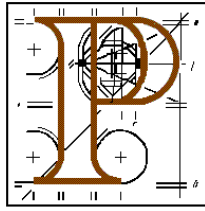


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Wexford County

Planning Register Reference Number: 20150152

An Bord Pleanála Reference Number: PL 26.245516

APPEAL by Margaret Hill care of EngCo Resources Limited of Kyleneahoura House, Ballyhooly, Mallow, County Cork against the decision made on the 25th day of August, 2015 by Wexford County Council to grant subject to conditions a permission to William Hayden care of Ian Doyle of 14 George's Street, Wexford in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Use of agricultural lands at Ballyvake Lane, Coolsknick, Oilgate, County Wexford for a clay pigeon shoot/target range and all associated ancillary works.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the limited use of the proposal, to the pattern of development in the area and to the proposed mitigation measures in regard to sound reduction, the Board considered that, subject to compliance with the conditions set out below, the proposal was an appropriate rural use, would not seriously injure the local amenity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the sight distances available at the junction of the access laneway and the public road were acceptable and given the very limited use considered that the proposal would be acceptable in terms of traffic safety and convenience.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the day of 5th day of August, 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures outlined in the planning application shall be undertaken, except where otherwise agreed with the planning authority.

Reason: To ensure the proposed development accords with the permission and in the interests of the amenities of adjoining property.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. The noise level from this development shall not cause existing noise levels at receptors to exceed those as follows:

Receptor: Free-field peak noise Exposure levels,

Noise Sensitive Locations (curtilage of houses, libraries, churches, hospitals, schools): 62dB(A) FAST,

Gardens, open spaces adjacent to dwellings: 66dB(A) FAST, and

Lanes adjacent to a shoot, and open spaces: 70dB(A) FAST.

Reason: In the interest of the amenities of adjoining property.

5. Use of the shooting range/target practice shall be confined to 15th March to the 31st September inclusive. The use of the range shall be confined to the following hours: one evening per week between 1500 hours and 1900 hours and either a Saturday or Sunday (one per month) between 1300 hours to 1700 hours.

Reason: To protect the amenities of the adjoining properties.

6. Details of any proposed security/health and safety/danger signs to be provided on the approach road or on the entrance of the proposed development shall be submitted to, and agreed in writing with, the planning authority within one month of the date of this Order.

Reason: In the interest of public health and safety.

7. The proposed landscaping scheme shall be carried out within 12 months from the date of this Order when any building hereby permitted is occupied or carried out as the case may be. Any trees or shrubs planted in accordance with this condition which are removed, die, become severely damaged or diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: In the interests of visual amenity.

8. The proposed container unit shall not be used for the keeping of poultry, pigeons, game or any birds or for any other purpose other than a purpose incidental to the shooting range.

Reason: In the interests of residential amenity and the proper planning and sustainable development of the area.

9. L(A)eq (4 hours) at a noise sensitive location shall not exceed the pre-existing L(A)eq (4h hours) by more than 5dB(A) under similar meteorological conditions.

Reason: To protect the amenities of the adjoining properties.

10. The developer shall pay the sum of €250.80 (two hundred and fifty euro and 80 cents) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended, in respect of works consisting of the provision or improvement of the public roads. This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

11. The developer shall pay the sum of €114 (One hundred and fourteen euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended, in respect of works consisting of the provision or improvement of community facilities. This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.