

**From:** Michael McNamara [REDACTED]  
**Sent:** Tuesday 3 January 2023 19:05  
**To:** Development Plan  
**Subject:** Proposed Amendments to the Draft Clare Draft Development Plan 2023-2029  
**Attachments:** Annex1\_East Clare Local Area Plan 2005.pdf; Annex2\_East Clare Local Area Plan 20011-2017 Scariff Tuamgraney Maps.pdf; Annex3\_Clare County Development Plan 2017 - 2023.pdf; Annex4\_Draft Clare County Development Plan 2023-2029 map.pdf; Proposed Amendments to the Draft Clare Draft Development Plan 2023-2029.docx

Dear Sirs,

Please find attached submissions and annexes thereto in respect of the Proposed Amendments to the Draft Clare Draft Development Plan 2023-2029.

Best regards,

Michael

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Michael McNamara,



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

By email: [devplan@clarecoco.ie](mailto:devplan@clarecoco.ie)

**Re “Proposed Amendments to the Draft Clare Draft Development Plan 2023-2029”**

Dear Sirs,

I write to you in my capacity as the legal Personal Representative of James O’Grady, [REDACTED] the registered owner of lands described in Folio CE1689, and his wife Margaret O’Grady [REDACTED]. As legal Personal Representative, I wish to make a submission on behalf of their estates, respectively, in relation to the Proposed Amendments to the Draft Clare Draft Development Plan 2023-2029, as published by Clare County Council, as it relates to the lands at Fossabeg, Scarriff Co Clare that form part of their estate.

The Proposed Amendments to the Draft Clare Draft Development Plan 2023-2029, as published by Clare County Council, state:

“Scarriff

In addition to compliance with the policies and objectives of Volume 1 of this Plan, specific objectives apply to the following sites: R4 East of the Church, Scarriff These lands have been identified as being suitable for housing due to their close proximity to the town centre and to many of the services available in the area contributing to the compact growth of the settlements.”

However, this statement is incongruous with the map which accompanies the draft Clare County Development Plan 2023-2029 wherein all of the lands to the East of the Church,

Scarriff are rezoned from Residential zoning, inexplicably and without any reason being provided, and not even included in the Strategic Residential Reserve.

As can be seen from the extract from the map accompanying the draft Clare County Development Plan 2023-2029, part of the field behind west of the Church has retained its residential zoning and part of the has been included as Strategic Residential Reserve.

## **Planning History**

A planning application was made in respect of the lands at the rear of the Church (P99-2144 for 90 dwellings) which was refused due to sewerage and water infrastructure constraints.

All of the lands described in Folio 1689 were zoned as Residential in the East Clare Local Area Plan 2005 and the East Clare Local Area Plan 2011-2017.

The East Clare Local Area Plan 2005 described the Land at the rear of the Church, Scarriff (3.4 ha) as “an opportunity for residential development, with easy access to the core,”. The Land east of the Church, Scarriff is described in the 2005 plan as “a natural extension to the town ... with easy access to the core.” See Annex 1.

The 2011 local area plan focussed on lands to the east of the Church – Scarriff, describing them as “in close proximity to the town centre and also close to many of the services in the area. It is noted that the “lands are gently sloping and this feature shall be incorporated in any future development in the site”. As can be seen from Annex 2, the lands were given two different zonings, R1 was zoned residential whereas the remainder of the lands to the East of the Church, to the north of the site and all of the lands to the west of the church were zoned as Low Density Residential.

A similar focus on the lands to the east of the Church is maintained in the 2017 County Development Plan, at p 13 of the Killaloe Municipal District Written Statement & Settlement Plans, as follows:

### **R1 Lands to the East of the Church, Scarriff**

These lands have been identified as being suitable for housing due to their close proximity to the town centre and to many of the services available in the area. The lands are gently sloping and this feature shall be incorporated into any future development of the site. The development of R1 shall incorporate a large extent of open space. Currently there is a parking area associated with the church along the western boundary of the lands. Provision shall be made for replacement parking should these spaces be removed as part of future development proposals. The natural stone walls along the roadside boundary of the site are also a prominent feature and shall be incorporated into future development on the lands.

