

Submission to the Draft Clare County Development Plan 2023-2029

Client	The O'Neill Family
Project Title	Lands at Loughrask, Ballyvaughan, Co. Clare
Project Number	CDP/GON 020122
Prepared by	Brian Foudy & Associates Ltd
Dated	25/03/2022

INTRODUCTION

We note that Clare County Council are in the review process of the existing Clare County Development Plan 2017-2023 and preparation of a new development plan for the period 2023 - 2029 is underway. On behalf of our client, we wish to make a submission in respect of the Stage 2 (Draft Development Plan) of the Clare County Development Plan 2023-2029 (hereinafter referred to as the Draft Plan).

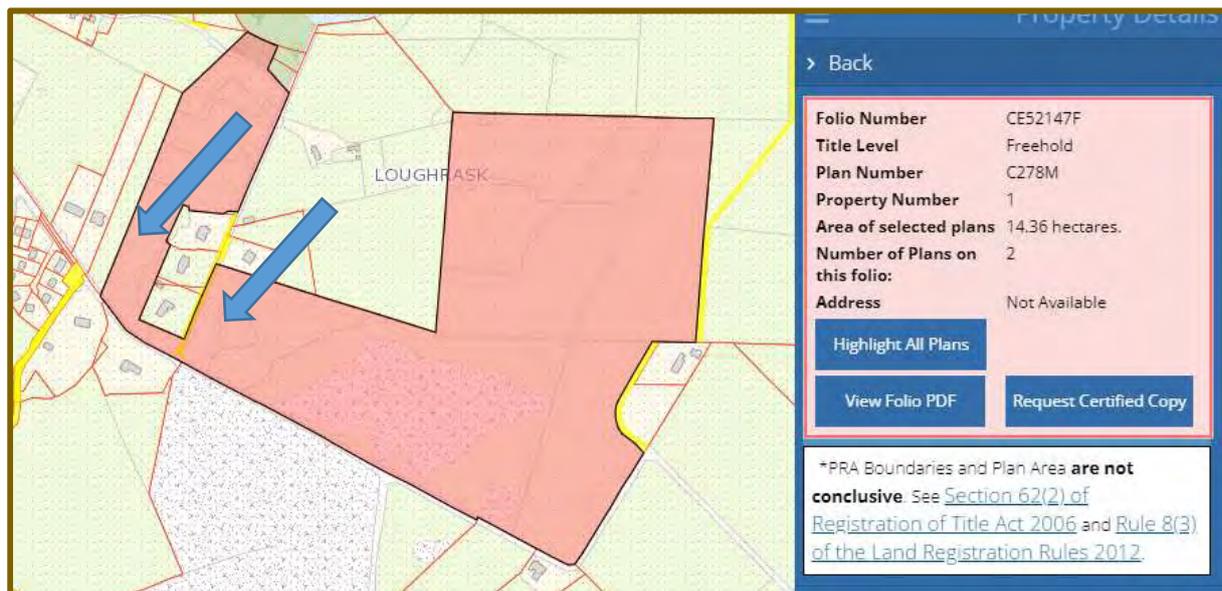
Brian Foudy & Associates Ltd have been appointed to prepare this submission on behalf of the O'Neill Family. In response to the contents of the Draft Clare County Development Plan 2023 - 2029, and in particular Volume 3d – West Clare Municipal District Shannon Municipal District, this submission will support the request for to retain and increase the existing Low Density Residential Zoning (LDR3) on lands located at Loughrask, Ballyvaughan, Co. Clare.

SITE LOCATION:

This submission has two parcels A & B located at Loughrask, Ballyvaughan. Both parcels are contained within Folio CE52147F.

Parcel A is located within the current and proposed settlement boundary of Ballyvaughan along the Green Road. Parcel A has 49.5m of road frontage and has an area of 0.36 Ha. Parcel A is the last remaining site contained within the existing LRD3 zoning.

Parcel B is located just outside both the existing and proposed Ballyvaughan Settlement Boundary. Parcel B has dual frontage to both the Green Road and Loughrask Road. Parcel B has 97.5m of road frontage along the Loughrask Road and measures 0.59Ha. See OSI Map attached highlighting both parcels.



