

# **Draft Clare County Development Plan Submission**

Spanish Point Homes  
March 2022





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# 1. INTRODUCTION

We note that The Development Plan Review for Clare County Council is currently in Stage 2: Draft Stage. On behalf of our client, Spanish Point Homes c/o Mr. Paddy Egan, we wish to make a submission to Clare County Council in relation to the Draft Clare County Development Plan 2023-2029, published on 10<sup>th</sup> December 2021 and will be on public display and open for consultation up until Monday 28<sup>th</sup> March 2022. Our client is the owner of lands at Leagard South, Spanish Point, Co. Clare as indicated on Map 01 attached.

The subject lands are located at Leagard South, Spanish Point within the Spanish Point development boundary and are currently in agricultural use. The lands are zoned Open Space in the Clare County Development Plan 2017 – 2023. Clare County Council propose to maintain the Open Space zoning of the lands in the Draft Clare County Development Plan.

It must be noted that planning permission for 54 no. dwellings on lands directly north of the subject lands was granted in 1997. This permission in 1997 was followed with a number of additional permissions for dwellings to the north of the subject lands demonstrating a clear principle for residential development in this location of Spanish Point. A number of the 54 dwellings have now been built out and the lands immediately to the north of the subject lands are built on or about to be constructed. See planning history section below. Therefore, the principle of residential development on the lands in this area has been accepted by County Clare Council from both a policy and development management perspective.

It is considered that a change of zoning from open space to residential is warranted and in accordance with proper planning and sustainable development of the area.

## 2. SITE LOCATION AND CONTEXT

The subject lands are located within the Spanish Point development boundary as defined by the current Clare County Development Plan and settlement plan for Spanish Point. Figure 1 below indicates the location of the site is adjacent to a residential settlement that is currently the subject of several constructed dwellings. The site is greenfield, and the lands are currently used for agricultural purposes and are not in use for open space or public amenity.



Figure 1 Showing the Site Location (Site outlined in Red Line) Source: Google Maps

The lands are estimated to measure 1.2 hectares (approx. 3 acres) with a flat topography and are secured on all boundaries by traditional stone walls. The lands are serviced with existing public water, and surface water connections. Spanish Point is supplied with water from the West Clare Regional Water Supply and Miltown Malbay Water supply scheme with water treatment plants at Old Doolough and Rockmount. We understand there is sufficient capacity from the treatment plant to cater for the target population. In addition, the lands are fully accessible to vehicular and pedestrian traffic. See Photograph 1 and Photograph 2 below for the existing access.



Photograph 1 Showing Existing Access to Site from L2108



Photograph 2 Showing Existing Access to Site from L2108



Figure 2 Showing the Road Connection to the Site Source: MyPlan.ie

The subject lands are directly linked to services in Spanish Point via an existing footpath along the Public Road (L2108). L2108 also adjoins to the R482 regional road and N67 which is a national secondary road (see Figure 2). The subject lands are supported by an existing roadway linking the subject lands to the public road, this roadway was the subject of a substantial upgrade to include a 1.5m wide footpath along the northern boundary of the subject lands and a 65mm tarmacadam finish on the roadway. This upgrade was granted planning permission under Planning Register Reference 12-693 and has recently been completed (see planning history). Images of the existing development shown below. It can also be noted

that the lands are connected to the public road via recently constructed link road with appropriate footpath provision also.



*Photograph 3 Showing the Footpath Provision Linking the Site and Public Road*



*Photograph 4 Showing the Upgraded Road*

Map 1 attached at the end of this submission also shows the site in context to its surroundings.



