



An
Bord
Pleanála

Inspector's Report

ABP-318466-23

Development

Permission & retention: Permission for the following: (1) proposed alterations to 2 concreted skeet areas with 3.0m high shelter; (2) construction of magazine storage include associated soakaway.

Retention of the following: (1) 2 concreted skeet areas with shelter; (2) 2 shooting areas; (3) high safety earthen berm; (4) single storey members clubhouse; (5) steel storage container, a member's toilet with effluent treatment system and percolation area; (6) 2 launcher platforms, 4 launching sheds and storage shed; (7) trench type soakaway systems connected to all structures on site and (8) all associated site works.

Location

Lispopple, Swords, Co. Dublin

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F23A/0089

Applicant(s)	Pat Walsh c/o Lispopple Clay Target Private Members Club.
Type of Application	Permission / Retention Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Pearse Fagan Alec and Mary Love.
Observer(s)	None
Date of Site Inspection	6 th November 2024.
Inspector	Lucy Roche

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	10
3.4. Third Party Observations	10
4.0 Planning History	10
5.0 Policy Context	11
5.1. Development Plan	11
5.2. Relevant Guidance:	12
5.3. Natural Heritage Designations	12
5.4. EIA Screening	12
6.0 The Appeal	13
6.1. Grounds of Appeal	13
6.2. Applicant Response	14
6.3. Planning Authority Response	16
6.4. Observations	16
6.5. Further Responses	16
7.0 Assessment	16
8.0 Appropriate Assessment Screening	25
9.0 Recommendation	26
10.0 Reasons and Considerations	26
Appendix	

1.0 Site Location and Description

- 1.1. The appeal site is in the rural area of Lispopple, in north County Dublin roughly midway between the rural villages of Rowlestown East (c1.5km to the south) and Ballyboghil (c2km to the northeast) and c6km northwest of Swords. The area can be characterised as low-lying agricultural land. There are several individual dwellings in the area, the closest of which is located approximately 80m to the south of the appeal site. The main road serving the site is a local road (Lispopple Road). This is a narrow (3-4m), lightly trafficked single carriageway road with an 80km speed limit.
- 1.2. The appeal site with a stated area of 1.0633 hectares, forms part of a larger agricultural holding and is situated directly to the north of a range of farmyard buildings. The main body of the site is roughly square and is set back c70m from the public road. The site is accessed via an existing entrance of the local road, this is a shared access with farm holding. The entrance is located at an almost 90-degree bend in the road lending to lower ambient speeds than the speed limit at this location.
- 1.3. The site comprises two shooting areas separated by an existing c3.5m high earthen berm and a range of structures including a member's clubhouse, a member's toilet, two concreted skeet areas each within a 3.9-metre-high shelter, a metal storage container, two launcher platforms, four launching sheds and a storage shed. The site is bounded by 3.5m high earthen berms to the west and north, conifer trees to the south and open farmlands to the east. Save for the two concrete skeet areas and a gravel path in the vicinity of members club, the site is laid out in grass.

2.0 Proposed Development

- 2.1. This application relates to the Lispopple Clay Target Private Members Club which currently operates at the appeal site. The application as set out in the submitted public notices involves the **retention** of the clubs two shooting areas and a range of structures on site comprising a member's clubhouse with a gravel pathway, a member's toilet which is served by proprietary effluent treatment system and percolation area (also for retention); two concreted skeet areas each with a 3.9-metre-high shelter, a storage container, two launcher platforms, four launching sheds and a storage shed. **Retention permission** is also being sought for the 3.5-metre-

high safety earthen berms which separate the shooting areas, and which also extend along the sites western and northern boundaries.

- 2.2. The application also includes **Permission** for alterations to the two existing concreted skeet areas and for the construction of magazine storage shed and associated soakaway. It is proposed to alter the existing sheltered concreted skeet areas to create noise enclosures / acoustic sheds by constructing simple timber forms from 9mm plywood with 50mm of sound absorbent mineral wool against the walls and ceiling of the enclosure, held in place with wire mesh.
- 2.3. Existing buildings are of wooden build with timber cladding and steel sheeting roof except for the container and concrete skeet shelter, of which are constructed from steel columns with timber joists and steel sheeting to roof. The proposed magazine storage will be constructed of 150mm concrete walls with 250mm reinforced concrete slab roof and a 6.5m thick steel plate door with no. five level locks.
- 2.4. Significant further information was received on 18th of September 2023. This included proposals for the provision of a new on-site wastewater treatment and disposal system in lieu of the existing system.
- 2.5. The information contained in the Planning Information Report submitted with the application details that Lispopple Clay Target Private Members Club has been in operation since 1979 and that the site operates its shooting hours between 0930-1800 Monday to Friday and 10.00 to 1800 Saturday and Sunday.
- 2.6. The application is accompanied by:
 - Noise Impact Assessment (updated at RFI Stage)
 - Site Suitability Assessment (Submitted at RFI Stage)
 - Waste Management Plan (Submitted at RFI Stage)
 - Appropriate Assessment Screening Report
 - Archaeological Impact Assessment
 - Planning Information Report
 - Site Access Appraisal Report
 - Water Services Report

- Soakaway Design Report
- Documentation to support the claim that Lispopple Clay Target Private Members Club has been in operation since 1979.

