

SUBMISSION TO DRAFT CLARE COUNTY DEVELOPMENT PLAN 2023-2029

Lands at Knockanoura, Tulla Road, Ennis, Co. Clare

Mr. Pat Quinn

Issue: A

Customer Project Number: 6113

Customer Document Number:

Document Sign Off

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Mr. Pat Quinn
Issue A

File No: 6113

CURRENT ISSUE					
Issue No: A	Date: 21.03.22	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	Authorised Electronically				
Date	21.03.22	21.03.22		21.03.22	

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 Mr. Pat Quinn 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 remove the proposed '*Mixed Use/Opportunity Site*' ('*OP18*') zoning objective from the subject site and to reclassify the subject site as '*Open Space*'. Our Client is also seeking to ensure that the lands to the rear of the subject site, which formed part of a Section 5 Referral decision remain zoned as '*Open Space*' as proposed in the Draft Plan. We respectfully request that the Planning Authority take account of this submission.

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: Current Planning Context

This section outlines the current zoning and policy objectives for the subject site together with the planning history.

Section 4: Proposed Planning Context in Draft Plan

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

Section 5: Requested Amendments

This section sets out the case to remove the proposed '*Mixed Use/Opportunity Site*' zoning objective from the subject site and to reclassify the subject site as '*Open Space*' and for the lands to the rear which formed part of a Section 5 referral decision remain zoned as '*Open Space*'

Section 6: Conclusion

This section summarises our case as outlined in this submission.

2. SUBJECT SITE

The subject site is located approximately 1.5km from the centre of Ennis, on the southern side of the R352 Ennis to Tulla Road. The subject site measures approximately 0.32 hectares. The subject site is undeveloped except that the site has been and filled with imported fill-hardcore material. The northern boundary fronts onto the Tulla Road.

There is an existing entrance/exit to the subject site from the R352 on the eastern side of the northern boundary.



Figure 2 – Aerial Image - Subject Site outlined in red.

3.0 PLANNING CONTEXT

3.1 Local Planning Context

The operative development plan for the subject site is the Clare County Development Plan 2017-2023 (CCDP). The subject site forms part of the town settlement of Ennis, which is included in the Ennis Municipal District Plan, Volume 3a of the CCDP.

The subject property is currently zoned as ‘*Commercial*’ where the zoning objective is stated as follows:-

'The use of land zoned for commercial purposes shall be taken to include the use of the lands for commercial and business uses including office, service industry, warehousing and the facilitation of enterprise/retail park/office type use as appropriate. Retailing is open for consideration on this zoning, provided that the sequential test is carried out and the lands are demonstrably the optimum location for the nature and quantum of retail development proposed.'

The subject site comprises part of an overall ‘*Opportunity Site, OP18*’ which includes adjoining properties to the west, which comprise a number of uses including a petrol station with forecourt, supermarket shop and car-wash and a number of smaller retail/commercial units (See Figure 3 below).



The 'OP18' objective states as follows:-

'This opportunity site is located on the Tulla Road (R352) in the Roslevan neighbourhood and is zoned for commercial use. There are a number of existing uses on the site including a petrol station and forecourt with ancillary shop and car wash, as well as a number of smaller retail/commercial units. The existing retail and commercial developments on the site have been developed in a piecemeal manner and as such, issues relating to traffic management and points of entry/exit to the site have not been developed in a co-ordinated manner. Future development proposals must be accompanied by a masterplan for the overall redevelopment of the site.'

The site has the capacity to be redeveloped for high quality, mixed/commercial development of a limited scale, providing a landmark building on the site. As the site is partially located with an area identified as being at risk of flooding, the site is not considered appropriate for more vulnerable uses. A Traffic Management Plan will be required to accompany any future planning application and must address issues such as management of site access and egress for pedestrians, vehicles and cyclists. Adequate analysis for fuel delivery vehicles should be incorporated into the plan.

The Fergus Minor River marks the western boundary of the site and, as such, there is an opportunity to provide pedestrian access from the Tulla Road to the River Fergus to accommodate access to possible future riverside walkways. All development proposals must be progressed in full compliance with the requirements of the Habitat Directive. Future development proposals must demonstrate, through a light spill modelling study, that there will be no negative impacts on the habitats of protected species.

