



An
Bord
Pleanála

Inspector's Report ABP-322157-25

Development	Retention of existing loose shed for dog boarding and all associated works
Location	Drumgore, Loughduff, Co. Cavan
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	2460497
Applicant(s)	Lauren Rowe
Type of Application	Retention
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	1. Martina O'Dowd 2. Brendan O'Reilly
Observer(s)	None
Date of Site Inspection	6 th June 2025
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The appeal site is located in a rural area in southwest Cavan, approximately 2.6 km northeast of the village of Loch Gowna.
- 1.2. The site comprises of an existing single storey house and a number of structures located to the rear of the house, including a dog grooming facility and dog run. The dog run facility is an enclosed green area.
- 1.3. The dog grooming facility is accommodated within a single storey container type structure.
- 1.4. The dog boarding facility is a single storey steel structure located to the rear of the dog grooming facility.
- 1.5. The dog boarding facility accommodates 6 no. cubicles and adjoins 6 no. outdoor dog cubicles which provides access to the existing dog run facility.
- 1.6. There is a neighbouring house located to the immediate northwest of the appeal site, approximately 70 – 80 metres from the dog boarding facility.

2.0 Proposed Development

- 2.1. Retention permission is sought to retain the use of the existing dog boarding facility, described in the statutory notices as 'loose shed for dog boarding'.
- 2.2. The dog boarding structure has a floor area of c. 40 sq. metres, and the structure is single storey in height.
- 2.3. The structure provides for internal cubicles and external cubicles. The structure housing the internal cubicles has an apex roof, with a maximum height of c. 2.9 metres above ground level.
- 2.4. The external cubicles have a galvanised wire mesh roof, and this part of the structure is flat roofed and has a height of approximately 2 metres above ground level.
- 2.5. The dog boarding shed accommodates 6 no. cubicles.

3.0 Planning Authority Decision

3.1. The Planning Authority decided to grant planning permission for retention, subject to 9 no. conditions. Conditions no. 3, and 8 are noteworthy.

- Condition no. 3 is an operational condition and restricts the maximum number of dogs permitted in the structure at any one time to 6 no. dogs housed in kennels between 21:00hrs and 8:00hrs overnight. Customer visits shall be restricted to 9am to 6pm, Monday to Friday, and 10am to 1pm, Saturday and Sunday.
- Condition no. 8 relates to noise control requiring that noise shall not exceed 55dB(A) (15 minutes LAeq) at any point beyond the perimeter of the site between the hours of 08:00 and 20:00. At all other times the noise levels shall not exceed 45dB(A) (15 minutes LAeq).

3.2. Planning Authority Reports

3.2.1. The Planning Officer's report dated 10th December 2024 notes the following.

- Previous application (ABP-317977-23 (L.A. Ref. 23/149)) was granted permission for a dog grooming service and dog run and refused permission for the loose shed, for which retention is now sought.
- Since ABP decision applicant has carried out additional acoustic measures. Insulation which was not a feature of the previous application is provided, and an acoustic fence has been erected, approximately 50 metres long on the NW and western parts of the site perimeter.
- The acoustic fence is the basis of compliance with condition no. 5 of the recent ABP decision.
- Based on insulation and the acoustic fence the applicant has reapplied for this development.
- Proposal consistent with DP objectives REE 01, REE 02 and REE 03 which support small scale rural enterprise.
- Wastewater management was addressed in the previous application.

- Outstanding issues relate to impacts on adjoining amenities including noise disturbance, visual amenity and public safety.
- Noise report submitted with application states that noise reduction from outside the kennels is 28 dB having regard to noise insulation, and a further reduction of 15 dB is stated having regard to the erection of the acoustic fence.
- Car parking provision (6 no. spaces) will address the need to park on the roadside.
- Glare from external lighting needs to be addressed.

3.2.2. The Planning Officer's report recommends that the following be addressed by way of further information (1) submit clear basis or methodology for noise reduction of 28 dB achieved by insulation, (2) submit clear basis or methodology for noise reduction of 15 dB achieved by acoustic fence, (3) substantiate on the potential cumulative impact of the development to be retained having regard to other noise sources, (4) confirm if all boarding dogs would be housed internally after 10pm, (5) provide details of existing or proposed external lighting, (6) submit a statement of compliance in respect of ABP conditions (ABP-317977-23) specifically conditions no. 6, 8, 9, 10 and 12.

3.2.3. The Planning Officer's second report dated 5th March 2025 assesses the further information received. The PA, having regard to the FI submitted, recommends that permission be granted.

In relation to FI **Item 1**, the PA report considers the applicant has adequately addressed the calculation for the reduction of noise by 28 dB in relation to the noise insulation.

In respect of FI **Item 2**, the PA report considers the applicant has adequately addressed the calculation into the reduction of noise by 15 dB in relation to the acoustic fence.

In relation to FI **Item 3**, the PA accepts the applicant's response to address matters in relation to potential cumulative impacts of the development. An additional baseline noise survey was submitted.

The PA accepts the FI response in relation to **FI Item 4** as the applicant confirms all boarding dogs will be housed internally in noise insulated kennels after 10pm.

