



Thursday, 2nd April, 2026

Variation No. 1 to the 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. Proposed Variation No. 1 to Clare County Development Plan 2023 – 2029” and specifically in relation to the Proposed Amendment No. PA3a – 23a, namely the proposed Re-Zoning of Site SR8 (currently zoned Strategic Residential Reserve) to Site R39 (Residential), Cloughleigh/Drumbiggle Neighbourhood, Ennis Municipal District.

Dear Sir/Madam,

I wish to make a submission to Clare County Council in relation to the Proposed Variation No. 1 to Clare County Development Plan 2023 – 2029” and specifically in relation to the Proposed Amendment No. PA3a – 23a, namely the proposed Re-Zoning of Site SR8 (currently zoned Strategic Residential Reserve) to Site R39 (Residential), Cloughleigh/Drumbiggle Neighbourhood, Ennis Municipal District.

In relation to the above-mentioned, proposed re-zoning of Site SR8 to Site R39, I wish to make the following points:

- 1) Like the other residents of Willsgrove, I am very concerned about any potential back-flooding of the houses in Willsgrove as a direct consequence of any housing development being permitted by Clare County Council on Site SR8 (proposed Site R39).
- 2) Prior to the construction of houses in Willsgrove, it was necessary to construct a dual culvert running along the Cahercalla Drive’s side of what is now Willsgrove’s Green Area and continuing from there on through the centre of what is now Site SR8 (proposed Site R39) and onwards to the Ennis Rugby Club’s Grounds.

This dual culvert takes both the Cahercalla Stream and the surface water from Willsgrove. (See Attachment No. (1): O.S.I. Map (1996) showing Willsgrove, the proposed Site R39 and the Dual Culvert).

Also, due to flood risk no houses were permitted to be constructed on the area of ground within Willsgrove, which is now Willsgrove’s Green Area.

- 3) The construction of this dual culvert was necessary, as historically the Cahercalla Stream flooded the area, which is now Willsgrove’s Green Area.

(See the “Liable to Floods” notice on Attachment No. (2): O.S.I. Historical 25 Inch to 1 Mile Map of 1897 – 1913).

- 4) The Cahercalla Stream is unmapped beyond where it enters the Ennis Rugby Club's Grounds.

(See Attachment No. (3): Ennis Main Drainage & Flood Study).

Therefore, Clare County Council has no way of telling whether or not any blockage of the Cahercalla stream down-river of the Ennis Rugby Club's Grounds will or will not result in the back-flooding of the Cahercalla Stream and in turn the back-flooding of Willsgrove.

- 5) Clare County Council does not categorically know (A) the composition of the ground conditions on both sides of the dual culvert within the proposed Site R39 (currently Site SR8) and (B) whether or not any overflow from the Cahercalla Stream currently running through the dual culvert dissipates into the ground surrounding the dual culvert within the proposed Site R39 (currently Site SR8).

Therefore, the potential for either the back-flooding of the Cahercalla Stream or the back-flooding of groundwater from the dual culvert into Willsgrove as a direct result of any housing development being permitted on either or both sides of the dual culvert within the proposed Site R39 (currently Site SR8) is unknown to Clare County Council.

- 6) On Page 10 and Page 11 of the Clare County Development Plan 2023 – 2029 Strategic Flood Risk Assessment Proposed Variation No. 1 it is stated: "Flood risk has been assessed under PA23/25 which was subject to an ABP appeal, which was ultimately refused, but not in relation to flooding and surface water."

The above-mentioned Page 10 and Page 11 do not make any mention of Reason No. (3) of the Chief Executive's Order dated 23rd February, 2024 to refuse Planning Permission under Planning Application File No. P23/25, namely: "Based on the information as submitted with this application to date, and having regard to the ground conditions and shallow depth of rock on site, together with the proximity of the site to an existing stream/watercourse, the Planning Authority are not satisfied in respect of proposals for ground and surface water management, and the implications of same for flood risk management at this location. To permit the proposed development would therefore be contrary to the proper planning and development of the area."

In relation to the ABP decision to refuse the appeal of Planning Application File No. P23/25 (ABP Case No. ABP-319358-24), the Board of ABP refused planning on the grounds that "...it is considered the development of the subject site at this time is premature and would, therefore, not comply with the policies and objectives of the development plan." Page 5 of the ABP Board Order went on to state that the Board decided not to accept the Inspector's fifth recommended reason for refusal in relation to hydrological and hydrogeological conditions pertaining to the site.