A Flood Risk Assessment must also accompany any development proposals for the site, having regard to the location of the site on Flood Zones A and B. The Flood Risk assessment must be prepared having regard to the Strategic Flood Risk Assessment in Volume 10(c) of this plan. Due to the proximity of the site to the Fergus Minor River, a Construction Method Statement will be required detailing how surface water run-off will be controlled during construction, especially in relation to the release of silt to the adjoining river, which is connected to the Lower River Shannon SAC. Drainage plans must also be submitted in relation to the surface water run-off during operation, ensuring that run-off is treated via appropriate SuDS (Petrol interceptor, silt traps, etc.) prior to discharge to any surface water features.

A contaminated land/study/assessment will also be required to ensure that future development proposals will not have a negative impact on the amenities of the surrounding area.

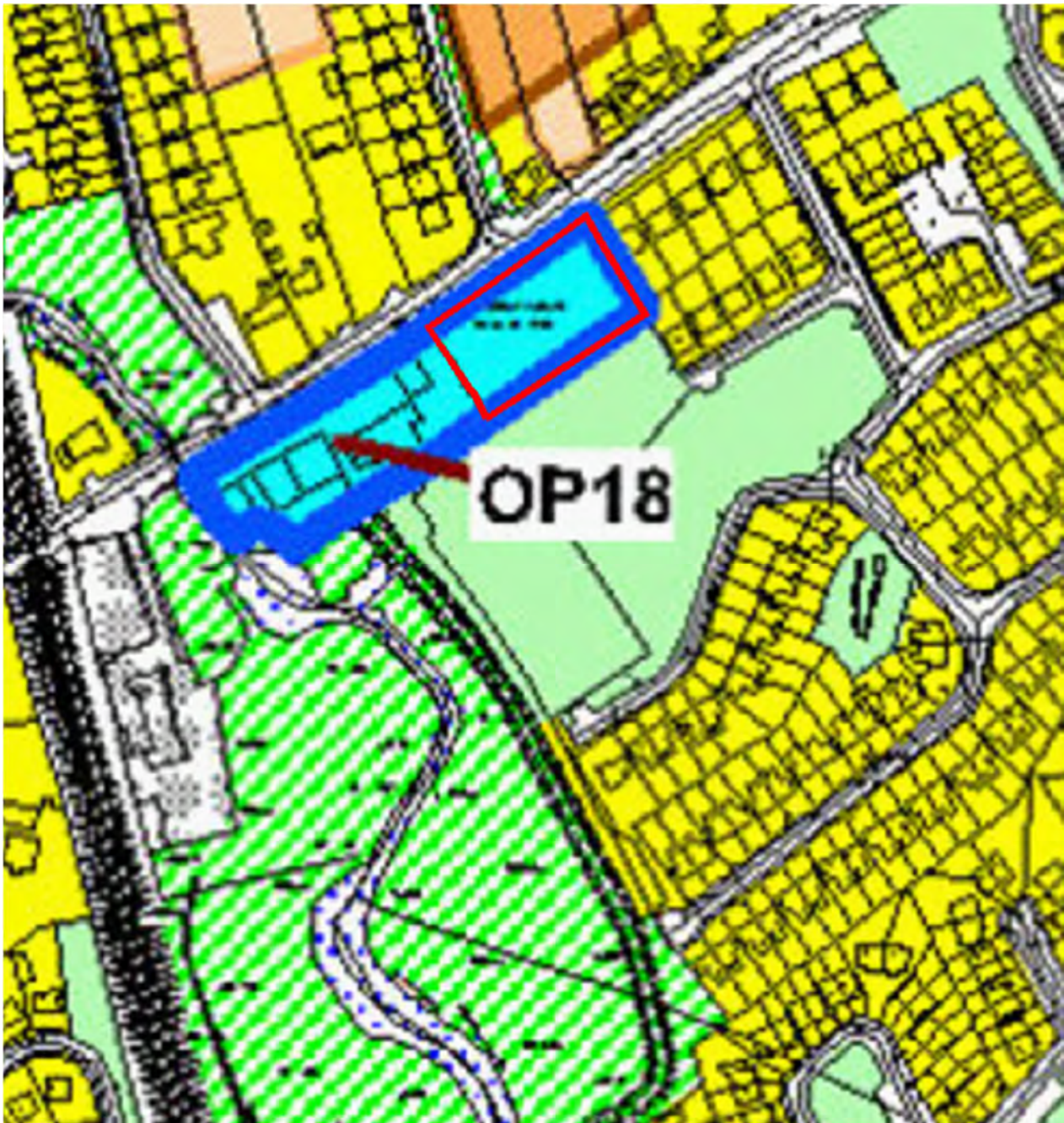


Figure 3: Land use Zoning Map – Ennis Settlement Plan
Source: Volume 3 of the Clare County Development Plan 2017-2023.