Extract From Land Registry – Folio CE52147F

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Director: B. Foudy Comp Secretary: J. Reynolds

SERVICES:

Sewers:

These lands are serviced by the Loughrask Group Sewerage Scheme. Existing dwellings from LDR3 connect into the scheme. The Group has confirmed capacity for up to an additional 6 houses. Considerable investment was made by the late John O'Neill to develop the existing Loughrask group Sewerage Scheme and given that this infrastructure is in place there is a legitimate expectation to obtain favourable residential zoning in the surrounding lands – namely parcels A & B as shown on the attached map.

Water:

These lands can be served by the existing Irish Water main supply.

Electricity:

Existing poles and ESB wires are adjacent to these lands.

Telecoms

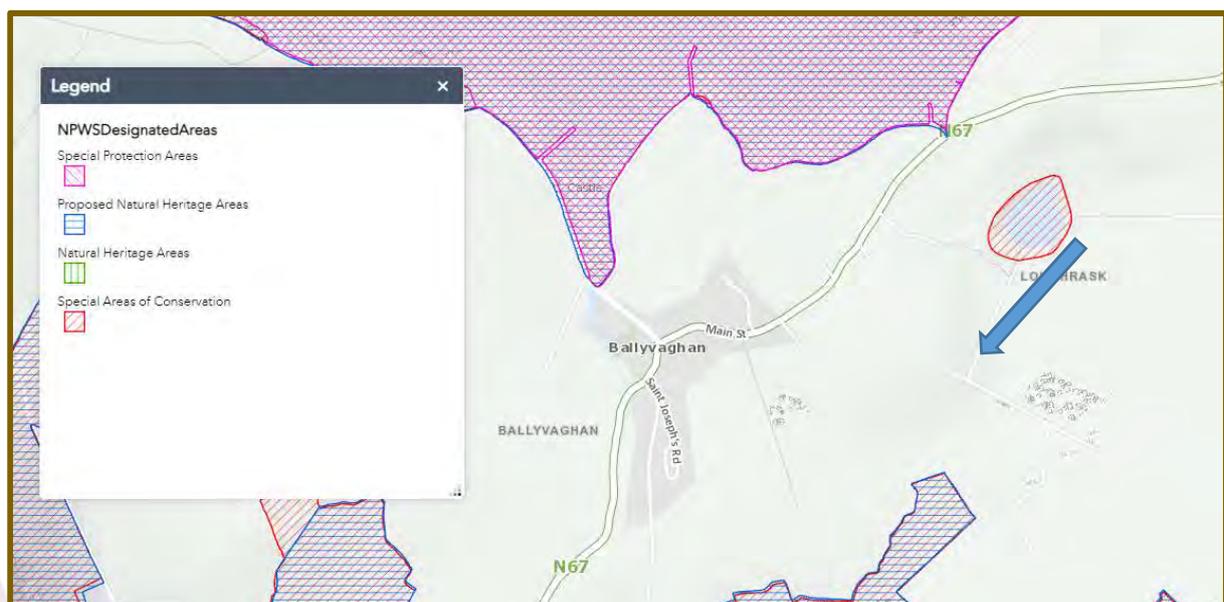
Telecom poles and infrastructure are adjacent to these lands.

ENVIRONMENTAL:

Natura 2000 Designations:

The Subject site is not within any of the below protected areas;

- Special Protection Areas (SPA)
- Proposed Natural Heritage Areas (pNHA)
- Natural Heritage Areas (NHA)
- Special Area of Conservation (SAC)



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Extract from NPWS Protected Sites Maps _ Subject Site Marked in RED

Flood Risk

Flood risk is not an issue on the subject lands.



Extract from Flood Maps _ Subject Site Marked in RED

CONNECTIVITY & COMMUNITY FACILITIES:

The subject lands are located in close proximity to a wide variety of amenities and community facilities in the large village of Ballyvaughan such as Shops, Restaurants, Hotels, Church, Creche, National School, Community Centre, Fishing piers and GAA Field all within walking distance of the subject lands. The existing public footpath is less than 65m from parcel A and can be extended.

