Submission Ref: S4-023

Patrick F. Molony & Co.
SOLICITORS
5 Bindon Street
Ennis
Co. Clare
V95 D378
Telephone: 065 6828361
065 6824584
Fax: 065 6823925
DX No:25014
email: enquiries@pfmolony.ie

Joseph Molony B.C.L
Colette A. Fahy B.C.L.
Claire Ryan DipLS

Dublin Office:
24/26 Ormond Quay

OUR REF: **CF/BL/EDAL/8843**

YOUR REF:

DATE: **11th May 2023**

Re/
Submission to the draft direction on the Clare County Development Plan 2023–2029
Our Clients: Eugene & Marcella Daly of [redacted]
Village: Ballynacally, VGA3

Planning Authority,
Clare Co. Council,
New Road,
Ennis,
Co. Clare.
V95 DXP2

devplan@clarecoco.ie

Dear Sirs,

We confirm that we act on behalf of Eugene Daly and Marcella Daly of [redacted] Clare and we attach herewith their submission to the draft direction on the Clare County Development Plan 2023 – 2029 relating to the zoning of their lands at Ballynacally ref: VGA3 (on Clare County Development Plan map dated April 2023) and mentioned at Item (XIX) on Page 3 of the draft Direction from the Minister of State with responsibility for Local Government and Planning.

Yours faithfully
PFM
PATRICK F MOLONY & CO.

11th May 2023.

Submission to the draft Direction on the Clare County Development Plan 2023–2029 by Eugene & Marcella Daly of [redacted]
Village: Ballynacally, ref VGA3 Clare County Development Plan map dated April 2023 ("the draft Plan")

DESCRIPTION OF THE SUBJECT SITE

The site is located in the village of Ballynacally which is situated 16.7km southwest of Ennis on the R473 coast road to Kildysart/Kilrush. It has a population of approximately 1500 people in the village including the hinterland.

The lands are situated south of the village and comprise 1.48 acres.

ZONING OBJECTIVES

The objectives as envisaged by the draft Plan indicates that it would encourage growth in the village that will consolidate the existing built form and contribute to the vitality of the village and its community whilst preserving and enhancing its unique character and it also amongst other things will support, maintain and sustain growth of the existing population and services, support the development of a settlement network along the Shannon Estuary to assist collaborative projects and sharing of assets etc including developing its economic and tourism potential as a stopping point on the Shannon Estuary Way.

SUBMISISON REQUEST

Mr and Mrs Daly require the site to zoned as VGA.

The central location of the site ensured that it was a central focal point where the community congregated, as it is positioned on the corner of the crossroads, and a public house and public park are located across the road.

Given the objectives outlined for the village of Ballynacally in the draft plan, VGA is in the most appropriate zoning for this site given its central location. VGA zoning would ensure that the village would be promoted as a better place to live, work and visit and offer a range of services and community facilities that accords with proper and planning and sustainable development. Further it may assist in the attraction of funding and support from Central Government and other potential stakeholders which would promote a strong and vibrant village and attract new business and appropriate retail and services to serve the need of the village and surrounding hinterland.

