

3<sup>rd</sup> January 2023

Proposed Amendments to Draft Clare County Development Plan 2023-2029  
Planning Department  
Clare County Council  
New Road  
Ennis  
Co. Clare  
V95 DXP2

**RE: Proposed Amendments to the Draft Clare Draft Development Plan 2023-2029**

Dear Sirs,

We the undersigned wish to make a submission related to the proposed change in zoning described in Section "2.5.2 New Housing in Cahircalla More", subsection "ER2 Cahercalla Drive" in the Draft Clare County Development Plan 2023-2029.

Patricia O'Donnell, [redacted] *Patricia O'Donnell*  
John & Marie Curtin, [redacted] *Marie Curtin*  
Richard & Rosemary Beattie, [redacted] *Richard Beattie*  
Denis & Kate O'Ceallaigh, [redacted] *Denis & Kate O'Ceallaigh*  
Eileen Holly, [redacted] *Eileen Holly*  
Gerry & Carol Byrnes, [redacted] *Gerry & Carol Byrnes*  
Jerry & Kay O'Brien, [redacted] *Jerry & Kay O'Brien*  
✓ Finnian & Siobhan Lynch, [redacted] *Finnian Lynch*  
Patricia Lavelle, [redacted] *Patricia Lavelle*

*Correspondence to be sent to Finnian Lynch, [redacted]*



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## 1.0 Location of Site under Submission

The site under submission is located at the eastern end of the cul-de-sac in Cahercalla Drive, Ennis, beside Number 15, circled in the map below.

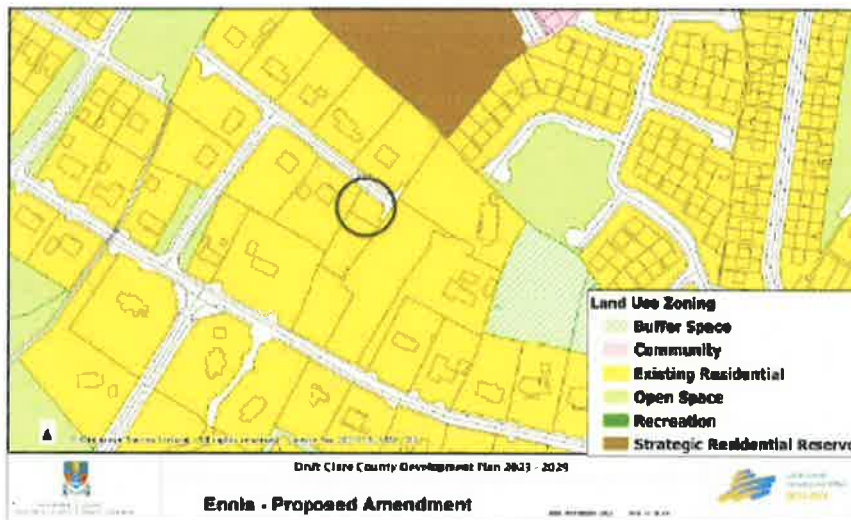
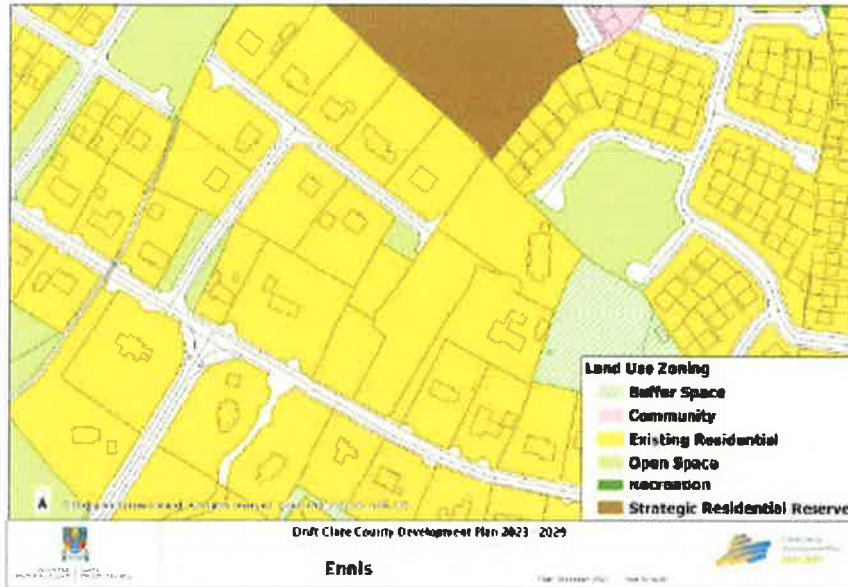


Figure 1: Extract from Draft Clare County Development Plan 2023-2029

## 2.0 Historical Context

### 1981

Planning permission, P8/17041, for 16 houses in Cahercalla Drive was granted to Mr. Michael F. Barry in 1981. Only 9 of the original 16 were constructed – the plan below shows the part that was undeveloped highlighted in yellow.



Figure 2: Copy of Site Plan

Note that the undeveloped section included a substantial area of open space. This entire area was subsequently developed as part of the Willsgrove estate. The only remaining areas of open space in Cahercalla Drive are the two sections at the entrance to the estate and the section at the end of the estate beside 15 Cahercalla Drive which is proposed to be rezoned in the Draft Plan and is highlighted in green.

Note that one of the conditions of the original planning permission was that “Open space as shown on the layout received on the 20<sup>th</sup> March, 1981 shall be provided and developed suitable for use as a recreational area.” See appendix 1.

5. Open space as shown on the layout received on the 20<sup>th</sup> March, 1981 shall be provided and developed suitable for use as a recreational area.

Figure 3: Extract from Planning Permission Conditions

According to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas:

- (a) In green-field sites a minimum of 15% of the total site area of estates should be provided as open space
- (b) In brown -field sites a minimum of 10% of the total site area of estates should be provided as open space
- (c) In “windfall” sites a minimum of 20% of the total site area of estates should be provided as open space

In Cahercalla Drive, the current percentage is 5%. If this open space is rezoned, this will be reduced to less than 3%.

- In green-field sites or those sites for which a local area plan is appropriate, public open space should be provided at a minimum rate of 15% of the total site area. This allocation should be in the form of useful open spaces within residential developments and, where appropriate, larger neighbourhood parks to serve the wider community;
- In other cases, such as large infill sites or brown field sites public open space should generally be provided at a minimum rate of 10% of the total site area; and
- In institutional lands and ‘windfall’ sites which are often characterised by a large private or institutional building set in substantial open lands and which in some cases may be accessible as an amenity to the wider community, any proposals for higher density residential development must take into account the objective of retaining the “open character” of these lands, while at the same time ensuring that an efficient use is made of the land. In these cases, a minimum requirement of 20% of site area should be specified; however, this should be assessed in the context of the quality and provision of existing or proposed open space in the wider area. Whilst the quantum of open space may be increased vis-à-vis other sites, the amount of residential yield should be no less than would be achieved on any comparable residential site. Increasing densities in selected parts of the site subject to the safeguards expressed elsewhere may be necessary to achieve this.

**Figure 4: Extract from Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas**

## Ownership

The road and open spaces in Cahercalla Drive were part of Folio 7000F in the land registry and under the ownership of Mr. Michael F. Barry since 24-Jul-1981. There is an application pending on this Folio for some time but ownership has not been updated in the land registry.



Figure 5: Map of Folio CE7000F

## 1982

Planning permission, P8/18933, for 3 houses in the site to the south-east of Cahercalla Drive with an access road through Cahercalla Drive was refused to Mr. Patrick Keogh in 1982. The reason given was that the proposed development would generate additional activities on the cul-de-sac road which would be injurious to the residential amenities of the residents on the cul-de-sac road. See Appendix 2, Notification of Refusal.

## 1982 – 2021 Maintenance

The site was taken in charge by the council (exact date unknown) and has been maintained by the residents of the estate for the past 40 years. Residents have been paying €80/year each for the maintenance of the open spaces in the estate. The maintenance includes strimming of grounds, pruning of trees, removing clear fell, replacing cap stones and painting of boundary walls, erecting bird boxes, and children's swing.

**2000 - Maintenance**

The Cahercalla Residents Association were the recipient of a grant from the Council for roughly €200 to plant trees and beautify the green space.

**2001**

It was requested of Ennis Town Council circa 2001 by residents of the estate to arrange transfer of the ownership of this folio to the residents of the estate but this was never carried out. If the transfer of ownership had been completed, there would be no question of changing the zoning now.

**2010**

Clare County Council erected a no dumping sign in the open space.