PLANNING POLICY CONTEXT:

This submission has been prepared with cognisance to the following planning policy documents.

- National Planning Framework: Project Ireland 2040
- Clare County Development Plan 2017-2023
- Draft Clare County Development Plan 2023-2029



Extract from Project Ireland 2040 – Clare is designated as within the southern region

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National Planning Framework: Project Ireland 2040

In 2018, the Government of Ireland adopted the National Planning Framework (NPF) entitled Ireland 2040 to succeed the National Spatial Strategy. The NPF comprises the Government's proposed long-term strategic planning framework to guide national, regional and local planning and investment decisions over the next 25 years. It is intended that the NPF will be a strategic document that will provide the framework for future development and investment in Ireland, providing a long-term and place-based aspect to public policy and investment, and aiming to coordinate sectoral areas such as housing, jobs, transport, education, health, environment, energy and communications, into an overall coherent strategy. The NPF has a number of National Policy Objectives (NPOs) that articulate delivering on a compact urban growth programme and are relevant to the proposed rezoning of the subject lands. In the southern Region the targeted growth is 340,000 to 380,000 additional people by 2040. Lisdoonvarna would be described as a small rural town within this region. The following are some relevant National Policy Objectives;

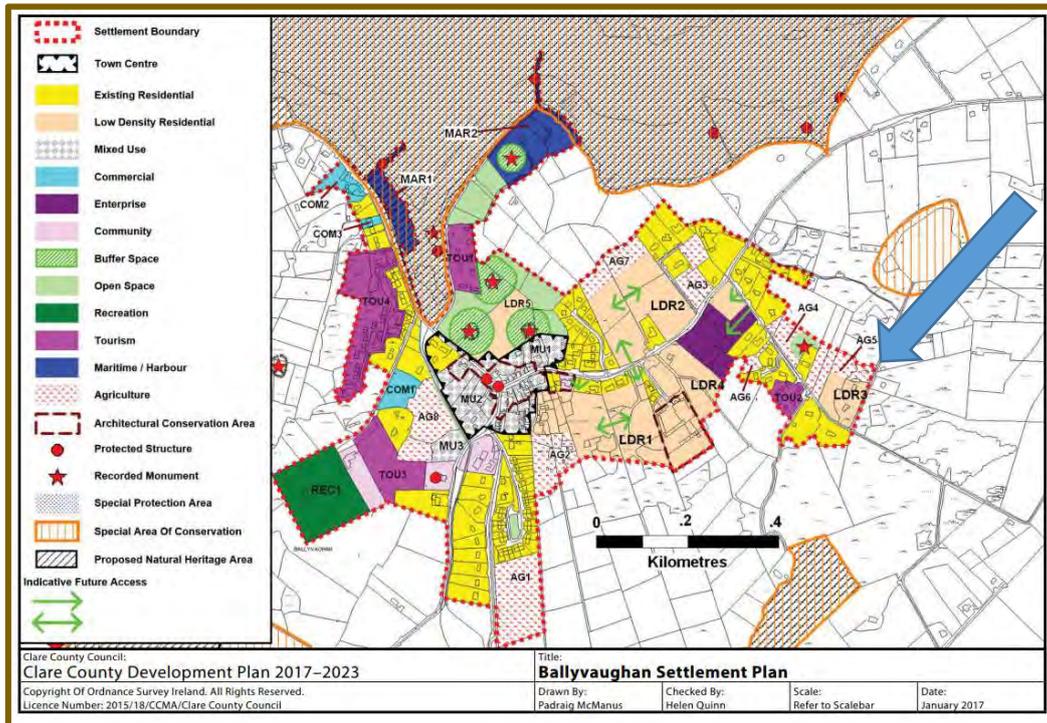
- NPO 3a deliver at least 40% of all new homes within the built-up footprint of existing settlements. Parcel A is within the current settlement plan of Ballyvaughan with Parcel A just across the road from the proposed settlement boundary.
- NPO 4 Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being. This can be achieved on the subject lands. LDR3 already has a number of attractive, well designed dwellinghouses.
- NPO15: Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities. Permitting zoning on these lands will enhance the community and enable family homes to be built.
- NPO 18b: Develop a programme for 'new homes in small towns and villages' with local authorities, public infrastructure agencies such as Irish Water and local communities to provide serviced sites with appropriate infrastructure to attract people to build their own homes and live in small towns and villages.
- NPO 33 prioritise provision of new homes at locations that can support sustainable developments and at an appropriate scale of provision relative to location.