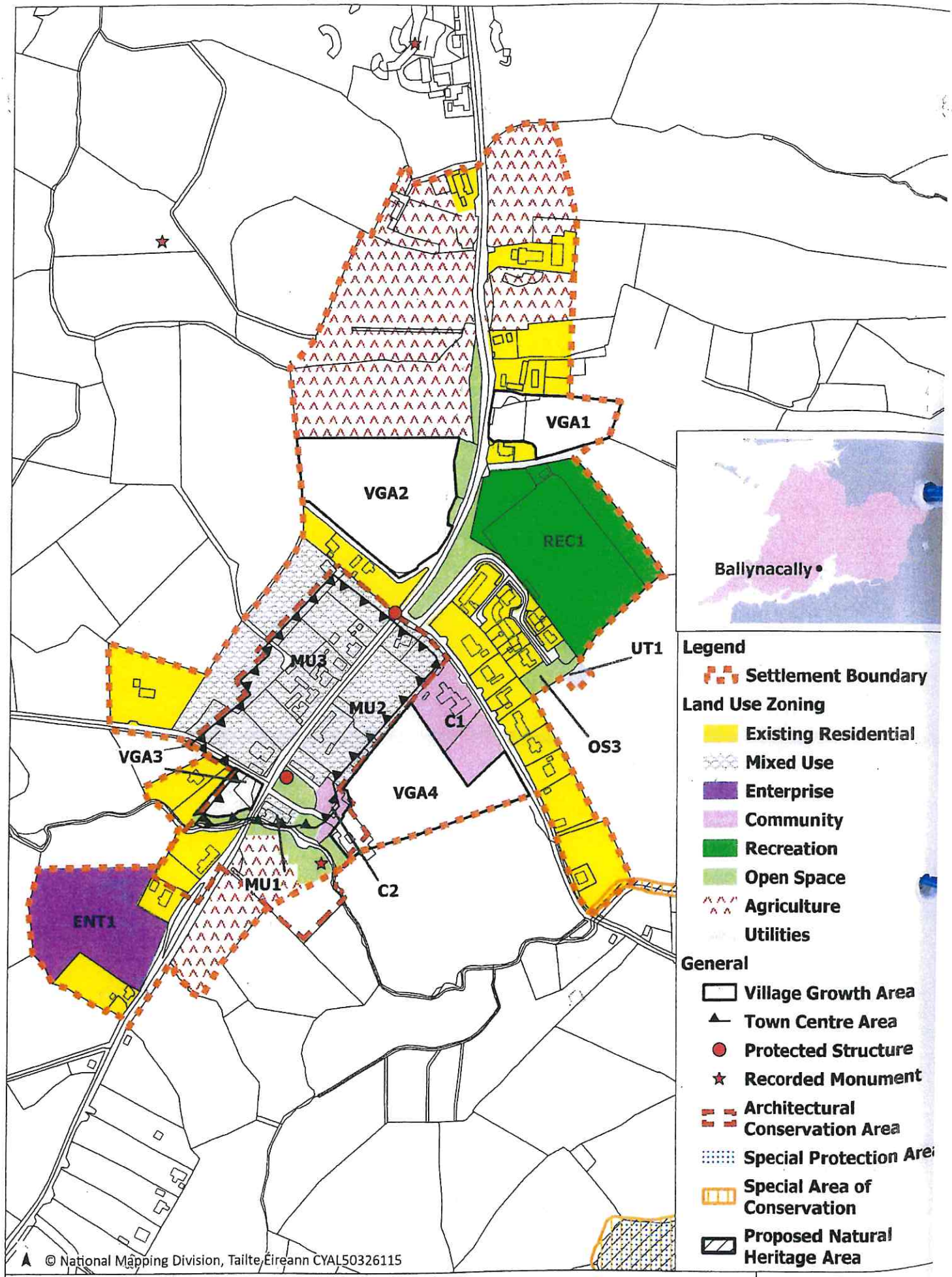
As to the proposal to zone same as agricultural, the site is not suitable for agriculture.

We disagree that the site should also be categorised within Flood Zone A as it would appear that the rationale for zoning is based on OPW National Indicitive Flood Risk mapping 2019. This mapping produced by the OPW was never intended for this purpose and the mapping has a clear caveat that it should only be used as a *screening* flood indicator. There is no previous history of flooding at Ballynacally Village and the Daly premises has never flooded dating back to 19th century. In support of our assertions we enclose herewith Hydrology Report dated the 5th March 2023, commissioned in respect of the VGA3 site and Dalys pub premises located across the road. It is our opinion and that both the VGA 3 site and Daly's pub premises and ancillary area around same is at low flood risk and located in Zone C as opposed to Zone A. An alteration to the categorisation of same is also required before adoption of the Development Plan.

