



1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.31ha, is located within the townland of Drumgore approximately 2.7km east of Lough Gowna. Access to the site is provided from the L-2513. The site is currently occupied by a residential dwelling, garden shed, storage container, dog boarding shed and fenced dog run. Site boundaries include a treelined hedgerow to the north, east and west and post and wire fencing along the southern site boundary.
- 1.2. The exiting character of development in the vicinity of the site is rural with dispersed rural housing. An existing dog breeding facility Jaxx Greyhounds is located to the south of the L-2513.

2.0 Proposed Development

- 2.1. The proposed development, as described within the public notices, seeks permission to retain the use of domestic storage container and loose shed and dog run to dog grooming and boarding use and all associated works.
- 2.1.1. Details in relation to the scale and operation of the facility are provided within the application documentation as summarised below:

Hours of Operation – (by appointment only)

- Monday to Friday: 9am to 6pm
- Saturday: 10 am to 1 pm (boarding only)

Ringcraft Classes:

- Once per week
- 6pm to 7pm on either a Wednesday or Thursday evening
- Capacity 6

Boarding Kennels

- Capacity of 6

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Cavan County Council issued a notification of decision to grant permission to retain the development subject to 13 no. conditions. The following conditions attached to the decision are of note:

Condition no 3:

The operation of the dog grooming facility shall comply with the following:

- (a) The hours of operation for the facility shall be as follows Monday to Friday 09:00 to 18:00 hours, Saturday 10:00 to 13:00 hours and closed Sundays and bank holidays.
- (b) Dog grooming shall be strictly by appointment only.
- (c) Dog grooming shall be restricted to 17 dogs per week.

Reason: to protect the residential amenities of properties in the vicinity of the site.

Condition no. 4

The operation of dog kennels on site shall comply with the following:

- (a) No more than 6 dogs shall be permitted in the dog kennels at any given time.
- (b) The use of dog runs, and grass area shall be strictly in accordance with the timetable submitted to the Planning Authority on the 10th of July 202 as part of the applicant's Further Information Response.
- (c) RingCraft classes shall be restricted to 6 dogs and shall only be permitted onsite for a 2-hour duration per week.

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

Condition no. 10

The applicant shall implement all recommendations and mitigation measures included within the Noise and Odour Report prepared by Traynor Environmental Ltd.

Reason: in the interest of public health and environmental sustainability.

Condition no. 11

Noise Levels at the site boundaries shall not exceed 55dBA (30 Minute Leq) between 0800 hours and 2000 hours and 45 dBA (15 minutes Leq) at any other time.

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

Condition 12:

Odour and noise monitoring shall be undertaken monthly for the first 12 months following completion of the development and quarterly thereafter, to ensure that noise and odour abatement measures implemented are mitigating any adverse impacts and the results shall be submitted to the planning authority on a quarterly basis.

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

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planner's Report (17/05/2023)

The initial planner's report recommended a request for further information. The following provides a summary of the key points raised:

- The principle of the development is acceptable having regard to the provisions of Section 12.4 of the CCDP subject to an assessment of residential and environmental considerations.
- The report outlines that any noise associated with the facilities would be characteristic of a rural area. Notwithstanding this, the report cross refers to the recommendation from the Environmental Section for further information in relation noise and odour impacts on properties within 400m of the site.
- The report refers to the existing planted site boundaries and outlines that the development is not considered to detract from the visual amenities of the area or impact on the privacy of the appellants dwelling.
- Under the heading of Appropriate Assessment Screening, the report outlines the following: *The application site is located approximately 9.49 km south of Lough Oughter SPA (Site Code 004049) and the Lough Oughter and Associated Loughs SAC (Site Code: 000007). Having regard to the nature of*

the development and distance of same from the Natura 2000 site, it is considered that the project is not likely to have a significant effect, either individually or in combination with other plans and projects, on any European Site.