In the ABP Inspector's Report dated 12th December, 2024 on ABP Case No. ABP-319358-24, the ABP Inspector's fifth recommended reason for refusing planning permission stated: "Having regard to the complex hydrological and hydrogeological conditions pertaining to the site, to the limited investigation carried out of these conditions and hence to the potentially inadequate mitigation impacts associated with the proposed development, it is considered that the development site could lead to unforeseen flooding and groundwater impacts that have not been fully assessed. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area."

- 7) On Page 11 of the Clare County Development Plan 2023 – 2029 Strategic Flood Risk Assessment Proposed Variation No. 1, under the heading "Historical Flooding", it is stated: "There are no recorded instances of site-specific flooding in this site boundary."

While it may be such that there are no "recorded" instances of site-specific flooding within this site boundary, that does not mean that it has not happened or could not happen. The proposed Site R39 (currently Site SR8) is sandwiched between Willsgrove and the County Clare Agricultural Show Grounds and the Páirc na Coille Retirement Village with the Ennis Rugby Club on the Town side of the Retirement Village.

On historical flooding within the lands bordering the proposed Site R39 (currently Site SR8), I refer you to Item 3) above (Ref. Willsgrove) and also to Point (6) of Attachment No. (4) from Ennis U.D.C. Planning File No. 95/147 (what is now the proposed Site R39 and Ennis U.D.C. Planning File No.

95/148 (Willsgrove), which details that there has been flooding of the County Clare Agricultural Show Grounds as a result of the “...inadequacy of the culverted stream in their lands to take the flow of the Cahercalla Stream as it exits from the Considine lands at present.”

Also, it should be noted, that residents of Páirc na Coille have stated, that they have observed flooding at the first bend on the Páirc na Coille Road where the Cahercalla Stream exits the culvert and then re-enters it at the entrance to the Ennis Rugby Club’s grounds.

- 8) Page 12 of the Clare County Development Plan 2023 – 2029 Strategic Flood Risk Assessment Proposed Variation No. 1 states: “The viability of culvert removal and reinstatement of open channel through the site should be investigated and implemented as a priority. This will help to ensure that a riparian zone is re-established and that the Flood Zones and any residual risk is adequately managed within the central riparian corridor through the site.”

The above-quoted suggestion from Clare County Council’s Planning Department would lead one to believe, that there is a flood risk pertaining to the dual culvert within this site and that the Council is aware of same. Otherwise, the Council would not be suggesting, that the removal and reinstatement of the culvert should be “investigated and implemented as a priority”.