3.2 Planning History

Planning History for the subject site is outlined as follows:-

3.2.1 Planning Applications

Planning Ref: **97/61 (9721061)**
Applicant: Noel Glynn
Development Description: Construction of retail warehousing and light manufacturing units at Knockanoura, Tulla Road, Ennis.
Decision: Refused by ABP on 14th. May, 1998 following a first party appeal against refusal by Ennis Urban District Council.

Planning Ref: **98/213 (9821214)**
Applicant: Mr. Noel Glynn
Development Description: Outline permission for retail and office building at Knockanoura, Tulla Road, Ennis.
Decision: Granted by Ennis Urban District Council on 28th. January, 1999 subject to 30 No. conditions.
Status: Expired. No approval consequent to outlined applied for.

Planning Ref: **P19/409**
Applicant: Valley Healthcare Fund
Development Description: for Permission to for a four-storey care health facility with photovoltaic arrays on the roof comprising a maximum gross floor area of 2623m²; (i) on site car and bicycle parking provision, (ii) associated building signage, (iii) landscaping and all ancillary signage; and (iv) all associated site development works Tulla Road, Knockanoura, Ennis, Co. Clare.
Status: Incomplete Application

3.2.2 Section 5 Referrals

ABP Ref: **RL03.RL3611**
Referrer: Clare County Council
Question: Whether groundworks, including the importation and disposition of fill material, creation of a hardstanding area and raising of the land area is or is not development or is or is not exempted development at Tulla Road, Ennis.
Decision: Is development and is exempted development.

ABP Ref: **RL03.307625**
Referrer: Clare County Council
Question: Whether the groundworks undertaken, including importation and deposition of fill material to create a hardstanding area and the raising of ground levels from 2013 onwards is or is not development and/or is or is not exempted development.
Decision: Is development and is not exempted development.



3.2.3 Substitute Consent

Application for Leave to Apply

Application Ref: LS03.307172
Applicant: Valley Healthcare Fund Infrastructure Investment Fund ICAV
Development Description: Infilling of land at Tulla Road, Knockanoura, Ennis, Co. Clare.
Decision: Granted 22nd. September, 2021.

Extension of Time

Application Ref: SH03.311859
Applicant: Valley Healthcare Fund Infrastructure Investment Fund ICAV
Development Description: Infilling of land at Tulla Road, Knockanoura, Ennis, Co. Clare.
Decision: Granted 8th. December, 2021.

Application Ref: SH03.312939
Applicant: Valley Healthcare Fund Infrastructure Investment Fund ICAV
Development Description: Infilling of land at Tulla Road, Knockanoura, Ennis, Co. Clare.
Decision: Decision due 5th. July, 2022.

Application

Application Ref: SU03.312969
Applicant: Valley Healthcare Fund Infrastructure Investment Fund ICAV
Development Description: Infilling of land at Tulla Road, Knockanoura, Ennis, Co. Clare.
Decision: Currently being Assessed by An Bord Pleanala

3.2.4 Enforcement

The following Enforcement history relates to the subject site and adjacent lands:-

- Warning Notice Ref: W.N. 23/99 issued on 27th. August, 1999 to Mr. Noel Glynn regarding '*Unauthorised filling of site*' at Knockanoura, Tulla Road, Ennis.

- UD15-30 Enforcement File open in relation to the works the subject of the Section 5 Referral (RL03.RL3611)

4.0 DRAFT CLARE COUNTY DEVELOPMENT PLAN 2023-2029 (Draft Plan)

The Draft Plan proposes no change to the existing zoning provisions on the subject site and there is no change to these zoning objectives proposed.

