

Submission by Finn Properties to Clare County Council
for consideration under
Draft Clare County Council Development Plan
2023-2029



March 2022



Building for you since 1973

TABLE OF CONTENTS

	Page
1. Executive Summary	2
2. Site Locations	4
3. Submission 1	8
4. Submission 2	12
5. Submission 3	21
6. Summary	23

1. EXECUTIVE SUMMARY

This submission concerns lands at Knockaderry in Roslevan, Ennis.

This submission is being made by Finn Properties Ltd. on behalf of three parties who are adjoining landowners in this area, namely

Finn Properties Ltd.,

Pat Mulcair,

Michael Cleary.

The individual sites are identified on the accompanying **MAP 01** in Section 2 of this submission.

The parties would like to submit as follows for the consideration of Clare County Council:

SUBMISSION 1

That Clare County Council would consider varying the Draft Clare County Development Plan 2023-2029 for the purpose of altering the proposed route of the Infrastructure Safeguard for the proposed link Road between the Gort Road and the Tulla Road as it crosses the lands outlined in this submission.

SUBMISSION 2

That Clare County Council would consider varying the Draft Clare County Development Plan 2023-2029 for the purpose of changing the zoning designation of Site 1 (Southern section), as identified on Map 02, Section 2 of this document. The proposal is that the zoning be amended from existing Open Space to Residential for the southern portion of the site.

SUBMISSION 3

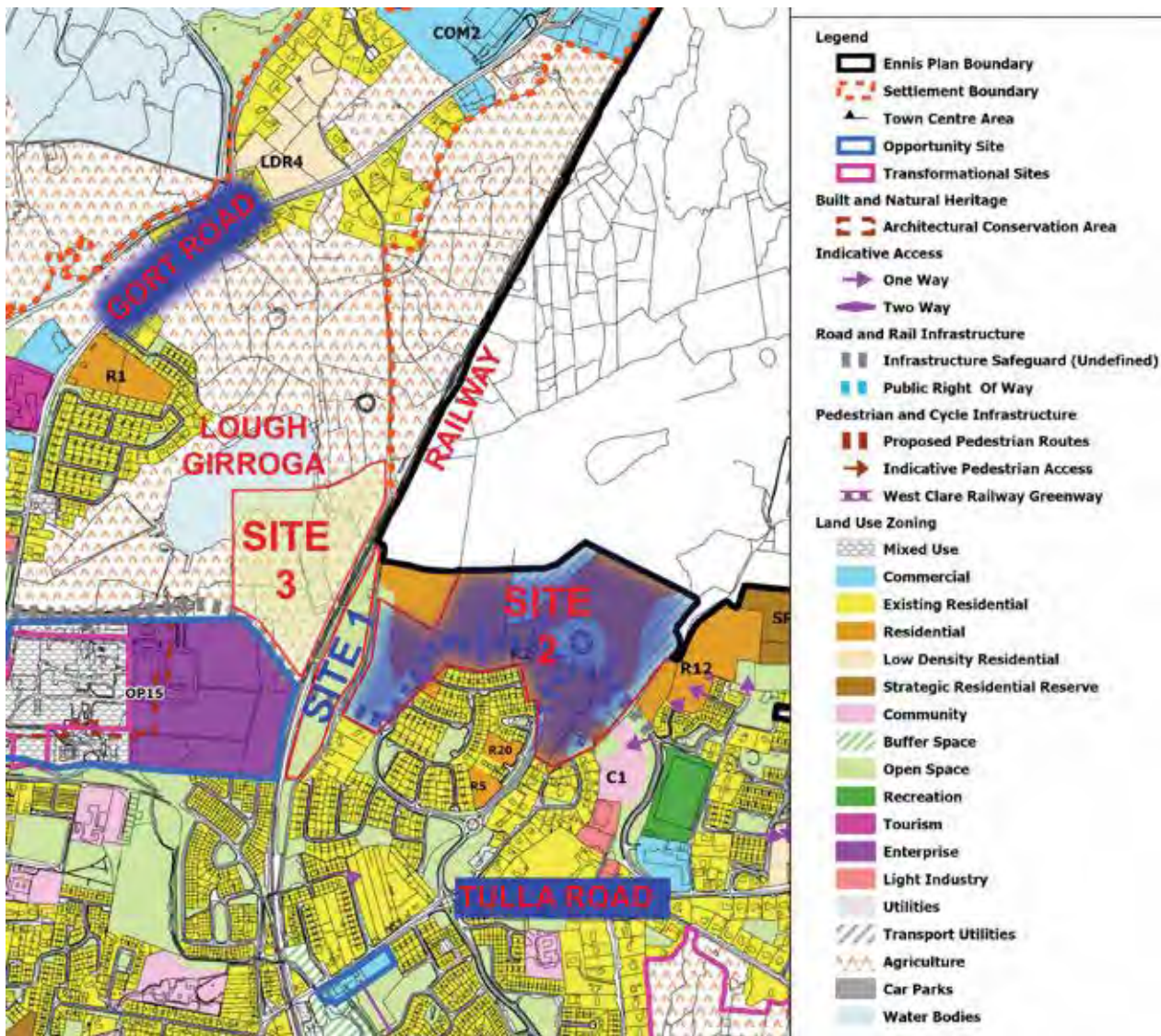
That Clare County Council would consider varying the Draft Clare County Development Plan 2023-2029 for the purpose of changing the zoning designation of the highlighted section of Site 3, as identified on Map 02, Section 2 of this document. The proposal is that the zoning be amended from existing Agriculture to Residential for the southern portion of the site.