Clare County Development Plan 2017-2023

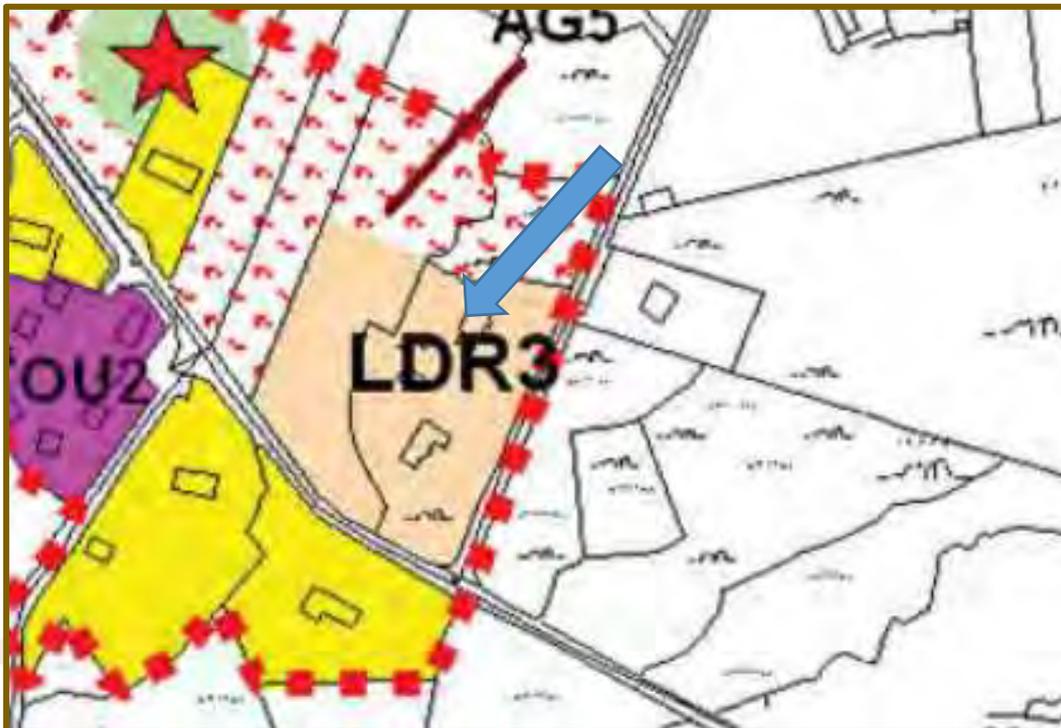
Parcel A is currently zoned as Low Density Residential (LDR 3) in the current Ballyvaughan settlement Plan with Parcel B located just outside the settlement boundary. Ballyvaughan is considered a Large Village in the settlement Hierarchy

CDP 3.5 - Large Villages

It is an objective of the Development Plan: To ensure that the large villages throughout the County maintain existing population levels and services and to ensure that future growth is balanced and sustainable and is relative and appropriate to their scale, size and character.



