



An  
Bord  
Pleanála

## **S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016**

### **Inspector's Report on Recommended Opinion ABP-312194-21**

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<b>Strategic Housing Development</b>	285 no. residential units (261 no. houses, 24 no. apartments), creche and associated site works.
<b>Location</b>	Ballymacaula, Drumbiggle, Circular Road, Ennis, Co. Clare.
<b>Planning Authority</b>	Clare County Council
<b>Prospective Applicant</b>	Glenveagh Homes Limited.
<b>Date of Consultation Meeting</b>	14 <sup>th</sup> of April 2022.
<b>Date of Site Inspection</b>	31 <sup>st</sup> of March 2022.
<b>Inspector</b>	Karen Hamilton

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## 1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## 2.0 Site Location and Description

2.1. The site is located to the southwest of Ennis town, County Clare. The site currently comprises of a greenfield site accessed from the R474. The site extends from a newly constructed housing estate (Ballymacaula) to the south up to the Ennis Golf Course to the north. The National Road (N85) bounds the site to the west. A number of one-off dwellings are located along the east of the site and are currently accessed from the R474. The site is slightly elevated at the south of the site, near the existing housing estate and is surrounded by mature trees and hedging.

## 3.0 Proposed Strategic Housing Development

3.1. The proposed development is for 285 no. residential units (262 houses and 24 no. apartments) crèche and associated works.

3.2. Development Parameters

Parameter	Description
Area	11.09ha (gross) 8.9ha (net)
Units	286 no units
Density	32 uph
Creche	60 no spaces

Open Space	1.33 ha (15%)
Carparking	492 no spaces for residential 10 no. spaces for creche

### 3.3. Unit Mix

Type	Number	Percentage %
One bed apartment	24	8.4%
Two bed town houses	66	23.1%
Three bed units	195	68.5%
Total	286	100

## 4.0 Planning History

### **ABP 306099-19 (Reg Ref 18/811)**

Permission granted for 99 no. residential units with pedestrian and cycle access to the proposed development via a new junction on the Circular Road (R474), connections to the public foul sewer at Cahercalla Road and associated works.

Site to the south

### **ABP 300590-18 (Reg Ref 237/17)**

Permission granted for 42 no units and the construction of this estate is nearly complete.

## 5.0 Relevant Planning Policy

### 5.1. Clare County Development Plan 2017-2023 (as extended)

#### 5.1.1. Zoning

The site is zoned as Low Density Residential (LDR).

## Section 19.4: Nature of Zonings: Low Density Residential

- 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.

An area in the northern end is designated Open Space – to be retained free of development and allocated to parkland space and passive recreational use.

### 5.1.2. **Core Strategy**

Table 2.4: Population targets

- A density of 15 uph have been allocated for low density residential lands for Ennis.

### 5.1.3. **Cahircalla More Neighbourhood**

This neighbourhood has been identified for expansions although is currently deficient in the provision of services.

### 5.1.4. **Site specific Objective: Site LDR66 Circular Road (Low density residential)**

- Residential development on this site will be required to incorporate a buffer of sufficient width between the proposed development and the N85 to protect residential amenity.
- Development proposals on the site shall be accompanied by a flood risk assessment to ensure that floor levels are set to an appropriate height (1-in-100-year flood event plus climate change allowance and freeboard).
- A drainage impact assessment will also be required.

### 5.1.5. **General Development Management**

#### CDP4.7: Unit Mix

- Secure a mix of housing types and sizes
- Require new houses to incorporate a variety of plot sizes and
- Require the submission of a Statement of Housing Mix

### 6.0 Section 247 Consultation(s) with Planning Authority

6.1. One S247 meeting was held on the 15<sup>th</sup> of October 2021 and the minutes of the meeting are included in the PA submission as summarised below:

- Overview of the proposal was presented.
- Overview of the site was detailed.
- Storm water will be treated to a retention pond with controlled overflow to the Inch River.
- An EIAR would be prepared.
- Concern in relation to the proposed density having regard to the zoning.
- The CDP is on out on display from the 10<sup>th</sup> of December 2021, involvement of OPR discussed.
- The development is not appropriate for the site, the housing typology needs widened, there are concerns in relation to the family sized dwelling.
- There is a lack of cycle/ pedestrian accesses.
- Upgrade works may be required.
- An assessment of schools would be required.

### 7.0 Prospective Applicant's Case

#### Statement of Consistency

7.1. The applicant's Statement of Consistency notes the national, regional and local planning polices relevant to the development of the site.

## 8.0 Planning Authority Submission

8.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Clare County Council, submitted their opinions in relation to the proposal on the 20<sup>th</sup> of January 2022. The opinion noted the S. 247 meetings in relation to the proposed SHD development, the planning history on the site and surrounding area, and the policy background. This opinion has been summarised below:

### 8.2. Planning Assessment

#### 8.2.1. Site Zoning

- The site is zoned for Low Density Residential with site specific zoning.
- Having regard to the number of units and the consequent density it is considered the proposal is not in compliance with the zoning objective.

#### 8.2.2. Layout

- The layout is monolithic.
- The open space is of concern and the pockets are limited given the size of the development.

#### 8.2.3. House Types

- The housing typology is too narrow, doesn't comply with CDP4.7 (mix of units).
- There is an over dominance of 3-bedroom units with no single storey or detached dwellings.

#### 8.2.4. Access and Traffic

- The site access is of serious concern.
- There is only a single access to serve 285 no. units.
- There is limited capacity at the access, and this may result in a traffic hazard.