### 3. CLARE COUNTY DEVELOPMENT PLAN 2017-2023

#### 3.1 Zoning

The subject lands are identified for Open Space in the current Clare County Development Plan, 2017 to 2023 as varied. The general zoning objective for Open Space reads as follows:

*“It is intended that lands zoned ‘open space’ will be retained as undeveloped open space, mainly for passive open space related activities. The open space/park areas could contain active play facilities such as children’s play areas but these would only be a small component of the overall areas involved. ”*

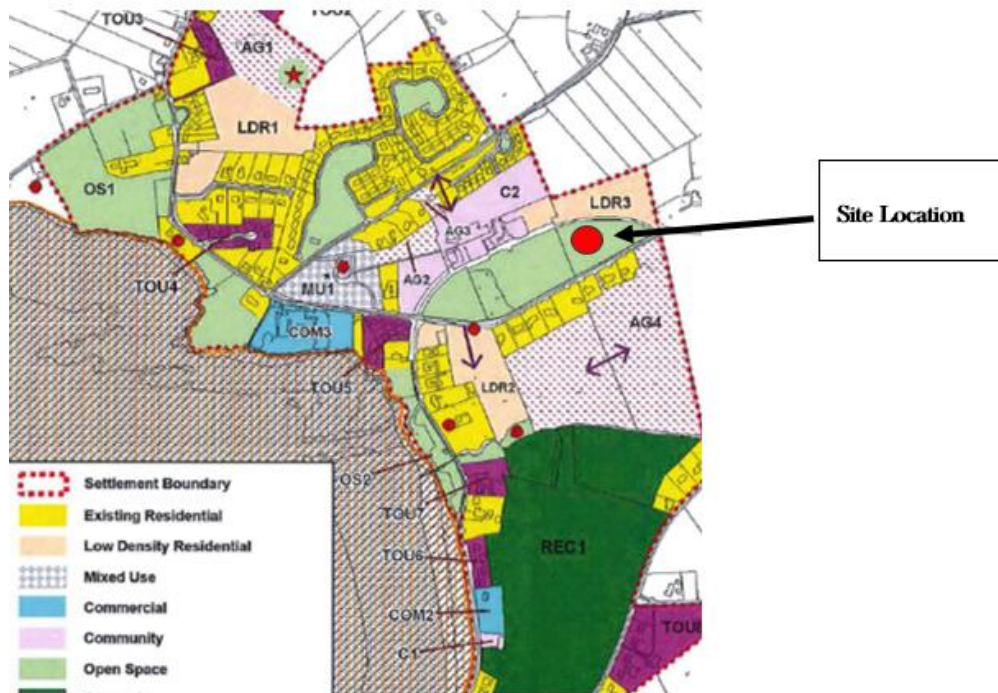


Figure 3 Showing the Land Uses of Subject Site Source: Clare County Development Plan 2017-2023 as varied

It is noted that over the lifetime of this plan the subject lands were never used as Open Space or for any passive open space related activities. Furthermore, Spanish Point is well served by several pockets of Open Space zoning.



3.2

## Former Zoning

Prior to the current ‘Open Space’ zoning the lands were identified as ‘*Other Settlement Lands*’ as seen in Figure 4 below.

North Clare Local Area Plan 2005 outlined the principle aim of ‘Other Settlement Zoning’ zoning ‘*to conserve and enhance the quality and character of the area, to protect residential amenity and allow for development appropriate to the sustainable growth of the settlement*’.

It is important to note that the majority of the lands that were zoned as ‘Other Settlement Land’ at the same time as the subject site were then rezoned to residential or developed as residential dwellings.