Existing Ballyvaughan Settlement Plan 2017-2023



Extract of Existing Lisdoonvarna Settlement Plan 2017-2023

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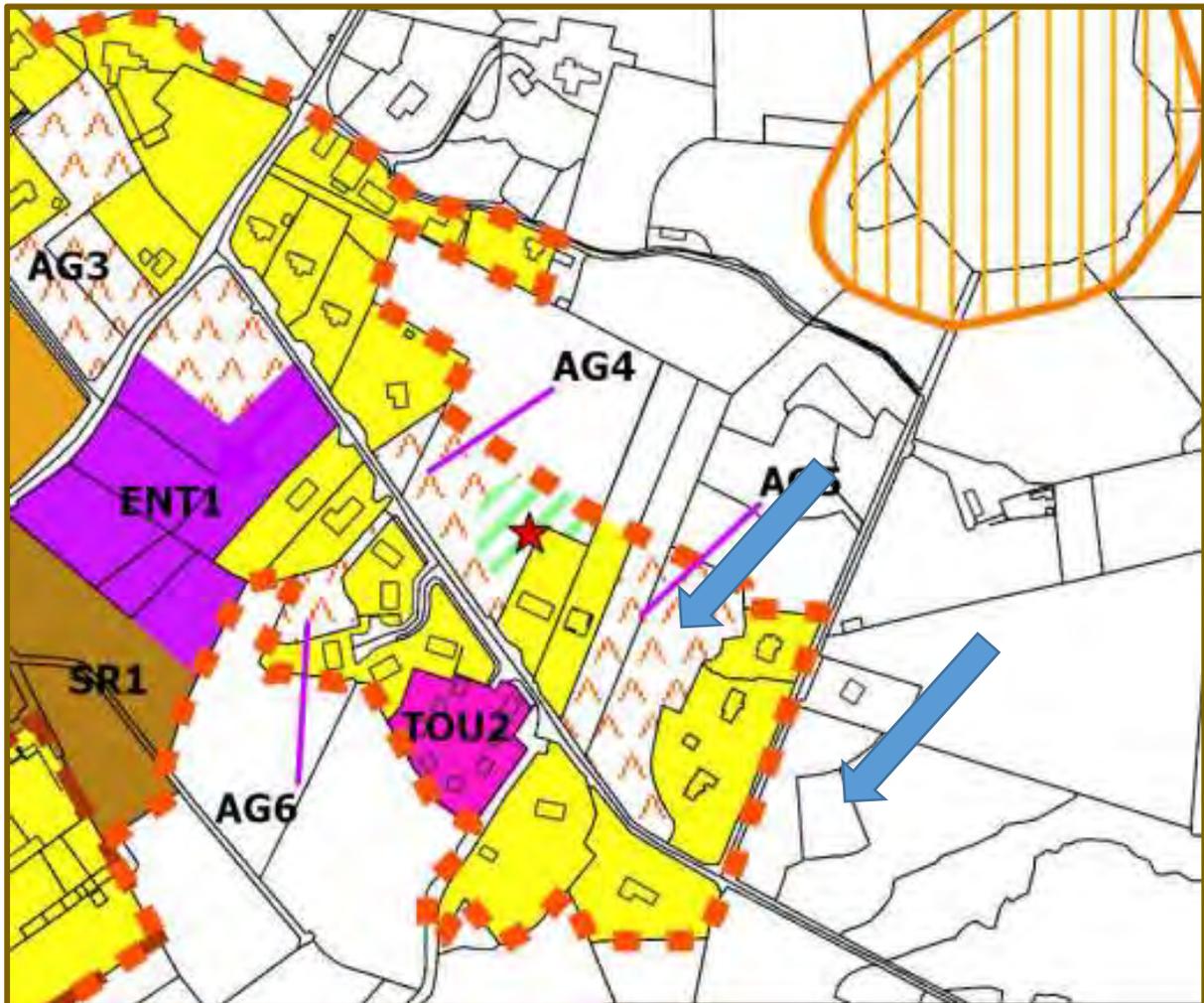
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Draft County Development Plan 2023 - 2029

Parcel A is contained within Ballyvaughan settlement Plan with Parcel B just outside the settlement boundary. Ballyvaughan is identified as a large village in the settlement Hierarchy. The strategy for large villages is to provide for well-designed residential, commercial and community developments which are incremental and balanced in nature, and are relative and appropriate to the scale, size and character of the villages. The large villages in County Clare, with their attractive character and community infrastructure, provide opportunities for 'sites for independent development' and low density 'cluster' style residential developments to act as viable alternatives to single housing in the countryside. The Council will seek investment in this regard to develop the "New Homes in Small Towns and Villages" initiative which would augment the delivery of actions by the Council communities and other stakeholders in the provision of services and serviced sites to create build your own home opportunities within the existing footprint of rural settlements in order to provide new homes to meet housing demand. The areas identified as village growth areas allow for the sustainable compact growth of large villages, providing opportunities for small scale cluster type housing, as well as for other uses appropriate to the function, size and scale of the settlement.