**2020 – Nov/Dec**

It had been assumed by the residents that Clare County Council had taken over ownership of all the roads and open spaces in Cahercalla Drive. Once it was realised that this was not the case, Clare County Council were requested to take over ownership in accordance with standard practice in housing developments.

Clare County Council responded in December 2020 that the estate (including the roads and open spaces) had been taken in charge several years previously but it was not possible to request the developer to arrange to transfer title as it is a historical estate. See Appendix 3 for previous correspondence with Clare County Council.

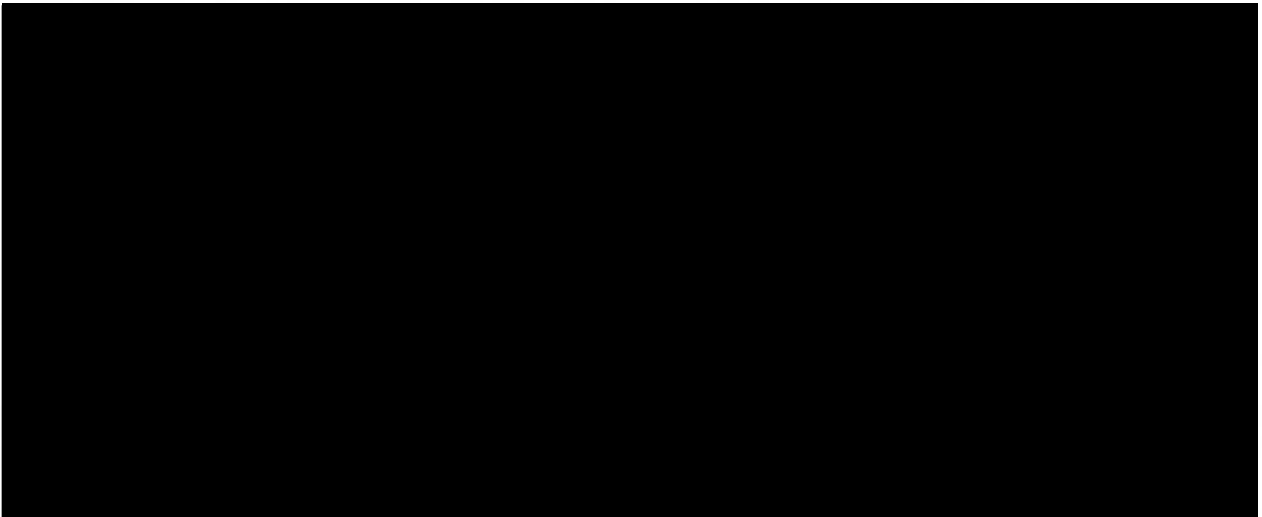
**2021 - Aug**



Figure 6:



Figure 7:





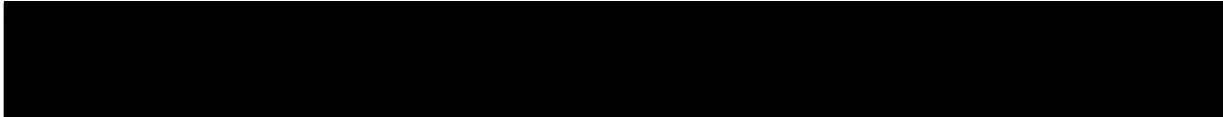
**2021 – Oct/Nov**

Planning permission, P21/1050, for 1 house partially located in the open space and partially located in the site to the south-west of the open space with vehicular access from Cahercalla Drive was refused to Mr. Patrick Keogh in 2021. Reasons for refusal included

- (a) The proposed development did not comply with zoning requirements as it involved development in the open space.
- (b) The proposed vehicular access could be a traffic hazard.

See Appendix 6, Notification of Decision to Refuse to Grant Permission, for complete list.

**2022 – Summer**



**2022 – Sep/Oct**

Planning permission, P22/846, for 1 house located entirely in the site to the south-west of the open space with vehicular access from Cahercalla Road was granted to Mr. Patrick Keogh in 2022 with a number of conditions including the following. See Appendix 7, Chief Executives Order to Grant Permission, for complete list.

- (a) 2. (a) No encroachment, by reason of the proposed development, shall occur on the Open Space area to the immediate north of the proposed dwelling. **In this regard, that area shall be kept clear from development, save for the reinstatement of the green area.** This area shall not form part of the private open space serving the proposed dwelling, and shall not be enclosed by reason of the proposed development.
- (b) The existing turning head within Cahercalla Drive shall remain in situ, both during and post construction, and shall not be obstructed in any way.
- Reason:** Having regard to the zoning of this portion of the subject site as 'Open Space' and **in order to preserve this area for the enjoyment of the adjoining residences,** and in the interests of the proper planning and sustainable development of the area.

**Figure 8: Condition 2 from Chief Executives Order to Grant Permission**

Note that Condition 2 requires that the Open Space shall be kept clear from development and the green area must be reinstated. It is also specified that the open space should be preserved for the enjoyment of the adjoining residences. This is hugely welcomed by the residents. However, if the space is rezoned, the area may never be reinstated and the access for the residents will be removed.

- (b) 3. (a) All existing trees on site shall be protected during construction, and thereafter retained post construction.
- (b) The existing boundary / trees along the western site elevation shall be protected during construction, and thereafter retained post construction.
- (c) Prior to the commencement of development, a detailed landscaping plan, prepared by a component landscaping professional, for the site shall be submitted to the Planning Authority for agreement and approval. The plan shall provide for
- i. Additional tree planting
  - ii. Hardening landscaping proposal.
  - iii. A low stone boundary wall to the immediate north of the proposed dwelling, located between the proposed dwelling and the open space area (refer to condition 2 above).
  - iv. Full details to relation to all other boundary treatments.
- The landscaping plan shall be carried out as so agreed, and shall be fully implemented to the satisfaction of the Planning Authority prior to the occupation of the proposed dwelling.
- Reason:** In the interests of visual and residential amenities.

**Figure 9: Condition 3 from Chief Executives Order to Grant Permission**

- (c) 5. (a) Access to the site shall be as per the site layout plan received by the Planning Authority on 21<sup>st</sup> September 2022. Access to serve the proposed dwelling shall be only from Cahercalla Road. No vehicular access either during or post construction shall be obtained from Cahercalla Drive.
- (b) The proposed access drive to serve the proposed dwelling shall be constructed in full to the satisfaction of the Planning Authority, prior to the commencement of construction works on the proposed dwelling.
- Reason:** To preserve the rural amenities of the area and in the interests of traffic safety and visual amenity.

**Figure 10: Condition 5 from Chief Executives Order to Grant Permission**

Condition 5 requires that all access to the site shall be from Cahercalla Road and no access shall be obtained from Cahercalla Drive. This is done to preserve the amenities of the area and in the interests of traffic safety. Again, this is welcomed by the residents but if the open Space is rezoned, it is likely that permission will be sought to access the site from Cahercalla Drive to the detriment of the residents.

2022 - Dec

An appeal was lodged with An Bord Pleanala, regarding P22/846, requesting that the Open Space be restored to its previous state as a precondition to the commencement of construction on the site. The outcome of this appeal is awaited.

**Shauna Walsh**  
Planning Consultant

## 2.2 Unauthorised site clearance work to area of Open Space

The site clearance works, moving of the county council illegal dumping sign and standing stones, tree felling and knocking of the entire stone boundary wall which have all been carried out in the preparation of the site access do not form part of any previous application to the Planning Authority for permission and should therefore be considered unauthorised development. Moreover, these works have taken place on the section of the site designated as 'open space'.

The Planning Application Report stated that these works were considered to be landscaping that did not require planning permission. However, unauthorised demolition of an estate boundary wall and driving lorries and cherry pickers through an 'open space' to gain access to the site to carry out site clearance works is not landscaping but initial construction work and unauthorised development without planning permission. Note that this space (as well as the open spaces by the entrance to the estate) have been maintained by the residents of Cahercalla Drive for the past 40 years.

It is submitted that an Bord Pleanala request that this area of the site be restored to its previous state. This includes:

- (a) Reinstatement of the stone boundary wall which formed a physical separation between the designated 'open space' area and the rest of the site. (2m high natural stone)
- (b) Reinstatement of the council sign in its original position.
- (c) Reinstatement of the standing stones in their original position.
- (d) Replanting of trees that were removed and any other landscaping works.

Whilst it is acknowledged that Conditions 2 and 3 of the permission requires the rebuilding of the stone boundary wall which formed a physical separation between the designated 'open space' area from the rest of the site the Appellants contends that the Applicant should be requested to fully restore this section of the site to its original open space nature and function in line with the protection and enhancement of the existing resident's residential amenity and enjoyment.