3.0 Planning Authority Decision

3.1. Decision

Following an initial request for further information, Fingal County council decided on 23rd of October 2023 to grant permission / retention permission for the proposed development. Permission was granted subject to 16no conditions, the following of which are of note:

C2: - clarifies that the permission relates solely to that detailed in the statutory public notices

C3: - restricts the days and times of shooting

C4: - Restricts the number of major events to 6 per year as well as the number of participants. It also requires that local residents be notified of an event.

C5: - (a) requires the retention of a 'Site Information Site'. (b) requires the use of subsonic 'lower noise' cartridges.

C6: - restricts the use of the club to members

C7: - (a) requires the submission of plans, details and specification of noise mitigation measures for agreement; (b) relates to the implementation of noise mitigation measures; (c) requires a new survey and Noise Impact Assessment to ensure adequate performance of noise mitigation measures.

C8: - Relates to landscaping

C12: - Requires the submission of a Lead Management Plan including a ground water quality monitoring programme.

C15 and C16 relate to the payment of financial contributions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial report of the Case Planner (May 2023) has regard to the locational context and planning history of the site, to planning policy and to the third-party submissions and departmental reports received. The issues raised in the assessment can be summarised as follows:

- In terms of zoning, it is noted that clay pigeon shooting is not a use listed as 'permitted' or 'not permitted' under the RU zoning objection. Recreational facilities and sports clubs are permitted in principle where they are in proximity to residential settlements and where they would not generate unacceptable traffic problems.
- Query raised regarding the length of time the club has been in operation. It is stated in the application that the club has existed 1979; however, the documentation submitted only goes back to 2011.
- The Noise Impact Assessment submitted omits noise readings from the nearest house to the development. In the event of a grant of permission, the day, season and time of use of the development should be restricted in the interests of residential amenity. Noise mitigation measures outlined Noise Impact Assessment should be implemented.
- The report concludes with a recommendation to seek further information on issues raised in the report and in the departmental reports received, as follows: (1) documentation to confirm the length of time the Club has been in operation; (2) confirmation from the applicants that they would be willing to agree to restrictions on hours / days of operation; details of the existing wastewater treatment system; (3) proposals for landscaping, (4) the submission of a revised Noise Impact Assessment and (5) the submission of a waste management plan.

The second report of the Local authority Case Planner has regard to the further information received on the 18th of September 2023 as well as the further departmental reports and third-party submissions received. The issues raised in the assessment can be summarised as follows:

- The Case Planner notes the applicants statement indicating that the operating hours suggested in the FI requires are unachievable. The applicants are willing to operate under the same condition as the Balheary Clay Target

Shooting Club (ABP ref: PL 06F.246140). However, the Case Planner notes the different context in which this development is proposed (in terms of location and planning history), the history of complaints associated with the proposed development and the Noise Impact Assessment submitted and considers that appropriate mitigation, including a restriction on operating hours etc as suggested in the FI request, is necessary in the interests of residential amenity.

- The Case Planner considers that outstanding issues have been satisfactorily addressed, that the proposed development to be retained and permitted is consistent with the Fingal Development Plan 2023-2029 and is in accordance with the proper planning and sustainable development of the area. The report concludes with a recommendation to grant permission subject to condition.

3.2.2. Other Technical Reports

- **Water Services:** initial report (May '23) requests further information on the existing wastewater treatment system and its compliance with current EPA standards. The report also recommends conditions on surface water. No concerns raised or conditions recommended in respect of flooding or water supply. Second report (Oct '23) cites no objection to the applicants' proposals for a new wastewater treatment and disposal subject to condition. *(C9 of PA's decision relates)*.
- **Heritage Officer / Archaeologist:** - As the shooting range is already in place the proposed works will have no impact Archaeological remains
- **Parks and Green Infrastructure:** - the initial report requests additional information on landscaping. Second report (Oct '23) confirms that the submitted landscaping plan is acceptable. Conditions recommended. *(C8 of PA's decision relates)*
- **Transportation:** - No objection subject to condition. *(C11 of PA's decision relates)*
- **Senior Executive Scientist (Waste Enforcement & Regulation):** - recommends conditions requiring that basic information about the operation of the site be contained in a 'Site Information Sheet' which is to be made

available to the PA and residents. Neighbours are to be informed of major events in advance and subsonic 'lower' noise cartridges are to be used for non-competitive shoots. *(C4 and C5 of PA's decision relate)*

- **Waste Enforcement:** - (Oct 23) Queries the source of material for the earthen berms. Requests the submission of a detail Lead Waste Management Plan. *(C12 of PA's decision relates)*
- **Environmental Health Officer:** - recommends conditions restricting the time/ days of shooting for both day-to-day shooting and for major events; (C3 and C4 of PA's decision relates). Also recommends conditions in relation to the provision of acoustic barriers and enclosure as proposed in the NIA (addressed under C7 of PA decision).

