



Planning and Development Acts 2000 to 2019

Planning Authority: Monaghan County Council

Planning Register Reference Number: 19/263

Appeal by Eugene Wacks and Rose Deery Wacks of Boraghy House, Loughmourne, Castleblayney, County Monaghan against the decision made on the 2nd day of August, 2019 by Monaghan County Council to grant subject to conditions a permission to Mourne Shooting Grounds Limited care of Owen Cunningham of Broomfield, Castleblayney, County Monaghan in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission to retain modification to previously permitted shooting range permitted under reference number 061845 to include the following variation to firing point building Number 4 and associated range development as constructed, and retention of storage building as constructed. Permission for the installation of sound attenuation baffle board and variation of permission reference 08913 (An Bord Pleanála appeal reference number PL18.233084) to remove condition number 6 of that planning permission and all associated site development works, all at Mourne Shooting Grounds Limited, Boraghy, Castleblayney, County Monaghan.

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 nature of the development to be retained, it is considered that, subject to compliance with the conditions set out below, the development would not be incompatible with the rural area where it is located and would be acceptable in terms of residential amenity. The development would, therefore, be in accordance with the proper planning and sustainable development of the area. It is considered that, notwithstanding the proposed installation of the sound attenuation baffle board at the existing shooting grounds, the removal of condition number 6 would be premature, pending the provision of convincing evidence that continued use of the shooting range would not impact adversely on the amenities of the area, such that further monitoring is no longer required. Furthermore, it is considered that the proposed installation of the sound attenuation baffle board at the existing shooting grounds would not impact adversely on the use of the facility or on the amenities of the area, would assist in the attenuation of sound generated from the use of the grounds for shooting, and 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 for retention, the Board was satisfied that the original permission allowed for other than clay pigeon shooting having regard to the applicant's response to the Board's notice issued under Section 132 of the Planning and Development Act, 2000. Furthermore, the Board was satisfied with the documentation submitted by the applicant including the Public Notice.

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 carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be retained in accordance with the terms and conditions, as set out in the previous permission granted under An Bord Pleanála reference number PL18.233084, planning register reference number 08/913, including the retention of condition number 6.

Reason: In the interests of orderly development and to safeguard the amenities of the area.

3. The proposed sound attenuation baffle board shall be installed within three months from the date of this permission. The developer shall notify the planning authority in writing within one month of the date of the completed installation of the baffle board.

Reason: In the interest of the residential amenity of property in the vicinity.

4. (a) Measures to prevent the discharge of polluting matter to waters shall be adequate to ensure that there is no negative impact on waters during and post construction stage.
- (b) All proposed surface water drainage systems shall be designed to ensure that no polluting matter enters the surface water collection system.

- (c) All oils/chemicals used in both the site development works and subsequent site maintenance works shall be stored in a secure safe bunded area.

- (d) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

- 5. (1) The planting details and associated site works as indicated on plans as submitted to the planning authority on the 11th day of June, 2019 shall be fully implemented in the first available planting season following commencement of building operations.

- (2) Landscaping works within the site area as detailed on plans as submitted to the planning authority on the 11th day of June, 2019 shall be permanently retained thereafter being planted. Any plant which fails in the first planting season shall be replaced.

Reason: In the interest of visual amenity.

6. 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.

Terry Ó Niadh
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.