R1 is bounded by the Scarriff stream which is currently at moderate status and therefore has a Water Framework Directive (WFD) Objective of restore to “good” status. Any future development at this location will need to take into consideration the requirements of the WFD and the achievement of its objectives. A significant portion of R1 contains wet grass land which should be carefully assessed as part of any planning application process as part of an overall ecological assessment. Any proposal for development on



this site shall also be subject to and accompanied by a Flood Risk Assessment.

However, as can be seen from Annex 3, the written statement is contradicted by the map accompanying it. It would appear therefrom that part of the lands opposite (east of) the Church were dezoned from Residential zoning in the Clare County Development Plan 2017 – 2023 inexplicably and without any reason ever having been provided to the landowners, notwithstanding the stated objectives of the East Clare Local Area Plan 2004 and the East Clare Local Area Plan 2011-2017 and indeed the Clare County Development Plan 2017 – 2022 itself. At the same time, lands to the west of the lands behind the Church were zoned as residential having, previously been zoned as community. The said portion of the lands which dezoned from Residential zoning in the Clare County Development Plan 2017 – 2023 were to the north and east of a new sewer line through the field opposite the Church which line was the subject of litigation between the landowners and Clare County Council. There is no history of flooding in the said lands although they abut a stream, on the eastern boundary (as is correctly noted in the written statement) and smaller stream on the northern boundary.

**Conclusion:**

The Draft Clare County Development Plan 2023–2029 Volume 3(c) Killaloe Municipal District Settlement Plans, correctly records in respect of lands opposite (east of) the Church:

R4 East of the Church, Scarriff These lands have been identified as being suitable for housing due to their close proximity to the town centre and to many of the services available in the area contributing to the compact growth of the settlements.”

However, this statement is incongruous with the map which accompanies the draft Clare County Development Plan 2023-2029 wherein all of the lands to the East of the Church, Scarriff are dezoned from Residential zoning, inexplicably and without any reason being provided, and not even included in the Strategic Residential Reserve.

Part of the lands to the west of the Church are zoned as Residential and part as Strategic Residential Reserve, as are the lands further west previously zoned community.