It is submitted that the completion of these works should be a precondition to the commencement of construction work on the site.

Figure 11: Extract from Appeal to An Bord Pleanala

See Appendix 8, Third Party Appeal to An Bord Pleanala

### 3.0 Challenge to Submission by Hassett Leyden & Associates

The submission related to the Open Space by Hassett Leyden & Associates contains a number of inaccuracies which the residents of Cahercalla Drive would like to dispute.

#### **Inaccurate Submission 1:**

“The subject lands are zoned as open space which has never been used by the residents of Cahercalla Drive”

“This open space was never used or maintained as an open space and therefore the material use of an open space was never established or asserted.”

#### **Response 1:**

The open space has been used and maintained by the residents for the past 40 years. Residents have been paying €80/year for the maintenance of the open spaces in the estate. Also, as specified previously, the Cahercalla Residents Association were the recipient of a grant from the Council for roughly Euro200 in the year 2000 to plant trees and beautify the green space.

#### **Inaccurate Submission 2:**

“Clearly it is an unloved left-over piece of ground which needs to be re-purposed.”

#### **Response 2:**

[REDACTED]

[REDACTED] The residents have been active in multiple ways as detailed previously in trying to restore the area after the unauthorised development e.g. note that all residents of Cahercalla Drive signed an Enforcement Complaint Form in November 2021, requesting that the open space be returned to its previous state. See Appendix 4.

#### **Inaccurate Submission 3:**

“Existing development in the vicinity of the subject lands comprise a mixture of long established, mature residential development and leaving this land as open space is creating a waste ground and could possibly lead to dumping and potential anti-social behaviour.”

#### **Response 3:**

The open space was never a waste ground [REDACTED]

[REDACTED] Reinstatement to its previous condition is what is required and has been requested multiple times by the residents through multiple avenues. Dumping and anti-social behaviour has not been an issue due to the passive surveillance of the residents.

**Inaccurate Submission 4:**

“Thus, if this land was rezoned to residential it would allow development on the site which would increase passive surveillance of the area and in turn deter any dumping of waste and anti-social behaviour ensuring the residents felt safe and secure in their homes.”

**Response 4:**

The security of the residents in Cahercalla Drive has actually been reduced by the removal of the existing boundary wall [REDACTED] Reinstatement of this boundary wall would improve security. [REDACTED]

**Inaccurate Submission 5:**

“The proposed residential zoning of the lands would afford full regard to the adjoining land use and the existing urban and built form and the requirements to protect the visual amenities of the area.”

“It is considered that the development of the subject lands in the manner proposed will represent a high-quality housing opportunity which will not adversely impact on the visual environmental character of the area.”

**Response 5:**

Changing the zoning of the Open Space will not add one unit to the housing supply as planning has already been granted in the vacant adjoining site and the Open Space itself is too small for development. The only purpose of rezoning is to allow for access from Cahercalla Drive – this is unnecessary as access has already been granted from Cahercalla Road.

**Conclusion**

The authors of the submission have failed to consult with any of the residents of Cahercalla Drive and therefore are lacking all local knowledge regarding the history and function of the open space. As a result, the submission is vague, inaccurate, misleading and should be withdrawn.

## 4.0 Summary

The open space was a beautiful woodland area [REDACTED]

[REDACTED] We, the residents have tried to restore it to its former beauty but have been prevented from doing so [REDACTED]

- (a) We have appealed to Clare County Council via the Enforcement Complaint form.
- (b) We have employed a landscaper to restore it at our cost but have been prevented [REDACTED]
- (c) We have appealed through a submission to the planning request P22/846. Clare County Council to their credit, have required it to be returned to its former state as part of the conditions for granting planning permission. As previously stated above, this is greatly welcomed by the residents.
- (d) However, we have appealed to An Bord Pleanála that the reinstatement of the Open Space to its former state be an actual precondition to the commencement of construction on the site. Otherwise, it is believed that the house will be build and the reinstatement of the Open Space will never be completed.

Also, there is a possibility that the access to the site will change from Cahercalla Road to Cahercalla Drive via the existing Open Space if it is rezoned. This is of great concern to us, the residents of Cahercalla Drive, and would actually contravene condition 5 of planning which requires the access to be from Cahercalla Road.

Changing the zoning of the Open Space will not add one unit to the housing supply as planning has already been granted in the vacant adjoining site and the Open Space is too small for development. The only purpose of rezoning is to allow for access from Cahercalla Drive – this is unnecessary as access has already been granted from Cahercalla Road.

Note also that the rezoning would reduce the percentage of the total site provided as open space to less than 3% compared to the original requirement of 15%.

The residents of Cahercalla Drive request that the zoning of the Open Space does not change to residential but remains as Open Space for all the reasons detailed above. As can be seen from the signatures on the first page, every single resident of Cahercalla Drive fully supports this request.

# Appendix 1: Original Planning Permission Conditions (Page 1 of 3)

## CLARE COUNTY COUNCIL

No. 2497 P.

- SUBJECT:** Application of Michael F. Barry for permission to provide housing development consisting of 16 dwellings and septic tanks at Cahercalla, Ennis. (P8/17041)
- ORDER:** Pursuant to the provisions of the Local Government (Planning and Development) Acts, 1963 and 1976, I hereby decide to grant permission for the proposed work in accordance with the plans submitted but subject to the conditions specified in the First Schedule hereto. The reasons for the imposition of the conditions are specified in the Second Schedule hereto.

### FIRST SCHEDULE - CONDITIONS

1. The road and footpaths shall be constructed to the Council's satisfaction in accordance with the following specification:-

#### Footpaths

The footpaths shall be constructed in Mixture B concrete, 2000 mm (6'6 $\frac{1}{4}$ " wide inclusive of kerbs. The concrete shall be laid on well consolidated dry fill which shall be to proper formation level. The kerb shall be 300 mm x 150 mm (12" x 6") precast concrete bedded and jointed in cement mortar and 150 mm (6") over channel level. Expansion joints shall be formed with an approved expansion joint material every 10 feet.

Mixture B concrete 1 : 2 : 4 shall consist of: Cement - 50.8 kilograms (112 lbs); 20 mm ( $\frac{3}{4}$ " aggregate 0.1416 cubic metres (5 cubic feet); Fine aggregate 0.0708 cubic metres (2 $\frac{1}{2}$  cubic feet).

Alternatively Bitumen macadam to B.S.S. 4987 1973 in accordance with Tables 37 to 40 may be used in lieu of concrete. The thickness shall be 25 mm laid on 100 mm minimum hardcore base with crossfall of 1/36 towards carriageway. Consolidation of the hardcore basecourse and bitmag wearing course shall be carried out with a hand operated vibratory roller.

#### Carriageway

The width of the carriageway shall be 6 metres. The ground shall be excavated to proper formation level and soft spots shall be excavated and filled with suitable material. 300 mm (12") minimum of approved gravel soling shall be laid and rolled to consolidation with an 8 to 10 ton roller. Any deficiencies found after consolidation of soling shall be made good with approved material. The finished soling shall be to correct levels. The surface shall be made of 20 mm ( $\frac{3}{4}$ " bitumen macadam 65 mm (2 $\frac{1}{2}$ " thick in accordance with B.S.S. 4987 Tables 41 to 44. The complete works shall be finished to required levels. Cambers, gradients and falls to gullies shall be provided. Gullies shall be 450 mm x 350 mm (20" x 14") to B.S.S. 497 1952. The joints between existing carriageway and new tarmac shall be made to the satisfaction of the Council.

