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Planning Department
Clare County Council
New Road
Ennis
County Clare



25th March 2022

Re: Submission on proposed revisions to Clare County development plan.

Dear Sir/Madame,

On behalf of my clients Mr Gearóid Barron of [REDACTED], and Mr Ruairí Brennan of [REDACTED], we wish to lodge the following submission respect of the proposed revisions to the Clare County Development Plan. This submission is in respect of lands at Newpark, immediately off Cappahard Lane. Mr Barron and Mr Brennan are joint owners of the site

This land is the subject of a planning application reference number P21/746 which is now at the latter stages of assessment, with a detailed further information submission having recently been lodged.

The area of land is shown on the attached extract from the Proposed Development Plan labelled SR6, (Fig 1 below) and the full extent of the lands as lodged with the planning application is attached as Appendix 1.

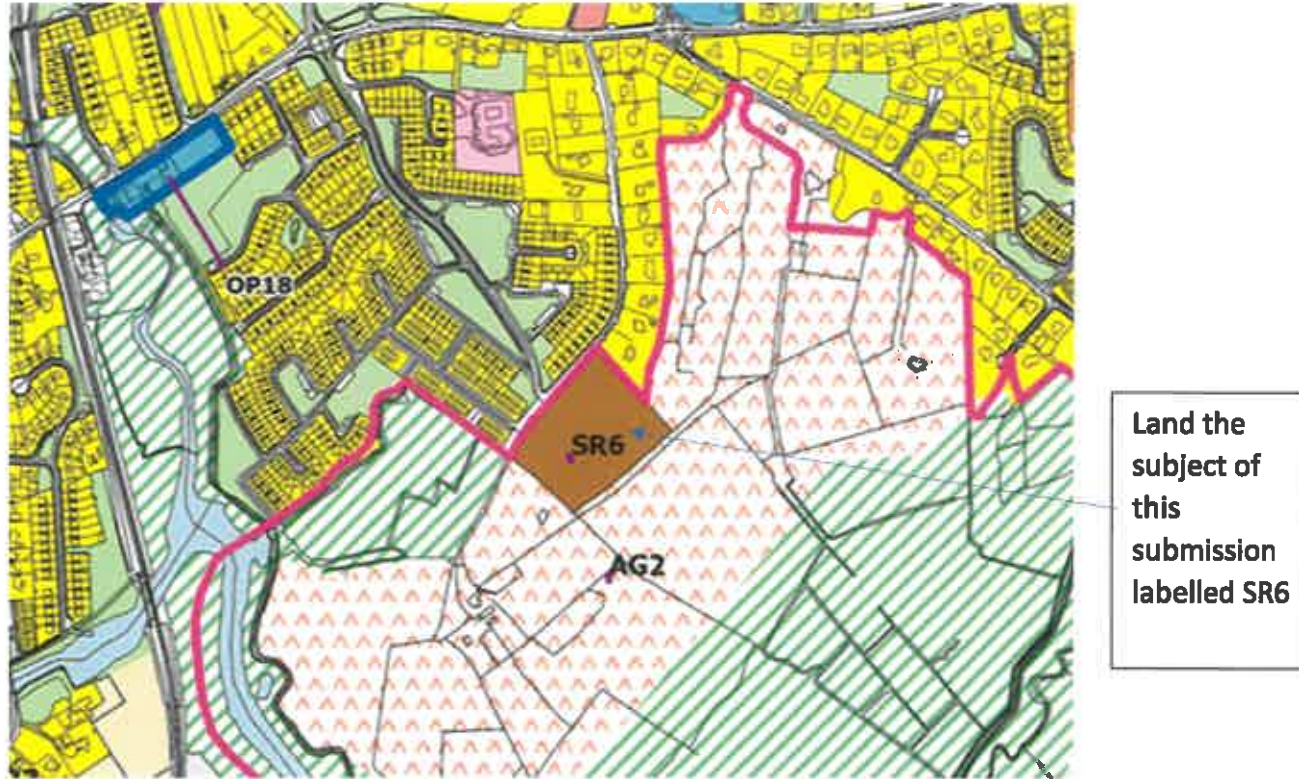


Fig 1. Extract from proposed revisions to Development plan.