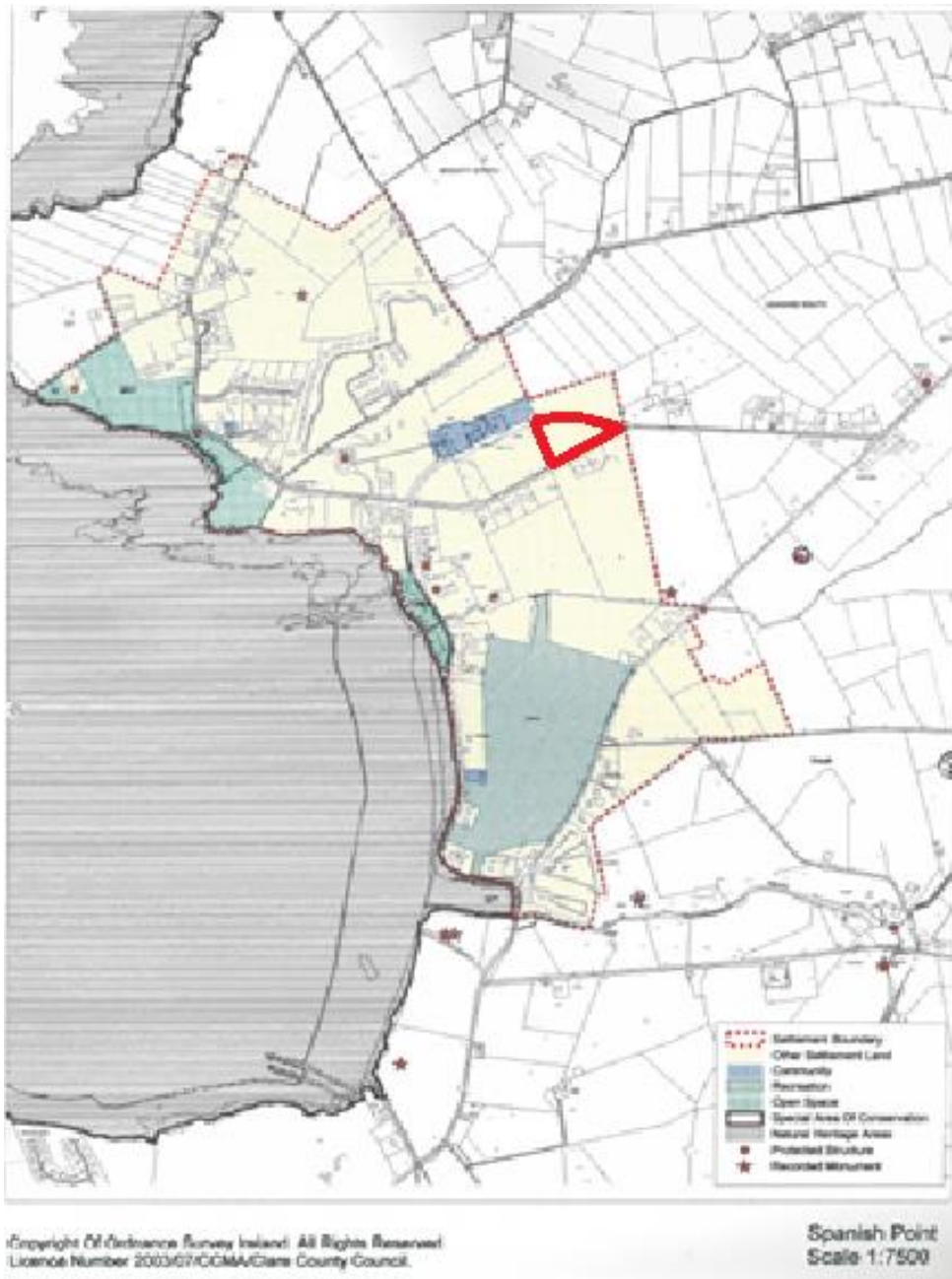


Figure 4 Zoning map (Site Location outlined in Red Line) Source: North Clare Local Area Plan 2005

3.3

## Development Constraints

Following a desktop study of the site, no immediate constraints were outlined regarding flooding or designated biodiverse areas. The closest Special Protection Area is Mid-Clare Coast (Site Code 004182) and Special Area of Conservation are the coastal lagoons along Carrowmore Point to Spanish Point (Site Code: 001021). These areas are approximately a 10-minute walk (approx. 850m) from the site and therefore the SAC and SPA would not be affected by residential development in the area.

In regard to flooding, see Figure 5 below. There is no obvious risk of flood events on the proposed lands. The lack of flooding and biodiversity constraints, along with the location and nature of the subject site demonstrate the suitability of the lands for residential zoning.



Figure 5 Map showing development constraints in the area (Site indicated with Red Star)  
Source: Myplan.ie

4.

## PLANNING HISTORY

A desktop study was carried out on the Clare Galway County online portal and the results show there has been a number of planning applications on the subject lands and immediate surrounding lands. It is considered that the suitability of the lands for residential development is endorsed by recent planning history and road infrastructure upgrades. See Table 1 below.