- The report recommends a request for further information in relation to the following: carparking and sightlines at the site entrance, clarification in relation to hours of operation, details of ringcraft classes, details of wastewater treatment facilities and percolation area, details of surface water drainage system, details of storage tanks and capacity for dog housing, details of the no. of dogs using the facility per week and waste production, impact on noise and odour of sensitive locations within 400m of the site and details of any asbestos on site.

Planners Report on Further Information (15/08/2023)

The planner's report sets out a summary and assessment of the applicant's FI response. The report recommends a grant of permission for the development subject to conditions.

3.2.2. Other Technical Reports

Municipal District Engineer (09/05/2023)

- Recommends further information.

Environmental Section (17/05/2023)

- Recommends further information.

Municipal District Engineer (21/07/2023)

- The report outlines that the applicant has adequately responded to the FI request and raises no objection subject to condition.

A/ Senior Engineer Environment Section (10/08/2023)

The report recommends a grant of permission subject to conditions.

3.3. Prescribed Bodies

Inland Fisheries (02/05/2023)

The report raises concern in relation to potential increase in organic and nutrient loading to the waterbodies and questions the capacity of the existing septic tank.

3.4. Third Party Observations

One no. submission was received during the public consultation period on behalf of Brendan O' Reilly. The observation raises concerns in relation to noise impact, impact on watercourses, capacity of the existing septic tank and percolation area and potential pollution, impact on farm animals, visual impact and impact on privacy of the adjoining farm. The submission outlines that the development is contrary to Policies ED5 and ED6 of the Cavan County Development Plan.

2 no. third party submissions were received in respect of the applicant's FI response from Brendan O' Reilly and McBreen Environmental.

- The submission from Brendan O' Reilly outlines that the development represents an overdevelopment of the site and results in noise impact, traffic impact and impact on residential amenity.
- The submission from McBreen Environmental outlines that the report on the planning files is not a report which was not prepared, finalised and signed off by McBreen Environmental.

4.0 Planning History

None relevant.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The appeal site is located within a rural area to southwest of Cavan at Drumgore, Loughduff. The rural area is classified as a Stronger Rural Area within the Appendix 21 of the Cavan County Development Plan 2022-2028. The Development Plan provides the following description of Stronger Rural Areas:

These areas are located around Cavan Town and in the South East of the County and exhibit characteristics such as;

- *Proximity to the immediate environs or close commuting catchment of Cavan, Navan and the Greater Dublin Area.*
- *Rapidly rising populations.*
- *Evidence of considerable pressure for housing development due to proximity to such urban areas or to major transport corridors with ready access to urban areas.*
- *Pressures on infrastructure such as local road networks, water supply etc.*

It is the aim of this Plan to facilitate the housing requirements of landowners and their immediate family only, subject to satisfying site suitability and technical considerations, whilst directing urban generated housing need in areas identified for housing in the adjoining towns and villages.

5.1.2. Section 12.4 of the Development Plan relates to Rural Enterprise and Economy. The following objectives are of relevance to the proposal:

- REE 01 Consideration shall be given to the establishment, or suitable expansion, of small-scale businesses in rural areas where (i) it is demonstrated that the proposal could serve as a valuable addition to the local economy and (ii) normal development management and technical requirements are complied with;
- REE 02 Require proposals for the development, or suitable expansion, of small-scale businesses in rural areas to demonstrate that the proposed location is suitable and that the proposal would not be viable at an alternative location;
- REE 03 In accessing an application for the establishment, or suitable expansion, of a small-scale business in a rural area, the following information shall be taken into consideration and, where necessary, such required information shall be submitted as part of the application:
 - Positive contribution that the proposed development will make to the rural economy
 - Nature and scale of the proposal.

- Is the business more suitably accommodated at the proposed location than an urban setting.
- Potential impacts on public health, environment and amenity.
- Potential traffic impact on the road network in the area.