- **CDP 4.7** – It is an objective of Clare County Council:
 - a) To promote the consolidation of the existing large villages through brownfield reuse/redevelopment and through compact growth within the appropriate land use zoning and/or the areas identified for village growth;
 - b) To ensure that future growth is incremental and balanced in nature, and is relative and appropriate to the scale, size and character of the villages and to seek to achieve centre out compact growth;
 - c) To work with the relevant bodies and to seek investment for the timely and sustainable delivery of holistic infrastructure, to enhance the levels of amenity and design quality and to regenerate and rejuvenate the large villages throughout the County;
 - d) To seek investment in the sustainable development of a 'New Homes in Small Towns and Villages' initiative in the County and the provision of services and serviced sites to create "build your own home" opportunities within the existing footprint of large villages; and
 - e) To ensure that in the case of any development/reuse or redevelopment where connection to an existing wastewater treatment plant is not possible, the provision of a private waste water treatment system will only be permitted where it can be demonstrated that the proposed system meets standards set out within EU and national legislation and guidance.



Draft Ballyvaughan Settlement Plan 2023-2029

The draft plan has three different zonings for residential development for Ballyvaughan:

- Existing residential (yellow)
- Residential (orange)
- Strategic residential reserve (brown)

The draft plan omits Low Density Residential (LDR) and Village Growth Area (VGA) from the Ballyvaughan settlement Plan. We would propose to have both parcel A & B zoned as follows in order of preference;

- 1. Low Density Residential**
- 2. Village Growth Area / Site for independent development.**
- 3. Residential**
- 4. If the above are unsuccessful – Strategic Residential Reserve**

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Low density residential is defined as follows;

This zoning refers to the use of lands to accommodate a low-density pattern of residential development, primarily detached family dwellings. The underlying priority shall be to ensure that the character of the settlement/area is maintained and further reinforced by a high standard of design. Proposed developments must also be appropriate in scale and nature to the areas in which they are located.

Village Growth Area / Site for independent development.

Sites for independent development allow applicants to design and build their own homes tailored to their specific needs within the towns and villages of the County and provide an alternative to single houses in rural areas. These sites provide opportunities for compact growth, placemaking and the development of housing in close proximity to amenities and services. Housing developments of this nature also have the potential to increase the number of people living in towns and villages across the County. The Council will require development proposals for 'sites for independent development' housing schemes to be accompanied by a detailed design brief setting out the parameters for architectural form, plot ratios, external finishes and boundary treatments.

Residential is defined as:

Residential use shall be taken to primarily include the use of land for domestic dwellings. It may also provide for a range of other uses particularly those that have the potential to foster the development of new residential communities e.g. schools, crèches and open spaces

Strategic Residential Reserve

It is acknowledged that not all lands within the settlement boundaries of the serviced settlements will be required to 2029. In these cases some lands have been included as a strategic residential reserve, where they comprise infill or contiguous sites or have a planning history of residential use and can form part of the long-term sequential expansion of the settlement where considered appropriate. In addition to protecting these lands for the long term expansion of these settlements, consideration may be given to the development of some of the strategic residential reserve before the end of the current plan period where the Planning Authority is satisfied that the development of zoned land is progressing faster than expected and a shortage of available lands may arise or residential zoned land may not be delivered as expected and a shortage may arise during the plan period. The development of such lands will only be considered from the beginning of year four of the Plan (April 2027) in order to give an opportunity for zoned land to be brought forward for development, and where it can be clearly demonstrated to the satisfaction of the planning authority that a zoned parcel of land will not be brought forward for development due to infrastructural or other demonstrable constraints during the remaining period of the Plan. It will also be a requirement that the proposed strategic residential reserve lands can be serviced and offer a reasonable substitute in terms of being delivered within the lifetime of the plan and are sequential development with good connectivity and access to services and amenity.