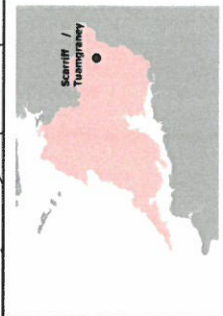
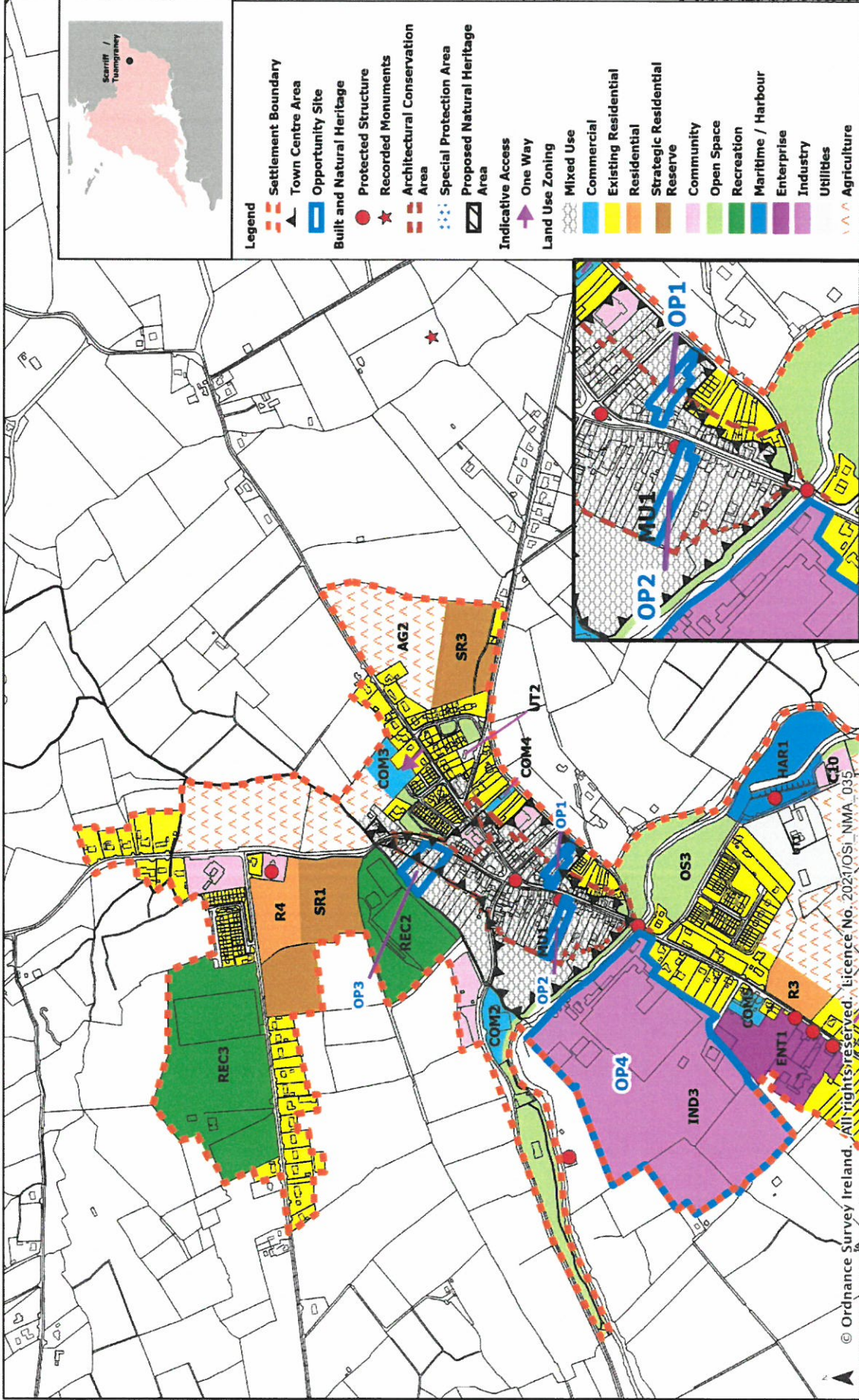
No explanation is given for this departure from previous development plans or how this policy reversal is compatible with the proper planning and sustainable development of the area

It is accepted that, as reflected in the draft Clare County Development Plan 2023-2029 there is little or no demand for large-scale residential development in Scariff at the current time.

It is submitted that, notwithstanding the existing zonings and proposed zoning in the draft Clare County Development Plan 2023-2029, the appropriate zoning for the entirety of the lands described in lands described in Folio 1689, Opposite and behind, to the east and west of, the Church in Scariff, is Strategic Residential Reserve. In order to coherently develop the lands, previously described in local area plans as “a natural extension to the town” all of the lands need to be developed as part of a single coherent plan which would be ensure the proper planning and sustainable extension of the town.