The rationale for these submissions are set out in the following chapters.

[For the remainder of this submission document, unless otherwise stated the “Draft Clare County Development Plan 2023-2029” will be referred to as “the Draft Development Plan”. Likewise “Volume 3a – Ennis Municipal District Settlement Plan will be referred to as the “District Settlement Plan”]

2. SITE LOCATIONS

All sites are adjoining properties at Knockaderry, located between the Gort Road (R458) and the Tulla Road (R352). The individual sites relevant to this submission are identified here (MAP 01).



MAP 01 – GENERAL SITE IDENTIFICATION - Extracted from Map reference PLP-18-0001-24; Clare County Development Plan 2017 – 2023 (As Varied); ENNIS SETTLEMENT PLAN

SITE 1

SUBMISSION TO CLARE COUNTY COUNCIL FOR DRAFT DEVELOPMENT PLAN - MAR 2022

This site is outlined in Red and is bordered by the Ennis / Galway railway line to the west and by the Ballycorey Road to the east. It is currently zoned for Open Space per the Draft Development Plan. The site is owned by Pat Mulcair.

SITE 2

Equates to the site designation “R2” per the Draft Development Plan (Zoning map reference PLP-18-0001-24), from which this MAP 01 is extracted, along with the section zoned Open Space between R2 and Site 1 above. Site designation “R2” is zoned Residential. This entire site is owned by Finn Properties Ltd.

SITE 3

This site is outlined in Red and lies immediately to the west of the railway line and adjoins Lough Girroga to the west, and the Information Age Park to the south. The site is currently zoned Agriculture under the Development Plan and is owned by Michael Cleary.

All three sites are currently draining surface water into Lough Girroga by virtue of the natural ground contours.

Also indicated on MAP 01 is the proposed route of a link road intended to connect the Gort Road (R458) with the Tulla Road (R352) under the Draft Development Plan. The proposed route travels East/West and traverses all three sites. This link road has been identified as a key infrastructure development in the Development Plan, and thus, has been allocated an “Infrastructure Safeguard” status under section 2.15 of the Development Plan as quoted here:-