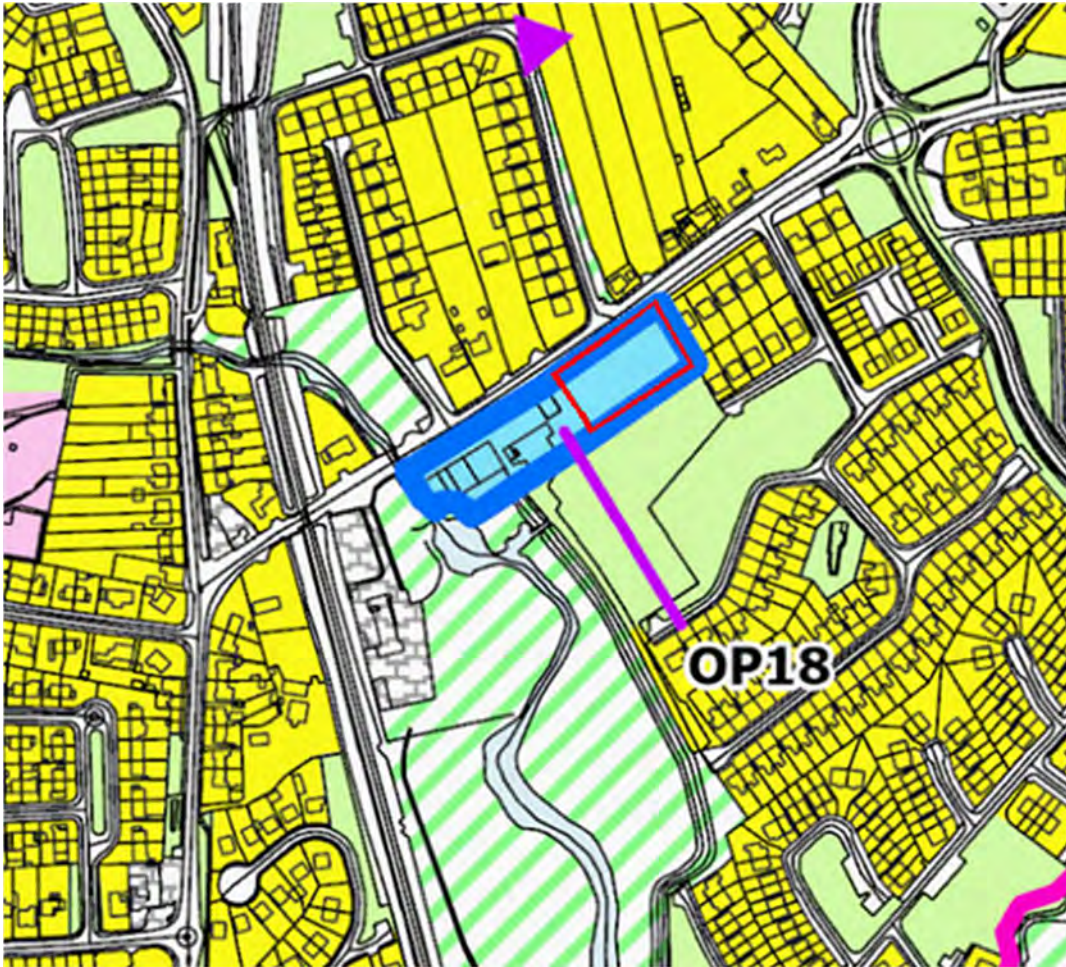


Figure 4 – Proposed zoning as per Draft Plan.

5.0 REQUESTED AMENDMENT

(i) Remove 'Commercial/'Opportunity Site – OP18' zoning objectives on subject site and reclassify it as 'Open Space' and (ii) adopt proposed 'Open Space' zoning objective on lands to the rear of the subject site. This proposed amendment is outlined in Figure 5 below.