We note from the proposed development plan that it is proposed to change the zoning of this land from *Low-Density Residential* development to ***Strategic Residential Reserve***. The land in question is also shown as being outside of the pink line outline on the zoning map accompanying the proposed plan. From the legend this seems to indicate the areas of “transformational sites”, though it may also refer to the settlement boundary.

We wish to give the following reasons why the proposed change in zoning should not be effected and why the site in question should be retained as *Low Density Residential* use and should be included within the area considered suitable for immediate development.

1. Paragraph 3.4.1 of the proposed Core Strategy indicates the importance of the inclusion of a certain amount of Low Density Residential use being provided, not to exceed 20% of the total housing requirement. We believe that provision should be made in the plan for a sufficient amount of low density residential use if this part of the Core Strategy is to be successfully achieved, and that this site should be included therein.

An important element of Section 28 guidance in regard to the provision of housing in towns and villages in the country is that provision should be made to provide for an alternative to Urban Generated Rural Housing (*see paragraph 6.3(d) of the Strategic Residential Development in Urban Areas, 2009, Section 28 document*). This can only be done if specific areas on the peripheries of towns are zoned to provide a quantum of low-density housing.

2. It is important that the zoning for any specific site should take into account the existing pattern of development, and indeed this is a phrase which is frequently used by an Bord Pleanála in its decisions.

The pattern of development on this side of Cappahard Lane is that of low-density houses on their own sites, albeit that they are connected to waste and water services. It is important that there should be some provision in a town such as Ennis for such housing. The present planning application before the planning authority for this site has responded to the existing surrounding pattern of

development by the provision of larger individual houses facing onto Cappahard Lane, with a somewhat more medium-density development to the rear. Indeed, this was negotiated with the planning authority in advance of the application. This is a desirable form of housing both in the context of supplying a specific need and in the context of responding to an existing developmental pattern.



Fig 2. Combination low and medium density development in current application. View over Cappahard Lane.

3. The Core Strategy document contained within the Proposed Development Plan suggests a housing allocation of 1463 houses for Ennis during the lifetime of the upcoming plan. The suggested densities given in the Core Strategy state that housing land should be developed at between 30 and 15 units per hectare, giving a land requirement as stated in the Core Strategy of 48.6 ha., approximating to some 31 units per hectare, certainly at the higher end of the projected range. In response to this, a total amount of land of 87 ha. is proposed to be zoned for residential use. However, this includes those areas zoned as strategic residential reserve which will not be brought into use unless all other areas are developed first. We would also repeat the point that paragraph 3.4.1 of the core strategy suggests a low-density provision of up to 20% of the total housing demand. This is included in response to mandatory government

guidelines under section 28 which stress the importance of making provision for a type of housing which will provide an alternative to one-off rural houses in the countryside.

If one takes a total housing demand for the Ennis area of 1463 and allow for 20% to be of a lower density type housing, this will equate to some 293 houses. Allowing a low-density provision of 10 units per hectare (4 per acre), this in turn would amount to some 29 ha. This places in context the overall zoning provision of 87 ha., and if this figure of 29 ha. is deducted, this results in 58 ha. available for higher density housing. It appears that from this must also be deducted those areas indicated as *Strategic Residential Reserve*. It is clear that if all of the remaining land is not brought forward for development, or if some of those areas which have been zoned are found during the course of the planning application process or during preplanning discussions to have specific characteristics which militate against higher density development or indeed which preclude their development at all, then that there may not be a sufficiency of land zoned within the plan to meet the requirements of the Core Strategy for the likely growth in population of the town of Ennis.

4. While one accepts that the population targets given for in the Core Strategy are derived from population projections given by the regional strategy group, it is clear that we are entering a period of significant instability worldwide and that there is likely to be very substantial inward migration into Ireland over the next decade. Even allowing for the government's present prediction of 200,000 refugees coming to Ireland as a result of one specific crisis, that in Ukraine, it is clear that the population projections for Ennis may be significant underestimates. It is therefore necessary that some flexibility be shown in terms

of the projected land provision contained in the upcoming plan which will set the total housing provision for Ennis up to the end of this decade.

