

SUBMISSION TO DRAFT CLARE COUNTY DEVELOPMENT PLAN 2023-2029

Hogan Motors, Ballymaley & Ballycorey, Ennis, Co. Clare

Ballycoree Limited

Issue: A

Customer Project Number: 5205

Customer Document Number:

Document Sign Off

SUBMISSION TO DRAFT CLARE COUNTY DEVELOPMENT PLAN 2023-2029

Hogan Motors, Ballymaley & Ballycorey, Ennis, Co. Clare

Ballycoree Limited
Issue A

File No: 5205

CURRENT ISSUE					
Issue No: A	Date: 27.03.22	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	27.03.22	27.03.22		27.03.22	

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 Ballycoree Limited to prepare a submission to the Draft Clare County Development Plan 2023-2029 (Draft Plan) with specific reference to the land-use zoning and policy objectives proposed for Ennis town. Our Clients are seeking the Draft Plan to i) adopt the proposed 'Commercial' zoning objective on the subject site and ii) modify Policy CDP7.21 to provide for retail floor area associated with Petrol Service Stations in excess of 100m² subject to normal planning and development considerations. We respectively 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.

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 i) adopt the proposed 'Commercial' zoning objective on the subject site and ii) modify Policy CDP7.21 to provide for retail floor area associated with Petrol Service Stations in excess of 100m² subject to normal planning and development considerations.

Section 6: Conclusion

This section summarises our case as outlined in this submission.

2. SUBJECT SITE

The subject site is strategically located on the R458 in the townlands of Ballymaley and Ballycoree approximately 2.5km from Ennis town - See Figure 1 below.

The subject site measure 0.55 hectares in area and is occupied by Hogan Car Sales and Repairs and Mace Retail shop.

There are two accesses onto the R458.

The Service Station contains a canopy above 4 islands with 8 no. fuel pumps, customer parking, servicing area, forecourt building with retail unit and food offers.

The surrounding area consists of commercial, light industrial, residential and agriculture uses.



Figure 1 – Site Location Plan – Subject Site outlined in Red



Figure 2 – Aerial Image of Site outlined in red.

3.0 PLANNING CONTEXT

3.1 Current Local Planning Context

The subject site is within the functional area of Clare County Council. All development is governed by the Statutory Development plan for the area which is the Clare County Development Plan 2017-2023 (CCDP). The service station and forecourt building is an established use on the site and is also a conforming use within the Statutory Development Plan for the area.

3.1.1 Zoning

The current zoning objective on the subject site is ‘Commercial’ as shown in Figure 3 below.

The ‘Commercial’ zoning objective states 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 offices, service industry, warehousing and the facilitation of enterprise/retail park/office type uses as appropriate. Retailing is open for consideration on this zoning, provided that a sequential test is carried out and the lands are demonstrably the optimum location for the nature and quantum of retail development proposed”.