5.2. **Natural Heritage Designations**

The nearest designated European sites to the appeal site, including SAC's and Special Protection Areas (SPA's) include the following:

- Lough Oughter and Associates Loughs SAC – 9.8 km
- Lough Oughter SPA – 10 km
- Lough Gowna p NHA – 200m

5.3. **EIA Screening**

The subject development does not fall within a class for which EIAR is required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A third-party appeal was submitted in respect of Cavan County Council's notification of decision to grant permission to retain the development. The appeal was submitted on behalf of Brendan O' Reilly, the adjoining landowner to the west of the site. The following provides a summary of the grounds of appeal:

- The appeal refers to the recommendations out within page 8 of the planner's report which outlines that the storage container shall be retained for a maximum period of 3 years. It is stated that this condition is not included in the PA's decision.

Contribution to Rural Economy

- The appeal outlines that the development does not make a positive contribution to the rural economy. In the absence of a business plan to establish the local need for the development the appeal outlines that the noisy

commercial business benefits the applicant as opposed to the community. The appeal outlines that the works imposed via condition including the erection of fencing and new wastewater treatment system would change the rural character of the area. The appeal outlines that the development is contrary to Objective REE 03 of the Cavan County Development Plan in this regard.

- The appeal outlines that CCC's permission does not include a condition precluding dog breeding from the premises.

Viability of Business Premises and Insufficient Information

- The appeal questions the viability of the business premises and the suitability of the temporary structures for the proposed use. The appeal outlines that no details of the interior of the structures or suitability for the use were submitted with the application. The appeal refers to the requirements of Condition 3 and 4 of CCC's decision and outlines that there are no restrictions imposed in relation to the number of dogs to be groomed a day. The appeal raises concerns in relation to noise from the hydro bath.
- The appeal refers to the lack of an isolation kennel and veterinary treatment area within the development in accordance with animal welfare requirements.
- The appeal outlines that no details of professional qualifications were submitted with the application.
- The appeal raises concern in relation to the scope of the application and the lack of an evacuation and contingency plan.
- The appellant raises concern in relation to the impact of the development on cattle in his farm.
- The appeal raises concern in relation to impact of the proposal on privacy and residential amenity in light of the proximity of the premises to his property. The appellant raises concern in relation to the visual impact of the 2.5m high fencing as conditioned by CCC.

Noise, Appropriate Nature, Scale, Design and Location

- The appeal outlines that the development is not of an appropriate, scale, nature and design to be placed in the vicinity of residential properties. The appeal outlines that the premises and together with the Jaxx Greyhounds (dog breeding premises) operation in the vicinity of the site are commercial in nature and not suited to an agricultural area.
- The appeal outlines that the cumulative noise impact of the facility and Jaxx Greyhounds has not been assessed by the applicant. Noise from barking dogs is not typical noise within a countryside.
- The appeal refers to errors within the Noise Report submitted in support of the application and no details are provided of the specifications of the structures to demonstrate that they will result in a 26dB noise reduction. The appeal also questions the specifications of the boundary fencing and question if this will result in a 10 dB noise reduction.
- The appeal questions the accuracy and methodology of the noise assessment undertaken. The appeal outlines that the type of equipment used is not detailed, or the meteorological conditions on the date of survey, the use of a windshield is not clarified together with the distance from reflective surfaces.
- The appeal questions Condition nos. 10 and 11 of CCC'S decision. In terms of Condition no.10, the appeal cross refers to inaccuracies within the noise report and it is stated that the limits set out within Condition no. 11 are not realistic.

Assessment of potential impacts on public health, environment and amenity

- In relation to Condition nos. 4 (b) to 12 the appeal outlines that there is no proper buffer zone between the applicant's grass area/dog run and the open watercourse to prevent contamination of the appellants well and the watercourse which runs into the River Erne.
- The appeal refers to submissions in respect of Conditions no. 5 to 9 of the Council's decision.
- The appeal raises concern in relation to the potential traffic impact of the development and proposed access arrangements. The appeal outlines that

the access is located in proximity to a bend on the busy road which is used by HGV's. The appeal outlines that the development will result in a traffic hazard.