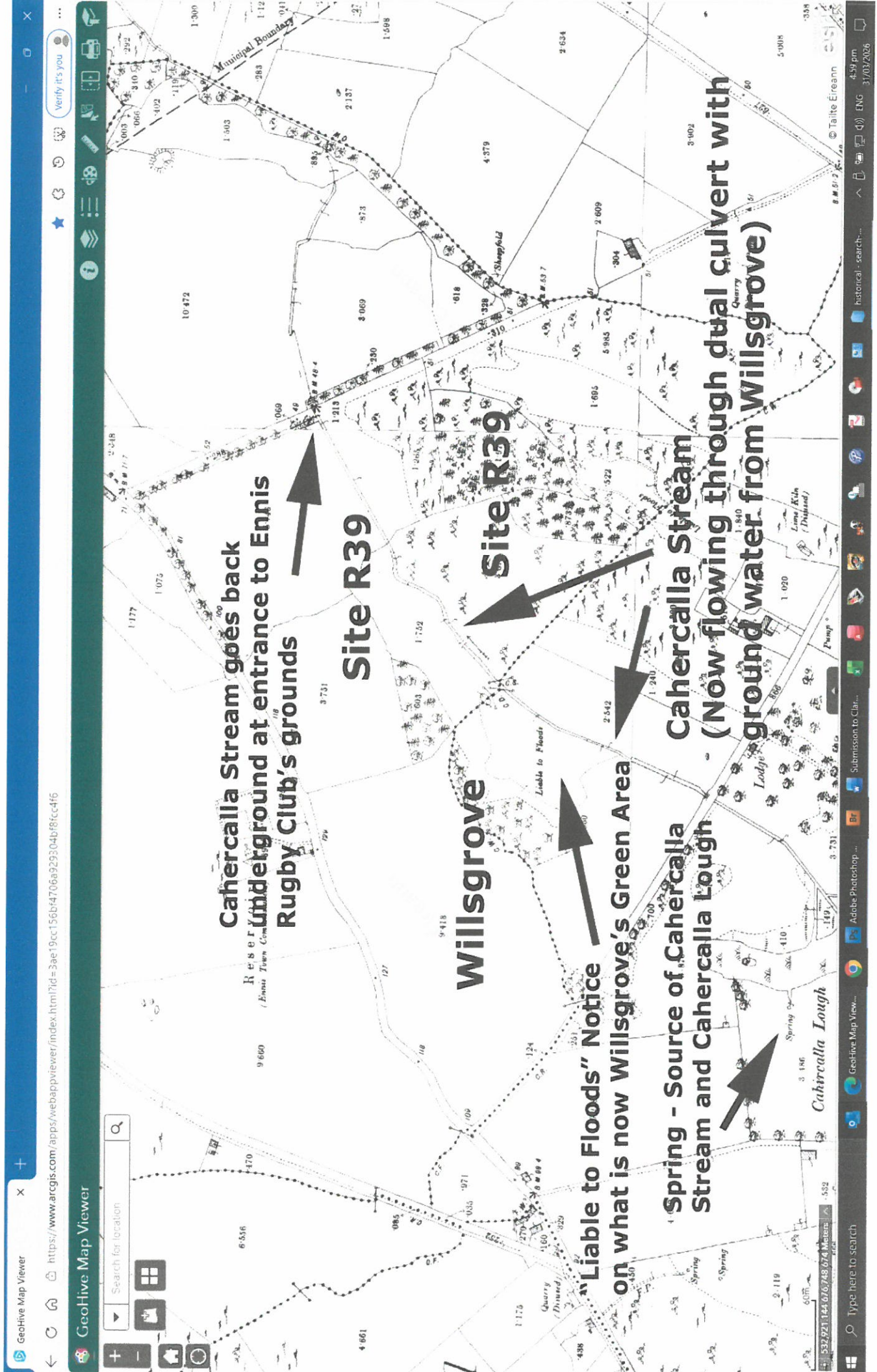
Were such a removal and reinstatement of the dual culvert to take place at the Council’s suggestion, is Clare County Council prepared to indemnify property owners in Willsgrove against any and all damages, which may result as a direct consequence from the back-flooding of either the ground water from Willsgrove or the Cahercalla Stream while the dual culvert was being removed and reinstated?

- 9) The proposal under Planning Application File No. P23/25 to have 2 No. attenuation tanks on the site to hold-back ground water from the site entering the public ground water pipe network would suggest, that the latter does not have the capacity to receive ground water directly from this site.