In relation to **FI Item 5**, the PA accepts the lighting proposals. Condition recommended to reduce lighting overspill.

In relation to **FI Item 6**, the PA is satisfied that the applicant has either fully complied or substantially progressed compliance with conditions.

The PA considered the FI submission contained significant additional information and as such revised statutory were required.

3.2.4. Other Technical Reports

- Area Engineer: - No objections subject to conditions which relate to (1) boundary hedge maintenance, and (2) surface water drainage.
- Environment Section: - Consideration of noise implications required given decision by ABP on planning history (ABP-31977-23). Permission recommended subject to conditions.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

3.4.1. The PA received 8 no. observations to the application, including 6 no. observations supporting the proposed development, 2 no. observations objecting to the proposed development.

3.4.2. 4 no. observations supporting the proposed development were withdrawn. The following is a summary of issues raised, in the remaining 2 no. observations, in support of the proposed development.

- The existing facility is well maintained and generates minimum noise.
- Development will contribute positively to the local economy.

3.4.3. The issues raised in the 2 no. observations objecting to the proposed development are summarised as follows.

- Noise impacts
- Invasion of privacy
- Traffic hazard
- Light overspill
- Visual impact of acoustic fence

3.4.4. The PA received a further 2 no. observations, following revised statutory notices, and the issues raised are summarised as follows.

- Cumulative noise assessment is inaccurate
- Acoustic barrier is ineffective
- Precedent case PA Ref. 240281
- Dog Boarding facility is in use without permission.
- Adverse impact of lighting.
- Invasion of privacy
- Dog classes taking place are held outside the permitted hours.
- Car parking on the public road. Traffic hazard.
- Development inconsistent with S. 12.4 and objectives of REE03 of CDP.
- The thermal insulation is not rated for sound reduction.
- Non-compliance with condition no. 5 of ABP permission.
- The methodology for the 28 dB and 15 dB reductions are unclear.

4.0 Planning History

4.1. On-site

The PA (L.A. Ref. 23149) granted permission for the retention of a domestic storage container for dog grooming use, and grant retention permission for dog run, subject to conditions. Notable conditions include.

- Condition no. 3 – Operational hours / restrictions for dog grooming facility.

- Condition no. 4 – Operation use of the dog kennels.
- Condition no. 10 – Implementation of all recommendations and mitigation measures within the Noise and Odour Report.
- Condition no. 11 – Noise levels at site boundaries shall be restricted to 55dB(A)(15 minutes LAeq) between the hours 0800 and 2000, and all other times shall not exceed 45dB(A)(15 minutes LAeq).
- Condition no. 12 – Odour and noise monitoring shall be undertaken in the first 12 months following completion of development.
- Ref. ABP-317977-23

The Board issued a split decision, granting permission, subject to conditions, for the retention of a domestic storage container for dog grooming use, and grant retention permission for dog run. Notable conditions include,

- Condition no. 10 which requires the developer to implement all recommendations and mitigation measures within the Noise and Odour Report.
- Condition 11 restricts noise levels along the site boundary to not exceed 55dB(A)(15 minutes LAeq) between the hours 0800 and 2000, and all other times shall not exceed 45dB(A)(15 minutes LAeq).

The Board refused retention permission for the dog boarding kennels / shed. In deciding to refuse permission the Board's reasons and considerations stated.

'The Board considered that the cumulative effect of all the uses proposed to be retained would seriously injure the adjoining residential amenity by reason of noise impact arising from the operations and that the proposed mitigation measures were insufficient to protect residential amenity'.

The Board also noted that in deciding not to accept the Inspector's recommendation to grant retention permission for the boarding kennels/shed the Board considered that the noise impacts could not be satisfactorily addressed by way of conditions.

4.2. Adjacent Site

- (LA Reg. 16/193)

The PA granted permission for retention of single storey detached Shed A, Shed B, Shed C and Shed D, all for the keeping of greyhounds, together with the provision of an entrance access point to the public road, and permission to construct (1) Shed E for the keeping of greyhounds, (2) designated dog run areas with mobile shelter units, (3) dog training area, (4) close up existing domestic entrance area, and (5) complete all ancillary site works and associated structures and services subject to 15 no. conditions

- PL 02.248253 (c. 100 metres to the south of the appeal site)

Permission granted, subject to conditions, by ABP. Notable conditions include, condition no. 2 – limiting the number of dogs in the facility to 80, condition no. 3 – all dogs housed indoors between 1800 and 0800 hours, condition no. 4 – noise survey undertaken to ensure noise levels at the site boundaries do not exceed 55dB(A)(15 minutes LAeq) between the hours 0800 and 2000, and all other times shall not exceed 45dB(A)(15 minutes LAeq).