## Appendix 1: Original Planning Permission Conditions (Page 2 of 3)

- (b) Outlets shall be not more than 15" below finished ground level.
  - (c) Hydrant indicator plates shall conform to B.S. 3251 : 1960 and can be made of vitreous enamelled mild steel, cast iron, aluminium alloy or plastic. The plates are of standard dimensions, yellow in colour with the letter H and the digits in black. The figure appearing on the top aperture denotes the nominal size of the main in inches, and the lower one the distance in feet between the indicator plate and the hydrant.
  - (d) Shall be so spaced that no building is more than 150 feet (45.72m) through free access from one.
  - (e) Pipe sizes and general hydraulics shall be such that a discharge of 250 gallons per minute at 10 pounds per square inch is obtainable at each hydrant. The applicant shall furnish confirmation that the quantity of water at the pressure stated is available at each hydrant.
3. The applicant shall provide public lighting in accordance with the Council's standard requirements on the access road to facilitate each dwellinghouse when occupied and shall maintain the public lighting until the access road has been completed and taken in charge by the Council.
  4. Surface water drainage shall be provided as shown on the layout received on the 20th March, 1981.
  5. Open space as shown on the layout received on the 20th March, 1981 shall be provided and developed suitable for use as a recreational area.
  6. Each dwellinghouse shall be located in a position not less than 30 feet from any divisional boundary fence between adjoining sites.
  7. Electricity and telephone services shall be laid underground.
  8. Each septic tank and percolation area shall be properly constructed in accordance with an approved plan and shall be located in a position not less than 60 feet from any dwellinghouse and road, not less than 100 feet from the source of any domestic water supply and not less than 30 feet from any divisional boundary fence between adjoining sites.
  9. The applicant shall notify the Secretary, Clare County Council, Planning Section, New Road, Ennis, in writing, when the foundations of the proposed dwellinghouses and the proposed locations of the septic tanks and percolation areas are marked out on the sites.
  10. Before work on the development commences, the applicant shall pay to the Council the sum of £100 per house as a contribution towards the Council's expenditure in improving the public water supply in the area which work will facilitate the proposed development.
  11. The development shall comply generally with the Draft Building Regulations (as amended) (March, 1981).
  12. Before the development is commenced, the applicant shall provide security by way of a bond from an approved Assurance Company or similar guarantee or lodgement of a cash sum for the satisfactory completion of the development in accordance with the layout received on the 20th March, 1981 and the conditions herein specified, including maintenance, until taken in charge by the Local Authority of roads, footpaths, watermain and fittings, surface water drainage system, public lighting and open space, coupled with an agreement empowering the planning authority to apply such security or part thereof for the execution of any uncompleted part of the development.



Appendix 1: Original Planning Permission Conditions (Page 3 of 3)

- 3 -

13. A new road boundary wall, with recessed entrance gate, shall be constructed between site N<sup>o</sup>. 1 and the public road to line in with the new road boundary walls to the north west and south east of the site and the existing building line shall be maintained.

SIGNED on behalf of Clare County Council Padraig Mac Mathuna  
for County Secretary, Planning  
Section, New Road, Ennis.

DATE 3rd July, 1981

## Appendix 2: Notification of Refusal (Page 1 of 1)

### CLARE COUNTY COUNCIL

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 AND 1976

#### NOTIFICATION OF DECISION TO REFUSE TO GRANT A PERMISSION UNDER SECTION 26 OF THE ACT OF 1963, AS AMENDED

To:..... Mr. Patrick Keogh, ..... Reference No. in P8/18933  
..... Cahercallamore, ..... Planning Register:.....  
..... Ennis, ..... Application Received..... 31/5/1982  
..... CO. CLARE.....

In pursuance of the powers conferred upon them by the above-mentioned Acts, the Clare County Council have by order dated

..... 23rd July, 1982 ..... decided to refuse to grant a permission

for the development of land namely:..... for the construction of three  
..... dwellinghouses, garages, with water and sewerage facilities and service road, ...  
and provision of new entrance to existing dwellinghouse at Cahercalla, Ennis,  
for the reasons set out in the Schedule hereto.

SIGNED on behalf of the said Council this 26th day of July, 1982.

f. Mathuna for Administrative Officer, Planning Section,  
Padraig MacMathuna. New Road, Ennis, Co. Clare.

#### SCHEDULE

The access to the proposed development is via a proposed extension of an access road which was designed as a cul-de-sac road to a residential development. The proposed development would generate additional activities on the cul-de-sac road which would be injurious to the residential amenities of the residents on the cul-de-sac road.

#### NOTE:

An appeal against a decision of a planning authority under Section 26 of the Act of 1963, as amended, may be made to An Bord Pleanála. The applicant for permission may appeal to the Board within one month beginning on the day of receipt by him of the decision. Any other person may appeal to the Board within three weeks beginning on the date of the decision. An appeal shall - (a) be made in writing, (b) state the subject matter of the appeal, (c) state the grounds of appeal, and (d) be accompanied by a deposit of £10 as required by Section 15 of the Act of 1976. An appeal by the applicant for permission should be accompanied by this form. In the case of an appeal by any other person the name of the applicant, particulars of the proposed development and the date of the decision of the planning authority should be stated. An appeal to the Board will be invalid unless it is accompanied by a deposit of £10. Appeals should be addressed to the Secretary, An Bord Pleanála, Floor 3, Block VI and VII, Irish Life Centre, Lower Abbey Street, Dublin 1, (telephone No. (01) 728011).

## Appendix 3: Correspondence with Clare County Council (Page 1 of 2)

### Planning Authority

Clare County Council

Date

30-11-2020

**By email only:** [planningoff@clarecoco.ie](mailto:planningoff@clarecoco.ie)

RE:- Green Space in Cahercalla Drive, Ennis, Co. Clare

Dear Sir/Madam,

I am writing in relation to the above piece of land Folio 7000F in Cahercalla Drive, Cahercalla Road, Ennis, Co. Clare. This portion of land is a small green space in our estate, used by the residents.

It has recently come to our attention that the Folio is registered in the original Developer's name (Michael Barry). We are writing to you to ensure that this green space comes under the care of the County Council.

Please note the Council carries out leaf cleaning of the estate's green spaces from 1982 to present and the Cahercalla Residents Association were the recipient of a grant from the Council for roughly Euro200 in the year 2000 to plant trees and beautify the green space. Furthermore, with illegal dumping becoming an issue over the years the Council were good enough to erect a sign to counter this in 2010. With this in mind it was assumed the land was transferred over to the County Council.

[REDACTED]

We now wish to ensure this piece of land is transferred over to Clare County Council in accordance with standard practice in housing developments. Please inform us what action we can take to ensure this happens?

We wish also to outline that the residents along with the Council have maintained the property from 1982 to present, (rebuilding and re-capping the boundary walls, cutting trees, maintaining bird and bat boxes, painting walls, using children's swing). We ask that you assist and would be happy to meet you at the location, which is at the back of the estate, opposite V95K73F.

We await hearing from you as a matter of urgency.

Yours sincerely,

Ronan and Kay O'Brien and Family, [REDACTED]

Finian and Siobhan Lynch and Family, [REDACTED]

## Appendix 3: Correspondence with Clare County Council (Page 2 of 2)

From: [REDACTED]  
Date: Fri 4 Dec 2020, 4:09 p.m.  
Subject: FW: Green Space Cahercalla Drive  
To: [REDACTED]

Hi Ronan,

I refer to your recent email and letter attached in relation to the green space in Cahercalla Drive estate.

This estate was taken in charge several years ago by Ennis Town Council. As it is a historical estate it is not possible for us to now request the developer to arrange to transfer title to Clare County Council of roads and open spaces which have been taken in charge. However, the Planning Authority will have regard to its current use as a green area in assessing any future planning applications.