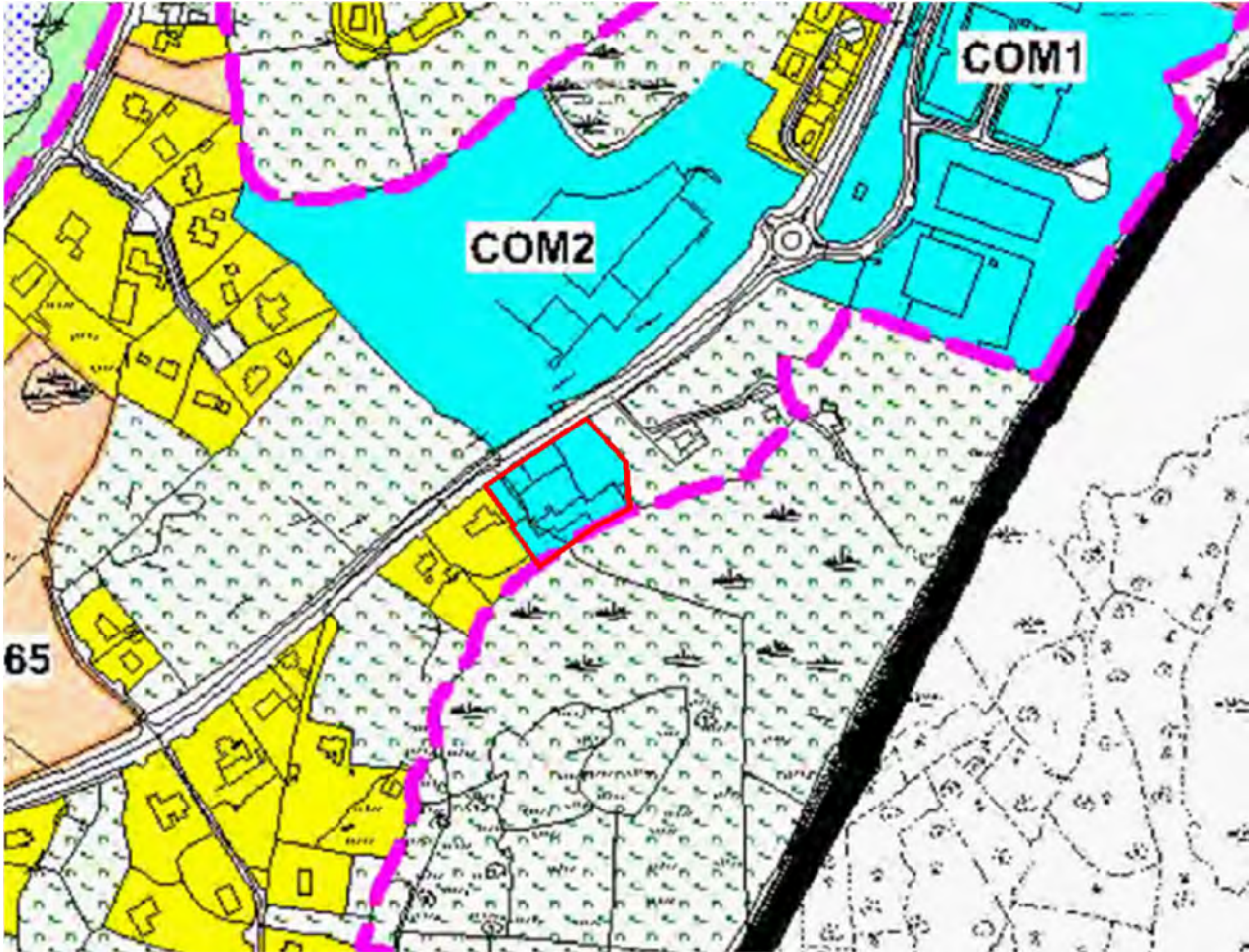


Figure 3– Zoning as per Clare County Development Plan 2017-2023

3.1.2 Policy

The following policy in the CCDP is of relevance to this submission.

Policy CDP 7.21 Petrol Filling Stations

It is an objective of the Development Plan to consider development proposals for petrol filling stations, and associated shops with a floor space no greater than 100m² (net), on their individual merits, subject to traffic impact considerations and the location, health and scale of existing retail services in the area.

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

4.1 Zoning

The Draft Plan proposes no change to the 'Commercial' zoning objective on the subject property. See Figure 4 below.