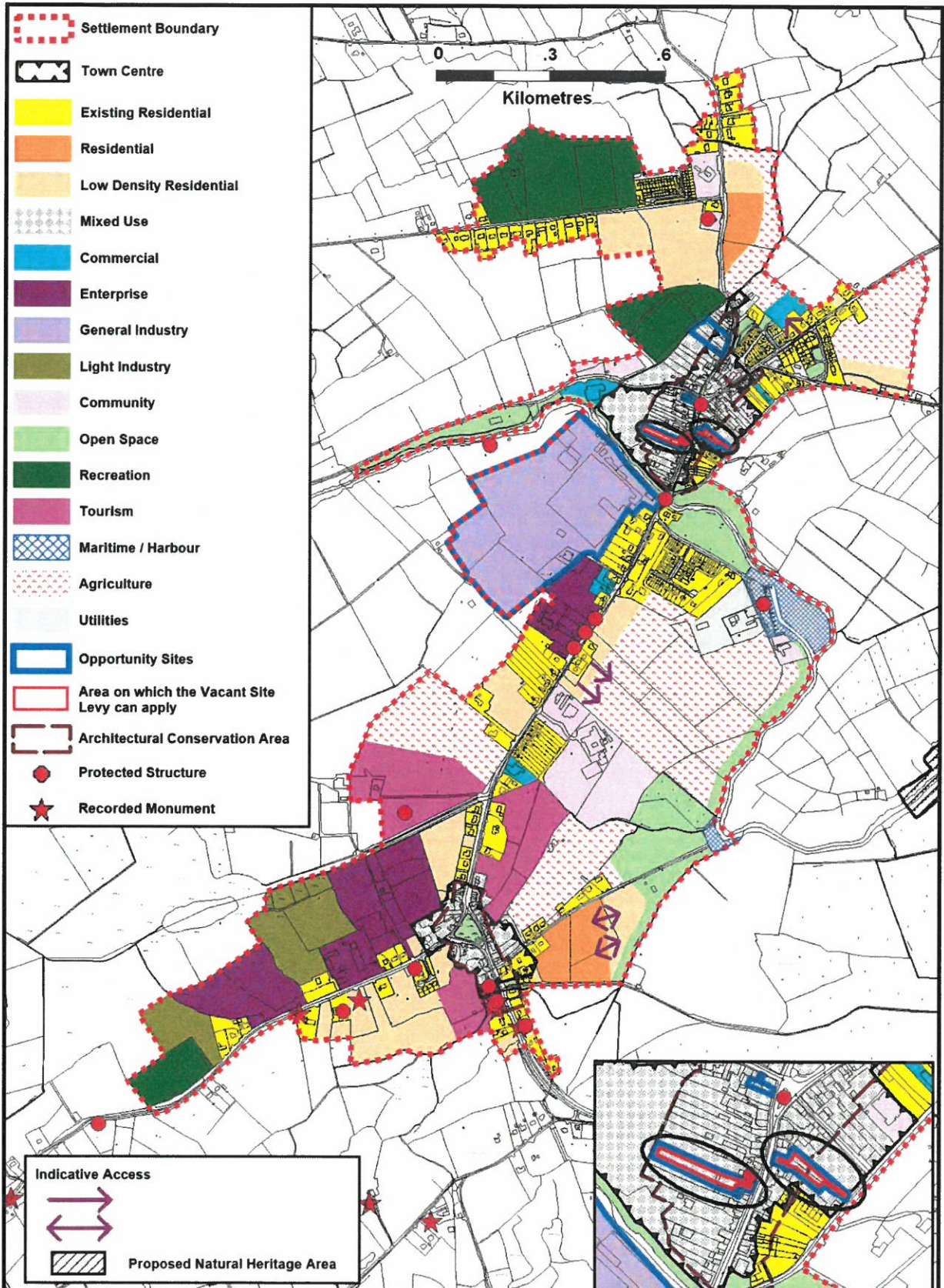
Yours faithfully,  
Michael McNamara





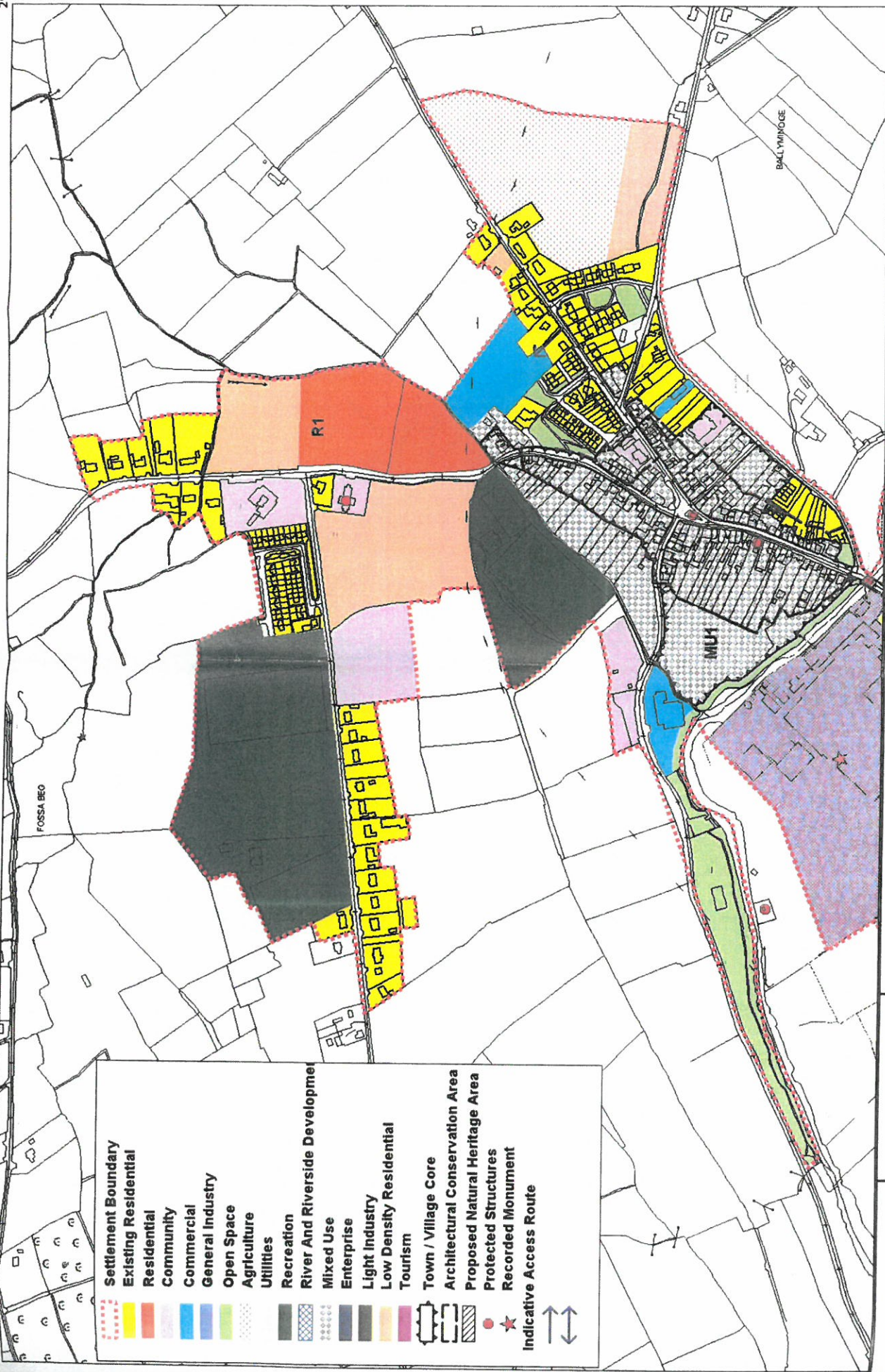
- Legend**
- Settlement Boundary
  - Town Centre Area
  - Opportunity Site
  - Built and Natural Heritage
  - Protected Structure
  - Recorded Monuments
  - Architectural Conservation Area
  - Special Protection Area
  - Proposed Natural Heritage Area
  - Indicative Access
  - One Way
  - Land Use Zoning
  - Mixed Use
  - Commercial
  - Existing Residential
  - Residential
  - Strategic Residential Reserve
  - Community
  - Open Space
  - Recreation
  - Maritime / Harbour
  - Enterprise
  - Industry
  - Utilities
  - Agriculture





Clare County Council: <b>Clare County Development Plan 2017-2023</b>		Title: <b>Scarriff/Tuamgraney</b>	
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		Scale: Refer to Scalebar	Date: January 2017





- Settlement Boundary
- Existing Residential
- Residential
- Community
- Commercial
- General Industry
- Open Space
- Agriculture
- Utilities
- Recreation
- River And Riverside Development
- Mixed Use
- Enterprise
- Light Industry
- Low Density Residential
- Tourism
- Town / Village Core
- Architectural Conservation Area
- Proposed Natural Heritage Area
- Recorded Structures
- Recorded Monument
- Indicative Access Route