Regards,

Rita

Rita Fitzgerald

Assistant Staff Officer

Planning & Economic Development,

Clare County Council, Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2

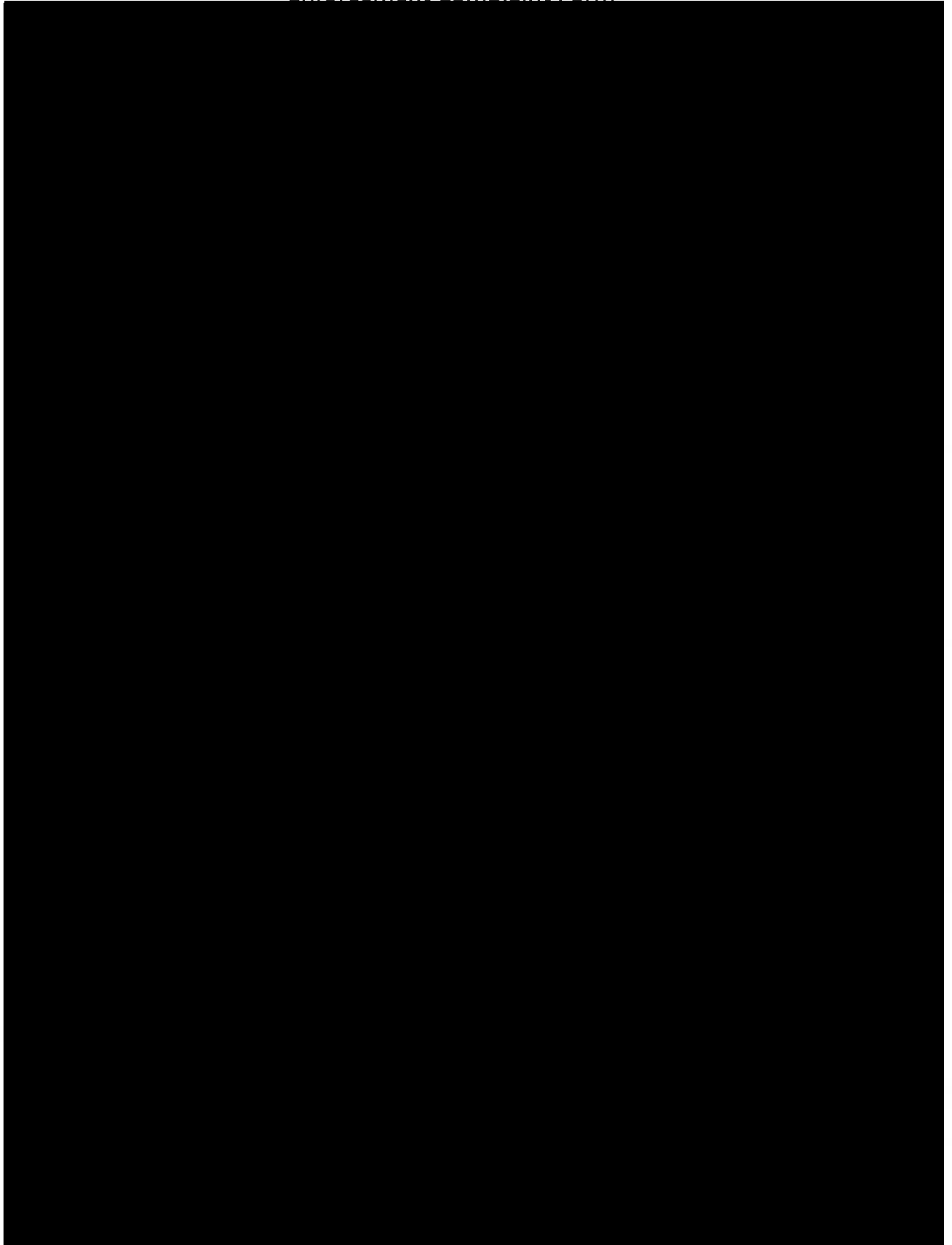
[REDACTED] W: [www.clarecoco.ie](http://www.clarecoco.ie)

*Council of the Year 2020*

Appendix 4: Enforcement Complaint Form (Page 1 of 2)

**Clare County Council**

Enforcement Complaint Form

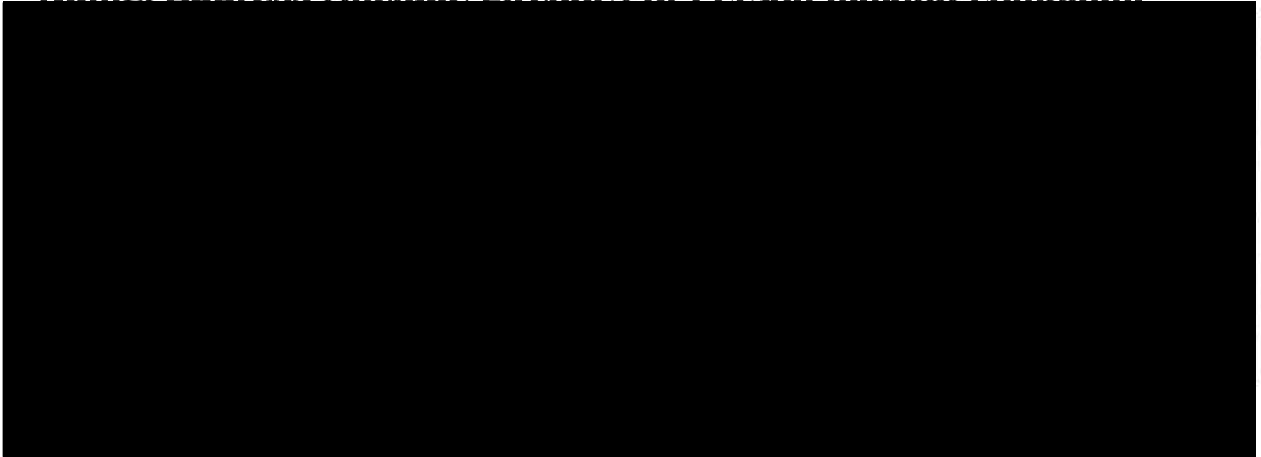


**Appendix 4: Enforcement Complaint Form (Page 2 of 2)**

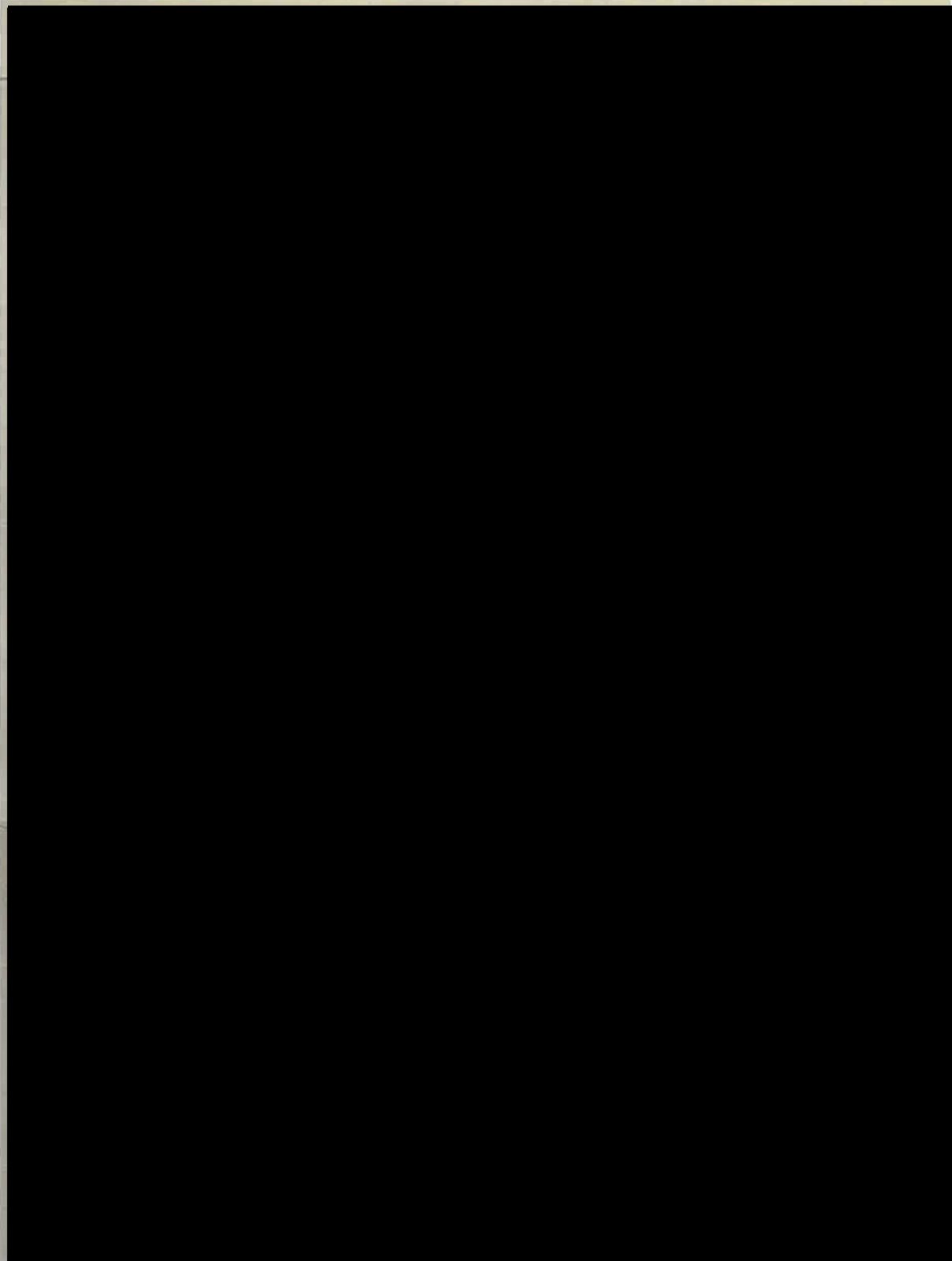
**Planning Reference no.**



**Name, Address (include Eircode) of Person making complaint**



**Appendix 5: Response from Clare County Council to Enforcement Complaint Form (Page 1 of 1)**



# Appendix 6: Notification of Decision to Refuse to Grant Permission (Page 1 of 2)



CLARE COUNTY COUNCIL  
PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED)  
NOTIFICATION OF DECISION TO REFUSE TO GRANT PERMISSION  
UNDER SECTION 34 OF THE ACT.