5. We point out that the land subject of the submission is serviced and capable of immediate development. It is within easy walking distance of significant facilities including shopping and schools. It is easily accessible to the motorway system. It would be very regrettable if an area of land which is suitable for development and which is ready for development could not be granted permission because of the provisions of the development plan, particularly at a time of housing shortage. There is a real danger that an over-rigid application of the Core Strategy system may result in housing bottlenecks at a time when Ireland is experiencing a significant housing crisis and one which is likely to be exacerbated by the climate of international uncertainty mentioned above.

6. The exact meaning of the pink line as shown on the Ennis zoning map contained in the proposed plan is unclear, but it would appear to delineate sites which are suitable for development. In view of the above submissions, we would argue that the land the subject of this submission should be brought back within that pink line area as it is eminently suitable for development subject to the retention of its existing zoning as suggested above.

7. While it may be argued that the present planning application will be assessed under the current Development Plan, nevertheless it must be borne in mind that in the event of a third-party appeal, which frequently happens in the case of a substantial housing application, that if the Development Plan is changed during the course of the appeal, that an Bord Pleanála will be entitled to take into account the revisions to the development plan and not just the zoning which

existed at the time the planning application was lodged. This is a critical matter and must be taken into account by the planning authority in determining whether to make the dramatic change proposed to the zoning.

As the planning authority will be aware it can be difficult to bring elements of land forward for development given the level of detail now required to lodge a planning application, including detailed environmental reports. Is it not appropriate therefore, that the planning authority should have regard to current planning applications on land lodged under an existing plan before effecting change to an upcoming plan?

It should also be borne in mind that these two landowners have combined to lodge a planning application on this site at the request of the Planning Authority. Detailed and the protracted preplanning discussions were engaged in and the application process has been ongoing since July 2021. To effect a radical change to the zoning of the site now as a decision on a substantial application is about to be made is most unfair to the landowners who have invested substantially in the site in recent years.

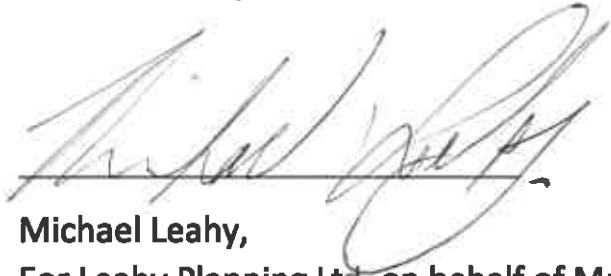
Conclusion.

We request that the area of land in question be retained as *Low Density Residential* development zoning and that the description accompanying the parcel of land should indicate a lower density development particularly along

the Cappahard Lane side. We also request that the area of the site be clearly included as being within the developable area of the Ennis settlement.

We trust that you will take this submission into account, and I would be obliged if you could acknowledge receipt of this submission quoting an appropriate reference number to the undersigned.