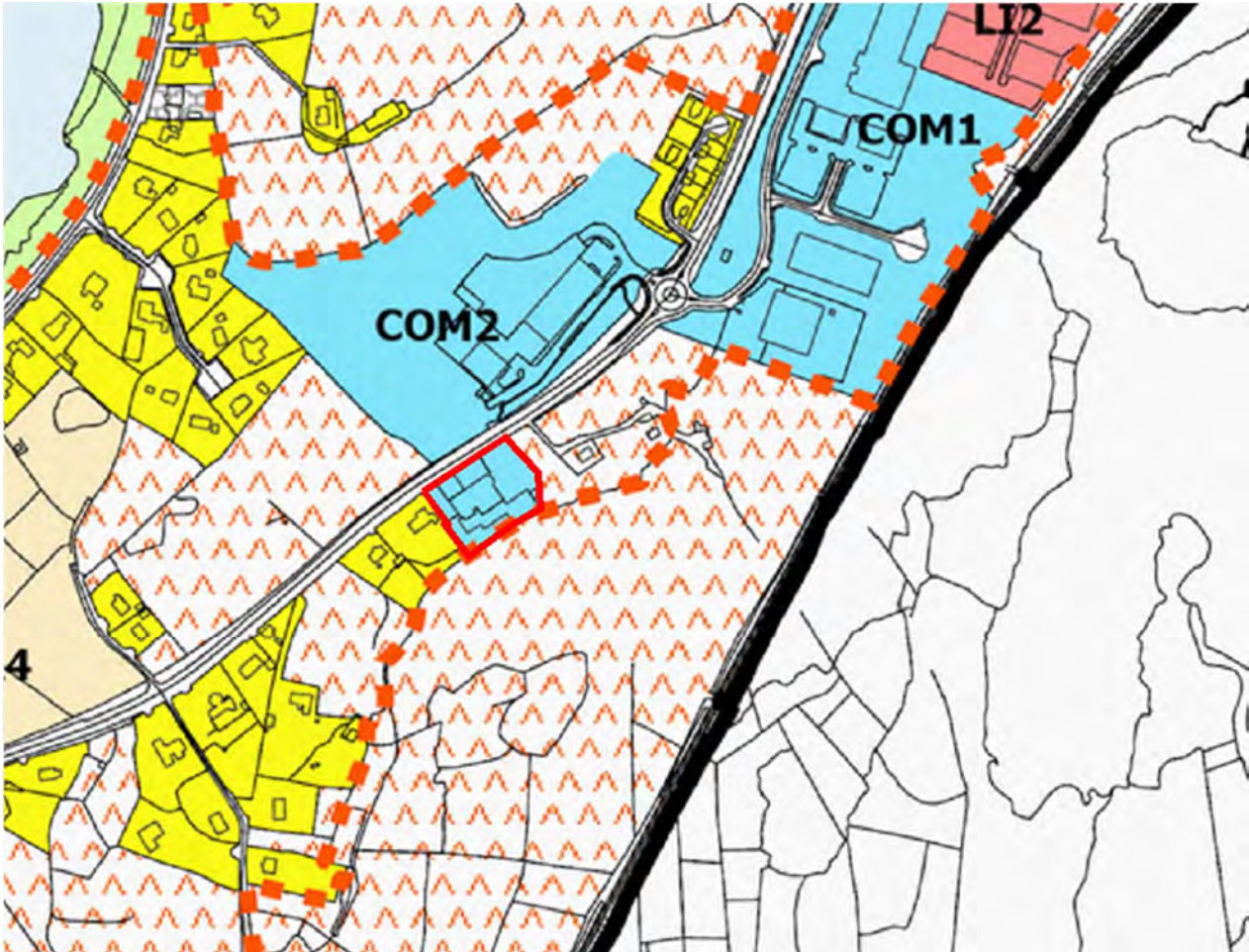


Figure 4 – Proposed Zoning – Draft Clare County Development Plan 2023-2029

4.2 Policy

The Draft Plan states the following in relation to Petrol Filling Stations:-

Small shops associated with petrol filling stations can be a cost-effective way of providing the equivalent services of a local shop. It is considered appropriate for petrol filling stations to provide limited retail facilities on site provided they are of a small scale and ancillary to the main purpose of the filling station. The Council will consider proposals on a case-by-case basis and may limit the range of retail goods available for purchase at petrol filling stations in order to protect the viability and vitality of existing retail centres. Such facilities will generally not be acceptable in rural areas where the maximum speed limit applies.

CDP7.21 – Petrol Filling Stations

It is an objective of the Development Plan to consider development proposals for petrol filling stations, and associated shops with a floor space no greater than 100m² (net), on their individual merits, subject to traffic impact considerations and the location, health and scale of existing retail services in the area.

5.0 REQUESTED AMENDMENT

1. Adopt 'Commercial' zoning; and
2. Modify Policy CDP7.21 to provide for retail floor area associated with Petrol Service Stations in excess of 100m².

