

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Fingal County

Planning Register Reference Number: F15A/0526

An Bord Pleanála Reference Number: PL 06F.246140

APPEAL by Peter Kettle and Ann Fox of Warblestown House, Warblestown, Swords, County Dublin and by the Residents of Balcartie care of Hughes Planning and Development Consultants of The Mash House, Distillery Road, Dublin against the decision made on the 15th day of January, 2016 by Fingal County Council to grant subject to conditions a permission to the Balheary Clay and Target Shooting Club care of Michael Mohan of Unit 3, All Saints Park, Raheny, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: (i) Erection of a five metre high planted earthen berm around the north, east and west boundaries of the club grounds, (ii) provision of three metres high straw bales at each of five covered shooting stands, (iii) landscaping and associated site improvement works, and (iv) retention of the following modifications and improvements: (a) five covered shooting stands, 3.5 metres high, with concrete and gravel pathway connections; (b) small bore (air rifle / 0.22) shooting range with (1) single storey roofed block (21.5 square metres) with five rifle firing points; (2) two number by 0.7 metres high ground baffles; (3) covered target area with 3.5 metres high ammunition back stop; and (4) a 2.1 to 2.4 metres high side wall between firing points and target area on northern side of rifle range' and (5) a 3.5 metres high earthen berm on southern side of rifle range; (c) a covered wooden stand at the existing skeet shooting area (2.5 metres high); (d) seven new earthen safety berms (between three and four metres high); (e) two metres high, and 87 metres in extent, wooden fencing with three entrance gates, around the clubhouse; and steel storage container (31 square metres), all at Skidoo, Ballyboughal, County Dublin.

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 zoning of the site, its location and the established pattern of development on the subject site and in the general area, it is considered that, subject to compliance with the conditions set out below, the development to be retained and the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not give rise to a traffic, noise or safety hazard and would not, therefore, be contrary to the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained, carried out and completed 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. 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The Clay and Target Shooting Club shall only be available for the use of club members.

Reason: In the interest of clarity.

3. The hours of operation of the facility shall be between 0930 hours and 1800 hours Monday to Friday and between 1000 hours and 1800 hours Saturday to Sunday.

Reason: In order to protect the residential amenities of property in the vicinity.

4. The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive location (NSL), NSL 3 (as indicated in Figure 3 of the ICAN Acoustics Noise Assessment Report, dated Nov 2015 submitted with the planning application) between 0930 and 1800 hours, Monday to Sunday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority within six months of this grant of planning permission. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
 - (i) Existing trees, hedgerows specifying which are proposed for retention as features of the site landscaping
 - (ii) The measures to be put in place for the protection of these landscape features during the construction period

- (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species
 - (iv) Details of screen planting which shall not include cupressocyparis x leylandii
 - (v) Details of roadside/street planting
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
 - (c) A timescale for implementation

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

- 6. A traffic management plan shall be submitted to the planning authority for written agreement dealing with peak flow events during national and international competitions and which shall adequately detail car-parking management.

Reason: In the interest of proper planning and development.

- 7. The developer shall comply with the following:
 - (a) No development of any form including planting, fences or wing walls shall exist within the area required to provide visibility from the existing entrance point.
 - (b) The hedge fronting the site along the local Warblestown Road shall be kept trimmed back to maintain visibility.

Reason: In the interest of traffic safety.

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

Reason: To ensure adequate servicing of the development and to prevent pollution.

9. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development, and
- (b) Employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) The nature and location of archaeological material on the site, and
- (ii) The impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements including, if necessary, archaeological excavation prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation and protection of any archaeological remains that may exist within the site.

10. (a) Within three months of the date of this order, a detailed lead management plan, including a ground water quality monitoring regime, shall be submitted to the planning authority for written agreement.
- (b) The lead management plan shall provide a report on the implementation of the plan to be submitted to the planning authority on an annual basis for each year that the site is operated as a shooting range.
- (c) In the alternative to the requirements of (a) and (b) above, lead free gunshot only shall be used at the site.

Reason: In the interests of the sustainable protection of soils, ground and surface waters in the vicinity from lead contamination and to avoid the costs of rehabilitation devolving to public authorities.

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

Dated this day of 2016.