3.2.3. **Conditions:**

Planning permission / retention permission was granted subject to 16no. conditions. The majority of the conditions are standard for a development of this nature. The grant of permission includes the following bespoke conditions:

- **C3:** - Day to Day shooting activities shall be restricted to the following times:
a) A maximum of three shooting days during the period Monday to Friday 10am -6pm from April to October inclusive and from 10am to 4pm from November to March inclusive with a maximum cumulative duration of 4hrs per shooting day. b) Shooting on a Saturday between 12pm-6pm from April to October inclusive and from 12pm to 4pm from November to March inclusive with a maximum cumulative duration of 3hrs. c) Shooting shall not be permitted on Sundays and on a bank holiday without prior approval from the Planning Authority.

REASON: In the interest of residential and rural amenity.

- **C4:** - Major Events shall be restricted to the following: a) A shooting event (10am- 6pm) shall be permitted once in any 28-day period with a maximum of 6 events per year. Events shall be restricted to a maximum of 16 participants. Residents in close proximity to the club shall be notified of an event 14 days prior to the commencement of the event.

REASON: In the interest of residential and rural amenity.

3.3. Prescribed Bodies

- **DAA:** No comment other than to recommend consultation with the IAA and the IAA-ANSP
- **IAA:** No observations on this application from Safety Regulation Division, Aerodromes
- **Uisce Eireann:** - No objection

3.4. Third Party Observations

The planning authority received seven third party submissions during the course of their determination of the application. The issues raised in these submissions can be summarised as follows:

- Impacts from noise pollution on the amenities and health of residents
- The lack of planning permission for the existing development and its intensification over the years.
- Possible contamination of land and water courses from Lead
- Inadequacies of Noise / Acoustic Report
- Impact on wildlife and biodiversity from noise and pollution.
- Devaluation of property
- Public safety risk
- Increase traffic on narrow, poorly aligned road and associated impacts on road safety.

4.0 Planning History

- 4.1. There is no known planning history associated with the appeal site or its use for clay target shooting.
- 4.2. The following application is considered relevant to the assessment:

ABP Ref: PL06F.246140 (FCC Case Reference: F15A/0526):

Permission / retention permission granted (2016) to Balheary Clay and Target Shooting Club, c1.8km to the southeast of the appeal site. Permission granted for berms to north, east and west, 3m. high straw bales at shooting stands. Retention permission granted for shooting stands, small bore shooting range, target areas, berms and all associated works. This permission was subject to 10no conditions the following of which are of note:

- C3. Restricts the hours of operation of the facility to between 0930 hours and 1800 hours Monday to Friday and between 1000 hours and 1800 hours Saturday to Sunday.
- C4. Restricts the noise level to 55 dB(A) rated sound level at the nearest noise sensitive location 0930 and 1800 hours, Monday to Sunday inclusive, and 45 dB(A) at any other times.

Further to the above, I consider it relevant to note that permission was previously granted, by Dublin County Council, for Balheary 'gun / Clubhouse' attached to the existing shooting grounds, in 1980, indicating a long established (authorised) use on site.

5.0 Policy Context

5.1. Development Plan

The Fingal County Development Plan 2023-2029 is the operative plan for the area.

Zoning: The site is zoned 'RU' with an objective to '*Protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage*'. The Vision for this area is to Protect and promote the value of the rural area of the County. This rural value is based on: "

- Agricultural and rural economic resources
- Visual remoteness from significant and distinctive urban influences,
- A high level of natural features.

Agriculture and rural related resources will be employed for the benefit of the local and wider population. Building upon the rural value will require a balanced approach

involving the protection and promotion of rural biodiversity, promotion of the integrity of the landscape, and enhancement of the built and cultural heritage.

Landscape Character Type - Low Lying Agriculture

5.2. Relevant Guidance:

The following Guidance documents are of relevance:

- UK Guidance: Clay Target Shooting: Guidance on the Control of Noise (2003) Institute of Environmental Health.
- EPA Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4, January 2016)
- ISO 1996 -1: 2016 Acoustics — Description, measurement and assessment of environmental noise (ISO 1996)
- British Standard: BS 5228-1: 2009 +A12014 Code of practice for noise and vibration control on construction and open sites (BS 5228)

5.3. Natural Heritage Designations

The subject site is not within nor is it in proximity to any Natura 2000 site. The Rogerstown Estuary is located c6.5km to the east of the site. The Rogerstown Estuary is a designated SPA (Site code:004015), SAC (Site Code: 000208) and NHA and is adjacent to the Rush-Howth Shellfish Area. The Malahide Estuary is located c6.7km to the southeast. The Malahide Estuary is a designated SAC (site code 00205), SPA (site code: 004025) and NHA.

5.4. EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Two third party appeals have been lodged against the decision of Fingal County Council to grant permission / retention permission for development at Lispopple, Swords County Dublin. Appeals were received from Alec and Mary Love and Pearse Fagan, residents of the area. The main issue of concern raised in both appeals is the level of noise, in particular impulsive noise, arising from the development and its impact on the health and wellbeing of residents in the area.
- 6.1.2. Both appeals include supporting documentation including copies of correspondence between the appellants, Alec and Mary Love and Fingal County Council regarding the (unauthorised) use of the lands at Lispopple as a shooting range and the noise impacts associated with same (letters date from 2005 and 2023) and aerial imagery detailing how the shooting range has expanded over the years and its proximity to residential properties.
- 6.1.3. The issues raised in the grounds of appeal can be summarised as follows:
- The site is totally unsuited for a shooting range and noise from relentless shooting on weekends has caused untold stress to people living in the area.
 - Concerns raised regarding the 'cherry picking' of standards to support the Noise Impact Assessment.
 - The Lispopple Shooting Club fails to meet requirements / guidance in relation to site size, noise exclusions zones and safety zones.

