

# **SUBMISSION TO DRAFT CLARE COUNTY DEVELOPMENT PLAN 2023-2029**

**Parcel I Lands at Ashline, Kilrush Road, Ennis**

Harnett Homes & Estate Developers Limited

Issue: A

Customer Project Number: 4951

Customer Document Number:

## Document Sign Off

# SUBMISSION TO DRAFT CLARE COUNTY DEVELOPMENT PLAN 2023-2029

## Parcel I Lands at Ashline, Kilrush Road, Ennis

Harnett Homes and Estate Developers Limited  
Issue A

File No: 4951

CURRENT ISSUE					
Issue No: A	Date: 25.03.22	Reason for issue: Submission to Draft Clare County Development Plan 2023-2029			
Sign Off	Originator	Checker	Reviewer	Approver	Customer Approval (if required)
Print Name	Mandy Coleman	Paddy Coleman		Mandy Coleman	
Signature	<b>Authorised Electronically</b>				
Date	25.03.22	25.03.22		25.03.22	

PREVIOUS ISSUES							
Issue No	Date	Originator	Checker	Reviewer	Approver	Customer	Reason for issue

## **1.0 INTRODUCTION**

P. Coleman & Associates, Architects, Engineers and Planners have been appointed by Harnett Homes and Estate Developers Limited to prepare a submission to the Draft Clare County Development Plan 2023-2029 (Draft Plan) with specific reference to the land-use zoning proposed for Ennis town. Our Client is seeking to amend the zoning objective of the subject site identified as Parcel I from ‘Open Space’ and rezone to ‘Agriculture’ use.

The submission will be outlined as follows:-

### **Section 2: Subject Site**

This section provides a description of the subject site and its context.

### **Section 3: Planning Context**

This section outlines the current zoning objectives for the subject site.

### **Section 4: Zoning Objective of the Draft Plan**

This section outlines the proposed land use zoning for the subject site as defined in the Draft Plan.

### **Section 5: Requested Amendments**

This section sets out the case for the proposed zoning request

### **Section 6: Conclusion**

This section summarises our case for the requested amendment.

## **2. SUBJECT SITE**

The subject site, outlined in red in Figures 1 and 2 below and identified as Parcel I, is located in the townland of Cahircalla More, Ashline on the western side of Ennis town. The subject land forms part of a larger landholding owned by our Client which was split by the development of the N85 Western Relief Road.

Parcel I is located on the southern side of the N68 and has direct access onto the N68. This parcel is triangular in shape and is surrounded by agricultural land. This parcel is relatively flat and contains some mature tree species. It is currently in agricultural use as grazing for horses.