Planning Ref.	Date Received	Decision	Date	Description
051279	14/07/2005	Refused	26/01/2006	To construct 14 no. dwellinghouses to be occupied as permanent residences or holiday homes, with sewage treatment plant, site works, landscaping, site signage and connections to public services. Appealed to ABP and ultimately refused.
17884	20/11/20017	Granted (Conditional)	19/01/2018	For development which will consist of the construction of a dwelling house, garage, a proprietary waste water treatment system and ancillary site works
042619	16/12/2004	Refused	18/02/2005	To construct 40 no. dwelling houses to be occupied as permanent residences or holiday homes, with sewerage treatment plant, site works, landscaping and connections to public services
1264	08/02/2012	Granted (Conditional)	21/10/2012	For development which will consist of the demolition of existing dwelling and the construction of new dwelling house and connect to existing septic tank and associated site works
20226	01/04/2020	Granted (Conditional)	01/04/2020	To build a new dwelling, install a wastewater treatment system and all associated site and ancillary works
11696	20/10/2011	Granted (Conditional)	06/02/2012	To construct a new dwelling house and private garage to include sewage treatment system and all other necessary ancillary services
16966	12/12/2016	Granted (Conditional)	09/02/2017	To construct a dwelling house, garage, proprietary waste water treatment system and ancillary site works
12693	16/11/2012	Granted (Conditional)	05/07/2013	To increase the width of the existing 4m wide one way traffic road to a 6m wide two way traffic road including the construction of 1.5m wide footpath and ancillary site works
97164	14/02/1997	Granted (Conditional)	19/05/1997	Construct 54 houses, site development works, with provision for treatment plant
97289	07/03/1997	Granted (Conditional)	04/12/1997	Construct dwelling house on Site No. 11
971430	04/11/1997	Granted (Conditional)	22/12/1997	Construct dwelling house and private garage
98743	22/05/1998	Granted (Conditional)	13/07/1998	Construct a dwelling house, garage and to connect all site services

98747	22/05/1998	Granted (Conditional)	14/07/1998	Construct a dwelling house, garage and to connect all site services
98744	22/05/1998	Granted (Conditional)	14/07/1998	Construct a dwelling house, garage and to connect all site services
98748	22/05/1998	Granted (Conditional)	14/07/1998	Construct a dwelling house, garage and to connect all site services
98749	22/05/1998	Granted (Conditional)	14/07/1998	Construct dwelling house, garage and to connect all site services
981143	24/07/1998	Granted (Conditional)	21/09/1998	Construct a dwelling house and garage and connect to all site services
991290	05/07/1997	Granted (Conditional)	02/09/1999	To construct holiday home on site no. 38 Westpark

## 5. PROPOSED DRAFT CLARE COUNTY DEVELOPMENT PLAN 2023-2029

The Draft Clare County Development Plan 2023-2029 Volume 3d West Clare Municipal District Settlement Plan identifies Spanish Point as a Small Village. The written statement comments that the Core Strategy has taken the following into account - *Accommodating local growth at a scale appropriate to the settlement size and function in the Service Towns, Small Towns and Large Villages.*

To accommodate local growth, appropriate lands within existing residential clusters are required. Spanish Point has a relatively rural character with sufficient community services. The Draft also comments that:

*Their (small villages) attractive character and community infrastructure, provide opportunities for sites for independent development and low-density cluster style residential developments to act as viable alternatives to single housing in the countryside.*

**Development Plan Objective CDP 4.8b** for Small Villages states it is an objective of the Clare County council: *b) To ensure that future growth is incremental and small scale in nature, and is relative and appropriate to the scale, size, and character of the village and to seek to achieve centre out compact growth.*

The proposal to rezone the lands at Spanish Point from Open Space to Residential is in accordance with the outlined statements in the Draft Plan. Residentially zoned lands would facilitate cluster-style residential development on the subject sites and would blend in with the current uses of directly surrounding lands.

### 5.1 West Clare Municipal District Settlement Plans

**Strategy for Growth and Sustainable Communities** in Spanish Point states that:

*'...The strategy for the sustainable growth of the village and its community is through consolidation and regeneration that promotes compact sequential growth and supports and strengthens a sustainable village community and its rural hinterland... This will be achieved by*



*encouraging small scale growth in areas which make a positive contribution to the overall enhancement of the village and sustains it into the future.”*

The proposed area to be zoned for Residential Use is situated within a cluster of existing residential dwellings as evident in the Land Use Map from the Draft Plan. Residential Development on the proposed site will be promoting compact sequential growth as suggested in the Strategy for Growth and Sustainable Communities.