“2.15

Technical Guidance – Infrastructure Development

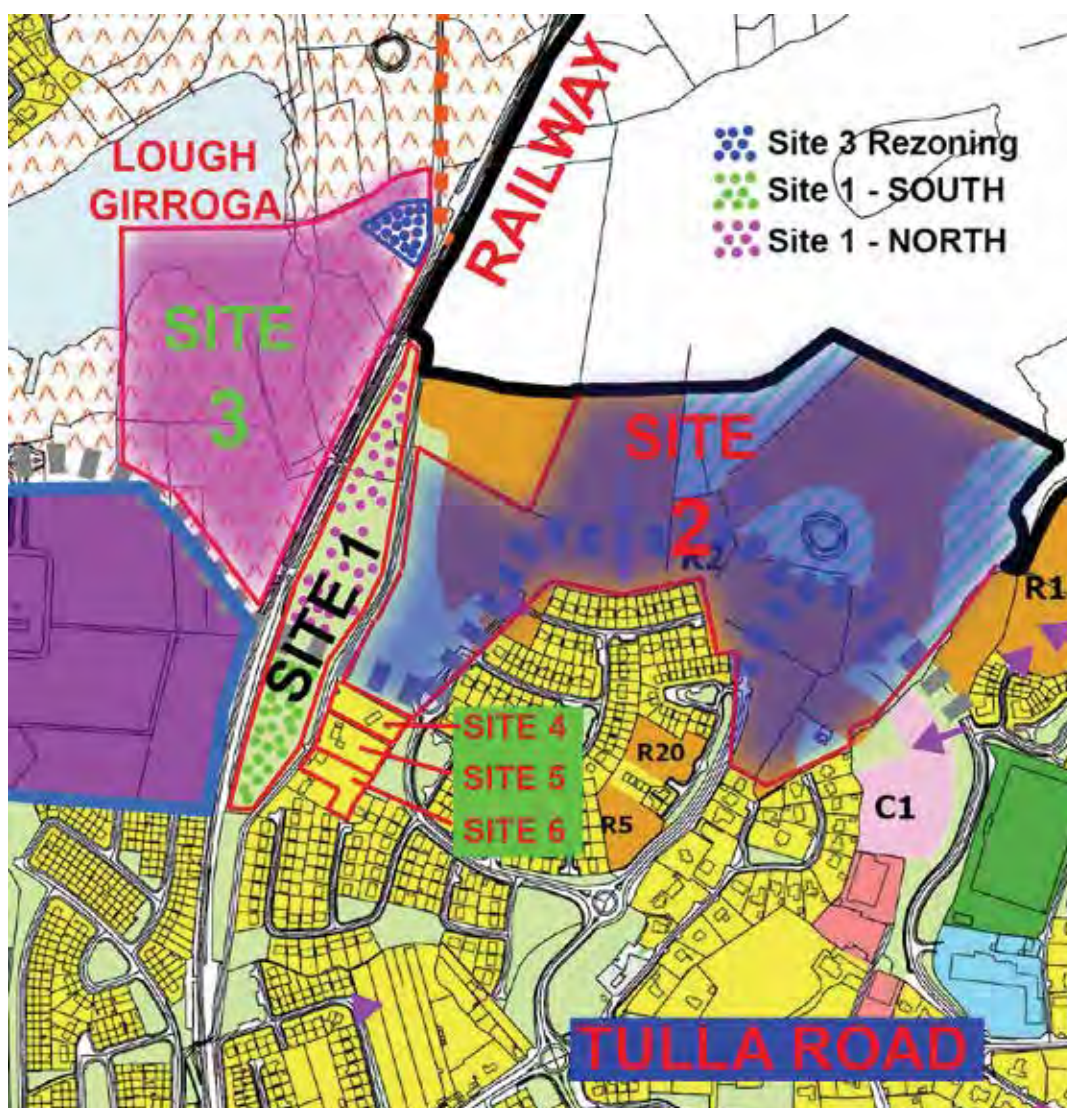
Infrastructure Safeguard – Gort Road (R458) to Tulla Road (R352)

A section of this infrastructure safeguard bounding the Information Age Park Ennis is already in place. The section proposed as far as the railway line is bounded to the north by Flood Zone B (Lough Girroga) which is part of the Ballyallia Lough SAC, a proposed NHA and wetland. A Surface Water Management Plan must be prepared to ensure that there is no negative impact on the adjacent SAC during construction of the road along this section.