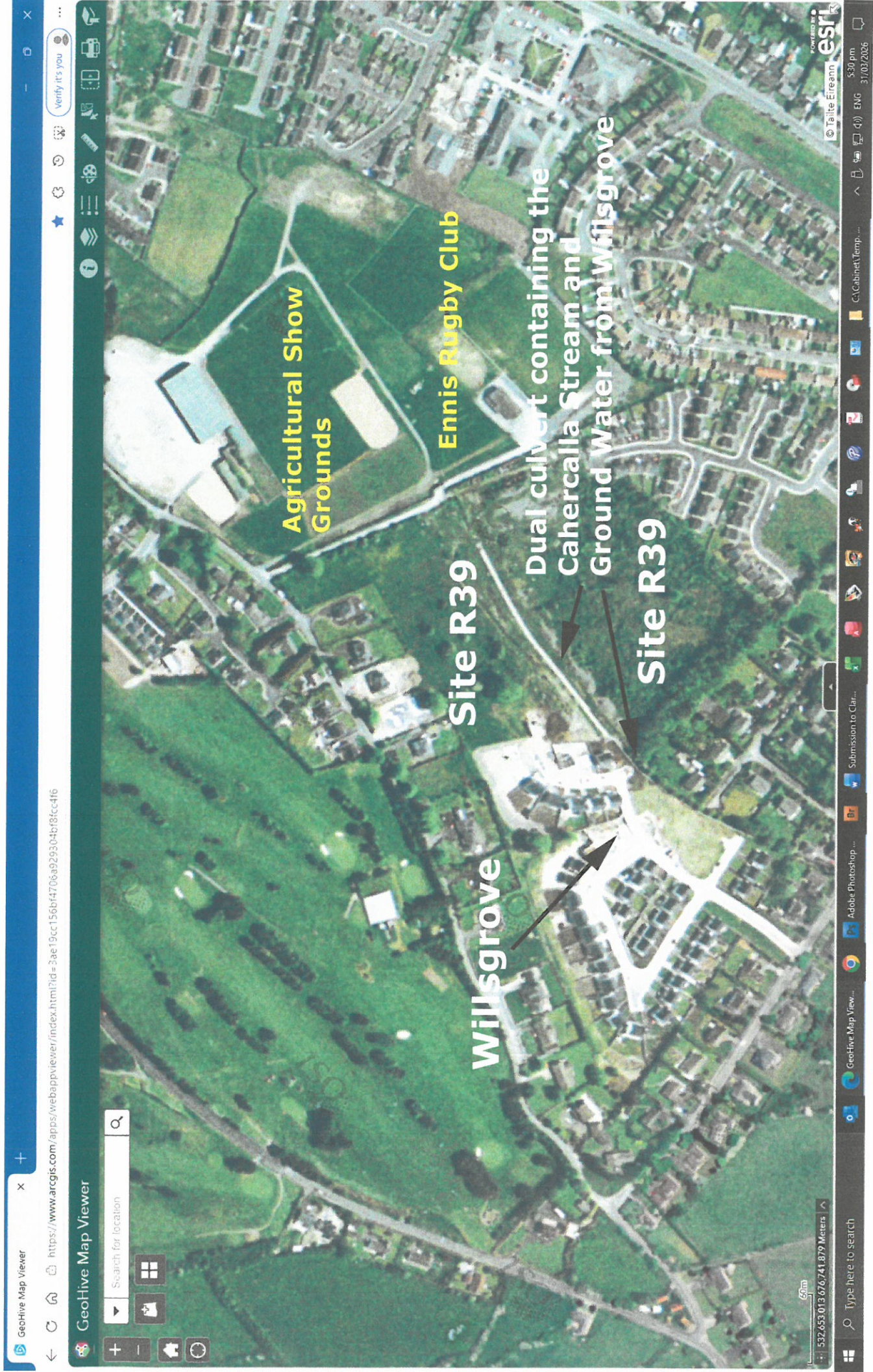
In view of the above-mentioned points, I recommend, that Site SR8 should not be re-zoned as Residential (Site R39) and that it should be zoned as Open Space.