5.2

## Zoning

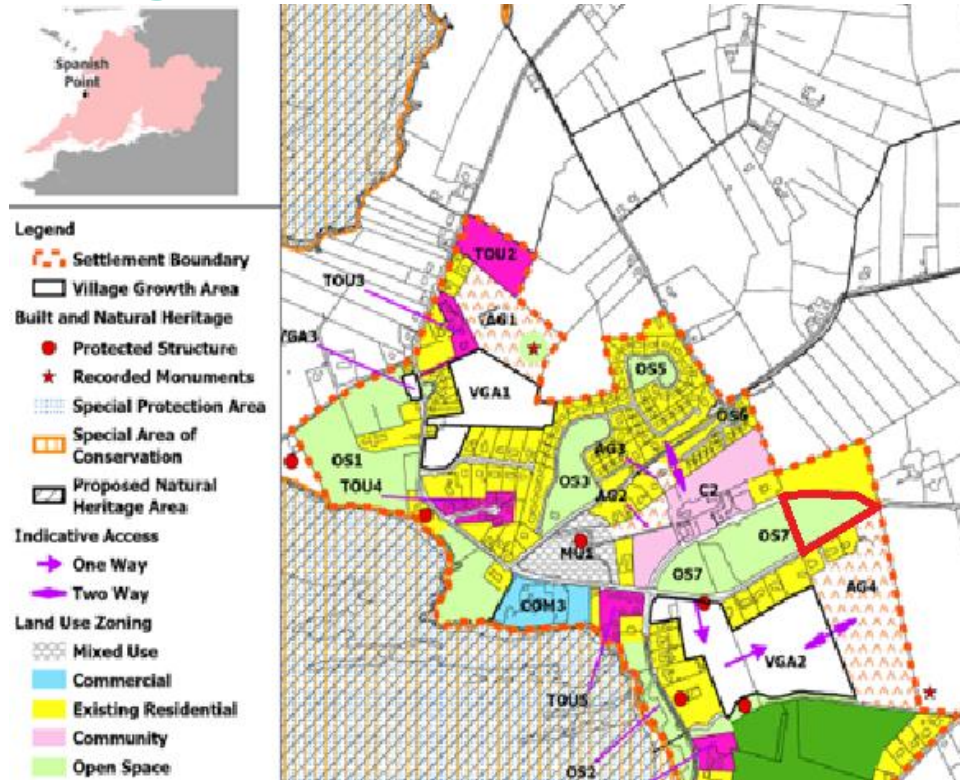


Figure 6 Zoning Map Source: Draft Clare County Development Plan 2023-2029 (Site outlined in Red Line)

West Clare Municipal District Settlement Plan comments that -

*It is intended that lands zoned ‘open space’ will be retained as undeveloped open space, mainly for passive open space related activities. The open space/park areas could contain active play facilities such as children’s play areas, but these should only be a small component of the overall areas involved.*

According to the Land Use Map (Figure 6), it is evident that there are multiple other spaces zoned for Open Space, such as the lands directly west to the proposed site which could be use as alternatives to the subject site.

Areas specified as VGA1, VGA2 and VGA3 are zoned for Village Growth. They are situated in clusters of existing residential areas and will continue to populate Spanish Point in a compact and therefore sustainable manner. The lands owned by our client are surrounded by a similar pattern of lands as the Village Growth Areas, with existing residential development directly to the north and south of the site. Additionally, VGA3 was previously zoned as Open Space in the Clare County Development Plan, 2017

to 2023 as varied. Prior to this, lands located at VGA1,2 and 3 were all zoned for ‘Other Settlement Lands.’ Similarly, to the proposed site, it can be considered as an infill location and therefore is appropriate for residential development. Same consideration for rezoning should be given to our subject site.

## 6. THE PLANNING CASE

The extent of our client’s landholding is pictured in Figure 1 attached. This submission seeks one main outcome – for the lands currently owned by our client which are zoned as ‘Open Space’ in the current Development Plan and are proposed to remain ‘Open Space’ in the Draft Clare Development Plan 2023-2029, to be changed to Residential zoning.