Conclusion

- The appeal requests that permission is refused to retain the development.

Attachments

The appeal is accompanied by the following attachments:

- Appendix A – Google Streetview images and map of area illustrating location of appeal site, appellant's property and Jaxx Greyhounds Dog Breeding premises
- Appendix B – Appellant's Initial Submission on application
- Appendix C – Appellant's Submission on FI Response
- Appendix D – Google Maps images
- Appendix E – Site Photos
- Appendix F – Applicant's Noise Report
- Appendix G – Article from Centre for Animal Welfare Science
- Appendix H – Correspondence from Kingspan Insulation Limited outlining that 40mmm insulation is not rated for sound proofing
- Appendix I – google Streetview images
- Appendix J – OS Map
- Appendix K – USB of Sound Recording of dogs Barking at applicant's premises and Jaxx Greyhounds

6.2. Applicant Response

6.2.1. A response to the third-party appeal was submitted on behalf of the applicant. The following provides a summary of the key points raises:

- The appeal response outlines that the development provides a positive contribution to the rural economy and in this regard is in accordance with Objective REE 03 of the Cavan County Development Plan 2022-2028 and the

guidance set out within Section 12.4 of the Plan which relates to “Rural Enterprise and Economy”.

- The appeal response cross refers to the attached completed questionnaire which demonstrates support for the development.
- The number of dogs within the Boarding Kennels is restricted to 6 which is small scale given that it would not be uncommon for rural areas for households to have more than one dog.
- The appeal response confirms that dog breeding is not taking place at the development.
- The store unit on site is structurally sound, and the size and shape is suitable for grooming purposes. Members of the public are not permitted into the unit.
- The buildings and shed are all fit for purpose. The 40 mm Kingspan Insulation would absorb some noise generated by barking dogs.
- There is no requirement for an isolation kennel as dogs attending the facility must be vaccinated before their stay.
- The appeal response refers to Condition no. 8 of PA Ref: 17485, as referred to by the appellant. It is stated that dog breeding takes place at this facility.
- On average one 1-2 dogs are groomed per day. The owners are notified 30 minutes in advance of grooming being completed.
- The applicant is fully qualified (QQ1 Level 6 in Animal Science) and does not cater for aggressive/dangerous breeds.
- Due to the small scale of the development an evacuation and contingency plan is not required.
- The existing hedgerow to the north, west and eastern perimeter of the site and proposed 2.5m high fence provides privacy to the appellants property. The proposed 2.5m fence will not be visible from the appellants property.
- The appeal response outlines that PA Ref: 16193 does not effect the application.

- In terms of concerns raised in relation to Noise, the appeal response outlines that the applicant will adhere to all the recommendations from the Traynor Environmental Report and Conditions of Cavan County Council.
- The appeal response makes general observations relating to the access to the appellants property and existing slatted shed.
- The appeal response outlines that mitigation measures including a sound barrier fence and new sewerage treatment unit and percolation were proposed to address concerns raised by the appellant.
- The type of development proposed is not suited to an urban setting and is in accordance with the provisions of the Cavan County Development Plan 2022-2028 (Section 12.4 and Objective REE 3).

The following documents are attached to the appeal:

- Completed Questionnaire – confirming support for the facility within the area
- Appeal response from Traynor Environmental Ltd. This submission specifically addresses the noise concerns raised by the appellant.

Appeal Response from Traynor Environmental Ltd.

6.2.2. The report from Traynor Environmental Limited provides a specific response to the noise concerns raised within the 3rd party appeal. The following provides a summary of the key points raised:

- The report outlines that the noise report submitted in response to CCC's request for further information modelled the worst-case scenario noise levels at the nearest noise sensitive houses. The noise from Jaxx Greyhounds, which is located 100m from the appellants site, would be less than the worst-case modelled scenario.
- Noise measurements were undertaken on the 8th and 9th of June 2023 when the facility was in full use i.e grooming and boarding all taking place on site.
- Noise monitoring was undertaken within the boarding kennels to give a worst-case scenario.
- Most acoustic fencing would reduce noise by 26dB but a 10dB reduction is assumed on the basis of a worst-case scenario.

