



An  
Bord  
Pleanála

## Inspector's Report PL05E. 248588

---

<b>Development</b>	Continue use of target range by shooting club
<b>Location</b>	Cavan Upper, Killygordon, Co. Donegal
<b>Planning Authority</b>	Donegal County Council
<b>Planning Authority Reg. Ref.</b>	17/50386
<b>Applicant</b>	Donegal Target Club
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	1. Cooladawson Local and District Development Association 2. Fergus Kelly
<b>Observer</b>	None
<b>Date of Site Inspection</b>	3 <sup>rd</sup> August 2017
<b>Inspector</b>	Stephen J. O'Sullivan

## **1.0 Site Location and Description**

1.1. The site is in a rural area c4km north-east of Stranorlar, Co. Donegal. It has a stated area of 0.526ha. It consists of a shooting range that has been laid out in a former quarry that was excavated from the side of a hill. The site includes the range itself, which is surrounded by a timber screen, backstops to the north formed from the old quarry benches, a parking area to the south, and a hedgerow along its western boundary with a narrow, unmetalled lane. The area is hilly and the land slopes down from east to west, and more gently from north to south. The floor level of the range is c2m lower than that of the road immediately to the west, and c9.8m below that ground level along the northern and eastern boundaries of the site.

## **2.0 Proposed Development**

2.1. It is proposed to continue to use the site as a target range for firearms.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority granted permission subject to 6 conditions. The permission would authorise a permanent change of use. Condition no. 4 limited the times at which the range might be used, similar to that on the previous permission.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The layout and design of the development is satisfactory. The Executive Scientist at the council's laboratory advised that he had no record of complaints about the range on the site. The site is a former quarry and the development does not present visual amenity issues. Timber barriers and landscaped ridges have been provided as acoustic screens around the site. It is considered that the development has been operating in accordance with the temporary permission. Various letters of support were submitted by the applicant. A grant of permission was recommended.

### **3.3. Third Party Observations**

The appellants objected to the development on grounds similar to those raised in the subsequent appeals.

## **4.0 Planning History**

PL05E. 242955, Reg. Ref. 13/51444 – On the 3<sup>rd</sup> June 2014 the board granted permission to change the use of the quarry on the site to a shooting range.

Condition no. 2 restricted to use to a period of 3 years to allow a review of the appropriateness of the use. Condition no. 4 restricted the times at which the range would operate.

## **5.0 Policy Context**

### **5.1. Development Plan**

The site is governed by the policies and provisions contained in the Donegal County Development Plan 2012-2018. The site in question is not governed by a specific zoning objective. There are no specific objectives relating to shooting ranges in the development plan. There are many general policies and objectives set out in the development plan which seek to maintain residential amenity and encourage and support tourism and recreational activities within the county.

### **5.2. Natural Heritage Designations**

None

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. The appeal from the Cooladawson Local and District Development Association can be summarised as follows-

- The shooting range has a negative impact on tourism. It injures the tranquil character of the area and is not pleasant to walk past.

- The association prepared a development plan for tourism in this area whose implementation over the last fifteen years has provided a 5km walk and improved numerous amenities including the waterfall, steeple tower and a picnic area. Visitor numbers have fallen since the shooting range started operation.
- The application was not referred to Failte Ireland or the regional tourism organization.

6.1.2. The appeal from Fergus Kelly can be summarised as follows-

- The temporary permission previously granted by the board required monitoring of the shooting range. This was not carried out so permission should not be granted to extend the use now. It was not sufficient for the planning authority to say that its laboratory had received no complaints and to use this as a justification for a permanent grant of permission for the shooting range in the countryside.
- The range is close to the appellant's farm and has had a significant adverse effect on his livestock. His cattle need to be kept away from the range. It causes difficulty when buying new stock. A calf was found with a broken leg which the appellant believes is connected to the operation of the range.
- The use of the grant also causes a nuisance at the appellant's house requiring him to stay indoors at the weekends. It also inhibits the building of further houses on the appellant's land.
- If a further temporary permission is granted, it should only be for two years and should be subject to a noise monitoring conditions that is enforced.