5.0 **Policy Context**

5.1. **Cavan County Development Plan 2022-2028**

5.1.1. 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

- Lough Oughter and Associated Loughs SAC (site code 000007) – 9.5 km north
- Lough Oughter SPA (site code 004049) – 9.5 km north
- Lough Sheelin SPA (Site code 004065) – 12.4km southeast
- Lough Gowna pNHA (site code 000992) – 100m north

6.0 EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

Two third party appeals were received, and the grounds of the appeals may be summarised as follows

7.1.1. Martina O'Dowd

- Appellant lives 50 metres from site and the acoustic fence is non effective for dogs barking and traffic noise. The acoustic fence was erected unauthorised.
- Noise from the kennels is evident all day.
- Noise during the night includes dogs barking, power washing, loud radio, dog training and traffic.
- PA's map showing surrounding noise measurement locations omitted the appellant's house.
- A further PA mapping error incorrectly referred that planning PA Reg. 82/13528 is associated with the appellant's property. The PA has overlooked the appellant as joint owner in relation to planning application 07/258.
- Cameras pointing towards the appellant's property invades privacy.
- A caravan parked along the site boundary, and occupied at weekends, is also an invasion of privacy.
- Strong odour arising from the development, particularly in warmer months.
- Traffic safety issues arising having regard to existing traffic along the public road.
- Business fully operating without full compliance with conditions from previous grant of permission.
 - The dog class hours are not consistent with the requirements of Saturday 10am-1pm, or Monday-Friday 9am – 6pm. The PA has extended the business hours to Sunday and Bank Holidays, which is an invasion of privacy.

- Proposal does not include a treatment tank, and conditions are not complied with resulting in a public health issue.
- Cars are not using the on-site car parking provision, and parking on the side of the public road. The entrance gate is closed forcing cars to park on the side of the road.
- Development contribution in relation to previous permission was unpaid and paid in October 2024, following FI request.
- Development is industrial and too close to existing residential amenities causing adverse effects such as noise, odour, lights and traffic.
- The size of the site is restricted for the development.

7.1.2. Brendan O'Reilly

- Applicant has been operating kennels without permission and has erected a an unauthorised 8ft high green fence around the kennels.
- The area of the appeal site is not open countryside. Proposed development represents an industrial development located in an urban non-residential area.
- PA have set a precedent by refusing permission for planning ref. 2460281. Development relates to boarding kennels and refused permission due to noise.
- PA relied on a map for their decision which omitted appellant's property. PA's map failed to acknowledge that the appellant lives beside appeal site.
- Exhibit B of appeal submission demonstrates correctly the appellant's property relative to the appeal site.
- Appellant's submitted noise report (Noise Report Critical Review), in summary contends
 - The applicants noise survey demonstrates a 15 dB reduction from the acoustic fence however noise survey did not include dog barking / noise nuisance from the dog boarding facility.
 - Its unknown how the barrier attenuates noise across the frequency spectrum.

- The methodology for the 26 dB reduction has not been demonstrated.
 - The 26 dB reduction is not based on the applicant's development but a similar project.
 - No specifications provided in respect of the material noise insulation used.
 - Noise report concludes that the noise monitored during the survey for 26 dB was not that of a dog barking.
 - Inaccurate to compare the applicant's noise assessments and conclude that noise has been significantly reduced. Initial assessment measured noise level inside the kennels and calculated noise levels at nearest noise sensitive locations whereas the second assessment measured noise of a speaker producing a noise level of 102 dB at one location inside the site boundary and one location outside the site boundary. The methodologies for the two assessments are very different and do not serve an accurate comparison.
- The baseline survey in the noise report by Traynor Environmental Ltd, dated 20th January 2025, is inadequate as there is no mention of noise / dog barking from on-site dog-grooming and dog-training facility, or from Jaxx/Beeholt kennels or vehicular traffic from the busy road.
 - Applicant's noise report inaccurately identifies noise impacts on the nearest noise sensitive locations.
 - Noise survey failed to include details on weather conditions, noise sensitive locations, survey personnel and equipment used for the survey.
 - Several cases of unauthorised development, including (a) the dog boarding facility with contravene condition 2 (d) of ABP permission, dated 17th June 2024, (b) setting up an industrial facility without permission, (c) erecting a 8 ft high green fence around kennels without permission, (d) erecting an acoustic fence on the boundary of the site contrary to condition no. 5 of ABP permission (e) the PA's permission based on a incorrectly marked map.

The appeal submission includes 7 no. appended Exhibits which I have reviewed.

The exhibits include the following.

- Exhibit A – Correspondence from appellant to PA concerning unauthorised development on the appeal site.
- Exhibit B – Mapping evidence of inaccurate LA maps.
- Exhibit C – Critical Noise Review 2025, prepared by Environmental Efficiency
- Exhibit D – Appellant's response to observers' submission
- Exhibit E – Appellant's response to observers' submission
- Exhibit F – Appellant's response to observers' submission

7.1.3. Exhibit C of appeal submission

Brendan O'Reilly's submission includes a Critical Noise Review 2025, prepared by Environmental Efficiency, and in summary makes the following relevant points.

Further information response

- Response to FI does not state the nature of activities on the site taking place at the time of survey.
- Response does not confirm whether dogs were present in the kennel during the noise monitoring. The presence of dogs, number of dogs in the kennels during the times of the survey has not been elaborated on.
- Submitted that the 26 dB reduction does not pertain to the site in question and is an estimate.