Yours faithfully,


MICHAEL O'FLANAGAN

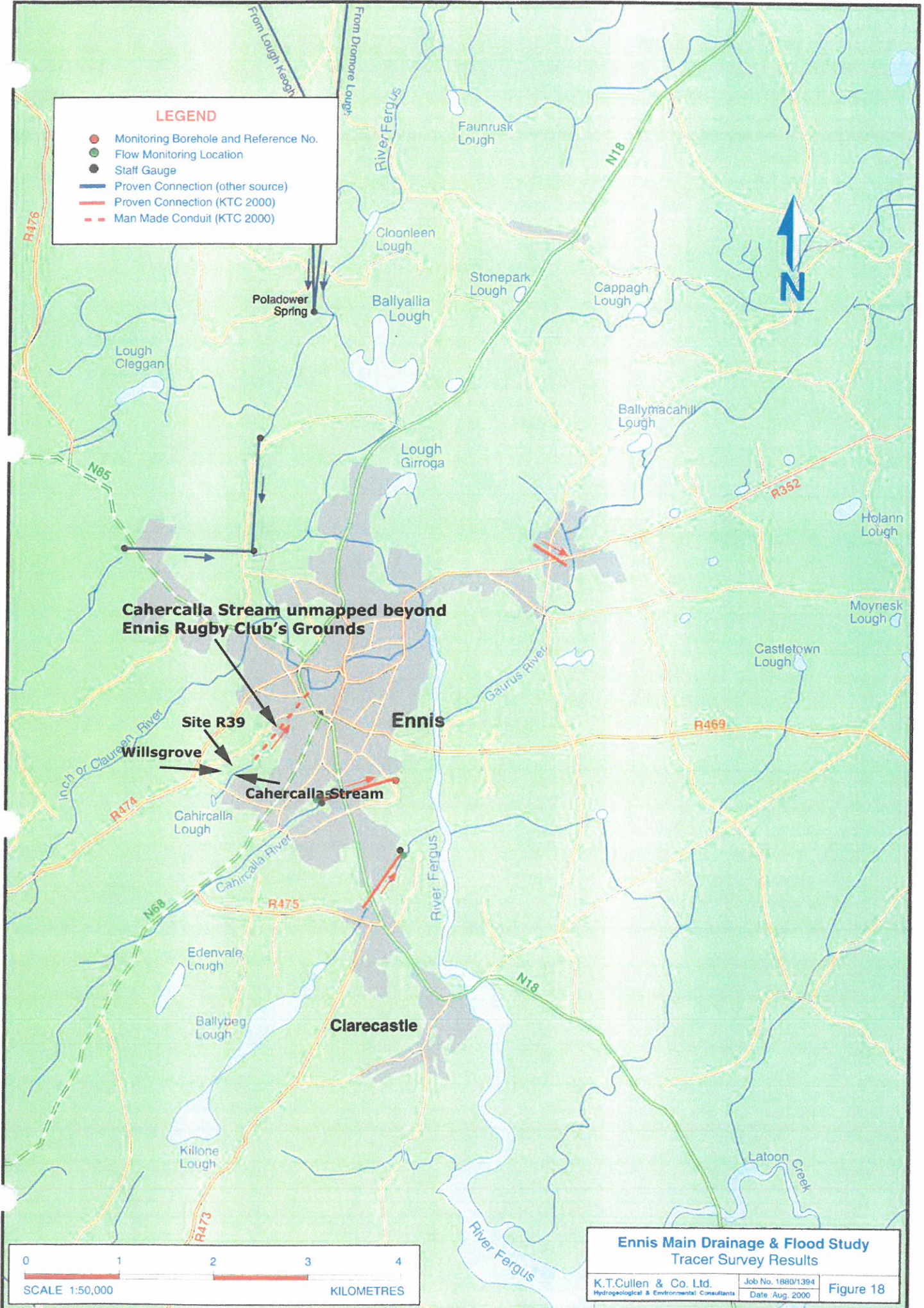


Attachment No. (2): O.S.I. Historical 25 Inch to 1 Mile Map (1897 - 1913) showing Cahercalla Lough & Spring, the direction of flow of the Cahercalla Stream and the area upon which Willsgrove's Green Area currently exists showing a "Liable to Floods" notice.



Attachment No. (1): O.S.I. Map (1996) showing Willsgrove, Proposed Site R39 and Dual Culvert containing the Cahercalla Stream and Ground Water from Willsgrove

Attachment No. (3): Ennis Main Drainage & Flood Study



Attachment No. (4)

Patrick J Tobin & Co Ltd

CONSULTING, CIVIL AND STRUCTURAL ENGINEERS

HYNES BUILDING, ST. AUGUSTINE STREET, GALWAY, IRELAND. TELEPHONE (091) 565211 (091) 567104/6 FAX 565398

EIMEAR COURT, MARKET SQUARE, DUNDALK. TELEPHONE (042) 35107 FAX (042) 31715

MARKET SQUARE, CASTLEBAR. TELEPHONE (094) 21401 FAX (094) 21534

47, ST. MUNCHIN HOUSE, NEWTOWN PERY, LIMERICK. TELEPHONE (061) 415757 FAX (061) 415757

REGISTRATION No. 42654. IRELAND.

PLEASE QUOTE OUR REFERENCE: JPK/AM/702221

YOUR REFERENCE: _____

14th February, 1996.

Ennis Urban District Council,
Waterpack House,
Drumbiggle,
Ennis,
Co. Clare.

**Re/ Planning Ref. 95/147 and 95/148
Additional Information**

*Recd. to Ennis Council
2/3/2020
ex Planning File
Re: Planning Ref.
95/148*

*To: M. Lynch
T. J. Jernan
M. De Frey
C. Connolly.
16/2/96*

Dear Sirs,

Further to our previous submissions of Planning Application document dated 14/11/95 request for extension of time dated 10/01/96 and discussions of 11/01/96 and 19/01/96 we would like to state the following:-

1. Watersupply

The trunk line through the site will be constructed as a 150mm main as shown on Drawings 701/221/01/3A and 701/221/02/3A.

2. Foul Sewerage

All lines carrying 15 houses or more will be 225mm diam.

This will entail the change of pipe sizes shown on the lines F5 - F5F - F7 - F7A - F7B on Drawing No. 701/221/01/3A.

3. Drumbiggle Road Access

a) It is appreciated by the applicants that the Drumbiggle Road requires further improvement.

b) It is also appreciated that the proposed development would enhance the volume of traffic on that road thus increasing the necessity for the further road improvements proposed by Ennis Urban District Council.

Cont/d ...1/...