Noise Exclusion zone: The Chartered Institute of Environmental Health (CIEH) recommend a noise buffer zone of at least 1.5km in the general direction of shooting and not less than 1km in the rearward arc. Preferably there should be no line of sight between the noise source and any noise sensitive areas.

Site Size: The minimum area required for a new clay target shooting site is between 2 and 4 hectares, the appeal site has a stated area of only 1.06ha.

Safety zone: – There should be a minimum safety zone of 300m.

- Noise Levels: Using ISO 1996, the noise level at the nearest sensitive receptor is 75db(A) that is 70db(A) as per the NIA, plus an additional 5db(A) for the impulsive nature of shotgun noise. Even with the attenuation proposed, it would not be possible for the Club to stay within ISO 1996 levels.
- The Office of Planning Regulator has been critical of Fingal County Council's (FCC) enforcement of noise conditions under ABP Ref: PL06F.246140 (FCC Case Reference: F15A/0526) relating to Balheary Clay and Target Shooting Club.
- An Bord Pleanála in their assessment of ABP Ref: PL06F.246140 had regard to ISO 1996 criteria and in doing so applied a 5dB penalty because of the impulsive noise of shotgun emissions. It is a concern that FCC did not apply this 5dB penalty in their assessment of this application.
- FCC's legal / Enforcement proceedings against the applicant should have been completed before any planning decision took place. The appellants interaction with FCC re: noise pollution emanating from the site, has been curtailed due to ongoing legal action (commenced by FCC circa May 2023)
- FCC's decision to grant permission does not include any limit on noise from the site.

6.2. **Applicant Response:**

The response of Genesis Planning Consultants on behalf of the applicant Pat Walsh / Lispopple Clay Target Private Members Club can be summarised as follows:

- The facility has been in operation since 1979 and is immune from enforcement. The proposal will result in betterment though the application of mitigation measures to reduce noise. The alternative, should permission be refused, is the facility continues operating as it does currently without proposed acoustic measures or restrictions on operating hours.

- The Noise Impact Assessment submitted with the application details how noise levels will be within the parameters set by CIEH when mitigation measures are installed.
- The Environmental Health Officer raised no objection subject to specific conditions.
- Regarding the size of the site, there is no minimum site size set out in guidance or legislation. Each facility is designed to suit operational requirements. The shooting range at 1.06ha is of adequate size.
- Reference to Balheary shooting Range is not a matter to be considered under this appeal.
- Matters of enforcement are separate to a planning application.
- All third-party dwellings in proximity to the appeal site are located beyond the 300m safety zone in the generate shooting direction (south to north).
- The existing site context is relevant in that farm buildings within the lands are located closer to third party dwellings than the shooting range. These agricultural buildings (and the use of same) operate without restrictions on noise, hours of operation and set the context in terms of what is the established baseline for the locality and how varying land uses relate to each other.
- Where required, acoustic measures and lead management can be agreed by way of condition as per conditions 7 and 12 of the planning authority's grant of permission.
- Given that this appeal is to be considered de-novo by the Board, the Board is asked to reconsider Condition 3 (operating Hours and conditions 15 and 16 (Financial contributions)
 - Hours of Operation: the hours of operation specified in condition 3 of the planning authority's decision are not consistent with what has been deemed appropriate for comparable shooting ranges for a Sunday.
 - Financial contributions have been calculated incorrectly.
- The applicant's response to the grounds of appeal includes aerial imagery showing the location of 3rd parties and appellants relative to the shooting range.

6.3. Planning Authority Response

As set out in correspondence received on the 13th of December 2023, the planning authority has no further comments to make other than to note that the lands relating to the proposed development are subject to live enforcement investigations.