Yours sincerely,

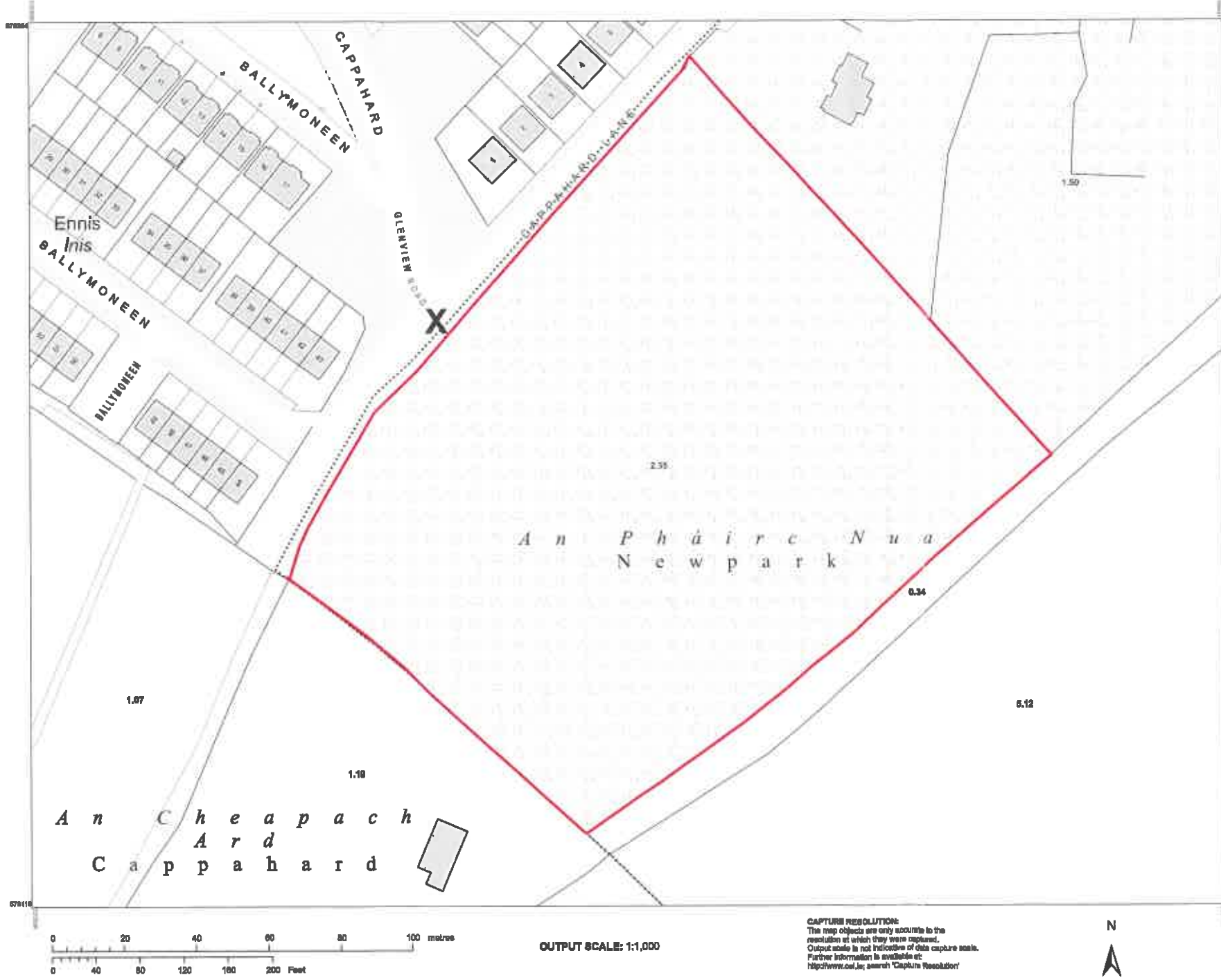
A handwritten signature in black ink, appearing to read 'Michael Leahy', written over a horizontal line.

Michael Leahy,
For Leahy Planning Ltd. on behalf of Mr Gearóid Barron and Mr Ruairí Brennan

Appendix 1

Map showing full outline of land

Planning Pack Map



CENTRE COORDINATES:
ITM 635235,678241

PUBLISHED: 25/11/2020 ORDER NO.: 80157821_1

MAP SERIES: 1:1,000 1:2,500 MAP SHEETS: 4284-24 4284-D

Site Outlined in Red.
Location of Site Notice Shown Thus: X

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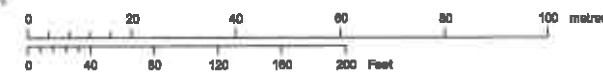
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OUTPUT SCALE: 1:1,000



Purpose / Issue	Status	Scale @ A2	Project No.	Originator	Project	Client	Layout Title	Revision														
		1:1000		Leahy plan Ltd, Ltd, Mill Road House, Mill Road, Ennis, Co. Clare, Ireland. mlchan@leahyplanning.com	Planning Development Newpark #Building Name	Mt O'Garra	OS map- Site Location map	<table border="1"> <thead> <tr> <th>RevID</th> <th>Issued</th> <th>Approved By</th> <th>Issue Date</th> <th>Description</th> <th>Status</th> <th>Approved by</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	RevID	Issued	Approved By	Issue Date	Description	Status	Approved by	1						
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