- The report provides details of the noise monitoring equipment used for the purposes of the survey and qualifications of the surveyor.
- The report outlines that weather conditions are irrelevant as the survey was undertaken indoors, noise levels were calculated in accordance with BS standards and based on worst case scenario assumptions (i.e. concrete ground assumed rather than grass).
- It is stated that dogs barking would not be a tonal noise source. The proposed mitigation measures would address any potential noise and tonal issues.

6.3. Planning Authority Response

Cavan County Council provided a response to the grounds of appeal. The following provides a summary of the key points raised:

- The Planning Authority notes the contents of the appeal.
- The Planning Authority respectfully submits that An Bord Pleanála upholds the decision of the PA for the reasons outlined in the planner's report.

7.0 Assessment

- 7.1. This is a third-party appeal against the decision of Cavan County Council to grant permission to retain the use of domestic storage container and loose shed and dog run to dog grooming and boarding use and all associated works at Drumgore, Loughduff, Co. Cavan.
- 7.2. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:
- Principle of Development/ Compliance with Policy
 - Noise Impact
 - Impact on Residential and Visual Amenity

- Other Issues

7.3. Principle of Development / Compliance with Policy

7.3.1. The proposal seeks permission to retain dog grooming and boarding premises on site. The appeal site is located within a rural area to southwest of Cavan at Drumgore, Loughduff. The rural area is classified as a Stronger Rural Area within Appendix 21 of the Cavan County Development Plan 2022-2028.

7.3.2. Section 12.4 of the County Development Plan sets out guidance in relation to Rural Enterprise and the Economy. This outlines that in general, employment servicing rural areas should be located in the towns and villages catering for local investment and small-scale industry. Within the rural settlements and open country agriculture, horticulture, fisheries, forestry, tourism and rural resources-based enterprises should be facilitated. The following objectives are of relevance:

- REE 01: Consideration shall be given to the establishment, or suitable expansion, of small-scale businesses in rural areas where (i) it is demonstrated that the proposal could serve as a valuable addition to the local economy and (ii) normal development management and technical requirements are complied with;
- REE 02: Require proposals for the development, or suitable expansion, of small-scale businesses in rural areas to demonstrate that the proposed location is suitable and that the proposal would not be viable at an alternative location;
- REE 03: In accessing an application for the establishment, or suitable expansion, of a small-scale business in a rural area, the following information shall be taken into consideration and, where necessary, such required information shall be submitted as part of the application:
 - Positive contribution that the proposed development will make to the rural economy.
 - Nature and scale of the proposal.
 - Is the business more suitably accommodated at the proposed location than an urban setting.

- Potential impacts on public health, environment and amenity.
- Potential traffic impact on the road network in the area.

7.3.3. The appeal outlines that the development does not make a positive contribution to the rural economy. It is stated that in the absence of a business plan to establish the local need for the development the appeal outlines that the noisy commercial business benefits the applicant as opposed to the community. The appeal outlines that the development is contrary to Objective REE 03 of the Cavan County Development Plan in this regard.

7.3.4. I consider the principle of locating a dog boarding and grooming facility within a sparsely populated rural area to be acceptable. On the basis of the information set out within the application and having visited the facility I am satisfied that the development would be classified as a small-scale local enterprise which generates employment and provides a service to the local community. I refer to the appeal response which includes signatures of clients of the applicant supporting the development. I consider that the principle of the development is acceptable at this location subject to compliance with development management standards and consideration of residential amenity and environmental impacts which are considered further in this assessment.

7.4. Noise Impact

7.4.1. The third-party appeal raises significant concern in relation to the noise impact of the development. The internal report from the Environment Section in CCC refers to receipt of ongoing complaints relating to the operation of the facility with noise being one of the significant issues raised.