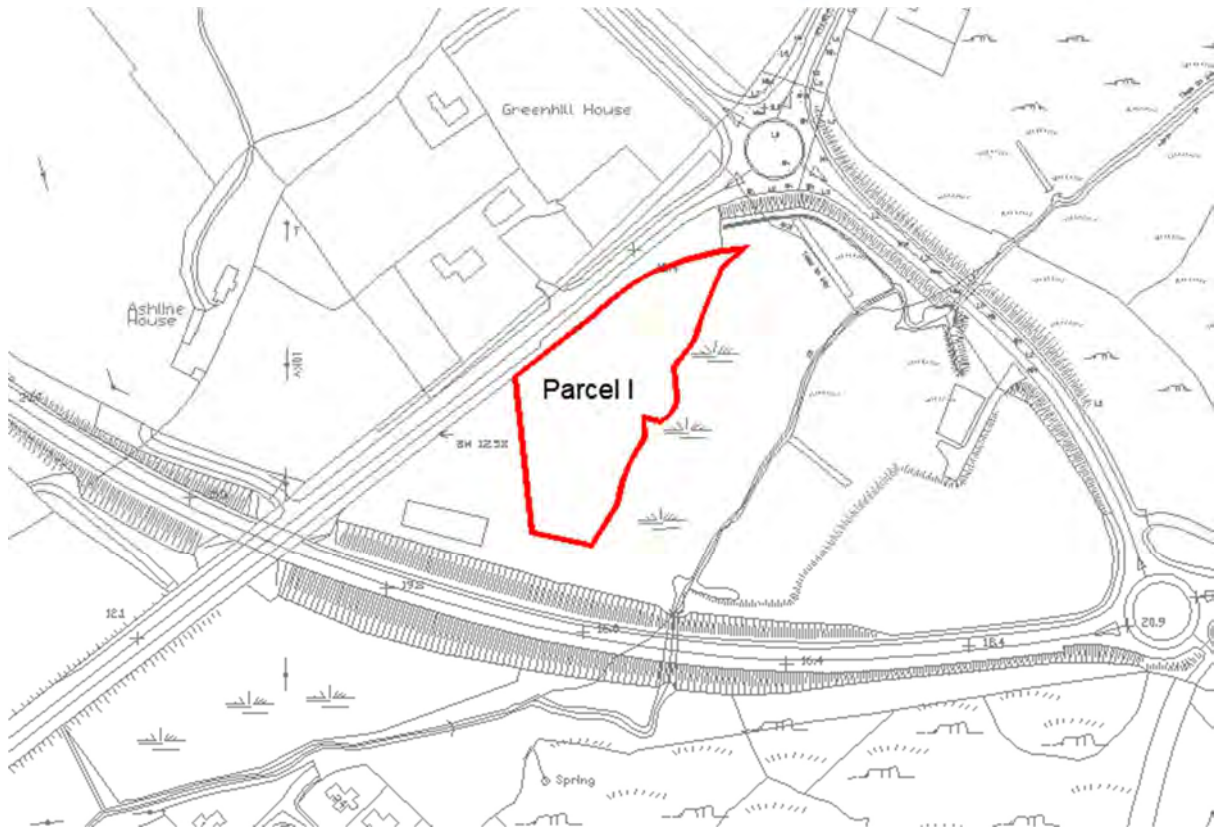


Figure 1 – Site Location Map - Subject Site outlined in Red



Figure 2 – Aerial Image – Subject Site outlined in Red

### 3.0 PLANNING CONTEXT

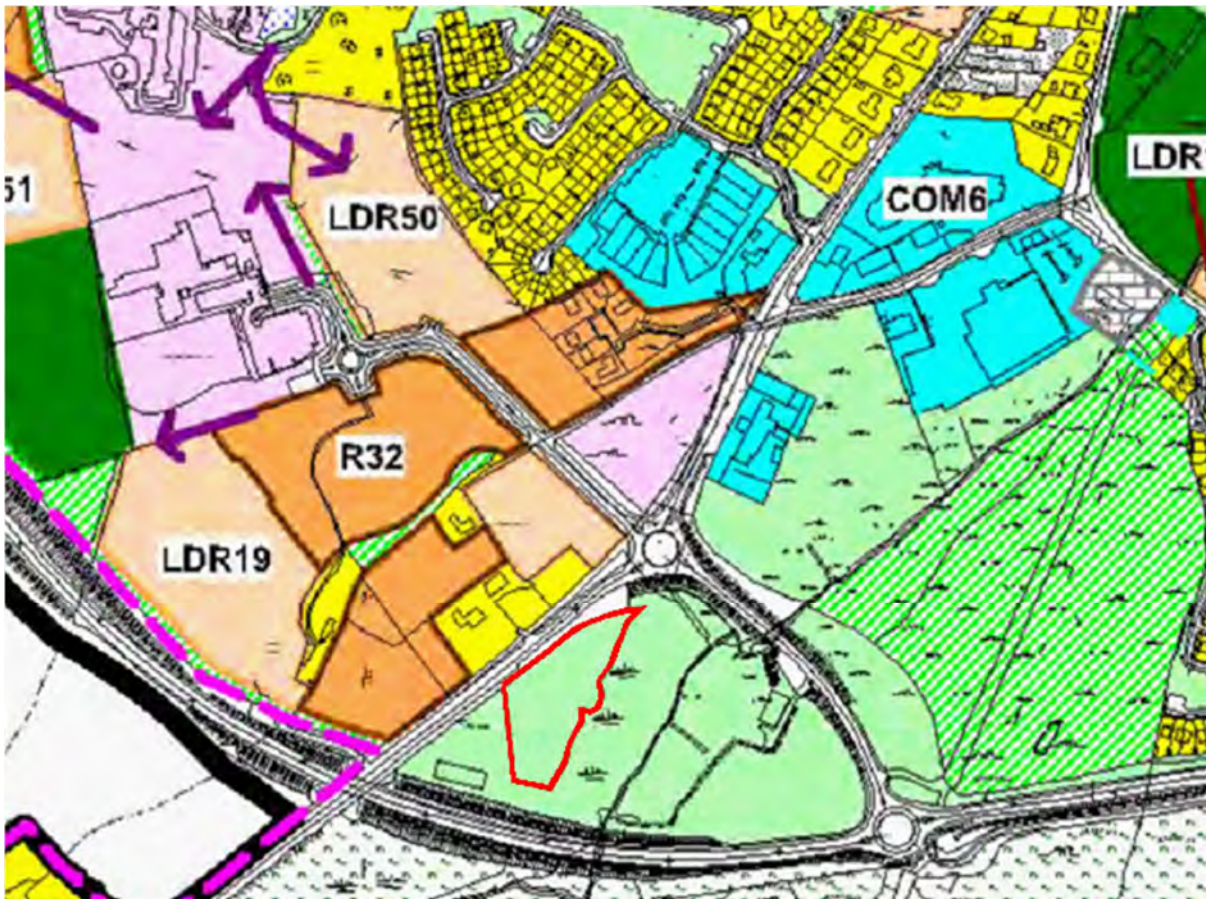
#### 3.3 Local Planning Context

The subject site is located within the functional area of Clare County Council and the relevant policy document is the Clare County Development Plan 2017-2023 (CCDP).

##### 3.2.2 Zoning

The subject site is currently zoned as 'Open Space' – See Figure 3 below. The 'Open Space' zoning objective states 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: Current Land Use Zoning Map - Subject Site outlined in Red**  
Source: Clare County Development Plan 2017-2023.

#### 4.0 DRAFT CLARE COUNTY DEVELOPMENT PLAN 2023-2029 (DRAFT PLAN)

The Draft Plan proposes no change to the existing zoning objective of ‘Open Space’ on the subject site - See Figure 4 below.

