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**From:** Planning Office  
**Sent:** Tuesday 3 January 2023 09:14  
**To:** Forward Plan  
**Subject:** FW: Submission to Clare County Council ref. Zoning of Site R29 and Site SR8 as proposed within "Proposed Amendments to Draft Clare County Development Plan 2023 – 2029".

**From:** Brian McMahon <[REDACTED]>  
**Sent:** Monday 2 January 2023 10:46  
**To:** Planning Office <planoff@clarecoco.ie>  
**Subject:** Submission to Clare County Council ref. Zoning of Site R29 and Site SR8 as proposed within "Proposed Amendments to Draft Clare County Development Plan 2023 – 2029".

Planning Department,  
Clare County Council,  
New Road,  
Ennis, Co Clare. V95 DXP2

**SUBJECT: Submission to Clare County Council ref.Zoning of Site R29 and Site SR8 as proposed within "Proposed Amendments to Draft Clare County Development Plan 2023 – 2029".**

Dear Sir/Madam,

I wish to make a submission to Clare County Council in relation to the "Proposed Amendments to Draft Clare County Development Plan 2023 – 2029" and specifically in relation to the zoning of **Site R29** and **Site 8**, as proposed within same.

Site R29 and Site 8, (currently two parts of the same field), are located off the Drumbiggle Road, Ennis and immediately to the west of the Pairc na Coille Retirement Village.

In Section 2.7 of the currently-in-force Clare County Development Plan 2017-2023, Site R29 and Site SR8 are referred to as one site, namely Site R23 (Zoned "Residential").

In relation to Site R23, the 2017-2023 Plan states at Page 49 of same, among other things,:

“This site has been identified for residential development. The area of the site to the west of Paircna Coille includes an attractive natural habitat which should be retained, at least in part, as open space between new development and the nursing home, providing an open space buffer between the two developments.”

Despite the 2017 – 2023 County Development Plan stating the above in relation to Site R23, Clare County Council agreed to grant planning permission under Planning Ref. No. 21599 to Leadlane (Drumbiggle) Limited for a Phase 1 development of 58 housing units on part of this Site R23 without enforcing any requirement to maintain an open space buffer between Pairc na Coille and the development proposed under Planning Ref. No. 21599, as per the Council’s own currently-in-force County Development Plan. Note, this grant of planning permission is currently under appeal to An Bord Pleanála by residents of Willsgrove, among others.

### **Draft Clare County Development Plan 2023 – 2029 (Dated 10<sup>th</sup> December, 2021)**

In the Draft Clare County Development Plan 2023 – 2029, Volume 3a, Ennis Municipal District Settlement plans, dated 10<sup>th</sup> December, 2021, and as shown on its accompanying map on Page 102 of same, **all of Site R23**, as previously mentioned in the 2017 – 2023 County Development Plan, was re-zoned and re-designated by the Council as **Site SR8 (Strategic Residential Reserve)**.

### **Chief Executive’s Report to the Elected Members on submissions received on the Draft Clare County Development Plan 2023 – 2029, Ennis Municipal District, Part 2 of 5 (Dated 10<sup>th</sup> July, 2022)**

The Chief Executive’s Report to the Elected Members on submissions received on the Draft Clare County Development Plan 2023 – 2029, Ennis Municipal District, Part 2 of 5, dated 10<sup>th</sup> July, 2022 discusses 2 no. submissions regarding Site R29, namely Submission No. S2/801 – MKO OBO Leadlane (Drumbiggle) Ltd. and Submission No. S2/990 – Jerry O’Brien on behalf of Cahercalla Drive Residents Association.

#### **Submission No. S2/801 – MKO OBO Leadlane (Drumbiggle) Ltd.**

In relation to Submission No. S2/801 MKO OBO Leadlane (Drumbiggle) Ltd., in which Leadlane sought to have its land back-zoned from **SR** to its extant zoning of **Residential**, the Chief Executive stated, among other things, on Pages 161 and 162 of his Report: “Therefore, there is adequate provision of zoned land within the settlement area and I consider the zoning of these lands

for as 'Residential' is neither necessary or appropriate and would be contrary to proper planning and sustainable development."

**Submission No. S2/990 – Jerry O'Brien on behalf of Cahercalla Drive Residents' Association**

In relation to Submission No. S2/990 – Jerry O'Brien on behalf of Cahercalla Drive Residents' Association, as stated on Pages 284 and 285 of his Report, the Chief Executive recommended: "The zoning objective for the site to be amended to Residential to reflect the recent planning history for the site."