To: Patrick Keogh  
c/o Hassell Leyden & Associates  
4 Bindon Street  
Ennis  
Co. Clare  
V95 F628

PL 7847 1503 41E

Planning Register Number: P21/1050

Valid Application Received: 04/10/2021

In pursuance of the powers conferred upon them by the above-mentioned Act, Clare County Council has by order dated 26<sup>th</sup> November 2021 decided to refuse to grant permission for the following works:

to construct a new detached dwelling house together with associated site works and services at Cahercalla Drive, Ennis, Co. Clare

Under Article 20 of the Planning and Development Regulations 2001 (as amended), the applicant shall remove the site notice following the notification of the Planning Authority's decision.

The Planning Authority in its decision has had regard to submissions/observations received (if any) in accordance with Planning and Development Regulations 2001 (as amended).

SIGNED on behalf of the said Council this 26<sup>th</sup> day of November 2021.

STAFF OFFICER,  
PLANNING DEPARTMENT  
ECONOMIC DEVELOPMENT DIRECTORATE

### SCHEDULE

1. Having regard to the Open Space zoning as contained within the confines of the proposed development site, the definition of same as set out in the Clare County Development Plan 2017-2023 (as varied) and the residential nature of the development as proposed, it is considered that the proposed development would be contrary to Objective CDP19.3 'Compliance with Zonings' of the County Development Plan. Therefore it is considered that the development would contravene materially a development objective indicated in the development plan for the zoning of land for open space use and thus be contrary to the proper planning and sustainable development of the area.
2. Having regard to the submitted site layout plan, the presence of mature trees, stone walls and the remnants of a stone structure, in the vicinity of the site, and the presence of bat roosts in the general area, the Planning Authority is not satisfied that the ecological impact of the proposed development has been satisfactorily assessed or that it has been demonstrated beyond reasonable scientific doubt that the proposed development will not have a negative impact on bat habitats and species of importance in the area. The proposals would therefore be contrary to Objective CDP14.7 of the Clare County Development Plan 2017-2023 (as varied) and contrary to the proper planning and sustainable development of the area.



## Appendix 6: Notification of Decision to Refuse to Grant Permission. (Page 2 of 2)

3. Having regard to the location of the proposed vehicular access off an existing hammerhead / turning bay which currently serves the Cahercalla Drive housing development, the Planning Authority is not satisfied that such an arrangement would not endanger public safety by reason of a traffic hazard.
4. Having regard to the lack of any details pertaining to landscaping of the site, including identification of trees, hedgerow and stone walls, for retention, the Planning Authority is not satisfied that the proposed development would successfully integrate into the receiving landscape. In the absence of such a comprehensive landscaping plan, the Planning Authority considers that the proposed development would detract from the layout, character and visual amenities of the area and would, therefore, seriously injure the amenities of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

# Appendix 7: Chief executives Order to Grant Permission (Page 1 of 3)

## CLARE COUNTY COUNCIL

### PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED)

**Order No:** 80774

**File Reference Number:** P22/846

**Name of Applicant:** Pat Keogh  
**Address:** c/o Alex Russell Associates  
Liscannor  
Co. Clare

**Application Received:** 21/09/2022

**Nature of Application:** Permission to construct a detached dwelling house, driveway, connection to existing services and associated sit works.

**Location of Development:** Cahercalla Road, Cahircalla More, Ennis, Co. Clare, V95 P7EV

**ORDER:** Whereas by Chief Executive's Order No. HR 153 dated 9<sup>th</sup> day of April 2021, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to Kieran O'Donnell, Administrative Officer, the powers, functions and duties as set out therein.

**Now therefore** pursuant to the delegation of the said powers, functions and duties, I, Kieran O'Donnell, Administrative Officer, **Hereby Order** that:

Pursuant to the provisions of the Planning & Development Act 2000 (as amended), I hereby decide, for the Reason set out in the First Schedule hereto, to **Grant Permission** for the proposed development, subject to the Conditions and Reasons specified in the Second Schedule hereto. **(10 Conditions)**

I further order that Permission be granted subject to the conditions, unless an appeal, which is not subsequently withdrawn, is lodged with An Bord Pleanála within the specified time.

#### **FIRST SCHEDULE – REASON**

Having regard to the location of the site, and the siting of the proposed dwelling on lands which are zoned 'Low Density Residential' in the Clare County Development Plan 2017-2023 (as varied) and the pattern of development in the area, it is considered that, subject to conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

#### **SECOND SCHEDULE – CONDITIONS**

1. The development shall be carried out and completed in accordance with the drawings and particulars as received by the Planning Authority on the 21<sup>st</sup> September 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the Planning Authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

## Appendix 7: Chief executives Order to Grant Permission (Page 2 of 3)

2. (a) No encroachment, by reason of the proposed development, shall occur on the Open Space area to the immediate north of the proposed dwelling. In this regard, that area shall be kept clear from development, save for the reinstatement of the green area. This area shall not form part of the private open space serving the proposed dwelling, and shall not be enclosed by reason of the proposed development.

(b) The existing turning head within Cahercalla Drive shall remain in situ, both during and post construction, and shall not be obstructed in any way.

**Reason:** Having regard to the zoning of this portion of the subject site as 'Open Space' and in order to preserve this area for the enjoyment of the adjoining residences, and in the interests of the proper planning and sustainable development of the area.

3. (a) All existing trees on site shall be protected during construction, and thereafter retained post construction.

(b) The existing boundary / trees along the western site elevation shall be protected during construction, and thereafter retained post construction.

(c) Prior to the commencement of development, a detailed landscaping plan, prepared by a competent landscaping professional, for the site shall be submitted to the Planning Authority for agreement and approval. The plan shall provide for

- i. Additional tree planting
- ii. Hardening landscaping proposal.
- iii. A low stone boundary wall to the immediate north of the proposed dwelling, located between the proposed dwelling and the open space area (refer to condition 2 above).
- iv. Full details to relation to all other boundary treatments.

The landscaping plan shall be carried out as so agreed, and shall be fully implemented to the satisfaction of the Planning Authority prior to the occupation of the proposed dwelling.

**Reason:** In the interests of visual and residential amenities.

4. The finished floor level of the proposed house shall be as specified on the Site Layout Plan received by the Planning Authority on the 21<sup>st</sup> September 2022 and shall not be modified in any way without the prior written consent of the Planning Authority.

**Reason:** To reduce the impact of the proposed house on the landscape, in the interest of visual amenity.

5. (a) Access to the site shall be as per the site layout plan received by the Planning Authority on 21<sup>st</sup> September 2022. Access to serve the proposed dwelling shall be only from Cahercalla Road. No vehicular access either during or post construction shall be obtained from Cahercalla Drive.

(b) The proposed access drive to serve the proposed dwelling shall be constructed in full to the satisfaction of the Planning Authority, prior to the commencement of construction works on the proposed dwelling.

**Reason:** To preserve the rural amenities of the area and in the interests of traffic safety and visual amenity.

6. Adequate provision shall be made for drainage of surface water from public road by the provision and maintenance of a concrete channel or a concrete grid with sump drained to local drain or soakaway.

**Reason:** To prevent flooding.

## Appendix 7: Chief executives Order to Grant Permission (Page 3 of 3)

7. (a) Unless otherwise agreed with by the Planning Authority, external finishes of the permitted development shall be in accordance with those indicated on the plans and particulars received by the Planning Authority on the 21<sup>st</sup> September 2022.

(b) No floodlighting of the proposed development is permitted.

**Reason:** In the interests of visual amenity and in order to ensure a standard of materials and finishes appropriate to this area.

8. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

**Reason:** In the interest of visual amenity.

9. All surface water run-off from roofs, entrances and parking areas within the site shall be collected and disposed of within the site to the surface water drainage system. It shall not be discharged to the public sewer.

**Reason:** In the interest of proper development.

10. Prior to the commencement of development the developer / applicant shall pay a contribution of €6,488.00 to Clare County Council in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided for or intended to be provided by or on behalf of the authority in accordance with the terms of the development contribution scheme made under Section 48 of the Planning and Development Act 2000 as amended. The contribution shall be paid prior to commencement of development. At the time of payment, the contribution will be subject to any applicable adjustment in accordance with the relevant provisions of the Planning Authority's development contribution scheme in place at the time of payment. Any contributions owing post commencement of development may be subject to interest penalties.

**Reason:** It is considered appropriate that the developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the Planning and Development Act 2000 as amended, and that the level of contribution payable should be adjusted at a rate in the manner specified in that scheme.