6.4. Observations

None

6.5. Further Responses

None

7.0 Assessment

7.1. Introduction

7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Noise
- Waste Water Treatment
- Lead contamination
- Traffic Management
- Other
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The appeal site is zoned 'RU' Rural in the Fingal Development Plan 2023-2029 (FDP). The objective for this area is to *protect and promote in a balanced way, the development of agriculture and rural – related enterprise, biodiversity, the rural landscape and the built and cultural heritage*. The FDP in Chapter 13 sets out a vision for the RU zoning and the context for the type of development which would be acceptable. Uses which are neither 'Permitted in Principle' nor 'Not Permitted' will be assessed in terms of their contribution towards the achievement of the zoning objective and vision.
- 7.2.2. This proposal relates to a clay target shooting club. Clay target shooting is not specified as a use class within the Development Plan; however Recreational Facilities / Sports Club is a recognised use class that is 'permitted in principle' within the 'RU' Rural zoning where they are in proximity to residential settlements and where they would not generate unacceptable traffic problems. Recreational / Sports Facility are defined in Appendix 7 of the plan as *'a building or part thereof or land which is available for use by the public on payment of a charge or free of charge for the propose of recreation and may include facilities to support indoor or outdoor physical activities in the form of structured games or active pursuits for the purpose of recreation or amusement*. In my opinion a clay target shooting club could be considered to fall within this use class; however, given the nature of the activity, which is likely to give rise to noise, there is potential for conflict to arise between developments of this nature and neighbouring land uses, particularly residential. Notwithstanding, I consider clay target shooting to be a rural based pursuit, and I note that the RU zoning objective promotes rural -based enterprise. Overall, I consider the principle of a clay target shooting club within the RU zone to be acceptable subject to standard proper planning and sustainable development considerations. The key considerations in this regard are the impact on residential and rural amenity.

7.3. Noise

- 7.3.1. The main issue of concern raised in both appeals is the level of noise, in particular impulsive noise, arising from the development and its impact on the health and wellbeing of residents in the area.
- 7.3.2. A Noise Impact Assessment (NIA) prepared by iAcoustics Integrated Acoustic Solutions was submitted with the application. The NIA was updated at further information stage to include an assessment of the impact of noise on the dwelling closest to the appeal site, c90m to the south.
- 7.3.3. The assessment criteria used in the NIA is based on UK Guidance, specifically Clay Target Shooting: Guidance on the Control of Noise (2003) Chartered Institute of Environmental Health (CIEH Guidance). For ease of reference, I have included a copy of this document in the appendices to this report. I note that in the absence of relevant Irish planning standards it is accepted practice to refer to British standards.
- 7.3.4. CIEH guidance measures noise from clay target shooting using the Shooting Noise Level index or SNL. SNL is defined as the logarithmic average of the 25 highest shot levels from the shoot in question over a 30-minute measurement period. The Guidelines state that "Annoyance is less likely to occur at a mean shooting noise level (mean SNL) below 55dB(A), and highly likely to occur at a mean shooting noise level (Mean SNL) above 65dB(A). It is further stated that the likelihood of annoyance at levels within this range will depend upon local circumstances. Local circumstances include inter alia, the locality and general background noise level, the day and time of shooting and the intensity of shooting (no. of shooting days per year). It is of relevance to note at this point that at present Lispopple Clay Target shooting club operates with no restrictions. Shooting hours are stated as between 0930-1800 Monday to Friday and 10.00 to 1800 Saturday and Sunday.
- 7.3.5. The submitted NIA sets a limiting criterion of 65dB SNL (limit not to be exceeded) for all nearby noise sensitive properties and a target of 55dB. The Guidance in Appendix 5, section A5.11, advises that the limit set will depend on local circumstance (as above) but would normally be expected to fall somewhere in the range of 55 to 65dB.

Given the rural location and the unrestricted nature of the facility, I am not satisfied that application of the higher limit of 65dB has been adequately justified.

- 7.3.6. A noise survey was carried out on Friday the 12th of August 2022 at three noise sensitive properties or locations representative of these properties (hereunder referred to as noise sensitive properties or NSP's). Specific details of the shoot have not been provided. The results of this survey were later used to determine the SNL at the fourth noise sensitive property, a dwelling c90m to the south of the club (NSP4). The survey results are set out in Table 7.1 below. The assessment determined that in the club's current configuration, shooting noise at 3 of the 4 NSP's exceed the limiting criterion of 65dB while the target criterion of 55dB is exceeded in all cases.
- 7.3.7. To address the exceedances identified in the survey the report recommends noise control measures comprising, the erection of a 3.5m high noise barrier / acoustic screen (i.e. hay bales) along the hedgerow to the south and along the existing earthen berms to the north and west and the construction of open fronted acoustic sheds around existing shooting bays. The proposed acoustic sheds are designed in accordance with British Standard BS5228 - Code of practice for noise and vibration control on construction and open sites. In accordance with British Standard BS5228 (Table 8.4), an open fronted acoustic shed of the type proposed has the potential to reduce the magnitude of shooting by 9dB to the side and 14dB to the rear. Such an enclosure would have limited impact on properties to the front. On this issue, the authors of the NIA reiterate the recommendation for further acoustic screening at the northern clay target end of the shooting range. However, the effectiveness of the recommended noise barrier / acoustic screen and the impact it would have on noise values at noise sensitive locations is unclear and has not been adequately described in the application documentation.
- 7.3.8. For ease of reference, I have set out the existing SNL and predicted SNL (following mitigation) at the four identified NSP's in the table below. Predicted SNL is based on the statistical information provided in the NIA. Figures 2 and 5 of the NIA comprise aerial imagery which detail the location of the four NSP's.