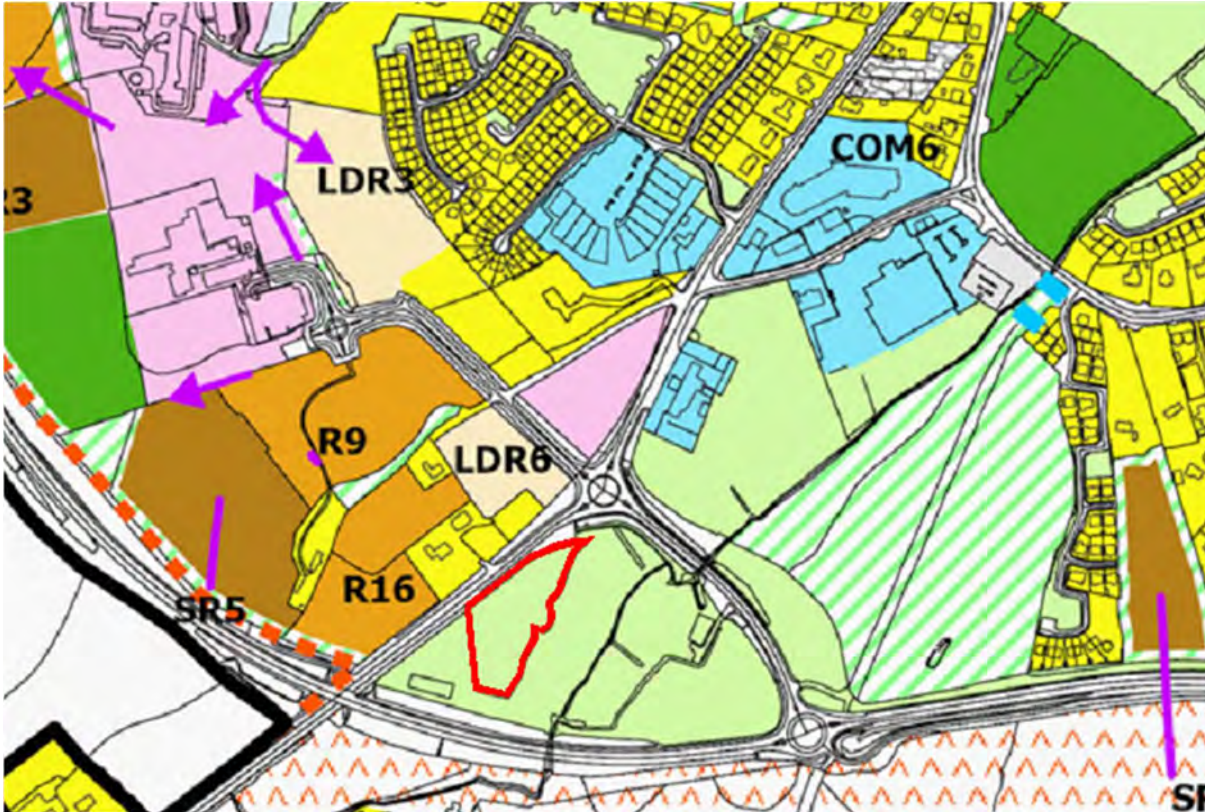


Figure 4 – Proposed zoning map – Subject Site outlined in Red

Source: Draft Clare County Development Plan 2023-2029.