SUBMISSION TO CLARE COUNTY COUNCIL FOR DRAFT DEVELOPMENT PLAN - MAR 2022

A Traffic Management Plan will be required to ensure safe connectivity within the existing residential area and to the Roslevan neighbourhood centre and potential new school. The completion of the link road must also include cycle lanes, pedestrian footpaths and crossings.”

The following MAP 02 takes a closer look at the three subject sites and also references adjoining properties Sites 4, 5, and 6.



MAP 02 – SPECIFIC SITE IDENTIFICATION - Extracted from Map reference PLP-18-0001-24; Clare County Development Plan 2017 – 2023 (As Varied); ENNIS SETTLEMENT PLAN

SITE 4

This site is identified for reference purposes only and does not form a party to this submission. The submissions would, however, have a bearing on this site and it will be referred in the detailed submissions in due course.

SITE 5 and 6

Both sites will be referenced and are marked on this drawing for identification purposes.

3. SUBMISSION 1

That Clare County Council would consider varying the Draft Clare County Development Plan 2023-2029 for the purpose of altering the proposed route of the Infrastructure Safeguard for the proposed Link Road between the Gort Road and the Tulla Road as it crosses the lands outlined in this submission.

The construction of this link road between the Gort Road (R458) and the Tulla Road (R352) has been a primary objective of previous Development Plans and remains an objective of the current Draft Development Plan. To date, the section between the roundabout at the Information Park on the Gort Road and the roundabout at Oakleigh Wood has remained undeveloped.

All three parties here believe that the completion of this link would not only benefit the people of Ennis, but would benefit the amenity of all three constituent adjoining sites. MAP 03 overleaf will aid in the identification of the various areas mentioned in the proposals which follow.



MAP 03: PROPOSED ROUTES OF ROADS INFRASTRUCTURE -Not To Scale. Extracted from www.landdirect.ie

The submission here is that the proposed route of the Link Road, for the unconstructed section as it traverses the subject sites, could be moved in a northerly direction resulting in the following benefits:

- 3.1** The proposed route of the road would traverse an existing Right of Way on the lands to the west of the railway line, thus making the legal establishment of the route easier for Clare County Council.

3.2 Moving the link road in a northerly direction would reduce the effects of any potential loss of visual amenity, and any consequent overbearing effects, for the resident of Site 4 as a result of the construction of the link road.

Mr Mulcair proposed that his Site 1 be rezoned under the 2017 Development Plan and one of the reasons cited by the Chief Executive for rejecting the proposals is as follows:

“This will most likely involve the construction of significant embankments to raise the road to a level where a bridge over the rail line can be constructed. I have had regard to the location of the site, directly adjacent to the railway line and adjoining a future link road that may be elevated relative to the subject land. I have also considered the limited size of this site and the capacity to provide an appropriate buffer to these features. These issues, when combined with the concerns regarding access, would result in a very poor level of amenity for future occupiers of any dwellings that would be constructed here.”

Source:

(Chief Executive’s Report to the Elected Members on submissions received on the Draft Clare County Development Plan 2017-2023 Prepared in accordance with Section 12(4)(b) of the Planning and Development Act 2000, as amended
Part I of III : Submissions 1 - 50
Ref. 044 McCarthy Keville O’Sullivan on behalf of Mr Pat Mulcair, c/o Marfield Developments Limited)

We contend here that the same circumstances will apply to the existing property (Site 4) which directly adjoins the proposed Link Road route, and that every metre that the proposed route is moved in a northerly direction will result in a reduction of this potential overbearing effect and consequent loss of visual amenity.

3.3 All three landowners concerned (Finn Properties Limited, Pat Mulcair, and Michael Cleary) will be amenable to accommodate such variance of the route of the proposed Link Road as may be required to achieve the preferred outcome.