## 6.2. **Applicant Response**

The applicant's response to the appeals can be summarised as follows-

- Neither Mr Kelly nor anyone else made a complaint to the planning authority regarding noise since the previous permission was granted. The claims of damage to his farm are not supported by factual evidence.

- The owner of the site allows his dairy herd to graze beside the site without ill-effect, while Mr Kelly's herd is hundreds of metres away. The noise report submitted with the previous application showed that there was no elevation in noise levels detected at the Kelly farm. Mr Kelly only submitted a subjective opinion regarding the residential amenity of his house.
- There is no factual basis to link a fall in visitor numbers with the shooting range. The tourism plan dates from 2000. The picnic area is 1km from the appeal site and no noise is occurs there. The waterfall is not accessible due to insurance issues. The walk to the Steeple Tower is open but its surface condition is poor. Other persons and groups in the area support the development.
- The shooting range is operated in accordance with all applicable regulations administered by An Garda and the Department of Justice.

### 6.3. **Planning Authority Response**

The planning authority's response refers to its planner's report on the application. It also states that it is satisfied that the development was operated in accordance with the controls of the permission granted under PL05E. 242955, Reg. Ref. 13/51444.

### 6.4. **Observations**

### 6.5. **Further Responses**

Mr Kelly responded to the appeal made by the Cooladawson Local and District Development Association which supported its grounds.

## 7.0 **Assessment**

- 7.1. The temporary permission granted by the board under PL05E. 242955 allowed the appropriateness of the use of the site as a shooting range to be considered again after three years. It did not impose a noise monitoring regime on the site, although it did place a significant limit on the times at which it could operate. The conclusion by

the planning authority that the shooting range has operated within the terms of that permission is therefore reasonable and likely to be accurate.

- 7.2. The current proposal is to continue an occasional use on a relatively small and enclosed site in a rural area. In these circumstances, it is not considered likely that its continuance would have a significant negative impact on the residential amenity of nearby properties. Nor would it be likely to injure the rural character of the area to an extent that would inhibit its use for recreation or tourism, or its use for agriculture. The position of the applicant and the planning authority on these matters is therefore preferred to that submitted by the appellants.
- 7.3. The width and condition of the road in front of the site limits the speed of traffic on it. The existing site entrance is adequate to safely cater for the traffic that the continued use would generate.

## **8.0 Recommendation**

- 8.1. I recommend that permission be granted subject to the conditions set out below.

## **9.0 Reasons and Considerations**

Having regard to the nature and limited scale of the proposed development and the limited time period of operation in any given week, the location of the site within a former quarry and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, the rural character of the area or its potential for tourism and recreational use or the keeping of livestock. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area..

## **10.0 Conditions**

1. The development shall be 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. (a) The target range shall only operate at weekends and bank holidays. The use for firearms shall be restricted to no more than four hours on any given day, with the exception of six occasions per year. In all cases, the use for firearms shall be restricted within the time window of 1000 hours to 1700 hours October to March inclusive, and 1000 hours to 1800 hours April to September inclusive.

(b) Within one month of the date of this order, the developer shall submit for the written agreement of the planning authority, a management plan for the facility that demonstrates how the range will be operated in compliance with this condition. This plan can include occasional events beyond normal local usage.

(c) A record shall be kept at the range of facility operation including date and time of operation, and this record shall be made available to the public and the planning authority on request.

**Reason:** In the interests of protecting the amenities of the area.

3. No surface water shall be allowed to discharge from the site onto the public road and the developer shall take the measures necessary to ensure that no water discharges onto the site from the public road.

**Reason:** To prevent flooding

4. All lighting shall be adequately hooded and aligned to prevent direct spillage of light onto the public road.

**Reason:** In the interests of road safety

5. No signs, symbols or other means of advertisement shall be erected or posted on the site so as to be visible from outside the site without the prior

written agreement of the planning authority.

**Reason:** In the interests of visual amenity

---

Stephen J. O'Sullivan  
Planning Inspector

4<sup>th</sup> September 2017