Noise Sensitive Receptor	Distance / direction from nearest shooting position	SNL Recorded / Survey Result	Predicted SNL with Mitigation
NSP 1	115m southwest	69dB	55-60dB
NSP 2	168m southwest	68dB	54-59dB
NSP 3	295m northwest	64dB	50-55dB
NSP 4	94m southwest	70dB	56-61dB

Table 7.1 Noise Survey Results and Predicted SNL with Mitigation (noise control measures)

- 7.3.9. The third-party appellants are critical of the applicants Noise Impact Assessment, citing the 'cherry picking' of standards and the failure to apply a 5dB(A) penalty for impulsive noise as points of concern. Both appellants refer to the basic site requirements for clay target shooting set out in CIEH guidelines. The guidelines outline that from a safety and noise viewpoint the minimum area required for clay target shooting sites is between 2 and 4 hectares with a minimum safety zone of 300m in front of the shooting stands in the general direction of shooting. The guidelines further state that a much larger buffer zone is required to protect noise sensitive premises and other noise sensitive areas. The size of the noise buffer zone required will depend on local circumstances and on the level of shooting transmitted to noise sensitive area. The guidelines recommend a noise buffer zone of 1.5km and depending on topographical features, of no less than 1km. It is argued that site due to its size (1.06ha) and proximity to residential properties does not meet the basic minimum requirements for such a facility.
- 7.3.10. The applicant's submission in response to the grounds of appeal states that all 3rd party dwellings in proximity to the appeal site are located beyond the 300m safety zone in the general shooting location. While this may be the case, I note that there are several noise sensitive properties (dwellings) within the recommended minimum noise exclusion zone of 1km and therefore I accept that there is some merit to the concerns of the appellants; however, I am aware that these are guidelines and are not mandatory requirements.
- 7.3.11. CIEH guidance does not include reference to a 5dB(A) penalty for impulsive noise. As I understand it, the application of such a penalty derives from the EPA's Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4 2016) which includes guidance on tonal and / or impulsive noise elements of licence premises. I would consider that in the absence of relevant and up to date Irish planning guidance with regards to noise

from clay target shooting, reference to and application of the standards set out in the above guidelines may be appropriate in terms of understanding and achieving current best practice.

- 7.3.12. It is evident from the documentation on file including the information provided in the NIS, that Lispopple Clay Target Shooting Club as it currently operates gives rise to levels of noise that are likely to cause nuisance for surrounding properties. However, I am not satisfied that this impact has been properly quantified or addressed in the NIA / application documentation, nor am I satisfied that it has been adequately demonstrated that the proposed noise mitigation measures would be sufficient to minimise the impact of noise at NSP's (residential properties).
- 7.3.13. One area of concern relates to background noise which in this instance would be the established noise in the local rural area without the proposed facility in operation. The NIS describes the existing background noise level as 'low' however the actual background noise level has not been determined. In the absence of a verified background noise level, it is not possible, in my opinion, to fully establish the level of change in the soundscape or to fully assess the potential impact of the development at NSP's (residential properties).
- 7.3.14. The appeal site is in a rural area. Typical background noise in a rural location in Ireland is around 33.9 dB LA90, 10mins. The NIA indicates that with mitigation, the proposed development would result with SNL of between 54 and 61dB at Noise sensitive receptors. Therefore, even assuming a higher background noise level of 45dB(A), the level of change to the established soundscape from the proposed development is significant.
- 7.3.15. Returning to the CIEH Guidelines, the guidelines state that the likelihood of annoyance from noise levels within the 55dB(A) to 65dB(A) range will depend upon local circumstances. In this instance, given the location of the development in the rural area where background noise level is stated as low, the limited site size and proximity to residential properties and having regard to the hours and days of operation and intensity of shooting, the proposed development, notwithstanding the noise control measures proposed, has in my opinion the potential to have a significant adverse impact on residential amenity and I would recommend that planning permission be refused on this basis.

7.4. Lead Contamination (New Issue)

- 7.4.1. In accordance with the information available a clay target shooting facility has operated on this site for many years. The potential for environmental pollution arising from the development in particular the lead contamination over this prolonged period has not, in my opinion, been adequately addressed in the application. No soil sampling has been submitted and no data / evidence is presented of measures to deal with lead fall within or outside of the appeal site. There are no water courses on or within the immediate vicinity of the appeal site and the agricultural lands directly adjacent to the shooting range are in the control of the applicant. Notwithstanding, I have concerns that the prolonged use of these lands as a shooting facility could represent a problem in terms of soil and ground water pollution. While I note that the planning authority addressed this issue by way of condition (condition 12 relates), I consider that a detailed analysis of the soil conditions along with proposals for lead management and mitigation (if necessary) is required to prevent pollution and to ensure Best Practice Standards. This is a new issue and the Board may wish to seek the views of the parties. However, having regard to the other substantive reason for refusal set out below, it may not be considered necessary to pursue the matter.