3.4 For the same reasons as described in 3.2 above, moving the proposed Link Road in a northerly direction would address the other concerns of the Chief Executive on the next submission (Submission 2) regarding the proposed rezoning of the southern portion of Site 1

SUBMISSION TO CLARE COUNTY COUNCIL FOR DRAFT DEVELOPMENT PLAN - MAR 2022

below. These concerns are primarily based on the “*level of amenity for future occupiers of any dwellings that would be constructed here.*” (Source: as cited in Section 3.2 above)

3.5 Moving the proposed Link Road in a northerly direction would improve the possibility of creating access for the existing Ballycorey Road directly onto the proposed Link Road, as opposed to having to provide a bridge to cross over this existing road. (See Orange line on MAP 03) The benefits here are twofold:-

3.5.1 The cost of a surface level junction with the existing Ballycorey Road should prove to be less than the provision of a bridge over this road.

3.5.2 The provision of a junction directly onto the proposed Link Road directly from the southern portion of Site 1 on the existing Ballycorey Road, will increase the access to this site and will address another of the Chief Executive's concerns about rezoning this land in the 2017 Development Plan

3.6 If the Council are not in favour of constructing a junction directly onto the proposed Link Road, we propose several alternative routes which would achieve the same result as Point 3.5 above. The four alternative routes will be itemised in Section 4 – Submission 2 – hereunder.

Given the points made here we submit that Clare County Council consider the proposal to move the Infrastructure Safeguard in a northerly direction as indicated on MAP 03 above.

4. SUBMISSION 2

That Clare County Council would consider varying the Draft Clare County Development Plan 2023-2029 for the purpose of changing the zoning designation of Site 1 (Southern section), as identified on Map 02, Section 2 of this document. The proposal is that the zoning be amended from existing Open Space to Residential for the southern portion of the site.

We acknowledge that a case was made for rezoning this site as a submission to the County Development Plan in 2015.

The summary submission may be viewed in

*“Chief Executive’s Report to the Elected Members on submissions received on the Draft Clare County Development Plan 2017-2023
Prepared in accordance with Section 12(4)(b) of the Planning and Development Act 2000, as amended. - Part I of III - Submissions 1 – 50”*

and the relevant submission is Submission Ref 044

The submission for a change of zoning was rejected by the Chief Executive at that time on the basis of the following grounds (in summary form):

4.1 “**access** to the site is problematic”. - The primary concern expressed here was the difficulty that would be experienced in widening the current access via the Ballycorey Road, and the necessity to cross the Ennis/Galway railway line at the Ennis town end.

4.2“ I have had regard to the location of the site, directly adjacent to the railway line and adjoining a future link road that may be elevated relative to the subject land” - The concern expressed here is that the elevation of this proposed link road may be **overbearing** on the subject site.

4.3“have also considered the **limited size** of this site and the capacity to provide an

SUBMISSION TO CLARE COUNTY COUNCIL FOR DRAFT DEVELOPMENT PLAN - MAR 2022

appropriate buffer to these features”

4.4 “These issues, when combined with the concerns regarding access, would result in a very **poor level of amenity** for future occupiers of any dwellings that would be constructed here.”

We have taken cognisance of each of the points put forward by the Chief Executive and we submit as follows on each of the individual points in an effort to assuage their concerns.

4.5 Access to the site. We have several proposals in this regard.

The two main issues identified with the access to this site via the existing Ballycorey Road were (i) that Mr Mulcair did not have full control of the lands either side of this road in order to widen it as proposed and (ii) the primary access to this road is controlled by a Railway Level Crossing at the southern junction with Corrovorrin Avenue, and ultimately the main Tulla Road.

The following proposed alternative routes for accessing Site 1 would see the Ballycorey Road being primarily accessed via the Proposed Link Road and/or the estate road structure existing at Oakleigh Wood.