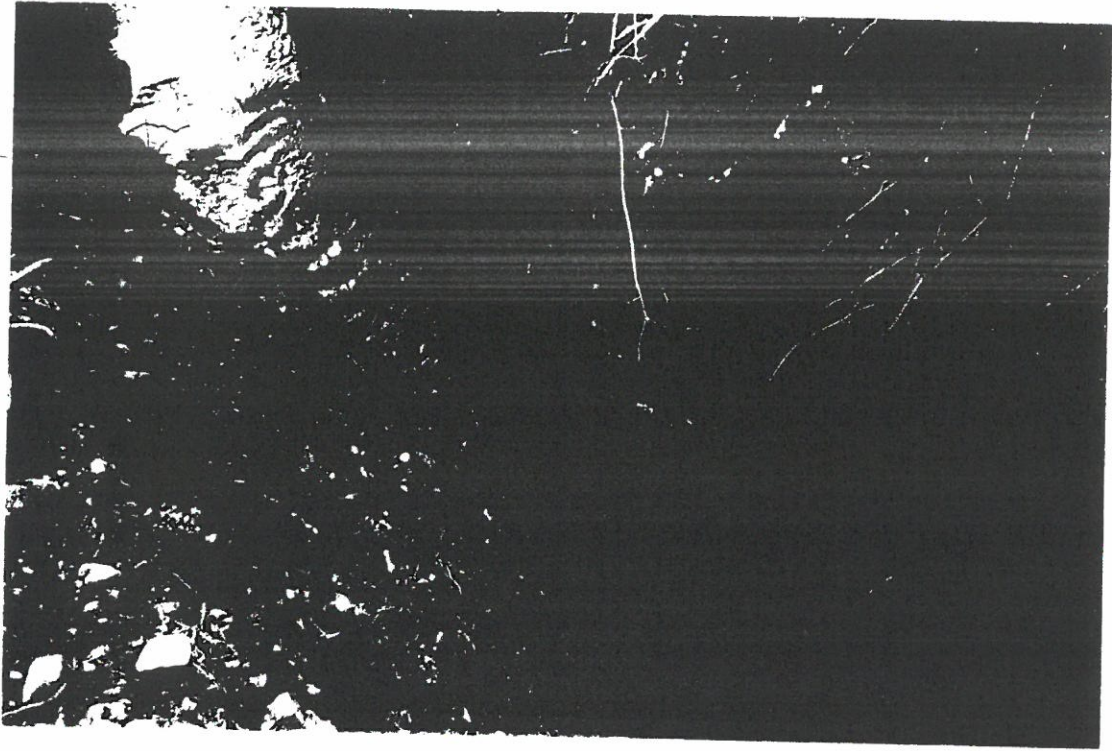
DIRECTORS

D. A. DOWNES BE. BSc. Eur Ing. CEng. FICE. FIEI. FCIWEM. MASCE. M Cons E.
M Cons EI (Chairman and Managing)
L. E. WALDRON BE. MBA. Eur Ing. CEng. FIEI. MCIWEM. M Cons E. M Cons EI (Secretary)
M. F. GARRICK BE. MEng. Sc. MBA. CEng. FIEI. MCIWEM. M Cons EI.
R. F. TOBIN BE. CEng. MIEI.

L. J. CONNEELY BE. CEng. MICE. MIEI. M Cons EI.
C. O'BYRNE BE. CEng. MICE. MIHT. M Cons EI.
J. P. KELLY BE. MIEI.
B. M. MULLIGAN BE. Eur Ing. CEng. FIEI. MStructE.
E. J. BOWMAN FASl



Association of Consulting Engineers of Ireland.
Winners of President's Award for Excellence in Design 1991.



- c) The applicants therefore hereby offer a "Drumbiggle Road improvement contribution" of £500.00/house on the total number of houses which may be granted on foot of the above Planning Applications to be paid prior to occupation of relevant houses, to Ennis Urban District Council. Such monies to be spent by the Local Authority on those proposed road works, in due course.
- d) Drawing No. 701/221/1/10A, the roads layout shows further detail of the entrance off the Drumbiggle road. The portion of lands to facilitate future road widening is being reserved for same adjacent to site Number 1. A temporary road junction with visibility of 120m in each direction at 6.0m from the main road is indicated which will require the re working of a 15m portion of the agricultural show grounds boundary wall. This work to be undertaken by the Local Authority from the fund referred to above.
- e) The final road junction to correspond with the development of the Drumbiggle road is also shown. This work to be undertaken by the applicant to the design and approval of the Local Authority to correspond with alignment and levels proposed for the Drumbiggle Road improvement.