7.4.2. The issue of noise impact of the development was raised within Cavan County Council's request for further information. A Noise Report prepared by Traynor Environmental was submitted in response to CCC's FI request. Figure 3 of the report identifies noise sensitive locations within 400m of the site including the appellant's property to the northwest.

7.4.3. 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. Noise measurements were undertaken on the 8th and

9th of June 2023 when the facility was in full use i.e grooming and boarding all taking place on site.

- 7.4.4. Noise monitoring was undertaken within the boarding kennels to give a worst-case scenario. Table 2 to 4 of the report provide an overview of noise levels within the facility. The average LAeq as identified within Table 5 of the report ranged from 31dB(A) (night-time), 43 dBA (evening -time) to 49dB(A) (daytime) within the facility. The appeal site is located within an open rural area. I consider that the baseline noise survey with the facility operating, is characteristic and typical of noise climate which could be expected in a rural environment.
- 7.4.5. Table 6 indicates the max noise levels (all dogs barking) recorded for each period as follows: 66 dBA evening, 61 dBA night, 89 dBA night-time. The report outlines that the existing building reduces noise levels by 26 dBA and proposed acoustic fencing would furthermore reduce noise by 10 dBA. Tables 7 to 15 of the report includes a summary of predicated noise levels at each noise sensitive location. Location no. 1 and No. 2 relates to structures on the appellant's properties. The predicted noise level at NSL 1 is 35 dBA and 38 dBA at NSL 2. The report recommends annual noise monitoring at the facility.
- 7.4.6. The third-party appeal questions the methodology and a number of the assumptions set out within the noise report. The appeal is accompanied by a USB of sound recordings of dogs barking at applicant's premises and Jaxx Greyhounds (Appendix K) and raises concern that the development does not include a cumulative assessment of noise impact associated with the operation of both facilities. I refer to the report prepared by Traynor Environmental Limited and submitted in conjunction with the appeal response. I am satisfied that the applicant has addressed all the issues arising and has provided a worst-case scenario assessment of the noise impact of the development.
- 7.4.7. I furthermore refer to the requirements of Conditions no. 10 and 11 of Cavan County Council's notification of decision to grant permission for the development which relate to implementation of the mitigation measures set out within the Noise Report and adherence to noise limits at site boundaries. The appeal questions Condition nos. 10 and 11 of CCC'S decision. In terms of Condition no.10, the appeal cross refers to inaccuracies within the noise report. As earlier detailed, I am satisfied that

the submitted noise report represents a worst-case scenario assessment of noise impact at the premises.

7.4.8. The appeal outlines that the noise limits for site boundaries as set out within Condition no. 11 are not realistic. The condition outlines that noise levels at site boundaries shall not exceed 55dBA during the hours of 0800 to 2000 and 45 dBA at any other time. Based on the information set out within Table 2 to 4 of the applicant's noise report, I am satisfied that adherence to the noise limits is achievable. I furthermore refer to the requirements of Condition no. 12 of the permission which relates to ongoing noise monitoring at the premises. Adherence to the noise limits sets out within Condition no. 11 shall therefore be subject to ongoing monitoring.

7.4.9. In conclusion, on the basis of the information in conjunction with the application and appeal response, having regard to the small-scale nature of the operation and the siting of existing structures relative to nearest noise sensitive receptors, I am satisfied that noise impact arising from the operations would be acceptable.

7.5. Impact on Residential and Visual Amenity

7.5.1. The appeal outlines that the proposed fencing and wastewater treatment facility impact on the rural character and visual amenity of the area. The appeal outlines that the works imposed via condition including the erection of fencing and new wastewater treatment system would change the rural character of the area.

7.5.2. The appeal raises concern in relation to impact of the proposal on privacy and residential amenity in light of the proximity of the premises to his property. The site at present is defined by planted hedgerows and planting to the north, east and west. I am satisfied that the development to be retained does not detract from the visual amenities or privacy of adjoining property. I refer to the requirements of Condition no. 10 of CCC's notification of decision to grant permission for the development which outlines that all recommendations and mitigations included within the Noise and Odour Report prepared by Traynor Environmental shall be implemented. I note that mitigation measures set out within this report include the installation of acoustic fencing (2.5m high) along the northwest site boundary (as illustrated on Figure 5 of the Report).