  
ADMINISTRATIVE OFFICER

DATED THIS 11<sup>th</sup> DAY OF NOVEMBER 2022

## Appendix 8: Third Party Appeal to An Bord Pleanala (Page 1 of 10)

**Shauna Walsh**  
Planning Consultant

IP: # 22110  
t: 0831022130  
@: shaunawalsh81@gmail.com

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8<sup>th</sup> December 2022

The Secretary  
An Bord Pleanala  
64 Marlborough Street,  
Dublin 1.

RE: Clare County Council Planning Register Reference No.: 22846

Date of Planning Authority Decision: 11<sup>th</sup> November 2022

Last Date for Making an Appeal: 8<sup>th</sup> December 2022

### THIRD PARTY APPEAL

Dear Sir,

I, Shauna Walsh, Shauna Walsh Planning Consultants, 43 The Rise, Bishopstown, Cork have been instructed by my clients, whos names and addresses are set out below, to lodge this Third Party Appeal in accordance with the provisions of Section 127 of the Planning and Development Act 2000, as amended.

## Appendix 8: Third Party Appeal to An Bord Pleanala (Page 2 of 10)

**Shauna Walsh**  
Planning Consultant

This Appeal relates to the Notification of Decision to Grant Permission (see Appendix A) issued by Clare County Council to Mr Patrick Keogh, for "construction of a detached dwelling house, driveway, connections to existing services and associated site works" at Cahercalla Road, Cahircalla More, Ennis, Co. Clare under register reference No. 22/846.

My clients, the Appellants, made a submission in writing to the Planning Authority in relation to the application in accordance with the permission regulations, and the Planning Authority's acknowledgement of receipt of submission is enclosed herein (Appendix B). A cheque made payable to An Bord Pleanala, for the appropriate fee of €220, is enclosed herein.

I confirm that I have examined the decision of Clare County Council and their associated technical reports. I am also familiar with the application site. The grounds of appeal and the reasons and considerations on which these are based are set out in section 2.0 below.

The location of the proposed development in relation to Cahercalla Drive is indicated in Figure 1 below.

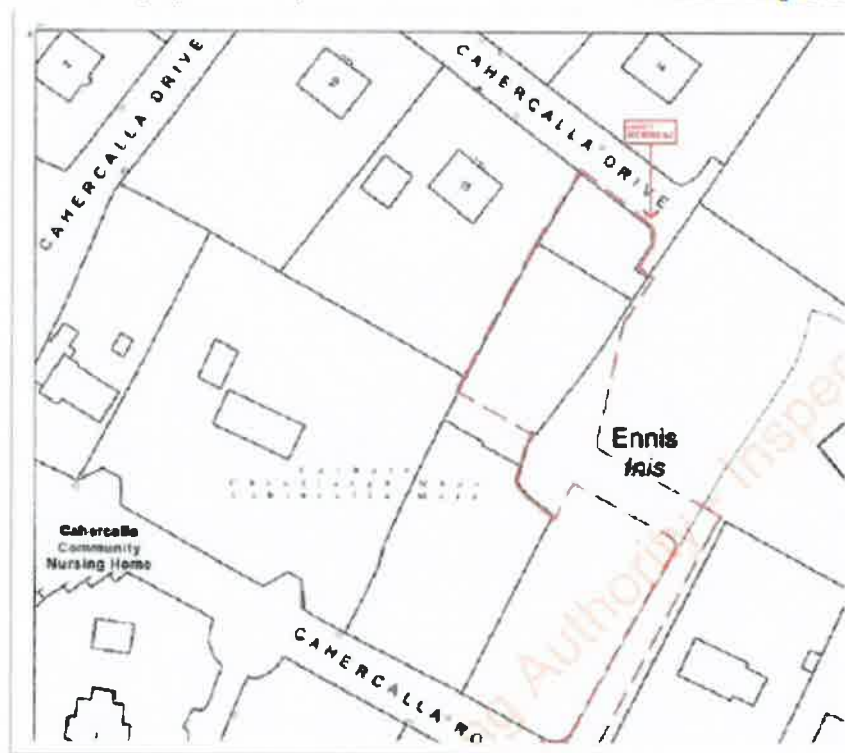


Figure 1: Extract from Site Location Map with Site Boundary indicated in red hatched line

# Appendix 8: Third Party Appeal to An Bord Pleanala (Page 3 of 10)

**Shauna Walsh**  
Planning Consultant

## 1.0 Site Location & Development Plan Context

The subject lands comprise a greenfield site which is partly vacant and partly planted and is located at the end of Cahercalla Drive cul-de-sac. The top, north western section of the site is planted with mature trees including Scots Pine, Beech, Ash, Cedar trees and a bird box and is maintained by local residents in conjunction with the Local Authority as an area of public open space. This section of the site has also been taken in charge by the Local Authority as an area of open space and used by local residents for amenity purposes.

The site is bound by the Cahercalla cul-de-sac road on the north west, by vacant, residentially zoned land on south west and north east, and by a residential property, No. 15 Cahercalla Drive, on its south west. Existing boundary treatments include established stone walls and evergreen planting. The boundary wall between the subject site and No. 15 Cahercalla Drive is a dry stone wall ranging in height from 1.4m to 1.6m.

Contextually the site is surrounded by suburban, low density, residential development largely comprising 2-storey detached dwellings.

The current statutory development plan governing the site is the Clare County Development Plan 2017-2023 (as amended) (hereafter referred to as 'The Development Plan').

Volume 3a of The Development Plan includes 'The Ennis Municipal District Written Statement' and includes a zoning map for Ennis, entitled 'Settlement Plan for Ennis'. The relevant extract from the zoning map is set out in Figure 2 below. The approximate boundary of the site is indicated in Figure 2 with a red line.

According to the zoning map there are two zoning objectives pertaining to the site, which are – 'Open Space' on the northern section of the site and 'Low Density Residential' on the southern section. Section 19.4 of The Development Plan sets out the nature of all zoning and states that the purpose of the 'Open Space' zoning is that the lands 'will be retained as undeveloped open space, mainly for passive open space related activities' and the purpose of the 'Low Density Residential' zoning is that the use of lands will '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'.

With regards to contiguous zoning the site is located within an established low density residential area with the predominant land use zoning of 'Existing Residential'. The zoning objective for this land use is 'to conserve and enhance the quality and character of the areas, to protect residential amenities and to allow for small scale infill development which is appropriate to the character and pattern of development in the immediate area and uses that enhance existing residential communities...'.

# Appendix 8: Third Party Appeal to An Bord Pleanala (Page 4 of 10)

**Shauna Walsh**  
 Planning Consultant

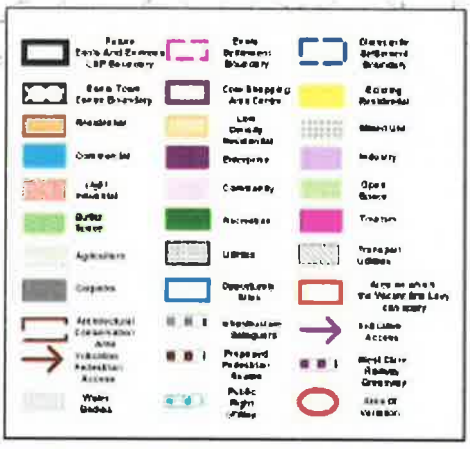
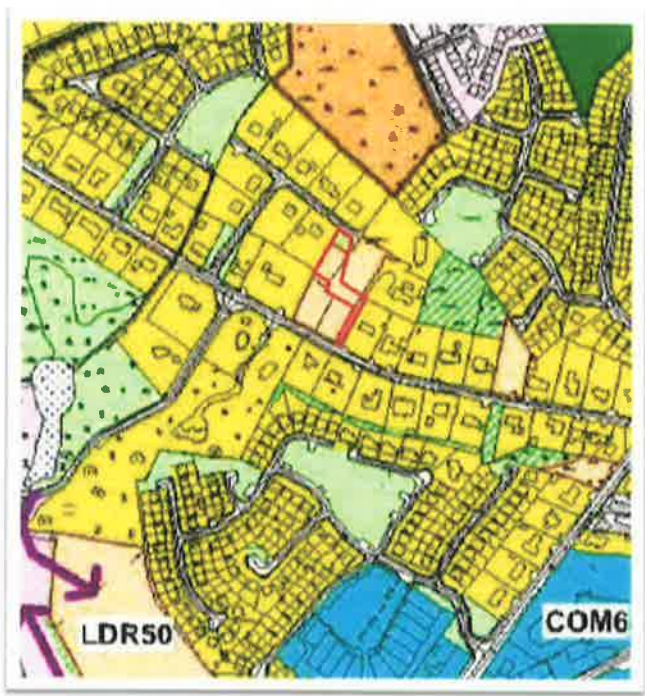


Figure 2: Extract from Ennis Settlement Plan (together with Plan Key). Approximate site location indicated with red line.