4. Storm Water Storage

Storm water storage will be as detailed on our submission dated 14/11/95, and storm water discharge will be limited to the 75L/S agreed.

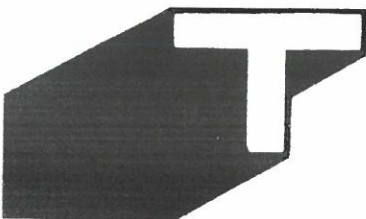
60 L/S will emanate from the main storage culvert to and outfall storm drain which will then pick up a further 15 L/S from the lesser storage culvert. The storm outfall drain will not pick up any other storm water so the outfall will be limited to the 75 L/S stated.

Examples of hydrobrake fitted at various locations are listed on the attached schedule issued by Remac (Dublin) Limited who will be supplying same. This lists the contractor, the Local Authority and the Local Authority Engineer under whose supervision the hydrobrake was fitted, at those locations.

5. French Drains on Embankments

We confirm that the following revisions:-

- a) Each section of embankment pertaining to individual sites will outfall to the storm drainage system through its own site.
- b) At the toe of the embankments the French drains will discharge to a 1 cu.m. soakway on individual sites and an over flow outfall from such soakways will link to the respective roof and yard water drainage systems and hence to the storm drainage system in roads.



6. **Flooding of Existing Stream**

Letters on the Public File express the concern of the County Clare Agricultural Show Society with regard to:-

a) **Additional Storm Water Discharge**

b) Flooding of their site by inadequacy of the culverted stream in their lands to take the flow of the Cahercalla stream as it exits from the Considine lands at present.

We can confirm as follows:-

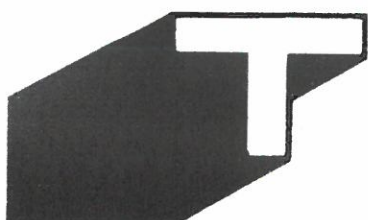
- a) The proposed development will not discharge to the stream, all storm waters will discharge via the storm water outfall proposed via the Ennis Rugby Club Grounds and as detailed in the Storm Water Storage Proposals detailed in the Planning Application and as per Item 4. above.

Hence the volume of water in the stream will actually be marginally reduced by the reduction of volume of rain water getting to ground on the site.

- b) Inadequacy of the culvert on the Agricultural Society Show Grounds.

The existing Cahercalla stream culvert on the showgrounds site generally proves fit for purpose but occasionally fails to cater for the existing stream flows. That culvert apparently comprises of various forms of construction corresponding with the respective dates of construction. The applicants confirm that when work commences on the culverting of the stream on their site that they will with the approval of the agricultural show committee

1. Open the culvert at points of change of direction and construction forming access chambers at such locations if required.
2. On examination of the culvert undertake a rehabilitation of same at points of constriction or partial collapse such that the culvert might again function as intended.
3. We note as per attached Photograph that at a point on the stream approximately at mid point along the Considine lands that a natural rectangular notch occurs which is 0.66m wide. On the 11/01/96 after significantly wet weather the depth of flow through this notch was 250mm indicating that on that date the flow was of the order of 0.12 cu.m/sec. This occupied 0.165 sq.m at the notch position. An extended channel (culvert) as in the Agricultural Grounds which has a greater gradient would require a lesser cross sectional area.



We understand that the minimum cross sectional area in the culvert at the showgrounds corresponds with a portion of 750mm concrete pipe at the outfall adjacent to the Rugby Grounds. This has an equivalent capacity of 1.968 cu.m/s as previously stated on Page 2 of Appendix 3 to the Planning Submission.

We are therefore satisfied that rehabilitation of the existing culvert if permitted by the Show Committee will eliminate the present apparent inadequacy of that culvert.

4. In summary, the applicants will if granted Planning Permission and with the sanction of the Agricultural Show Committee rehabilitate the existing culvert to give an equivalent capacity at all points of not less than 1.90 cu.m/s which corresponds with that proposed in their own development.

7. Drainage of Existing Gardens

Correspondence on the Planning File indicates that certain houses in Cahercalla Drive are concerned that the culverting of the Cahercalla stream would seal their gardens out of their existing drainage outfall. We note the following:-

- a) Existing storm outfall pipes to the stream will be connected to the proposed stream culvert.
- b) An individual French drain (slotted P.V.C. pipe 150mm diam. with pea gravel surround) will be run in parallel with the stream culvert to cater for each garden and the section of road which abuts the stream respectively, to take and wells, springs storm water or surface water which might arise in those vicinities, as shown on Drawing No. 701/221/2/3A.