- 7.5.3. The appeal raises concern in relation to the visual impact of the proposed fencing on the rural character of the area. In general, I do not consider that the provision of a boundary acoustic fence would impact on the rural character or visual amenities of the area. I consider that details of the fencing should be submitted for written agreement of the planning authority prior to its installation. I am satisfied that this can be addressed via condition.
- 7.5.4. On the basis of the information set out within the application documentation, I am also satisfied that the proposed wastewater treatment plant does not represent a scale of development which would detract from the rural character of the area.
- 7.5.5. The existing structures on site including the kennels and storage contained are located to the northeast of the site. These structures are limited in size (Storage Container 17.13m, Kennels 37.59m) and height (Container 2.5m, Kennels 2.7m) and the finishes of steel and cladding are not dissimilar to agricultural buildings. On an overall basis I do not consider that the structures represent a visually discordant addition to the rural area.

7.6. Other Issues

Wastewater and Water Pollution

- 7.6.1. An existing watercourse runs along the northern and western site boundaries. The appeal raises concern in relation to the impact of the development on water quality and outlines that there is no proper buffer zone between the applicant's grass area/dog run and the open watercourse to prevent contamination of the appellants well and the watercourse which runs into the River Erne.
- 7.6.2. I have considered the potential contamination of surface water and groundwater as a result of solid waste and wastewater generated by the kennels. The applicants FI response outlines that on average 2.4kg of dog waste is produced on site per day. This is stored in a sealed container on site and collected by Oxigen Commercial.
- 7.6.3. The applicant's FI response outlines that the existing septic tank on site is proposed to be decommissioned and upgraded to an EN Certified Treatment System, Ecoflo coco filter and polishing filter. All wastewater generated on site will discharge to this treatment system. The FI response confirms that only clean run off water will discharge to the watercourse. The site has been the subject of a site suitability

assessment and the applicant has demonstrated that the site is suitable for proprietary wastewater treatment systems and a polishing filter. The proposed system to be installed has the capacity for treating effluent to a sufficient standard prior to discharging to a polishing filter. The minimum separation distances as set out within Table 6.2 of the EPA Code of Practice 2021 are achieved.

- 7.6.4. Having regard to the details submitted in conjunction with the application and the nature and small scale of the development I do not consider that effluent generated by the kennels will give rise to pollution of surface water or groundwater.

Access

- 7.6.5. The appeal raises concern in relation to the potential traffic impact of the development and proposed access arrangements. The appeal outlines that the access is located in proximity to a bend on the busy road which is used by HGV's and outlines that the development will result in a traffic hazard.
- 7.6.6. Access to the site is provided from the L-2513 which forms the southern boundary of the site. The L-2513 runs in a straight alignment in the vicinity of the site entrance and I am satisfied that there are no restrictions to visibility from the entrance. The proposed Site Layout Plan (Drawing no. PL22-015-01) submitted in response to CCC's FI request illustrates a sightline in excess of 90m from the site entrance.
- 7.6.7. On the basis of the information set out within the application documentation in relation to scale and operation of the facility I am satisfied that the development does not represent a scale or format of development which would result in significant traffic impact.
- 7.6.8. Parking for the development is provided in an area to the east of the house accommodates 5 no. spaces. The Site Layout Plan further illustrates the provision of an additional 2 no. overflow spaces if required. I consider that sufficient parking is provided on site to cater for the development and negate again overspill onto the adjoining road network.
- 7.6.9. In conclusion, I am satisfied that access arrangements and car parking provision on site are acceptable, and I do not consider that the development represents a scale or format of development which would result in significant traffic impact on the adjoining road network.