Noise Report dated 10th October 2024

- No details of weather conditions on the day of the survey. Meteorological conditions can have an influence on noise readings.
- The report does not refer to either the sound level meter or the calibrator used to carry out on site calibration.
- No details are provided on the personnel that carried out the noise survey and no mention whether report was reviewed and approved.
- Location of dog kennels not clearly located on Map 1.
- Report does not describe the noise played on the speaker, and how this compares to a barking dog, in terms of noise level and frequency.

- Report fails to describe any influential noise factors, situated beside a busy road and volume of traffic, and fails to mention the neighbouring existing kennels for greyhounds that is nearby.
- The report does not mention the nearest noise sensitive locations which is the neighbouring residential properties and there is no attempt to propagate noise level from these kennels to these locations.
- The duration of monitoring is 15-minute average and the report states that 30-minute average noise levels were measured. No clarification that N5 monitoring location had a 5-minute average measurement time compared to other five monitoring locations.
- The reduction of 15 dB from N5 to N6 is based on noise from a speaker rather than a barking dog and cannot be concluded that noise reduction for barking dog.
- Report fails to mention any uncertainties in the noise survey and any measures undertaken to address the uncertainty.
- No graphs are included in the report which would identify spikes in noise levels.
- The noise survey did not include any attenuation calculations in the assessment nor was it a measure of noise from the on-site activities.

Noise Report dated 20th January 2025

- The noise monitoring survey in December 2024 does not include evening hours (7pm – 11pm).
- No photographs of the monitoring station were included with the December 2024 survey.
- No details on microphone position and height, or whether there are any reflective surfaces and whether the microphone is positioned 'free field'.
- The report does not refer to either the sound level meter or the calibrator used to carry out on site calibration.
- The description of the weather condition fails to elaborate further on windspeed.
- In the noise calculations section, the report refers to noise levels recorded during other surveys which are used in the report, however there is no clear reference to the reports that the noise levels are taken from.

- In the noise calculations section of the report there is no descriptive details or methodology of the noise calculations. No clear details how calculations in Table 24 are reached.

7.2. **Applicant Response**

The applicant submits the following.

- The Board previously concluded that the mitigation measures were insufficient to protect residential amenities from the cumulative noise impact from the development.
- The planning application and further information demonstrates.
 - A methodology for a minimum noise reduction of 28 dB by insulating the boarding kennels.
 - The FI response has substantiated on the potential cumulative noise impact from other noise sources in the vicinity.
- The results of the noise reports, including methodology and assumptions, and insulation to the boarding kennels addresses the Boards reason for refusal.
- The appellant's noise report fails to provide any robust counter arguments and predates the installation of the acoustic fence on site.
- Applicant is actively engaging with the PA in respect of compliance with Plan Reg. 23/149 (ABP-317977-23) including the effluent treatment unit.
- Proposed insulation works including acoustic fence and insulating the kennels and various noise testing demonstrates ABP refusal reason is now addressed.
- The applicant is not carrying out any dog boarding until the outcome of the appeal.
- The development is small catering for only 6 no. dogs at a time.

7.3. **Planning Authority Response**

The Planning Authority submit the following.

- Applicant has implemented mitigation measures.
- Additional noise data and methodology submitted at FI stage demonstrates notable noise reduction as a result of mitigation measures.
- PA satisfied that issues in relation to noise are now addressed. The Board are referred to the PA Planner's Report.
- Appellant refers to incorrect planning reference numbers used in the Planning History Map (Panners Repot) in reference to the two objectors, which is correct. Despite incorrect reference numbers used the appellant's property is correctly identified in the report and the planning assessment is unaffected.
- To clarify the map as follows.
 - 07/528 and 07110 relates to the first dwelling.
 - No planning history for the second dwelling.
 - Planning Ref. 82/13528 is an undeveloped site further west.

8.0 **Assessment**

Having examined the application details and all other documentation on file, including reports of the Planning Authority, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- Principle of Development
- Noise Impacts
- Traffic Issues
- Visual Impacts
- Other Matters

8.1. **Principle of Development**

- 8.1.1. The CDP supports (Policy REE 01) the establishment, or suitable expansion, of small-scale businesses in rural areas where it is demonstrated that the development serves as an addition to the local economy and normal development management and technical requirements are complied with. Further the CDP (Policy REE 02) supports suitable expansion, of small-scale businesses in rural areas that demonstrate that the proposed location is suitable.
- 8.1.2. The CDP (Policy REE 03) sets out considerations in the case of suitable expansion of rural enterprises, such as positive contribution to the rural economy, nature and scale of the proposal, location of proposal, potential impacts on public health, environment and amenity and traffic impacts.
- 8.1.3. Accordingly, on the basis of the established use on the site and in light of the scale and the intended use of the development which is an expansion to an existing operation, I would consider that the development is acceptable in principle at this location, subject to compliance with development management standards and consideration of residential amenity which are considered further in this assessment.

8.2. **Noise**

8.2.1. **Introduction**

- 8.2.2. I noted from my site assessment that the immediate area of the appeal site, which is located in a sparsely populated rural area, had a low ambient noise on the afternoon of my site inspection, punctuated by passing traffic, barking dogs (in neighbouring properties) and farm machinery.
- 8.2.3. The dog boarding facility is located to the rear of the appeal site in the northeast of the site. The neighbouring residential property (appellant's property) is located to the immediate northwest of the appeal site approximately 70 – 80 metres from the dog boarding facility.
- 8.2.4. The Board previously refused permission for the dog boarding facility as it was considered that *'the cumulative effect of all the uses proposed to be retained would seriously injure the adjoining residential amenity by reason of noise impact arising*

from the operations and that the proposed mitigation measures were insufficient to protect residential amenity’.