5.1 Modify Policy CDP7.21 to provide for associated shops in excess of 100m².

Our Client has significant concern in relation to the wording of Policy CDP7.21 as in their opinion it will have a serious adverse impact on the future potential redevelopment of a number of service station sites in the County.

According to our Client this policy provision is clearly anti-competitive and directly in contravention of the Retail Planning Guidelines, to which the Planning Authority must have regard to in the preparation of the development plan.

While most of petrol stations generally have shops with a net retail area of less than 100sqm., in some instances they do not. Such instances would be where the service station is located within an urban area with a lack of proper retailing facilities. In these cases, the service station effectively becomes a local neighbourhood shop fulfilling an important local service function. Unfortunately, this function is not fully recognised or acknowledged by Planning Authorities in the preparation of their Development Plans and planning application assessments.

There appears to be confusion on the interpretation of the reference to 100sqm. in the Retail Planning Guidelines as being an absolute cap on the extent of net retail floorspace that can be incorporated into service station developments, as set out in the Draft Plan under Policy Objective CDP7.21. However, this is not the case. One of the key messages of the Guidelines is the promotion of competition where it states:-

“Strong competition is essential to reduce retail costs and ensure that savings are passed on to retail customers through lower prices. Competition also promotes innovation and productivity.

The planning system should not be used to inhibit competition, preserve existing commercial interests or prevent innovation. In interpreting and implementing these Guidelines, planning authorities and An Bord Pleanála should avoid taking actions which would adversely affect competition in the retail market.

These guidelines are aimed at ensuring that the planning system continues to play its role in supporting competitiveness and choice in the retail sector commensurate with promoting the vitality and viability of city and town centres”.



The Minister's forward to the Guidelines advises:

“Experience also indicates that a strong and competitive retail sector demands a proactive approach in planning, listening carefully to the messages from both the retail sector and communities and responding appropriately in managing and reshaping our cities and towns in response”.

One of the guidelines five policy objectives is:

Securing competitiveness in the retail sector by actively enabling good quality – development proposals to come forward in suitable locations.

The imposition of the 100sqm. floor space cap on retailing services at service stations is in contravention of this objective and has no policy basis whatsoever with reference to the guidelines.

The Guidelines do not preclude retail developments in excess of 100sqm. net, rather they state that in respect of any development in excess of 100sqm. that the sequential approach will apply, and the retail element should be assessed in the same way as would an application for retail development.

*The floorspace of the shop should not exceed 100m² net; **where permission is sought for a floorspace in excess of 100m², the sequential approach to retail development shall apply**, i.e. the retail element of the proposal shall be assessed by the Planning Authority in the same way as would an application for retail development (without petrol/diesel filling facilities) in the same location. **(Emphasis added).***

Additionally, the Guidelines make it clear that retail proposals must only be justified sequentially and not with reference to the potential for impacts on towns or village centres.

Our Client is of the opinion that Policy CDP7.21 set out in the Draft Plan is contrary to the above Guidelines. We refer to Section 12 of the Planning and Development Act, 2000, as amended, relating to the preparation of Development Plans, where it sets out a requirement that such plans are consistent with:-

‘.....specific planning policy requirements specified in guidelines under subsection (1) of section 28’.

Not only must the Plan be consistent with these Guidelines, but the Guidelines themselves take precedent.

It is our Client's opinion that Policy CDP7.21 should explicitly state that retail proposals at service stations in excess of 100sqm. are permitted in principle, subject to the Applicant demonstrating sequentially that the proposal is in accordance with the proper planning and sustainable development of the area.



The role of service station retailing has changed. Many stations facilitate multi-trip usage in terms of customers getting both fuel and local convenience items in one trip which has reduced the number of trips required to be taken, new planning policies should reflect the current market dynamics to take account of the changes in the market and provide support for the local service function many of these service stations provide.

6.0 CONCLUSION

Our Client request that the proposed '*Commercial*' zoning objective be adopted to the full extent of the subject site.

Our Client also requests that Policy Objective CDP7.21 be modified to provide for the principle of retail floor area associated with Petrol Service Stations in excess of 100m² subject to normal planning and development considerations.

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