

MICHEAL GLYNN & CO., SOLICITORS

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Our Ref: MG.SR

Your Ref: RL03.RL3611

Date: 14.08.20

**Re: Whether the carrying out of groundworks, constitutes development and development which is or isn't exemptive development Tulla Road environs 1.5km North East of Ennis Town Centre.
Our Client: Crossfield Property Company Limited.**

Dear Sirs,

We confirm that we have been instructed by a Director of Crossfield Property Company Limited and we refer to your letter of the 21st July with enclosures.

You might please note that Crossfield Property Company Limited is no longer the beneficial owner of the lands the subject matter of the application so Crossfield Property Company Limited has no interest or standing presently in the issues raised therein.

Strictly without prejudice the Director echos the submissions which were made in the original application to An Bord Pleanála under case reference RL03.RL.3611 which was the subject matter of a Judicial Review and on foot of which an order of Certiorari was subsequently made in the High Court.

We have been requested to submit a further copy of the report of Brendan McGrath dated the 1st day of September, 2017 and also the report of the Inspector from An Bord Pleanála, Paul Caprani dated the 19th December, 2017 on foot of a site inspection carried out on the 8th November, 2017.

MICHEAL GLYNN B.C.L. SOLICITOR

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We are instructed that the majority of the works on the site and the associated filling was done by the Office of Public Works and by the contractors who were retained by Clare County Council for the Water Supply Upgrade Scheme in Roslevan in 2015. Our client also points out that the Office of Public Works removed the old embankment on the river and used that material to effectively level the site along with the existing high mounds which were within the curtilage of the site for many years and these were also levelled during the process.

Our client would also like to refer to the report from the Office of Public Works entitled "The Planning System and Flood Risk Management" a copy of which we **enclose**, which shows that that majority of the site is not in a Flood Zone A or a Flood Zone B but rather a Flood Zone C as coloured in white on the map incorporated in the report and this "White Zone" relates to the majority of the site the subject matter of the present referral to An Bord Pleanála. Clare County Council averred to this particular issue erroneously in their most recent Development Plan when referring to the site as being in Flood Zone A and Flood Zone B whereas less than 10% of the site is in those particular zones and in fact the part of the site that is in Flood Zone A as per the Office of Public Works map/report is now totally isolated from the River Fergus and the Special Area of Conservation by the new embankment erected by the Office of Public Works and the previous drain that was there was closed up and piped rendering that part of the site on an equal footing or standing from a flood perspective to all of the lands in the greater Cappahard area to include the Castlerock and White Park housing estates.

Our client has requested that we make these observations/submissions but to reiterate that Crossfield Property Company Limited has no further interest, beneficial or otherwise, in the property the subject matter of the application and the overall site is now in the ownership of two separate parties by way of onward sales.

We trust that you will note the position.

Yours faithfully,


MICHEÁL GLYNN & CO.,
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Encl.