed properly and that no greyhounds escape from the confines of the site.

9.8. Traffic Issues

The appellants are correct in stating that no proper traffic assessment was undertaken as part of the development. Furthermore, I note that sightlines are

restricted in an easterly direction at the proposed access. The Board may wish to seek further details in respect of trip generation to and from the site prior to determining the application.

However, having regard to the nature of the activity operating on site, it is not anticipated that significant trip generation to and from the site would occur. There will be some transportation of animals to and from the site together with veterinary calls and the collection of waste etc., but the applicants have indicated that the public will not visit the site on a frequent basis. I do not anticipate that trip generation to and from the site will be any greater than that associated with a normal commercial farm and I further note that the road serving the site accommodates light volumes of traffic. Finally, in relation to this issue I note that Cavan County Council did not voice concerns in relation to traffic and transportation matters when assessing the proposed development. Specifically, it was not recommended that planning permission be refused on the grounds of restricted sightlines.

10.0 **Appropriate Assessment**

The grounds of appeal suggest that a Stage 2 Appropriate Assessment is required. The closest Natura 2000 site is the Lough Aughter SPA and SAC which is located approximately 10 kilometres to the north of the subject site. Lough Sheelin SPA and SAC are located approximately 12 kilometres to the south-east of the subject site. As argued in my evaluation above, it is proposed to collect all waste in secure underground tanks and bins and dispose of this effluent by way of a licensed contractor off site. The only effluent to be disposed of on-site is the domestic wastewater from the dwelling. Having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans and projects on a European site and therefore a Stage 2 Appropriate Assessment and a submission of an NIS is not required.

11.0 Conclusions and Recommendation

Arising from my assessment above I consider that the Board should uphold the decision of the Planning Authority and grant planning permission for the proposed development in accordance with the plans and particulars lodged and based on the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to the rural location of the site, the low density of residential development within the vicinity and the separation distances between the subject site and established residences together with the low volume of traffic on the surrounding network, it is considered that subject to conditions set out below the proposed development would represent acceptable use at this location and would not seriously injure the amenities of the area, would not be prejudicial to public health, and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 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 and particulars submitted on 25th day of January 2017 and 6th 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The number of dogs including puppies, present on the overall site at any given time shall not exceed 80. 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 interest of orderly development and residential amenity.

3. All dogs shall be housed indoors between the hours of 1800 hours and 0800 hours every day.

Reason: In the interest of orderly development and residential amenity.

4. A noise survey shall be undertaken to assess the impact of noise emissions arising from the current operation of the facility. The scope, methodology and timescale of this survey shall be submitted to, and agreed in writing with the planning authority within 8 weeks of the date of this order. Upon completion of the survey the results obtained shall be submitted to the planning authority. Details of appropriate noise mitigation measures shall be submitted to and agreed in writing with the planning authority if noise levels exceed the following parameters.

- (a) The noise levels from within the existing boundary of the development shall not exceed 55dB(A) (15 minutes L_{Aeq}) at any point along the boundary of the development between the hours of 0800 hours and 2000 hours. At all other times the noise levels shall not exceed 40dB(A) (15 minutes L_{Aeq}).

- (b) The developer shall arrange and pay for such independent noise monitoring as may be required by the planning authority and shall incorporate noise mitigation measures as agreed with the planning authority where noise levels exceed those as specified above.

Reason: To protect residential amenities of property in the vicinity.

5. All solid waste and foul effluent arising from the keeping of 80 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.

6. Prior to the commencement of development, the applicant shall agree in writing with the planning authority, details of the proposed storage tank to accommodate wastewater discharge from the kennels. Such wastewater shall be collected in a sealed secure tank of appropriate volume not less than 7 cubic metres. All effluent stored in the tank shall be collected and appropriately disposed of by a licensed contractor in accordance with the requirements of the planning authority.

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

7. 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.

8. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 25th day of January 2017, and in accordance with the requirements of the document "Wastewater Treatment Manual: Treatment Systems for Single Houses", Environmental Protection Agency (current edition). No system other than the type proposed in the submission shall be installed unless agreed in writing with the planning authority.

- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse 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 drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

9. Maintenance contract for all wastewater treatment systems on site shall be entered into and kept in place at all times. Signed and dated copies of the maintenance contract shall be submitted to the planning authority on annual basis.

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

10. Access gates to the site shall open inwards and shall not open out onto any right of way or public road.

Reason: In the interest of traffic and pedestrian safety.

11. Visual examination of the surface water drainage system shall be carried out weekly. A log of such inspections shall be maintained.

Reason: In the interest of public health.

12. The landscaping scheme shown on Drg entitled 'A1-FI-Item 14 – Landscaping' as submitted to the planning authority on the 25th day of January 2017, shall be carried out within the first planting season after the date of this order. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

13. Stockproof fencing suitable for the containment of greyhounds shall be erected around the perimeter of the site. Details of the nature of fencing shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: To protect livestock in the vicinity.

Paul Caprani,
Senior Planning Inspector.

21st July, 2017.