- The location of the creche is not considered acceptable and may cause a traffic hazard along the R474.
- The site is poorly served by footpaths and there are no cycle lanes from the site into Ennis town centre.
- The site is not served by any public transport and some units do not have individual parking.
- A speed survey and traffic calming measures would be required along the R474.

#### 8.2.5. **Flooding/ Drainage**

- Both a Flood Risk Assessment and Drainage Impact Assessment is required.
- The treatment of storm water is required both during and post construction.
- An assessment of capacity downstream river/network would be required which may necessitate additional works.

#### 8.2.6. **Ecological Issues**

- The removal of hedgerows/ treelines/ scrub could potentially impact on foraging/commuting/rooting of habitat of the lesser horseshoe bat.
- A full light spill modelling study is required.
- There should be no removal of woody vegetation around the site.

### 9.0 **Irish Water (IW)**

9.1. A submission from IW dated the 21<sup>st</sup> of January 2022 confirms that a Confirmation of feasibility has been issued for 285 no. residential units subject to the following contingencies:

9.2. In respect of Wastewater:

- Minor upgrades at the wastewater treatment plant will be required to enable this development. These upgrades are expected to be delivered as part of **Irish Waters Capital Investment Plan (CIP)** for the region. The applicant is



required to seek clarity from Irish Water, ahead of any SHD Planning Application, on the delivery mechanism for these upgrades which are expected to be progressed in 2022/2023 (subject to change).

- Approximately **360m of network extension** will be required to connect to the Irish Water wastewater network. These extension works, which will take place within the public domain, are not currently on Irish Waters investment plan and therefore the applicant will be required to fund these local network upgrades.
- It is likely **that upgrades to the pumping station and rising main** will be required to facilitate this development. The applicant is required to seek clarity from Irish Water, ahead of any SHD Planning Application, on the delivery mechanism for any likely upgrades of the pumping station and / or the rising main which are expected to be delivered as part of the Drainage Area Plan (DAP) for the region. These works are expected to be progressed in 2022/2023 (subject to change).

## 10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 25<sup>th</sup> of April 2022, commencing at 10.00am, via Microsoft Teams.

Representatives of the prospective applicant, Clare County Council and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting as detailed below:

1. Land Use Zoning, Core Strategy & Density
2. Design & Layout (permeability/ open spaces)
3. Drainage
4. Access & Transport
5. Any Other Business

10.2. In relation to the Land Use Zoning, Core Strategy & Density An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The gross and net density proposed on site.

- The definition of low-density residential development and the requirement to comply with the national guidelines for residential development.
- The density allocated to the site in the core strategy (15uph).
- The proposed zoning for the site and the review of the county plan (2023-2029).
- The proposed phasing plan for the site.
- The typology of housing needed to increase the proposed density on the site.
- The population allocation for the site and the remaining quantum from the Core Strategy allocated for the rest of Ennis.

10.3. In relation to the **Design and Layout**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The permeability and connectivity into the residential development to the south of the site.
- The design, layout and functionality of the open space.
- The unit mix proposed and the demand for smaller units in Ennis.

10.4. In relation to the **Drainage**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The Irish Water submission and the upgrades required to the wastewater network.
- The proposed connection for water/ wastewater along the National Road (N85) and the necessary consent required from the National Transport Authority.

10.5. In relation to the **Access and Transport**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The single access into the site and the justification for the access in any submitted traffic assessment.
- The provision of pedestrian and cycle access to the site.
- The connectivity between the site and school sites.

- The traffic calming provided along the regional road.
- The location of the creche and the associated set down area at the entrance of the site.

## 11.0 Assessment

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I have examined all of the information and submissions before me including the documentation submitted by prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

### Conclusion

I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4** of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## 12.0 Recommended Opinion

- 12.1. The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

12.2. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted requires **further consideration and amendment to constitute a reasonable basis** for an application for strategic housing development to An Bord Pleanála

Permeability/ Connectivity

1. Further consideration and/or justification of documents as they relate to the proposed strategy for the development of the site in respect of the permeability and connectivity into the existing housing estate to the south of the site, the N85 and the wider environment. In this regard the applicant shall provide clarity on the movement of pedestrians and cyclists from the site to services, amenities, schools etc. The proposed development should comply with the 12 criteria set out in the Urban Design Manual which accompanies the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (2009), the Design Manual for Urban Streets (DMURS) and the requirements of the National Cycle Manual.

12.3. Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. A Phasing Strategy for the roll out and delivery of the proposed development including, *inter alia*, timescales and delivery of essential infrastructure.
2. A detailed landscaping plan clearly illustrating the quantum and functionality of all areas designated for public open space. The landscaping details shall include, *inter alia*, the inclusion of useable space for play provision, a detailed trees survey and proposed tree planting scheme and shall clearly indicate the quantum and designated areas of useable for differing age categories

3. Additional Computer-Generated Images (CGIs) and visualisation/cross section drawings should elaborate on the visual impact of the proposed development in the context of the impact of the residential area to the south and east of the site and the N85 to the west of the site
4. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such statement should have regard to the development plan or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.
5. A Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
6. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.
7. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format. The notice and statement should clearly

indicate which Planning Authority statutory plan it is proposed to materially contravene.

12.4. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Transport Infrastructure Ireland.
3. National Transport Authority
4. The relevant Childcare Committee

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Karen Hamilton  
Senior Planning Inspector

10<sup>th</sup> of May 2022