8.2.5. The scale of the dog accommodation facility in the previous application is the same as that in the current application, catering for 6 no. dog cubicles. In the previous application the acoustics report proposed the installation of an acoustic barrier to the northeast of the site along the boundary to mitigate noise. Condition no. 5 of permission under ABP-317977-23 required that details of the acoustic fence be agreed with the PA prior to its installation. Further the acoustic report in the previous application identified the existing walls and roof within the dog boarding facility would provide sound insulation, by means of the overall envelope of the building, and result in a reduction of 26 dB. In this instance sound insulation material was not included.

8.2.6. I would note that the PA in granting permission for the retention of the dog boarding facility in this current application included a number of relevant conditions to address concerns of noise impacts, Condition no. 3 which refers to the hours of operation, and the number of dogs to be accommodated at any one time. Condition no. 8 which restricts the noise levels along the site boundary during certain time of the day and night is also relevant.

8.2.7. Applicant’s Noise Reports and Mitigation Measures

A notable difference from the previous application is the installation of on-site noise mitigation measures. This includes the installation of noise insulation material within the existing dog boarding facility. The noise insulation material is attached internally to the walls and the roof of the structure. A further amendment from the previous application is the installation of a 2.5m high acoustic barrier along the western and northern site boundary.

Noise Report No. 1 (10th October 2024)

8.2.8. The applicant’s first noise report¹, prepared by Traynor Environmental Ltd., includes a noise monitoring survey based on measurements conducted on the 2nd of October 2024. The measurements were conducted on a continuous basis, and a 30-minute average noise level was measured, which I would consider acceptable. LAeq, was used for the noise measurements.

¹ Dated 10th October 2024

- 8.2.9. I have assessed this noise report submitted. The noise survey contained a speaker emitting a decibel level of 102 dB placed in the kennels and noise measuring was undertaken from 6 no. locations, including one location inside the kennels. A further 4 no. noise measurements were located throughout the subject site, and 1 no. noise measurement was located outside of the site, on the other side of the acoustic fence adjacent to the western boundary. The location of all noise measuring locations are indicated in Fig. 1 of the submitted noise report, and the most relevant noise monitoring points in respect of the adjoining dwelling are N4, N5 and N6.
- 8.2.10. Table 2² of the noise report sets out the noise measurement results and indicates a reduction of 28 dB @ a 2-metre distance from the dog boarding facility where the speaker was emitting a decibel level of 102 dB and therefore recording a noise measurement of 74 dB at noise location 2 (N2). The noise report confirms that the noise insulation material within the dog boarding facility reduces the noise from 102 dB to 74 dB at N2. Table 2 also notes further reductions at other noise measurement locations, throughout the site, based on distance from the dog boarding facility.
- 8.2.11. Table 3³ of the applicants first noise report identifies 89 dB within the kennels as the maximum worse case scenario dog barking noise. This figure is based upon on a baseline survey carried out for the previous application (ABP.317977-23) on the site from noise monitoring dated 8th – 9th June 2023, of all activities on the site. The noise report dated 20th January 2025 refers noise values (89 dB) noise levels recorded on other noise surveys carried out by Traynor Environmental Ltd. The report from the previous application provided an overview of noise levels within the facility. The average LAeq as identified within the report ranged from 31dB(A) (night-time), 43 dBA (evening -time) to 49dB(A) (daytime) within the building. Table 6 of the Report indicated the average max noise levels (all dogs barking) recorded for each period as follows: 61 dBA evening, 56 dBA night, 73 dBA day-time. 89 dB was recorded as a max noise at 10:30am during the day. The 89 dB value is therefore used in the current noise survey, in the appeal before the Board, as the worse case scenario and this is a max value rather than an average value.

² Noise Levels at the Site on 2nd October 2024

³ Expected Noise at the Site based on a Dog Barking 89 dB level.

8.2.12. Table 3 of the applicant's noise survey (dated 10th October 2024) applies the noise reductions recorded in the noise measuring survey, as illustrated in Table 2, to the relevant noise measuring locations from the noise level 89 dB within the kennels. The results of this exercise demonstrate a noise value of 47 dB (N4) and 46 dB (N5) at the western site boundary and 31 dB (N6) just outside of the site boundary, and these results relate to when the dogs are housed in the kennel only, and not outside the dog accommodation facility.

8.2.13. Table 1 below illustrates measured noise levels undertaken in the applicant's noise survey on the 2nd October 2024, and expected noise levels based on the maximum worse case scenario of a dog barking at 89 dB internally.