Planning History:

County Development Submission:

A Submission was made to Clare County Council to have these lands zoned residential for the previous Development Plan (2017-2023). *Ref 468.*

Planning Application:

The following Planning permissions have been sought on the zoned lands (Parcel a) to date. The zoned lands were actively being developed in a phased manner. No planning applications have been sought on Parcel B.

P08-1492 (Granted)

A planning application was submitted to Clare County Council on behalf of Declan McNamara under planning ref number P08-1492 to construct a dwelling house with proprietary waste treatment system, polishing filter and ancillary site works

P11-605 (Granted)

A planning application was submitted on behalf of Cormac Walsh under planning ref number P11-605 to construct a dwelling house and domestic garage with connections to public services together with ancillary site works.

P11-98 (Granted)

A planning application was submitted on behalf of Michael & Catherine Mullins under P11-98 for development which will consist of the construction of a dwelling house with connections to public services together with associated site works.

P15-137 (Granted)

A planning application was submitted on behalf of John & Chris O'Neill under P15-137 to construct a dwelling house, garage and connect to all public services together with ancillary site works.

P18-399 (Withdrawn)

An outline planning application was submitted to Clare County Council on behalf of Gerry O'Sullivan and Pauline Burke for development which will consist of the construction of a new dwelling house and freestanding garage with site works and connections to services

Conclusion:

In summary, the main considerations for the retaining zoning on Parcel A and extending zoning into Parcel B are as follows:

- Parcel A is located within the settlement boundary of Ballyvaughan. The majority of the zoned land has now been developed. Parcel A would cater for one or two houses.
- Parcel; B would be viewed as natural expansion of the applicants lands.
- Considerable infrastructure has been developed and installed in terms of sewers etc.
- The zoning of these lands would comply with policies in both the National Planning Framework: Project Ireland 2040 & Draft Clare County Development Plan 2023-2029
- The lands benefit from excellent vehicular and pedestrian connectivity to Ballyvaughan.

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- There are a range of amenities and community facilities located within easy walking distance of the subject lands.
- Residential development at this location will consolidate existing residential development in the area.
- This office is currently working on a design to submit a planning application for one house on Parcel A.
- In our opinion Parcel B would be ideally suited to Village Growth Area / Site for independent development.
- Finally, it was John (Jack) O' Neill's wish to develop these family lands, he had often discussed this with the author. You may be aware that Jack was murdered in January of this year. In my opinion it would be a fitting tribute to zone the lands as proposed and let his sons fulfil his wish to develop these lands.

We trust that this submission will be given due consideration in the preparation of the Clare County Development Plan 2023-2029 and we look forward to a successful outcome in retaining some of the existing zoning and expanding the zoning further to enable orderly, phased, high quality development in the area.

Signed:



Brian Fouady
B.E. C.Eng. MIEI.
Chartered Engineer,
Dip E.I.A & S.E.A Mgt
Approved Site Assessor