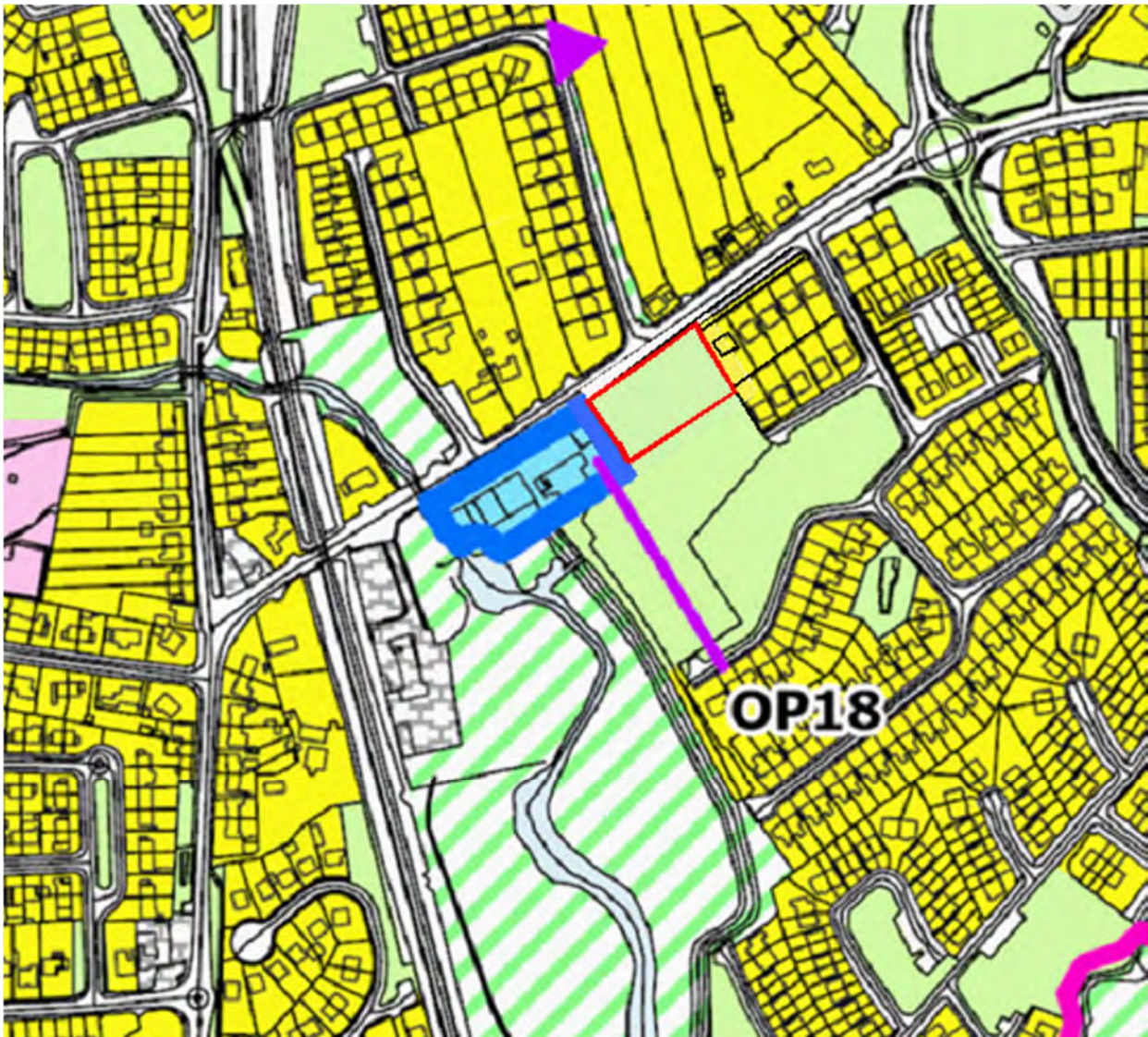


Figure 5 –Zoning Request Amendment.

No change in zoning to allow for any form of development should be permitted on the lands the subject of the Section 5 Referral Ref: **RL03.307625** (outlined in Figure 6) until the unauthorised status of these lands is regularised.

Having regard to the nature and extent of the existing unauthorised development which has taken place on the subject site and adjacent lands to-date, it is considered that to permit a zoning objective to provide for the future development of the subject site would not be in accordance with the orderly development of the area.

While we note the owners of the subject site are attempting to regularise the unauthorised development through a Substitute Consent Application presently before An Bord Pleanala for consideration. It is pre-mature to zone the subject site prior to any decision in relation to this application being determined. It is considered that the owners of the subject site should not be permitted to benefit from a zoning objective to provide for commercial development on the subject site which would compound the unauthorised activities on the site and would be contrary to the proper planning and development of the area. Therefore the principle of zoning the subject site for commercial development is not considered appropriate in this instance.



Figure 6 – Lands the subject of Section 5 Referral - RL03.307625

6.0 CONCLUSION

Our Client requests that the subject site be rezoned to ‘*Open Space*’ and that the ‘*Commercial/Opportunity Site – OP18*’ zoning objective proposed in the Draft Plan be removed and that the proposed ‘*Open Space*’ zoning objective on the lands to the rear be adopted. The basis for this request is on the unauthorised development status of the subject site as determined by An Bord Pleanála under Section Referral Ref: **RL03.307625**.

Our Clients request that the Planning Authority kindly consider and adopt the above submission in the preparation of the Clare County Development Plan 2023-2029.