Suitability of Structures

7.6.10. The appeal questions the suitability of the existing structures to accommodate the use. Specific concern is raised in relation to the storage container on site, its restricted size and compliance with relevant standards. The applicant's appeal response outlines that the container is structurally sound, and the size and shape is suitable for grooming purposes. Members of the public are not permitted into the unit. On site inspection I consider that sufficient space is provided within the container unit for the existing use.

8.0 AA Screening

8.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment and separation distance from the nearest designated site, no appropriate assessment issues arise, and it is considered that the proposed development would be unlikely to have a significant effect individually or in combination with other plans or projects on any European sites.

9.0 Recommendation

I recommend that permission is GRANTED to retain the development in accordance with the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to the provisions of the Cavan County Development Plan, 2022-2028, to the rural location of the site, the scale and nature of development, it is considered that subject to compliance with the conditions set out below, the development proposed to be retained would not affect the residential or visual amenities of the area, would not be prejudicial to public health or constitute a traffic hazard, would constitute an acceptable use at this location and would be in accordance with the provisions of the development plan and the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application as amended by the drawings received by the planning authority on the 20th of July 2023 except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The operation of the dog grooming facility shall comply with the following:
 - (a) The hours of operation for the facility shall be as follows Monday to Friday 09:00 to 18:00 hours, Saturday 10:00 to 13:00 hours and closed Sundays and bank holidays.
 - (b) Dog grooming shall be strictly by appointment only.
 - (c) Dog grooming shall be restricted to 17 dogs per week.

Reason: to protect the residential amenities of properties in the vicinity of the site.

3. The operation of dog kennels on site shall comply with the following:
 - (a) No more than 6 dogs shall be permitted in the dog kennels at any given time.
 - (b) The use of dog runs and grass area shall be strictly in accordance with the timetable submitted to the Planning Authority on the 10th of July 2023 as part of the applicant's Further Information Response.
 - (c) RingCraft classes shall be restricted to 6 dogs and shall only be permitted onsite for a 2 hour duration per week.

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

4. 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.

5. Details of the proposed acoustic fencing shall be submitted for written agreement of the Planning Authority prior to its installation.

Reason: In the interest of visual amenity.

6. (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 10th of July 2023, and in accordance with the requirements of the EPA “Code of Practice – Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) document 2021. 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 installation of the system, 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.

7. Uncontaminated surface water run-off from roofs and cleaned paved areas within the development shall be collected and disposed of to the surface water drainage system in accordance with the plans and specifications submitted.

Reason: In the interest of public health and environmental sustainability.

8. Visual examination of the surface water drainage system shall be carried out weekly. A log of such inspections shall be maintained. In the event of observations on reduced quality or appearance of the water quality the developer shall put in place measures to prevent further contamination and notify the Planning Authority within 24 hours of identification of reduced quality /appearance of surface water.

Reason: In the interest of public health.

9. The existing vegetation in the vicinity of the site entrance shall be cut back and maintained to maximise sightlines.

Reason: In the interest of traffic safety and amenity.

10. The developer shall implement all recommendations and mitigation measures included within the Noise and Odour Report prepared by Traynor Environmental Ltd. Odour and Noise monitoring shall be undertaken monthly for the first 12 months from the date of this decision and quarterly thereafter and submitted to the Planning Authority on a quarterly basis.

Reason: In the interests of public health and residential amenity.

11. The noise levels from within the existing boundary of the development shall not exceed 55dB(A) (15 minutes LAeq) 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 45dB(A) (15 minutes LAeq).

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

12. 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 final grant of permission, or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Stephanie Farrington
Senior Planning Inspector

4th of June 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	317977-23			
Proposed Development Summary	Retain use of domestic storage container and loose shed and dog run to dog grooming and boarding use and all associated works			
Development Address	Drumgore, Loughduff, County Cavan.			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes		
		No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes			EIA Mandatory EIAR required	
No	X		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No	X	N/A		No EIAR or Preliminary Examination required
Yes		Class/Threshold.....		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____