Conclusion

The request of this submission is to retain the site zoned as VGA and that the Regulator and Minister give due consideration to the above in concluding the development plan.

Eugene Daly
Marcella Daly



Clare County Development Plan 2023 - 2029

Ballynacally

Date: April 2023 Not To Scale

Hydro Environmental Ltd
No. 4 Caiseal Riada,
Clarinbridge,
Galway,
Ireland.
Tel/Fax: 091 796734

5th March 2023

Collete Fahy
Patrick F Molony & Co
Solicitors
5 Bindon Street
Ennis, Co. Clare.

RE: Examination of Flood Risk at Ballynacally Co. Clare for county Development Plan zoning 2023 to 2029

Introduction

Anthony Cawley of Hydro Environmental Ltd. was requested by Eugene and Marcella Daly to examine the flooding issues surrounding the proposed land zoning at Ballynacally Co. Clare. The Daly lands located on the northside of a small stream at Ballynacally Villagehas been identified as a fluvial flood risk area. This includes Daly's Bar, which is currently closed, and is located on the downstream, eastern side of They also own the field on the western side of the R473 road adjacent to the Ballynacally Stream.

Flood Hydrology

I have visited the site and examined the subject stream which is contained within a gorge like valley downstream of Ballynacally Road Bridge, refer to Plates 1, 2 and 3 overleaf which show the Daly premises and R473 looking northwards, the Ballynacally Bridge downstream face and dramatic fall in bed level at the bridge and the steep falling stream channel heading east to join the Ballynacally Creek c. 0.5km downstream.

The Ballynacally Stream to Ballynacally Bridge (over the R473) is 7.5km^2 in catchment area. The Stream channel falls steeply through Ballynacally Village in a Gorge like valley and is founded on sheet bedrock with no evidence of further erosion or deposition occurring, making it a stable stream channel reach through Ballynacally. The Ballynacally Road Bridge consists of twin masonry arches providing over 5m^2 in flow area.

This is a small stream of relatively limited catchment area with an estimated 2year flood flow of 2.65 m^3/s and 100year a peak estimated flow of 5.46 m^3/s and at the 1000year (0.1%AEP) a peak flow of 7.16 m^3/s. At the extreme flood flows of 100 and 1000year the bridge capacity is sufficient to discharge downstream without causing significant heading up based on gradient and available bridge opening cross-sectional area.

There is no history of flooding in the Village itself from the Ballynacally stream with the Daly Bar premises dating back to the 19th century. The finish floor level of the Daly Bar is easily 3.5 to 4m above the adjacent stream bed level and the site visit suggests that flood levels do exceed much above 1m in flow depth during flood conditions adjacent to their premises. The Daly Site on the northside of the river upstream (west side) of the road falls down towards the stream channel and only the immediate river bank area at the stream floods. This land in the past has not flooded with a commercial activity on it up to 2005 as reported by Eugene Daly himself. The stream at Ballynacally village is not tidal prone being elevated above maximum tidal flood levels. Approximately 0.5km downstream the stream is tidal.

Rational for Zoning

It would appear that the local authority through their consultants have based the reason for zoning of these lands including Daly's Bar premises site as open space lands appears to be based solely on the OPW National Indictive Flood Risk (NIFR) mapping (2019) (refer to Figure 1 below showing this mapping for Ballynacally Village) as this is used in their risk assessment document and their zoning map.

This mapping produced by the OPW was never intended for this purpose and the mapping has a clear cavate stating that it should only be used as a screening flood indicator for further assessment (refer to copy of cavate at end of this document). The mapping itself is based on relatively coarse lidar DTM, which at best, is accurate to c. 500mm in the vertical. The mapping assumes that the stream and river channel retains 80% of the 2year flood flow and therefore for the 100year which is typically twice as large it is assumed flowing out of channel on the overbanks. No assessment of the actual channel capacity is taken into account by this mapping.