7.5. Waste Water Treatment

- 7.5.1. The site is served by an existing proprietary effluent treatment system and percolation area at the southwest corner of the site. Details of this system and its compliance with EPA standards were requested by the planning authority at RFI stage. In response, the applicant submitted proposals for a new on-site wastewater treatment system to replace the existing system which is to be disconnected and decommissioned.
- 7.5.2. A Site Characterisation Report was submitted with the application. This report includes the following details:

Soil type	Till derived chiefly from Namurian rocks	
Subsoil	Till derived from Limestone	
Aquifer Vulnerability	Low	
Groundwater Protection Response	R1 Acceptable subject to normal good practice (i.e. system selection, construction, operation and maintenance in accordance with this CoP).	
Slope	Relatively flat (<1:20)	
Groundwater flow Direction	Slight fall north to south	
Ground Condition	Firm under foot	
Trial Hole Depth	2.2	
Percolation Test	Surface (p-Test)	18.11
	Subsurface (T-Test)	48.75

Table 7.2 - Details from Site Characterisation Report

- 7.5.3. The site characterisation report outlines the results of the trial hole assessment which was carried out in August 2023. The trial hole was dug to a depth of 2.2m. Neither Bedrock nor water table were encountered. The report concludes that site is suitable for development and is suitable for either a secondary treatment system or tertiary treatment system with discharge to groundwater. The report recommends a secondary treatment system and soil polishing filter.
- 7.5.4. The applicant proposes a secondary treatment system and soil polishing filter designed to cater for a max PE of 6 (Oaktown 6PE BAF System). Port-a-loos are to be provided to accommodate additional loading on event days.
- 7.5.5. Having regard to the information on file and having inspected the appeal site, I am satisfied that the applicant's proposals for the disposal and treatment of wastewater are acceptable. In the event of a grant of permission I would recommend the inclusion of a condition requiring that the proposed system be installed in accordance with the recommendations in the site characterisation report and in accordance with current EPA guidelines.
- 7.6. **Traffic / Parking:**

7.6.1. The local road serving the proposed development is subject to an 80km/hr speed limit. The development access is located on an almost 90-degree bend in the road lending to lower ambient speeds than the speed limit at this location. The applicant has submitted a speed survey report demonstrating an 85th percentile speed of 36km/hour. The Transportation Department of Fingal County Council, as set out in their report to the planning authority (April 2023) are satisfied that sightline distances at the entrance to the development are in accordance with TII DN-GEO-03060.

7.6.2. In my opinion the day-to-day operations of the development are unlikely to give rise to a significant traffic hazard. However, event days are likely to give rise to increased traffic movements on this local road along with an increase parking demand (parking is accommodated within the adjoining farmyard to the south). Therefore, should the Board be minded to grant permission, I would recommend the inclusion of condition requiring the submission of a Traffic Management Plan to ensure that the proposed development does not impact the safety and free-flow of traffic on the local road network on event days.

7.7. Other

7.7.1. The planning authority in deciding to grant permission for the proposed scheme included condition 3 which restricts the days and time of shooting and condition 4 which places restrictions on the holding of major events. Conditions 3 and 4 are set out in section 3.2.3 of this report. The applicant's in both their response to the planning authority's request for further information and in their response to the grounds of appeal have cited issue with the suggested operating hours stating that they are unachievable. I note that the restrictions imposed by conditions 3 and 4 are similar to those recommended in CIEH Guidelines (section 5.3) in cases where justified noise complaints have been received or are anticipated. Should the Board be minded to grant permission for the development proposed, conditions similar to those imposed by the planning authority would, in my opinion, be reasonable and justified, given the noise concerns raised in this report.

7.7.2. The applicants in their response to the grounds of appeal have requested that the Board reconsider the development contributions required under Conditions 15 and 16 of the planning authority's decision as they consider that the contributions were

calculated incorrectly. However, as the applicants have not lodged a first party appeal against the development contribution conditions, I do not consider it appropriate to address this issue in any detail. Notwithstanding, I note that in the event of a grant permission, the development contribution condition attached to the decision would be 'unspecified' with the amount owed to be agreed with the planning authority. This would allow for any errors in the original calculation to be addressed and would afford the applicants with the opportunity to refer to An Bord Pleanála in default of an agreement.

8.0 Appropriate Assessment Screening

- 8.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.
- 8.2. The subject site is not located within or adjacent to any European Site. The Rogerstown Estuary is located c6.5km to the east of the site. The Rogerstown Estuary is a designated SPA (Site code:004015) and SAC (Site Code: 000208). The Malahide Estuary is located c6.7km to the southeast. The Malahide Estuary is a designated SAC (site code 00205) and SPA (site code: 004025). There are no direct pathways between these sites or other sites within the Natura 2000 network.
- 8.3. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:
- The nature and scale of the development.
 - The location of the development, distance from European Sites and nature of intervening lands uses and habitats, which include the M1 Motorway
 - The lack of direct hydrological pathways and connectivity to European sites.
- 8.4 I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

I recommend that planning permission be refused for reasons set out below.

10.0 Reasons and Considerations

- 1 Having regard to the rural location of the site, the nature of the noise activity related to the subject development, which would have an impulsive impact, the nature of the surrounding environment and the proximity to residential properties, it is considered that based on the details submitted it has not been demonstrated that the development to be retained and the development proposed to be carried out would not seriously injure the residential and rural amenities of the area as a result of noise and disturbance arising from the shooting activity. As such the proposal is contrary to the proper planning and sustainable development of the area
- 2 Having regard to the lack of information in relation to the impacts and management of waste arising from the shooting activities on site in particular lead shot waste and the associated risk to the environment, the likelihood of significant soil and groundwater pollution cannot be ruled out. As such the proposal is contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Lucy Roche
Planning Inspector

18th November 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318466.23			
Proposed Development Summary	Permission and Retention permission for works associated with a Clay Pigeon shooting range. See section 2.0 of the Inspectors report for full details.			
Development Address	Lispopple, Swords, Co. Dublin			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X	
		No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class.....	EIA Mandatory EIAR required	
No	X	Not a Class	Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No	X	N/A		No EIAR or Preliminary Examination required
Yes				Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Appendix 2 – Appropriate Assessment Screening

Introduction

I have considered the proposed development of a Clay Target Shooting Range at Lispopple, Swords, Co. Meath in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A screening report for Appropriate Assessment was submitted with the application.