Noise Monitoring Point	Noise measured levels LAeq (15 min)	Maximum worse case scenario of a dog barking
N1	102 dB	89 dB
N2	74 dB	61 dB
N3	64 dB	51 dB
N4	60 dB	47 dB
N5	59 dB	46 dB
N6	44 dB	31 dB

8.2.14. In terms of evaluating the noise impacts of the development on nearby residential properties I would note from Table 1 above that a noise level of 60 dB (N4) and 59 dB (N5) would be achieved within the subject site adjacent to the western site boundary and 44 dB (N6) just outside of the site boundary, and that the 15 dB reduction in noise is due to the installation of the acoustic fence.

8.2.15. The results of the applicant's Noise Survey Report as illustrated in Table 1 above, in particular achieving 47 dB LAeq and 46 dB LAeq at the site boundary and 31 dB LAeq on the opposite side of the boundary, would ensure satisfactory compliance with the PA's condition no. 8 – (noise levels at site boundaries shall be restricted to 55dB(A)(15 minutes LAeq)), and therefore protecting residential amenities of property in the vicinity. I note that the applicant's noise survey did not identify L90

and L10 values. The L10 values would relate to noise that is exceeded 10% of the time and L90 would relate to noise values exceeded 90% of the time.

8.2.16. I would consider that it is evident from the submitted noise survey that the mitigation measures, which include the noise insulation material within the dog boarding facility and 2.5m high acoustic fence, have reduced the audible noise impacts on the site and also beyond the subject site.

8.2.17. I would note to the Board that the above conclusions in the applicant's noise survey are based on noise levels from within the dog boarding facility which has the benefit of noise insulation, and the noise survey does not include a noise survey of dogs outside the dog boarding facility.

8.2.18. However, I am satisfied, having regard to the baseline noise survey⁴ results carried out for the previous application (ABP.317977-23), from noise monitoring dated 8th – 9th June 2023, which identified average LAeq within of the report ranged from 31dB(A) (night-time), 43 dBA (evening -time) to 49dB(A) (daytime) within the facility, and recorded the average max noise levels (all dogs barking) recorded for each period as follows: 61 dBA evening, 56 dBA night, 73 dBA day-time that the noise levels at the facility would be acceptable. These noise levels are considerably below the 89 dB value used in the noise survey for this application, and noise levels on average would be lower than that recorded in the applicant's noise report dated 10th October 2024.

8.2.19. Noise Report No. 2 (20th January 2025)

Cumulative Noise Impacts

8.2.20. Having regard to cumulative noise impacts of the development, the applicant submitted an additional noise report⁵ in response to the further information request by the PA. The applicant's response sets out to address cumulative impacts of the development to be retained and other noise sources in the vicinity both on-site and off-site having regard to ABP decision (ABP-317977-24), which cited noise cumulative impacts as a reason for refusal.

⁴ Dated 3rd July 2023.

⁵ Dated 20th January 2025

8.2.21. The applicant's additional noise survey report includes a revised baseline noise survey at site location from 13th December 2024 to 22nd December 2024 recorded at N3 (noise location no. 3). The noise survey records both daytime and nighttime noise over this period. The noise survey report concludes that the daytime average was LAeq 48 dB, and LA90 was 37 dB. The nighttime average LAeq was 40 dB and LA90 was 31 dB.

8.2.22. The report confirms that the background noise in the vicinity included traffic on local roads, neighbouring farming activities, and a chain saw. The report makes the following assumptions in respect of cumulative noise impacts.

- The boarding kennels will be occupied 24/7.
- Dogs will be housed in kennels after 10pm.

8.2.23. Table 2 below illustrates the average daytime and nighttime cumulative noise baseline values based on the noise survey at N3. The long-term meter was maintained solely at N3 during the course of the survey, and no details are provided in the noise report as to why N3 was selected for the long term survey.

<u>Cumulative Noise Survey Results</u>				
	LAeq	LAFmax	LAF10	LAF90
Average Daytime	48 dB	68 dB	51 dB	37 dB
Average Nighttime	40 dB	58 dB	42 dB	31 dB

8.2.24. The applicant's noise survey report (dated 20th January 2025) identified, having regard to the noise values in Table 1 above, that cumulative noise levels of 53 dB (daytime) and 51 dB (nighttime) would be the worse case at N3. Noise emitting from the kennels at N3 is 51 dB as recorded in Table 1 above, and this compares to the average daytime baseline value of LAeq 48db. Therefore, the applicant's cumulative noise impact survey has identified, in Table no. 21 and Table no. 22 of the noise survey report dated 20th January 2025, that at the worse case cumulative daytime noise is 53 dB and the cumulative nighttime worse case noise was 51 dB.

8.2.25. I would consider that these noise levels would be acceptable having regard to the PA noise condition no. 8. I would note the LAF10 values from the noise survey however

having regard to the noise value recorded at N3 in the applicant's noise survey (dated 2nd October 2024) that value of 51 dB would not have a significant impact on cumulative noise values.

8.2.26. I have noted above that the noise survey in this application relates to an internal noise of 89 dB and does not include an external noise survey when all dogs are located outside of the dog boarding facility. I am satisfied, however the average values recorded in June 2023 for 6 dogs on the site, and that these values would not negatively impact on the residential amenity.