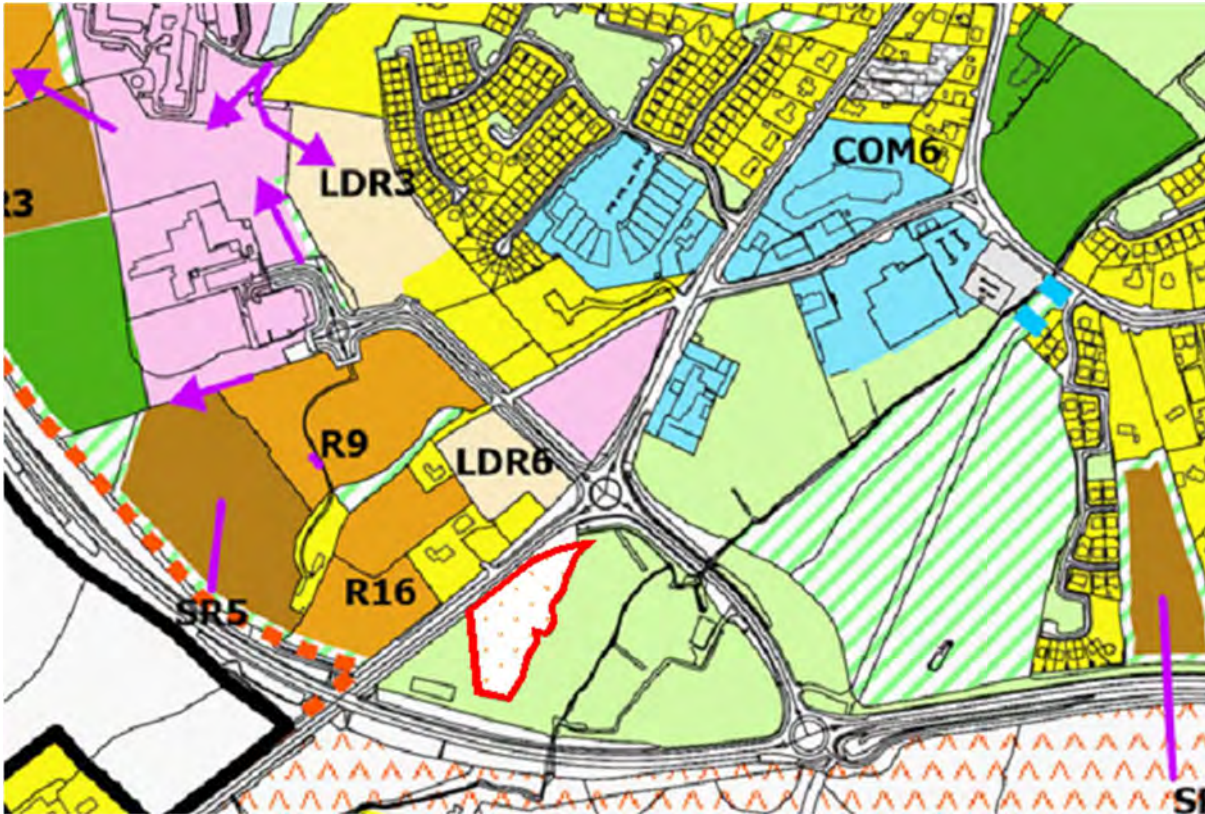
#### 5.0 REQUESTED AMENDMENT

Our Client is seeking to amend the proposed ‘Open Space’ zoning objective and rezone to ‘Agriculture’ where the stated zoning objective is as follows:-

*“This zone is for the use of land for agricultural purposes and farming-related activities and to preserve the amenity of the town or village setting. Individual dwellings for permanent occupancy of established landowners(i.e., within family ownership for the preceding 10 years) and their immediate family members will be open for consideration subject to normal site suitability considerations. Immediate family members would include:*

- Parents
- Children
- Siblings

The requested amendment is outlined in Figure 5 below.



**Figure 5 – Requested Amendment showing ‘Agricultural’ zoning objective applied to proposed ‘Open Space’ on Parcel I.**

The subject site is presently in agricultural use and the ‘Agricultural’ zoning objective would be a more appropriate zoning objective.

In addition our Client has no intention of using these lands as ‘Open Space’ during the period of this Plan. We refer High Court case *Mahon – v – An Bord Pleanala* when Dunne J. considered the intent of the landowner, in the context of a proposed zoning for open space purposes:-

*“The lands .....are privately owned.....the zoning objective ..... to protect, retain and provide for recreational uses, open space..... It refers to the protection, retention and provision of such open space. The lands herein are privately owned, and one has to ask what is to stop the owner of the land from enclosing the property which he owns. Clearly, zoning of the lands as public open space does not have the effect of making the lands available to members of the public in the ...area.....”*

Basically the High Court noted that the zoning of land for a particular purpose and the realization of that objective requires the landowner’s cooperation and consent and, as our Client does not propose to develop this land as ‘Open Space’, there seems to be little benefit in continuing to pursue an ‘Open Space’ zoning on the subject site for the period of this Plan.

There is a large amount of land directly adjacent to the subject site proposed zoned as ‘Open Space’ which is more ideally suited to the open space zoning use given the size and being in the ownership of Clare County Council. A substantial amount of open space is provided for which is more than adequate for this area. Our Client’s land is not required for this use.



## **6.0 CONCLUSION**

On behalf of our Client we request that the proposed '*Open Space*' zoning objective on the subject site be amend to '*Agriculture*'. This submission request is based on the current and future use of the subject site within the period of the Draft Plan as provided by our Client.

We respectfully request that the Planning Authority take account of this submission.