As part of the planning case to provide a residential zoning on the client’s lands, it is requested the Planning Authority note the following:

- This part of landholding is not identified within a flood risk zone as per a desktop study via OPW Flood Risk Management Map and Flood Maps.
- The lands are located in a strategic location, 400m from the main street in Spanish Point and 650m to Milntown Bay, Spanish Point’s linked settlement.
- The subject site is connected to Spanish Point via an established vehicle and pedestrian infrastructure. The subject lands are directly linked to services in Spanish Point via an existing footpath along the Public Road (L2108).
- The subject lands are supported by an existing roadway linking the subject lands to the public road, this roadway was the subject of a substantial upgrade to include a 1.5m wide footpath along the northern boundary of the subject lands and a 65mm tarmac finish on the roadway. This upgrade was granted planning permission under Planning Register Reference 12-693 and has recently been complete.
- A precedent for residential development is set and well established in the area - Planning permission for 54 no. dwellings on lands directly north of the subject lands was granted in 1997. This permission in 1997 was followed with a number of additional permissions for dwellings to the north of the subject lands demonstrate a clear principle for residential development in this location of Spanish Point. A number of these have been built or in the process of being built.
- The subject site is surrounded by clusters of residential development directly south and north of the lands. Other undeveloped lands which are located in similar clusters are zoned as “Village Growth Areas” and facilitate residential growth in the village.
- The lands were previously zoned as ‘Other Settlement Lands’ before they were de-zoned to Open Space. The majority of similar sites that were also zoned ‘Other Settlement Lands’ have either been zoned for residential development or have already been developed/have permission for development.
- Recent road infrastructure upgrades further endorse the suitability of the area and site for residential development. The Council has not, it would appear, provided sufficient justification to zone such developable and suitably located lands for Open Space.
- The site is located just a 5-minute walk from Saint Joseph Secondary School in Spanish Point.



- A number of amenities are located within walking distance of the site e.g., Spanish Point Beach, Golf Course, Hotels, Bars and restaurants.

## 7. CONCLUSIONS AND OUTCOMES SOUGHT

This submission has been prepared regarding the Draft Clare County Development Plan 2023-2029. This submission requests that the Planning Authority give consideration to the potential of our client's lands at Leagard South, Spanish Point, Co. Clare, and to change the lands zoned 'Open Space' to 'Residential'. In conclusion it is considered that the proposed zoning of the entire site for open space use is unwarranted and excessive: The outcome sought is set out below:

### Outcome Sought

- Residential Zoning on the subject lands.

It is considered the above scenario acknowledges the current zonings and specific characteristics of the subject lands. The lands are serviceable and accessible and if appropriately zoned for Residential development will serve to assist in the delivery of addressing the exiting and future housing requirements of Spanish Point and County Clare.

We respectfully request that the Planning Authority give due consideration to these matters in the preparation of the forthcoming plan. The submission is also supported with a statement from DNG Estate Agents confirming a demand for housing in Spanish Point, this statement is appended to the submission.



Map 1: Aerial View of Site Context



# **APPENDIX 1**

- Enclosed Statement from Estate Agents

Mr. Paddy Egan,  
Spanish Point Homes  
Spanish Point,  
Co. Clare.

14<sup>th</sup> March, 2022.

Dear Paddy,

**Re: Lands at Leagard South, Spanish Point ( [REDACTED] )**


With regard to the above lands which are located directly across from where we have sold all the current sites.

I can confirm that particularly since the pandemic and the working from home concept have made Spanish Point and many areas along the West Coast a very popular permanent residential location. Currently there is a big shortage of available homes in the Spanish Point location, I currently do not have any homes for sale in this area.

Since we sold the last one of the sites directly across from these lands I have been inundated with inquiries for more sites in this location. The majority of these inquiries are from people looking to build their permanent home in this location.

Which of course will have a great knock on to the local community if more families are in this location on a permanent basis, in terms of the local schools, sports clubs, shops etc.

Should you have any queries please do not hesitate to contact me.

  
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