8. Existing Adjacent Septic Tanks

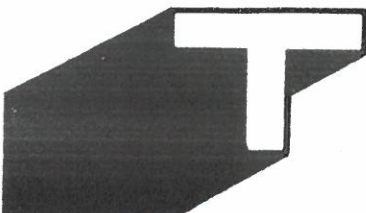
All proposed houses will be located at not less than the minimum distance of 18m (60 ft) from the boundary of existing sites served by septic tanks. The layout Drawings have been revised accordingly which has resulted in the increase in depth of gardens now numbered 27 to 48 on Drawing No. 701/221/1/2 and 1 to 10 on Drawing No. 701/221/2/2.

9. Screen Walls

A 2.0m high screen wall will be erected to the side and rear of all properties which abut proposed open space, behind the front building line of such houses. In front of the building line of such houses the screen walls will 1.0m high. See also Point 14 below.

10. Open Space

The areas of open space which are deemed relevant are stated on the layout plans. Only lesser open spaces which have not been included in our calculations for open space purposes do not have areas stated. (See Drawing No. 701221/01/2A and Drawing No. 701221/02/2A.



11. Retail Outlets

Retail outlets have not been shown as they are not deemed to be warranted within the development.

12. Flooding Generally

Various correspondences express a concern regarding flooding which we are satisfied as stated in the initial submission (Appendix 3 Page 5)

"We are therefore satisfied that even in the occurrence of a catastrophic rain storm event that the works proposed will ensure that:-

- a) The proposed houses*
- b) The existing houses to the South and East of the proposed 68 House Development will not be prone to flooding by waters produced by this Development".*

13. Traffic

We consider that the item has been addressed above by Item 3. **Drumbiggie Road Access.**

14. Environment

Specific attention has been given to the maintenance of as many trees as possible by selection of appropriate house, road and open space locations and we are satisfied that the layout will be successful in this regard. Trees to be preserved are shaded in Green.

The open stream while presently an environmental amenity is deemed to be best contained within a culvert for safety reasons. We note that the formation of the storm water storage culverts is necessary to control storm water discharge as discussed at Part 4 above. However the stream is being proposed as being culverted on safety grounds only which we continue to consider preferable and appropriate.

The screen wall to the rear of house 3 and along the end of the Cahercalla Drive Road and along the side of No. 10 Cahercalla Drive will be built on the roof of the stream culvert to preserve the privacy of those properties with drainage of those gardens addressed as per Point 7 above.

Should the Planning Authority consider it appropriate to retain the stream unculverted and leave it on the Cahercalla Drive side of the screen wall, the applicants are satisfied to undertake the Development in that fashion.

Hence the applicants would leave the stream on that boundary as is and build the storm water storage culvert adjacent with the screen wall on the roof of same rather than on the roof of the stream culvert. This would save the applicants the cost of some 120m of stream culvert and leave the responsibility of the stream with the Cahercalla Drive properties.



15. Density/House Type/Total House Numbers

Further to the variations required to meet with the concerns of adjacent property owners regarding septic tank distances and to the Planning Office requirements for location and orientation of various house types. We have revised our layout Drawing such that the former 68 house layout now contains 43 houses. The 131 house layout now contains 125 houses. The combined total is now 168 houses.

We consider the density of the developments proposed are:

- a) Appropriate and
- b) Necessary as the Developments are addressing and funding the resolution as appropriate to these developments of :-

1. The storm water problems of the vicinity

and

2. The present condition of the Drumbiggie Road

and will therefore warrant such a form of development to prove viable.

16) Cross Section of Site

We have revised the typical cross-section of the site to a horizontal and vertical scale of 1/500 as shown on Drawing No. 701/221/2/9.

17) 60 Ft. Rear Gardens

We trust that the details and revisions herein help to clarify the proposals and to address concerns raised.

We include copies of Drawing Nos. 701/221/SK/2 showing the layout as originally submitted and 701/221/SK/2A as now revised to facilitate the highlighting of those revisions. The Red line shown on the revised sites 1 to 10 of the 43 houses and 27 to 48 of the 125 houses shows the former front boundary line of those sites and how the 60 foot rear garden has now been provided.

We will be glad to be of any further assistance to the Planning Authority or any interested third parties in the matter.

We now enclose six sets of all relevant Drawings for the benefit of each file showing revisions.

Yours faithfully,


John P. Kelly. 

