



Ref: FOI / 5686

13th May 2025

Email:

Dear

Freedom of Information Act 2000 Request - Barking Dogs

I refer to your FOI request and respond as follows:

- 1. I would firstly like to know before an abatement notice is enforceable relating to barking dogs does the protocol require more than just written complaints, I'm of the impression actual proof and evidence would be required before any judgement is made as to not unnecessarily place burden on rate payers, could you clarify for me please.**

Noise is classified as a statutory nuisance under Section 63(1) of the Clean Neighbourhoods & Environment Act (NI) 2011 (please see <https://www.legislation.gov.uk/niu/2011/23/contents>). Under Section 64 of this legislation Council is under an obligation to take reasonably practicable steps to investigate statutory nuisances as follows:

Duty of district council to inspect for statutory nuisance:

64 - It shall be the duty of every district council

- a. to cause its district to be inspected from time to time to detect any statutory nuisances which ought to be dealt with under section 65 or 66, and*
- b. where a complaint of a statutory nuisance is made to it by a person living within its district, to take such steps as are reasonably practicable to investigate the complaint.*

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As such the legislation is not prescriptive in relation to the evidence required before issuing an abatement notice, however in Derry City & Strabane District Council the evidence normally sought includes receipt of completed noise complaint record forms, Noise App submissions that contain recordings of the noise complained of, in-person monitoring by Council officers and data obtained using unattended or attended sound level meters. Where council is satisfied that a statutory nuisance exists or is likely to occur or recur it is obliged to issue an abatement notice as follows:

65 – (1) Subject to subsection (3) where a district council is satisfied that a statutory nuisance exists, or is likely to occur or recur, in the district of the council, the district council shall serve a notice (“an abatement notice”) imposing all or any of the following requirements:

- a. requiring the abatement of the nuisance or prohibiting or restricting its occurrence or recurrence,*
- b. requiring the execution of such works, and the taking of such other steps, as may be necessary for any of those purposes, and the notice shall specify the time or times within which the requirements of the notice are to be complied with.*

2. Also, I would like to know how many abatement notices your council has issued in the last 5 years pertaining to dogs barking and being a constant nuisance, that takes in city/town and rural locations?

Year	No. of Abatement Notices for Barking Dogs
2020-21	0
2021-22	0
2022-23	0
2023-24	2
2024-25	0

Statistical reports in relation to noise for all council areas are available at this link <https://www.daera-ni.gov.uk/articles/noise>

If you are dissatisfied with our response, you have rights of review and appeal; these rights consist of two review processes.

Firstly, our internal review procedure is available by contacting:

John Kelpie
Chief Executive
Derry City and Strabane District Council
98 Strand Road
Derry BT48 7NN
Tel: 028 71253253 or email: john.kelpie@derrystrabane.com

Secondly, you can appeal directly by contacting the Information Commissioner at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
CHESHIRE SK9 5AF
Tel: 0303 123 1113 (local rate) or email: casework@ico.org.uk

I would however advise that the Information Commissioner has indicated that a review will not be undertaken unless the Council has first had an opportunity to re-consider its decision.

Yours sincerely



Seamus Donaghy
Head of Health & Community Wellbeing