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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P18/896**

**APPEAL** by Kate and Oisín Liston of Cherry House, Woodcock Hill, Meelick, County Cork and by Martin Dolan and Annmarie Dillon of Ballyvoughallan, Woodcock Hill, County Clare against the decision made on the 29<sup>th</sup> day of July, 2019 by Clare County Council to grant subject to conditions a permission to Cratloe Gun Club care of D. Collins Consulting Engineers of Ballymorris Cratloe, County Clare.

**Proposed Development:** The retention of containers, huts, access road, entrance barrier and site related works at Ballyvoughallan, Woodcock Hill, Meelick, County Clare.

**Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations 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**

1. Having regard to the fact that no planning permission exists for the use of the subject site for shooting purposes, which use would constitute a material change of use from the established use of the land for agriculture/forestry, (and which material change of use is not exempted development), it is considered that the development for which retention permission is sought, comprising containers, huts, access road, entrance barrier and site related works, which are directly related to and facilitate the use of the site for shooting purposes, would consolidate this non-authorised use, would represent an unacceptable piecemeal approach to development and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the site on a hill top setting and the size and configuration of the site and the immediate landscape characteristics, the nature of the surrounding environment and the proximity to the nearest noise sensitive receptors, it is considered that, based on the details submitted with the planning application and appeal, it has not been demonstrated that the development proposed to be retained, would not seriously injure the amenity of the area, and devalue property in the vicinity, as a result of noise and disturbance arising from shooting activity carried out at the subject lands which the structures for which retention permission is sought facilitate. In this regard the

development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

3. On the basis of the information submitted with the planning application and appeal in relation to waste impacts and waste management, in particular the risk to the environment as a result of lead shot waste and other waste arising from the activity on site which the structures for which retention permission is sought facilitate, the potential for soil and groundwater pollution cannot be ruled out. In this regard it is considered that the development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board**

**Dated this            day of            2020**