The Ballycorey Road, the proposed route for the Link Road, and the existing Oakleigh Wood estate road infrastructure are all in the remit of the three parties making this submission, and all three parties are in agreement that whichever proposal is deemed acceptable by Clare County Council would have their full support.

We outline the five alternative routes for accessing Site 1 via an upgraded Ballycorey Road overleaf. The proposals are in no particular order.

Access Proposal 1:

Please refer to MAP – Road Access Option 1 – below.

The proposal here is that, as submitted in Submission 1 (Section 3) above, that the route of the proposed Link Road be moved in a northerly direction (Large RED dotted line), allowing sufficient distance for **the existing Ballycorey Road to be diverted to access directly on to the new link road via a surface level junction** (Small ORANGE dotted line). This direct junction would provide much improved access to the subject site and to all the existing users of the Ballycorey Road. Subject to approved design, there would be a likely cost saving by using a surface level junction instead of a bridge over the existing road.



MAP – ROAD ACCESS OPTION 1: Base map sourced from landdirect.ie – Not to Scale

Access Proposal 2:

Please refer to MAP – Road Access Option 2 – below.

The proposal here also is that the Proposed Link Road route be moved in a northerly direction as outlined in Submission 1 above (large RED dotted line). The relocation of the proposed link road will create an **access route between adjoining Site 4 and the new link road** which could facilitate a direct connection road from the Oakleigh Wood roundabout to the Ballycorey Road (Small BLUE dotted line).



MAP – ROAD ACCESS OPTION 2: Base map sourced from landdirect.ie – Not to Scale

Access Proposal 4:

Please refer to MAP – Road Access Option 4 – below.

The proposal here does not require any changes to the route of the proposed Link Road.

The three parties to this submission would be willing to enter into an agreement with the owners of Site 6 to provide **direct access from Oakleigh Wood estate roads infrastructure to the Ballycorey Road** via the route represented by the RED line on the following drawing. A section of this route has already been permissioned for a development on Site 6. (Clare County Council Planning Reference 21/448).



MAP – ROAD ACCESS OPTION 4: Base map sourced from landdirect.ie – Not to Scale

Access Proposal 5:

Please refer to MAP – Road Access Option 5 – below.

The proposal here, likewise to Proposal 4, does not require any changes to the route of the proposed Link Road.

The route identified by the YELLOW line in the following map is in the control of the parties to the submission. The route runs between Sites 5 and 6 and can potentially provide **direct access from Oakleigh Wood estate roads infrastructure to the Ballycorey Road.**



MAP – ROAD ACCESS OPTION 5: Base map sourced from landdirect.ie – Not to Scale

4.6 Overbearing of proposed Link Road.

We submit here that any move of the Proposed Link Road in a northerly direction, as outlined in SUBMISSION 1 above, would reduce the effects of any overbearing on Site 1. Assuming that the proposed Link Road had a graded embankment on the south side, for every 1m that the proposed Link Road could be moved in a Northerly direction, the effect of this overbearing would be visually and physically reduced.

4.7 Limited size of the site:

We submit here also that the proposal in SUBMISSION 1 above to move the Proposed Link Road in a northerly direction, would result in a greater site area becoming available on the subject site. This increased site area would allow greater flexibility in design at Planning stage to address the concerns over the various buffer areas identified in the Chief Executive's Report, primarily the Link Road and the rail track.

The area of Site 1 currently on the south side of the proposed Link Road is circa 1.1 Ha. At a density of 35 units per hectare, this site could potentially accommodate 38 units, or at a medium density level of 20 units/Ha, it could accommodate 22 units. We contend that this number of units on a site which is within walking distance of Ennis Town centre, and which has services available, would contribute significantly to the 4,500 housing units which have been identified by Clare County Council as being required to fulfil the housing needs of the county over the duration of the Draft Development Plan. This figure is more significant when localised to the Ennis Town area.