Conclusion

The evidence to date is that no previous history of fluvial flooding at Ballynacally Village has been observed and that the Daly Premises, which is shown by the National Indictive flood mapping as flooding, has never flooded dating back to 19th Century. The site visit suggests, based on significant elevation difference between the ground levels of the site and building and the stream bed that in fact the Daly Bar premises is at low flood risk and located in Zone C. The lands on the upstream side (west) rise reasonably steeply from the River bank northwards to the L2072 and as such the majority of this land is not at risk of flooding.

The OPW national indictive mapping which appears to be the foundation of the Local Authority strategic Flood Risk Assessment for the Ballynacally Village should not have been used for defining flood zones and a more detailed assessment was warranted to support their decision and unfairly impact on the Daly's lands at Ballynacally. As clearly stated by the OPW this NIFR mapping is only meant for screening purposes as a potential flood risk indicator and not for defining flood zones A,B and C.

Yours sincerely

Anthony Cawley B.E. M.Eng.Sc (Hydrology) C.Eng. M.I.E.I.
Consulting Hydrologist
On behalf of Hydro Environmental Ltd.

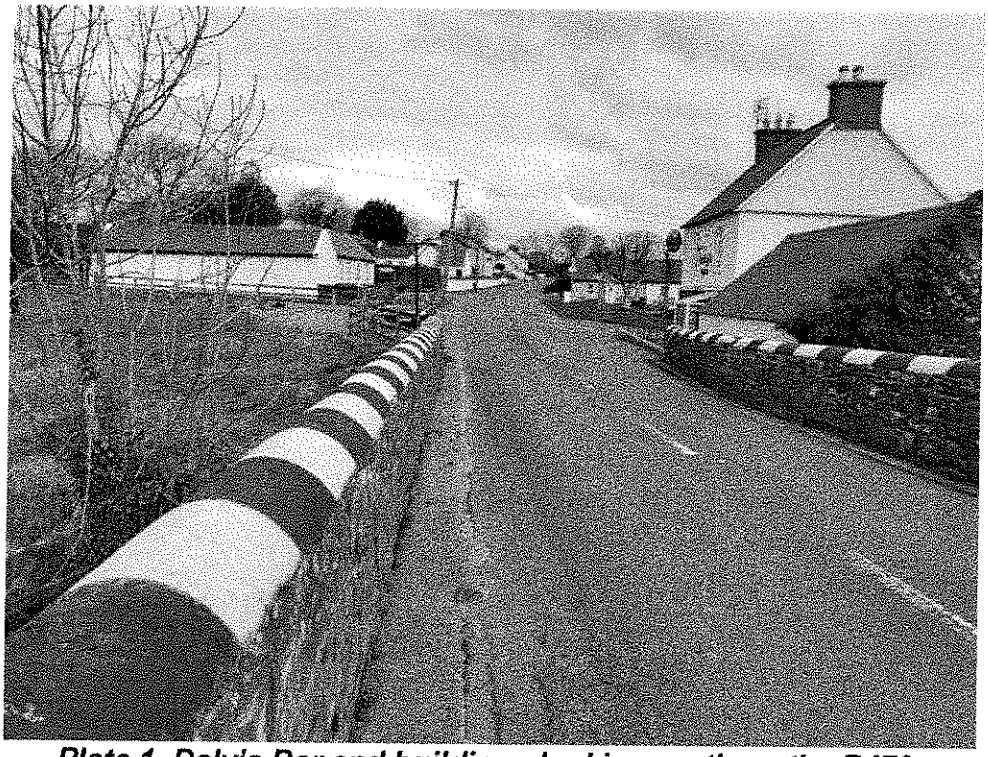


Plate 1 Daly's Bar and buildings looking north on the R473.

Plate 2 View of gorge like river channel heading east downstream of Ballynacally Bridge

Plate 3 Ballynacally Bridge twin Arches and sudden drop in riverbed founded on bedrock adjacent to the Daly Bar Premises.

Figure 1 National Indictive Flood Mapping (100year)