8.2.27. Predicted Noise Levels

Finally, the applicant's noise survey report dated 20th January 2025 predicts noise levels at various locations which are identified in Fig. no. 3 of the report. The report concludes having regard to the distance and the installation of the acoustic fence the noise will be within the Element 2 of the Planning and Noise document (ProPG) which focuses on Internal Noise Level Guidelines from BS8223 (2014) which requires an internal noise level of <30 dB. The report predicts the internal noise levels at the adjoining dwelling will be <30 dB at both daytime and nighttime, and that the noise level outside of the adjoining dwelling will be <35 dB during the day and <30 dB at nighttime.

8.2.28. Overall, I would consider that the applicant's noise survey reports have adequately demonstrated that the noise impacts of the development would not exceed the maximum noise requirements in PA condition no. 8 and also that the cumulative effect of all the uses permitted and proposed to be retained would not seriously injure residential amenities by reason of noise impact.

8.2.29. Appellant's Noise Report

The appellant's submission includes a Critical Noise Review 2025, prepared by Environmental Efficiency, which I have summarised in para 7.1.3 above. The critique relates to the robustness of the applicant's noise survey report and the methodology in reaching its conclusions.

8.2.30. I have reviewed the methodology of the applicant's noise surveys, and I am satisfied in respect of durations and measurements of the surveys. I am also satisfied that the positioning of the microphone is at 1.5m above ground level and at a 2m distance

from reflective surfaces. I can also confirm that the applicant has stated that details in respect of measurement apparatus were calibrated to accuracy, which is identified as ± 0.3 dB, and that weather conditions are factored into the measurements. I would therefore be satisfied that the methodologies in respect of the noise surveys would be robust.

- 8.2.31. I note the appellants comments challenging the methodology in relation to the proposed mitigation measures. I noted from my site assessment that the noise insulation material was in-situ within the dog boarding facility and the insulation material is completely wrapped inside the internal walls and roof of the structure. In addition, I would note that a Declaration of Performance from Mulligan Fencing is appended to the applicant's noise report, and this product is commonly used as a reflective noise barrier in road projects.
- 8.2.32. Further I would accept, based on the submitted noise survey report, that the noise reductions in respect of mitigation measures of 28 dB and 15 dB, were identified based on the applicant's noise measurement survey, which I consider to be a robust and accurate noise assessment. I would further note that the PA sought clarifications in respect of the robustness of the applicant's noise survey, in particular the methodology in achieving the 28 dB, and the 15 dB reductions, and were satisfied that the noise surveys were robust. I would therefore accept that the mitigation measures would achieve noise reductions of 28 dB and 15 dB respectively.
- 8.2.33. I would acknowledge the appellant's assertion that the methodologies for the noise survey in the previous application and this current application are very different and do not serve an accurate comparison. I would accept that the baseline noise surveys in both applications are different, however it is not the purpose of the noise survey report for the current application to compare results with the previous noise survey. The purpose of the submitted noise survey report is to demonstrate that the on-site development including the dog boarding facility for retention would not seriously injure the adjoining residential amenity by reason of noise impact. As referred to above I would consider that the current noise survey is robust, and its calculations are sound.
- 8.2.34. In relation to accuracy of the noise survey which included a speaker emitting constant decibel level of 102 dB for the duration of the survey, I accept that this is

not reflective of barking dogs. The noise report does not confirm what the noise was, other than a constant decibel level of 102 dB. Notwithstanding the 102 dB is identified as a higher noise level than that of a barking dog, which is estimated as 89 dB, based on a calculated noise level of dogs barking at worse case scenario in the applicant's noise report. The 102 dB is higher than the predicted noise level from barking dogs.

8.2.35. I note that the appellant raises concerns in relation to noise frequency, which is the number of pressure variations per second. I would consider that restricting the noise levels, along the site boundary, to 55dB(A)(15 minutes LAeq) would address any concerns in respect of noise frequency.

8.2.36. The appellants refer to a precedent case (LA Ref. 2460281) in which case the PA refused permission for dog kennels. However, the location and context of (LA Ref. 2460281) would differ to the appeal site and further LA Ref. 2460281 related to a larger scale operation than that in the current development. I therefore would not consider that LA Ref. 2460281 would be a precedent for the current development before the Board.

8.2.37. The appellant comments on the accuracy of the cumulative impact noise survey on the basis that the survey did not mention noise from barking dogs from the on-site dog grooming or dog run facility, or from a neighbouring kennels facility or from vehicular traffic from the adjoining public road. I would consider that the approach in the applicant's cumulative impact noise survey⁶, which included noise measurements from daytime and nighttime over the period 13th December 2024 to 22nd December 2024 has clearly demonstrated the worse-case scenario for both daytime and nighttime. The cumulative noise report confirms that background noise in the vicinity included traffic on the local road, neighbouring farming activities, neighbouring chain saw, and also the dog grooming facility, and is therefore an acceptable noise survey in establishing cumulative noise impacts.

8.2.38. Conclusion

In conclusion therefore and based on the information contained on file, I am satisfied that the noise impact arising from the operations, having regard to the mitigation

⁶ Dated 20th January 2025

measures and the small-scale nature of the development in a sparsely populated rural area, would be acceptable, in terms of protecting adjacent residential amenities.