**Thus, these two submissions to the Council in respect of the same site resulted in two different and contradictory zoning recommendations being made by the Chief Executive to the Elected Members in his Report.**

**Draft County Development Plan 2023 – 2029, Volume 3a, Ennis Municipal District Settlement Plans, Proposed Amendments (Dated 28<sup>th</sup> November, 2022)**

In the Draft County Development Plan 2023 – 2029, Volume 3a, Ennis Municipal District Settlement Plans, Proposed Amendments dated 28<sup>th</sup> November, 2022. Page 98 of same again stated, among other things,:

"This site has been identified for residential development. The area of the site to the west of Park na Coille includes an attractive natural habitat which should be retained, at least in part, as open space between any new development and the existing nursing home, providing an open space buffer between the two developments."

The site location map on page 99 of Draft County Development Plan 2023 – 2029, Volume 3a, Ennis Municipal District Settlement Plans, Proposed Amendments shows **this site as being divided in two by the Council and being respectively designated as Site R23 and Site SR8. (Strategic Residential Reserve).**

**Site R23** corresponds with the piece of land within this total field upon which Leadlane's Phase 1 housing development would be located (in accordance with the Grant of Planning Permission under Planning Ref. No. 21599, which is currently under appeal to An Bord Pleanála by residents of Willsgrove) and **Site SR8** corresponds encompasses the area of land within the same field, which corresponds with the land on which Leadlane proposes to undertake a future Phase 2 housing development.

## **Drainage Issue within the field comprising Site R23 and Site SR8 and Potential Future Back-Flooding of Willsgrove**

Ennis Urban District Council granted planning permission for the construction of Willsgrove under the jointly-submitted and jointly-assessed planning applications Planning Ref. Nos. 95/147 and 95/148. In accordance with such a grant of planning permission by Ennis Urban District Council and to facilitate the construction of Willsgrove, a culvert was put in place through the land adjoining Willsgrove, namely Leadlane's site, to take:

- 1) The Cahercalla Stream, which flows from Cahercalla Lough under the Cahercalla Road into Willsgrove and is now piped from immediately in front of No. 1 Willsgrove running under Willsgrove's Green Area on the Green Area's side of its boundary wall with Cahercalla Drive through Willsgrove and onwards down through the back-land development site (Leadlane's site) (within this culvert) to in front of the Pairc na Coille Retirement Village and then runs for a short distance in the open air at the bend of the Pairc na Coille Main Access Road and finally it discharges underground through a grill, which is regularly prone to being clogged with leaves, etc. resulting in road flooding at that location on the Pairc na Coille Main Access Road, to within the adjoining Ennis Rugby Club's land.
- 2) The storm water from Willsgrove.

In respect of Planning Ref. No. 21599, the applicant (Leadlane (Drumbiggle) Limited) submitted Drawing Nos. 11093-2018P01 and 11093-2016P01 and a Further Information Response Report to Clare County Council on 23<sup>rd</sup> December, 2021 as part of its Further Information Request Response. Both of these drawings show the locations for an "existing" attenuation tank for the applicant's Phase 1 development (under Planning Ref. No. 21599) and another attenuation tank for its future-proposed Phase 2 development at this site. Neither these drawings nor any other drawings submitted by Leadlane as part of that planning application show the elevations for either of these

2 No. attenuation tanks relative to the land surrounding them.

In the Applicant's (Leadlane) Further Information Response Report, under Item 6 the applicant refers to an "existing" attenuation tank, which the above mentioned drawings show as being "in situ" at the bend of the site's access road opposite the Pairc na Coille Nursing Home. This "existing" attenuation tank was to be put in place in accordance with the grant of planning permission by Ennis Town Council under Planning Ref. No. 06/10. (See attached aerial photo of the purported location of this attenuation tank and

aerial photo showing location of Cahercalla Stream Culvert). However, a visual inspection of the applicant's site through its site's wire fence at this location does not reveal the actual existence of any such attenuation tank having been put in place by McCarthy Contractors – the applicant under Ennis Town Council under Planning Ref. No. 06/10.

The above-mentioned, existing culvert contains overflow drainage pipes along its length to facilitate the discharge of overflow storm water from the culvert to the surrounding land. If development is permitted on the land surrounding this culvert, the overflow storm water from this culvert will have nowhere to go and will result in the back-flooding of Willsgrove's surface water drainage system and, as a consequence, the flooding of Willsgrove.

As previously stated, the grant of planning permission to Leadlane (Drumbiggle) Limited by Clare County Council under Planning Ref. No. 21599 is currently under appeal with An Bord Pleanála.

Should An Bord Pleanála reverse this grant of planning permission, I request Clare County Council to reverse its proposed zoning of the land currently designated by the Council in the Draft Clare County Development Plan 2023 – 2029 as Site R23 and re-zone it, along with Site SR8, as either Strategic Residential Reserve or Habitat.

Yours faithfully,

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Brian McMahon