**CLARE COUNTY COUNCIL**

**EAST CLARE LOCAL AREA PLAN 2011 - 2017**

**Scarriff Settlement Plan**

Drawn By: Padraig McManus

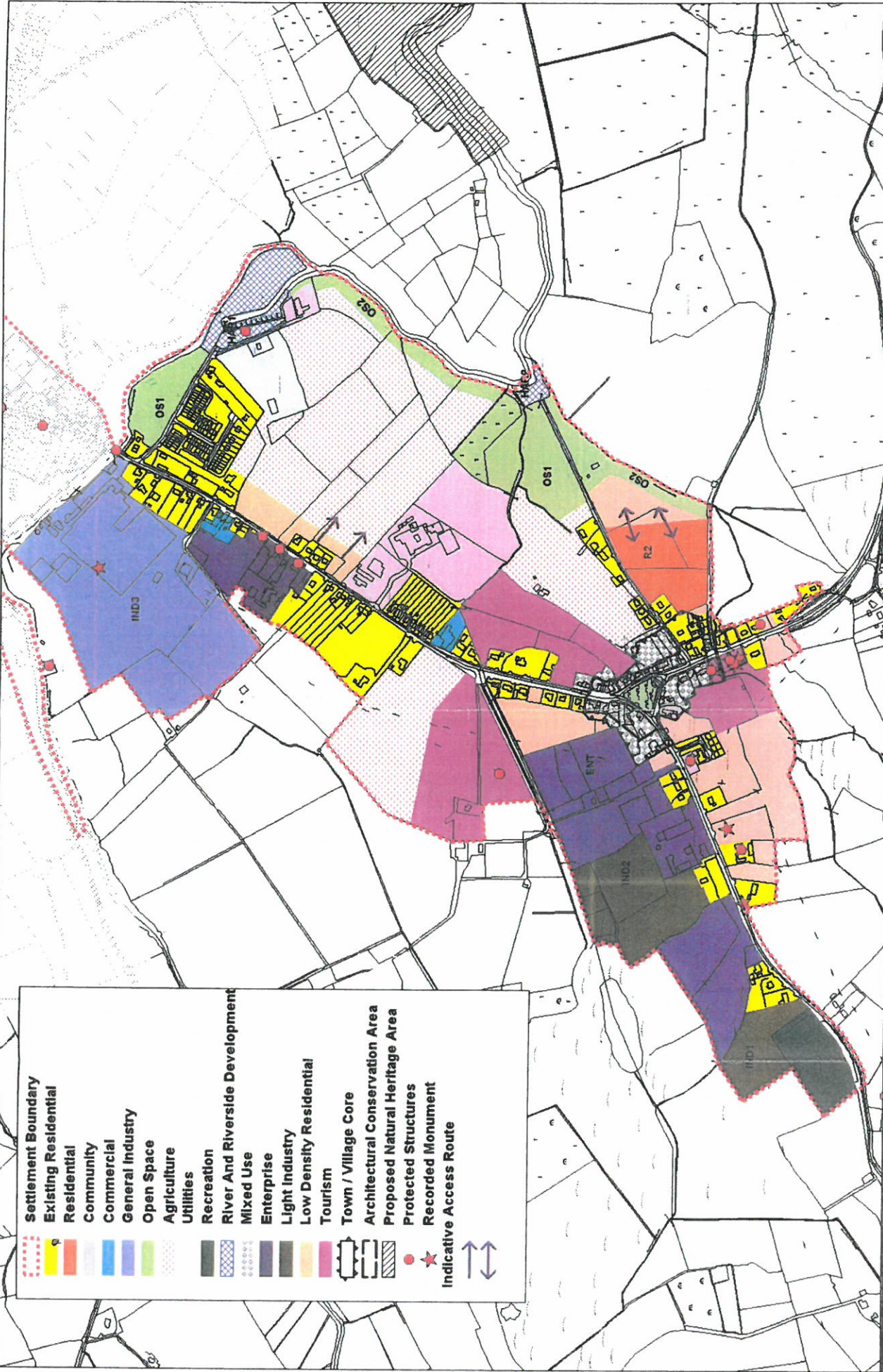
Checked By: Brian McCarthy

Not To Scale

Date: APRIL 2011

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- Settlement Boundary
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<p><b>CLARE COUNTY COUNCIL</b></p> <p><b>EAST CLARE LOCAL AREA PLAN 2011 - 2017</b></p>		<p><b>Tuamgraney Settlement Plan</b></p>	
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