## Appendix 8: Third Party Appeal to An Bord Pleanála (Page 5 of 10)

**Shauna Walsh**  
Planning Consultant

### 2.0 Grounds of Appeal

2.1 The Proposed Development will have a Detrimental Impact on the residential amenity of existing residential development to the north west by reason of its design

In the first instance, the Appellants wish to emphasise that they are not opposed to the principle of appropriate residential development at the section of the site which is zoned for residential use. However, the Appellants are seriously concerned that the design of the dwelling will have a significant, adverse and irreversible impact upon the privacy of the adjoining property.

It is an objective of Clare County Council to protect residential amenity. In this regard, the subject site is located within an established residential area and is directly adjoined to the south west by No. 15 Cahercalla Drive. As such, it is submitted that any development at the subject site must be designed to respect the amenity of its neighbouring dwelling.

The current proposed design would result in overlooking of No. 15 Cahercalla Drive. According to Drawing No. A.104 Prop Sections, Elevations, the western side elevation, contains 6no. windows which are facing this Appellants' property.

Figures 3 below is an extract from Drawing No. A.104 Prop Sections, Elevations which illustrate the subject overlooking windows.



Figure 3 Extract from Drawing No. A.104 Prop Sections, Elevations showing western elevation

Upon examination, 5no. of these windows have the potential to result in overlooking of the adjoining property. No details of boundary treatment to the existing western boundary stone wall have been submitted with the application. The existing stone wall boundary ranges in height and requires upgrading in order to provide adequate mitigation to potential overlooking from the 4no. windows at ground floor level. Unmitigated it is considered that this impact could be significant and has the potential to result in a major loss of privacy of the adjoining property.

## Appendix 8: Third Party Appeal to An Bord Pleanala (Page 6 of 10)

**Shauna Walsh**  
Planning Consultant

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At first floor level the bedroom window will have an easily attained view into the rear garden and ground floor living areas (kitchen and living room) of No. 15 Cahercalla Drive and therefore will have a negative adverse effect on this adjoining property's privacy. Again, there is no design mitigation detail provided on the drawings to state that the first floor window will be frosted and unopenable. In any case this proposed first floor bedroom window is not necessary as the bedroom already enjoys a large window on the northern elevation.

It is considered that the potential impact would be significant given the distance and elevated view from the first floor windows to the adjoining rear garden.

In the published Local Authority's Planners' Report this issue of overlooking was not adequately addressed. It was stated in the Report that the proposed dwelling is relatively in line with the dwelling to the west and that the upstairs window will address the side gable of the dwelling to the west. The bedroom window will actually be looking directly into the kitchen and living room, through the window on the side gable, seriously impacting on the privacy of the Appellants. The photos below are taken from inside the kitchen gable window looking east to the site and from outside.



It is our contention that this potential impact on residential amenity merits further assessment and in this regard we request that An Bord Pleanala duly re-examine this legitimate planning issue.

It is submitted that under Clare County Council Planning Application number 1021055 where outline permission was granted for a 2 storey house on an adjoining site on Cahercalla Road, condition 15 stated: "First floor windows on the east and west gable elevations of the proposed dwelling shall be of frosted/opaque glass." The reason given was "To prevent overlooking to adjacent properties and in the interest of residential amenity." It is submitted that the same conditions should apply here.

It is further submitted that under Clare County Council Planning Application number 18723 where permission was granted for a 2 storey house on another site on Cahercalla Road, condition 3 stated: "Prior to commencement of the development the applicant shall submit the following for the written agreement of the Planning Authority and the works shall subsequently be carried out in accordance with this agreement: (a) revised drawings which remove the window serving

## Appendix 8: Third Party Appeal to An Bord Pleanála (Page 7 of 10)

**Shauna Walsh**  
Planning Consultant

bedroom number 2 on the eastern elevation of the dwelling. In the interests of clarity the window serving this bedroom on the south elevation shall be retained and shall be amended to comply with the requirements of this condition: Reason: To protect the existing amenities in the area." Again, it is submitted that the same conditions should apply here.

It is submitted that in order to remove the potential significant adverse impact of overlooking, An Bord Pleanála should request the removal of this unnecessary first floor window from the western elevation.

Furthermore, in order to assess and report upon the mitigated impact on residential amenity as a result of overlooking at first and ground floor it is considered appropriate that landscaping information including proposed works to all the boundary walls and proposed planting details be now requested for assessment and consideration by the Board:-

It is noted that the applicant made a submission to planning application reference no. P22/891 (which is a site adjoining this site and located directly to the south) on the 3<sup>rd</sup> of November 2022. See extract below:

### Item 3

Our client requests that a new 2m high natural stone boundary wall is constructed at the north boundary, outlined in yellow below, and that the existing partly derelict stone walls to the north east and east boundaries, outlined in blue below, are retained and re-constructed to a height of 2m.



### Item 4

3 no. roof lights are indicated on the proposed rear elevation, but no loft floor layout is included indicating the intended use of this space. As these are located at a relatively high level and face directly towards our clients site they will generate significant overlooking and significant reduction in our clients amenity.

In this regard our client requests that these roof lights should be omitted from the development.

## Appendix 8: Third Party Appeal to An Bord Pleanala (Page 8 of 10)

**Shauna Walsh**  
Planning Consultant

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It is submitted that the applicant should construct a 2m high natural stone boundary wall on the west and north boundaries of his own site as he has requested of the owners of the site to the south. It is submitted that the completion of this wall should be a precondition to the commencement of construction work on the site.

Item 4 objects to the roof lights/windows in the proposed building as it would generate significant overlooking and significant reduction in amenity. It is noted that the distance between these two buildings is 33 m which is more than twice the distance between the bedroom window which is overlooking the kitchen/living room in 15 Cahercalla Drive. It is submitted that the bedroom window will cause significantly greater reduction in amenity than the roof light and should be removed.

## Appendix 8: Third Party Appeal to An Bord Pleanála (Page 9 of 10)

**Shauna Walsh**  
Planning Consultant

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### 2.2 Unauthorised site clearance work to area of Open Space

The site clearance works, moving of the county council illegal dumping sign and standing stones, tree felling and knocking of the entire stone boundary wall which have all been carried out in the preparation of the site access do not form part of any previous application to the Planning Authority for permission and should therefore be considered unauthorised development. Moreover, these works have taken place on the section of the site designated as 'open space'.

The Planning Application Report stated that these works were considered to be landscaping that did not require planning permission. However, unauthorised demolition of an estate boundary wall and driving lorries and cherry pickers through an 'open space' to gain access to the site to carry out site clearance works is not landscaping but initial construction work and unauthorised development without planning permission. Note that this space (as well as the open spaces by the entrance to the estate) have been maintained by the residents of Cahercalla Drive for the past 40 years.

It is submitted that an Bord Pleanála request that this area of the site be restored to its previous state. This includes:

- (a) Reinstatement of the stone boundary wall which formed a physical separation between the designated 'open space' area and the rest of the site. (2m high natural stone)
- (b) Reinstatement of the council sign in its original position.
- (c) Reinstatement of the standing stones in their original position.
- (d) Replanting of trees that were removed and any other landscaping works.

Whilst it is acknowledged that Conditions 2 and 3 of the permission requires the rebuilding of the stone boundary wall which formed a physical separation between the designated 'open space' area from the rest of the site the Appellants contends that the Applicant should be requested to fully restore this section of the site to its original open space nature and function in line with the protection and enhancement of the existing resident's residential amenity and enjoyment.

It is submitted that the completion of these works should be a precondition to the commencement of construction work on the site.

## Appendix 8: Third Party Appeal to An Bord Pleanala (Page 10 of 10)

**Shauna Walsh**  
Planning Consultant

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### 3.0 Conclusion

There are important policies and objectives contained in both the Clare County Development Plan and associated Ennis Settlement Plan that seek to ensure that an appropriate balance is achieved between important residential development in the urban context, and protection of established residential amenities. The proposed development as it currently stands would have a material, irreversible, adverse impact on the residential amenity of No. 15 Cohercalla Drive by reason of demonstrable and unacceptable overlooking.

I urge the Board to take full account of the extent of this impact and

- (a) Request the removal of the first floor, unnecessary bedroom window; and
- (b) Request the construction of a 2m high natural stone boundary wall on the west and north boundaries of the site as a pre commencement condition.

Furthermore, we request that the area of open space be fully restored to its original open space nature and function in line with the protection and enhancement of the existing resident's residential amenity and enjoyment. It is also submitted that the completion of these works should be a precondition to the commencement of construction work on the site.

Yours sincerely,



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Shauna Walsh Bsc MIPI