8.3. **Traffic Issues**

- 8.3.1. The appeal submissions raise issues in respect of car parking and access. The application drawings indicate the provision of 6 no. on-site car parking spaces for the development, permitted and for retention.
- 8.3.2. Having regard to the nature and modest scale of the existing dog grooming and dog run facility on-site and having regard to the scale of the dog boarding facility which accommodates a maximum of 6 dogs, I would consider that the proposed 6 no. car parking spaces would be adequate to accommodate the development on site without necessitating need for parking on the public road. I would also note that the PA have not raised any concerns in respect of car parking provision.
- 8.3.3. I noted from my site assessment that the vehicular entrance onto the public road had achievable sightline provisions in either direction. The submitted site layout drawings indicate a sightline distance of 91m to the south and 100m to the north which would ensure an adequate vehicular sightline for the existing entrance. I note the Area Engineer's Report requested a condition is included to a grant of permission requiring the roadside hedge is maintained to ensure adequate vehicular sightline provision. I would recommend such a condition to the Board, should they be minded to grant permission. Overall, I would consider that the permitted access and car parking provision would be acceptable to accommodate the development to be retained.

8.4. **Visual Impacts**

- 8.4.1. I note that the issue of visual impact in respect of the acoustic fence is raised by the appellants as a concern. However, that the height of the acoustic fence, c. 2.5m, would not be dissimilar to the height of standard rear garden boundaries, and having regard to the prevailing development in the area, I would consider that the fence situated to the rear boundary of a residential property would not be uncommon in this

rural area and, in my view, would not have an adverse impact on the visual amenities of the area.

8.5. **Other Matters**

- 8.5.1. The appeal submissions raise a number of issues in respect of the implementation of the permitted development (ABP-317977-23). These issues relate to the operational hours of the dog classes, provision of a wastewater treatment tank, cars parking on the public road and not using the designated car parking area and odour. The enforcement of conditions and the implementation of a permitted development, ensuring compliance with conditions of the permission, is an enforcement issue and in the first instance a matter for the local authority and is therefore outside the scope of this appeal before the Board. I would also note that that PA sought that these issues are addressed at FI in relation to the previous permission on the site in respect of conditions no. 6 (treatment plant), no. 8 (surface water drainage), no. 9 (vegetation adjoining site entrance cut back to improve sightlines), no. 10 (implementation of noise and odour report mitigation measures and ongoing monitoring), no. 12 (development contribution). In respect of odour I did not observe any odour issues during the course of my site assessment. I would consider that the appellant's concerns in relation to these issues are addressed.
- 8.5.2. The appellants refer to inaccurate PA mapping which refers to incorrect planning reference numbers used in the planning history map in reference to the two appellant's properties. The PA acknowledges the incorrect planning history references used, however apart from the incorrect reference used the location of the appellant's property is correctly identified and the PA confirms that the planning assessment was unaffected. I would therefore consider that the appellant's concerns are addressed.
- 8.5.3. The appellant refers to a caravan parked on the appeal site, occupied at weekends, and the erection of an 8 ft high mesh fence. The caravan and the erection of an 8 ft high mesh fence are matters for the Local Authority to consider. I would therefore consider that this is outside the scope of the appeal.
- 8.5.4. The appellant also raises an issue in respect of cameras facing their property which gives rise to the invasion of privacy. However, the cameras are not part of the

development nor were they referred to in the statutory notices as such they are outside the scope of this appeal.

9.0 AA Screening

- 9.1. I have considered case ABP-322157-25 in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2. The proposed development comprises of the retention of a dog boarding facility which has a floor area of c. 40 sq. metres. The closest European Site, part of the Natura 2000 Network, is the Lough Oughter and Associated Loughs SAC (Site Code 000007) and Lough Oughter SPA (site code 004049) both 9.5 km north of the development.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.4. The reason for this conclusion is as follows:
- The absence of any ecological pathway from the development site to the nearest European Site.
 - Location-distance from nearest European site.
- 9.5. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.6. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

11.0 I recommend that permission to retain the proposed development should be granted for the reasons and considerations set out below and subject to the following conditions.

12.0 Reasons and Considerations

12.1.1. Having regard to the provisions of the Cavan County Development Plan, 2022-2028, and specifically Policy Objective REE 02 which provides for suitable expansion of small-scale businesses in rural areas, and 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 seriously injure residential or visual amenities of the area, and would be acceptable in terms of traffic safety and convenience. The subject 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 in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The operation of dog kennels onsite shall comply with the following:
 - (a) No more than 6 dogs shall be permitted in the kennel structure at any given time.
 - (b) All dogs boarding overnight shall be housed within the dog kennels between the hours of 21:00hrs and 08:00hrs.
 - (c) All customer visits to the boarding facility shall be between the hours of 09:00 and 18:00 Monday to Friday or 10:00 to 13:00 on Saturdays and Sundays.

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

3. 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.

4. All external lighting at the site shall be cowled downward to minimise the extent of light overspill.

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

5. 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.

6. 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.

7. 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 prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. 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.

Kenneth Moloney
Senior Planning Inspector

20th June 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-322157-25
Proposed Development Summary	Retention of existing loose shed for dog boarding and all associated works.
Development Address	Drumgore, Loughduff, Co. Cavan.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>State the Class and state the relevant threshold</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____