Description of Proposed Development:

A detailed description is presented in Sections 1 and 2. of my report and in the application documentation on file. In summary, the proposed development site comprises a clay target shooting range with two main shooting areas separated by a c3.5m high earthen berm. An earthen berm also bounds the west and northern boundaries of the site. The site contains several structures including two covered skeet areas, members club, steel storage container, toilet, two launcher platforms, four launching sheds and a storage shed. The site is served by an on-site wastewater treatment and disposal system that it to be upgraded / replaced as part of the proposed development. The surrounding area comprises mainly low-lying agricultural lands, primarily use for cattle grazing. Amongst the farmland are several residential properties.

The proposal comprises the retention of existing structures on site with permission being sought for alterations to the two existing concreted skeet areas and the construction of a magazine storage shed.

There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.

The application is accompanied by a Noise Impact Assessment (updated at RFI stage).

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special Protection Area (SPA).

The Rogerstown Estuary is located c6.5km to the east of the site. The Rogerstown Estuary is a designated SPA (Site code:004015) and SAC (Site Code: 000208). The Malahide Estuary is located c6.7km to the southeast. The Malahide Estuary is a designated SAC (site code 00205) and SPA (site code: 004025).

Given the nature and scale of the proposal, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those of the Rogerstown and Malahide Estuaries.

European Site	Qualifying Interests (summary)	Distance	Connections
Rogerstown Estuary SAC (000208)	<ul style="list-style-type: none"> • Estuaries • Mudflats and sandflats not covered by seawater at low tide • Salicornia and other annuals colonising mud and sand • Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) • Mediterranean salt meadows (<i>Juncetalia maritimi</i>). • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) • Fixed coastal dunes with herbaceous vegetation (grey dunes) 	C6.5km	None
Rogerstown Estuary SPA (004015)	<ul style="list-style-type: none"> • Greylag Goose (<i>Anser anser</i>) • Light-bellied Brent Goose • Shelduck • Shoveler • Oystercatcher • Ringed Plover • Grey Plover • Knot • Dunlin • Black-tailed Godwit • Redshank • Wetland and Waterbirds 	C7.3km	None
Malahide Estuary SAC (000205)	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide • Salicornia and other annuals colonising mud and sand 	C6.7km	None

	<ul style="list-style-type: none"> • Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) • Fixed coastal dunes with herbaceous vegetation 		
Malahide Estuary SPA (004025)	<ul style="list-style-type: none"> • Great Crested Grebe • Light-bellied Brent Goose • Shelduck • Pintail • Goldeneye • Red-breasted Merganser • Oystercatcher • Golden Plover • Grey Plover (• Knot • Dunlin • Black-tailed Godwit • Bar-tailed Godwit • Redshank • Wetland and Waterbirds 	C6.8km	None

Likely impacts of the project (alone or in combination)

As the appeal site is not located within or adjacent to a European site there will be no direct impacts and no risk of habitat loss, fragmentation or any other direct impact.

There are no direct hydrological pathways between the appeal site and any European site. The proposed development will not cause deterioration on water quality which could have a negative impact upon the Natura 2000 network.

The proposal due to its nature as a shooting range gives rise to noise that could cause disturbance / nuisance to protected species. It is stated in the Screening Report that noise emissions at source (gun firing) will dissipate with distance from the clay pigeon club site and are not considered to be of any potential for impacts upon receptors (Natura 2000 sites) after a distance of c500m to 1km from the site.

On this basis and having regard to the location of the site, its distance from the European sites within the Natura 2000 network (+6.5km) and the nature of

intervening lands uses and habitats, which include the M1 Motorway, I am satisfied that no adverse impact from noise emissions are likely to occur.

In combination effects

In combination impacts have been considered. The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.

Mitigation:

No mitigation measures are required to come to these conclusions. Mitigation measures proposed as part of the Noise Impact Assessment are intended to mitigate impact on residential properties in the area and are not for the purpose of avoiding or preventing impacts to the SAC or SPA. I am satisfied that in the absence of noise control measures outlined in the Noise Impact Assessment, the separation distance between the site and designated sites +6.5km is sufficient to ensure no adverse impact.

Overall Conclusion

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the development
- The location of the development, distance from European Sites and nature of intervening lands uses and habitats, which include the M1 Motorway
- The lack of direct hydrological pathways and connectivity to European sites

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

Appendix 3 - UK Guidance: Clay Target Shooting: Guidance on the Control of Noise (2003)
Institute of Environmental Health.

[Clay Target Shooting - guidance on the management and control of noise](#)