The suitability of this Roslevan area has been specifically identified in the Ennis Municipal District Settlement Plan as follows:

“2.3.1 New Housing in the Roslevan Neighbourhood

Recognising the existing availability of neighbourhood services, existing and planned road infrastructure and the potential of Roslevan, lands have been zoned to accommodate the expansion of this neighbourhood in the future. A number of areas of land have been zoned in the Roslevan neighbourhood to accommodate residential growth. The proposed residential development lands are in close proximity to existing housing, shopping facilities, church and a community centre which will assist in the consolidation and appropriate

expansion of the neighbourhood. Delivery of community facilities, school capacity and services should go hand in hand with the housing developments in this neighbourhood.”

If the proposed Link Road were to be moved in a northerly direction as submitted here, this would add to the area available for development on the subject site, either allowing for the provision of additional units or by providing additional area on the site to improve the level of amenity of future occupiers of the set as set out in the next point.

4.8 Poor level of amenity for future occupiers:

We submit here that a combination of the proposals set out in points 4.5, 4.6, and 4.7 above will result in the provision of a site, namely the subject site, which will allow a flexibility of design which can cater for all the needs and amenities of any future occupiers of the site.

4.9 In order to make the **servicing of this Site 1** easier, the three parties forming this submission have entered into agreements to share any existing or new services under their individual control which will benefit all three parties, and which will avoid the necessity to duplicate services which may be required if the sites are to be developed individually.

We request that the Planner and the Chief Executive take due recognition of our proposals in this matter and look favourably on our submission to change the zoning on this site from Open Space to Residential.

5. SUBMISSION 3

That Clare County Council would consider varying the Draft Clare County Development Plan 2023-2029 for the purpose of changing the zoning designation of the highlighted section of Site 3, as identified on Map 02, Section 2 of this document. The proposal is that the zoning be amended from existing Agriculture to Residential for the southern portion of the site.

The area of Site 3 which forms the subject of this discussion is further identified in the following MAP 4



MAP 04 – BALLYALLIA SAC WITH SUBJECT SITE 3 IDENTIFIED. This map is an extract from S.I. No. 71 of 2018 - EUROPEAN UNION HABITATS (BALLYALLIA LAKE SPECIAL AREA OF CONSERVATION 000014) REGULATIONS 2018 – Page 6 – Schedule 1.

The area highlighted in BLUE on this map has been specifically excluded from the Special Area of Conservation (SAC) at Lough Girroga. The land is currently zoned here for Agricultural use. The submission here is that this section of land be zoned Residential under the new Draft Development Plan.

The following points are submitted for consideration in this regard:

- 1** The site is in close proximity to Site R2 as identified in Section 2.3.1 of the the District Settlement Plan. Site R2 is “*suitable for the provision of residential development of high quality design and layout*”. This precedent could be extended to include the adjoining subject site.
- 2** The site falls within the 10 Minute Town Concept as set out in the District Settlement Plans, Section 1.9.
- 3** The site will have access to the proposed Link Road via the existing Ballycorey Road and any connections which may be constructed to connect with the proposed Link Road, such as the various options outlined in Section 4 of this document.

Given the foregoing points we submit that this subject site would be worthy of due consideration by the Planning Authority for a change of zoning from Agriculture to Residential.

6. SUMMARY

The three landowners who are parties to this submission have a common interest in seeing the orderly development of this area of Ennis.

We trust that our submissions outlined above will aid in the development of Ennis through the aegis of the Draft Clare County Development Plan 2023-2029.

Signed by:

Finn Properties LTD

Cormac and Declan Finn
Finn Properties Ltd.

PAT MULCAIR

Pat Mulcair

Michael Cleary

Michael Cleary

REFERENCE DOCUMENTATION

Draft Clare County Development Plan 2023-2029

Volume 1 - Written Statement

Volume 3a - Ennis Municipal District Settlement Plans

S.I. No. 71 of 2018: EUROPEAN UNION HABITATS (BALLYALLIA LAKE SPECIAL AREA OF CONSERVATION 000014) REGULATIONS 2018



FINN

Properties Ltd.

Building for you since 1973