Surveyed 1995-1999
Revised 2009-2011
Levelled

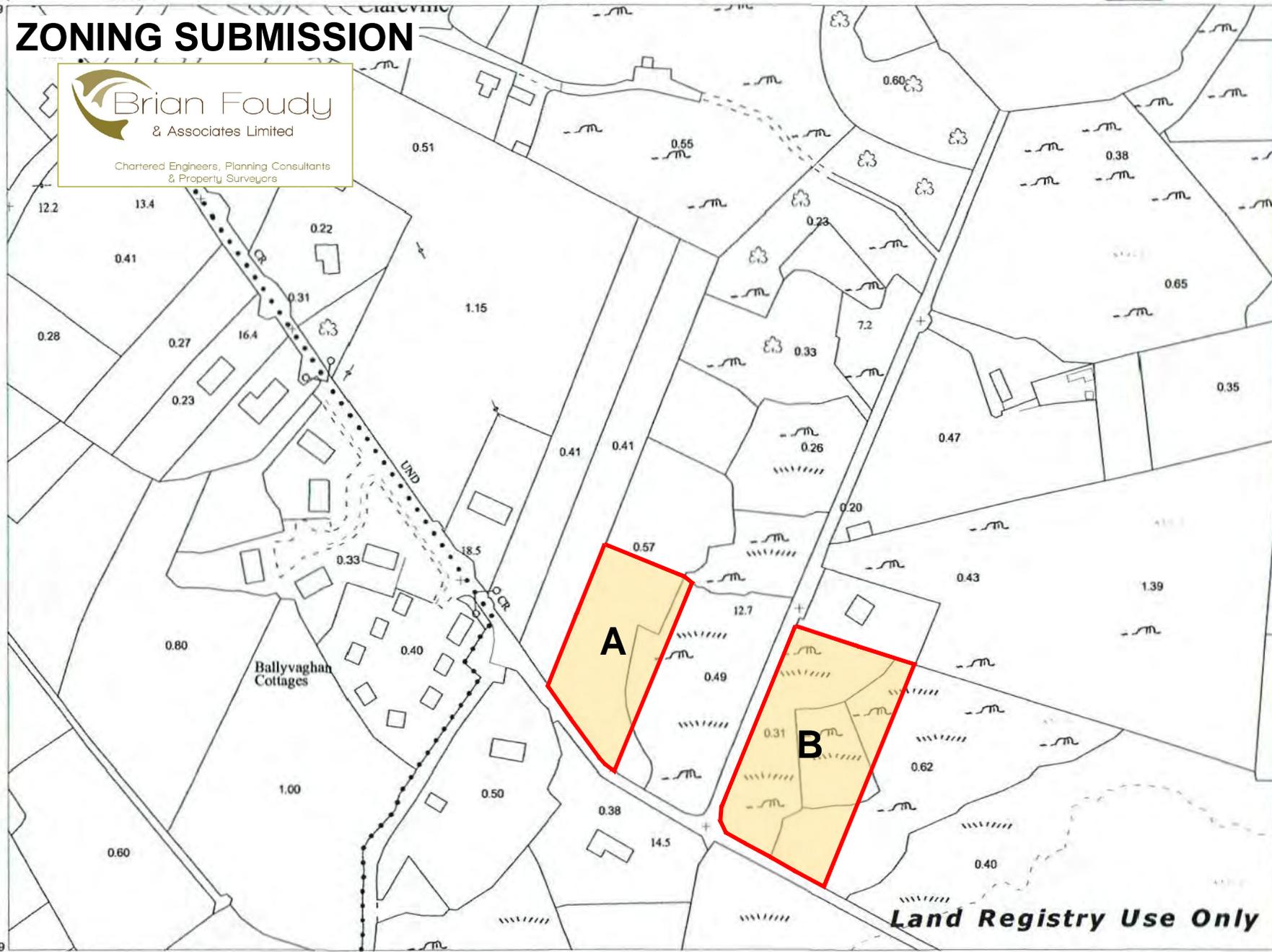
Land Registry Compliant Map



ZONING SUBMISSION

Brian Foudy
& Associates Limited

Chartered Engineers, Planning Consultants
& Property Surveyors



ITM CENTRE PT COORDS

523795,707914

DESCRIPTION

MAP SHEETS

Digital Map

3680 3681
3738 3739

1:2500
3680-D 3681-C
3738-B



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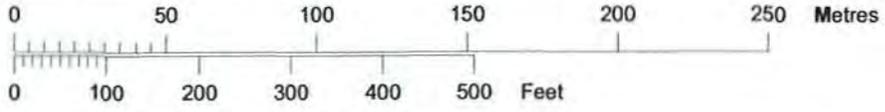
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Ní thaispeáinann léarscáil de chuid Ordánais Shuirbhéireacht na hÉireann teorainn phoiblí diathúil de mhachn rianáil, ná léarscáil de ghnéithe fhisiciúla. Ordnance Survey maps never show legal property boundaries, nor do they show ownership of physical features.

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