

Residential Zoned Land Tax Annual Draft Map
Planning Department
Clare County Council
New Road
Ennis
Co. Clare
V95 DXP2

Thursday, 28th March 2024

To Whom It May Concern

RE: SUBMISSION IN RESPECT OF THE CLARE RESIDENTIAL ZONED LAND TAX ANNUAL DRAFT MAP IN RESPECT OF LANDS AT:

BALLYMACAULA, DRUMBIGGLE, KEELTY, CIRCULAR ROAD, ENNIS, CO. CLARE

1.0 INTRODUCTION

1.1 Purpose of this Submission

Thornton O'Connor Town Planning¹ have been retained by [REDACTED] to prepare this Submission to Clare County Council in respect of the *Clare Residential Zoned Land Tax Annual Draft Map* ('*Annual Draft Map*'), the preparation of which was introduced under the *Finance Act 2021*. This Submission relates to lands in the ownership of [REDACTED] at Ballymacaula, Drumbiggle, Keelty, Circular Road, Ennis, Co. Clare (forming part of Land Parcel ID CELA0001497).

On 1st February 2024, Clare County Council published the requisite *Annual Draft Map* that identifies lands within its functional area that are considered to be '*suitably zoned and connected to, or has access to services*³ and thus 'In Scope' for the purposes of the Residential Zoned Land Tax.

The *Annual Draft Map* prepared by Clare County Council includes lands at Ballymacaula, Drumbiggle, Keelty, Circular Road, Ennis, Co. Clare which are in the ownership of [REDACTED]. An extract from the *Clare Residential Zoned Land Tax Annual Draft Map*, annotated to highlight the extent of the lands subject to this Submission is included overleaf (Figure 1.1):

¹ No. 1 Kilmacud Road Upper, Dundrum, Dublin 14

³ As set out in Section 3.1 of the *Residential Zoned Land Tax – Guidelines for Planning Authorities (June 2022)*.

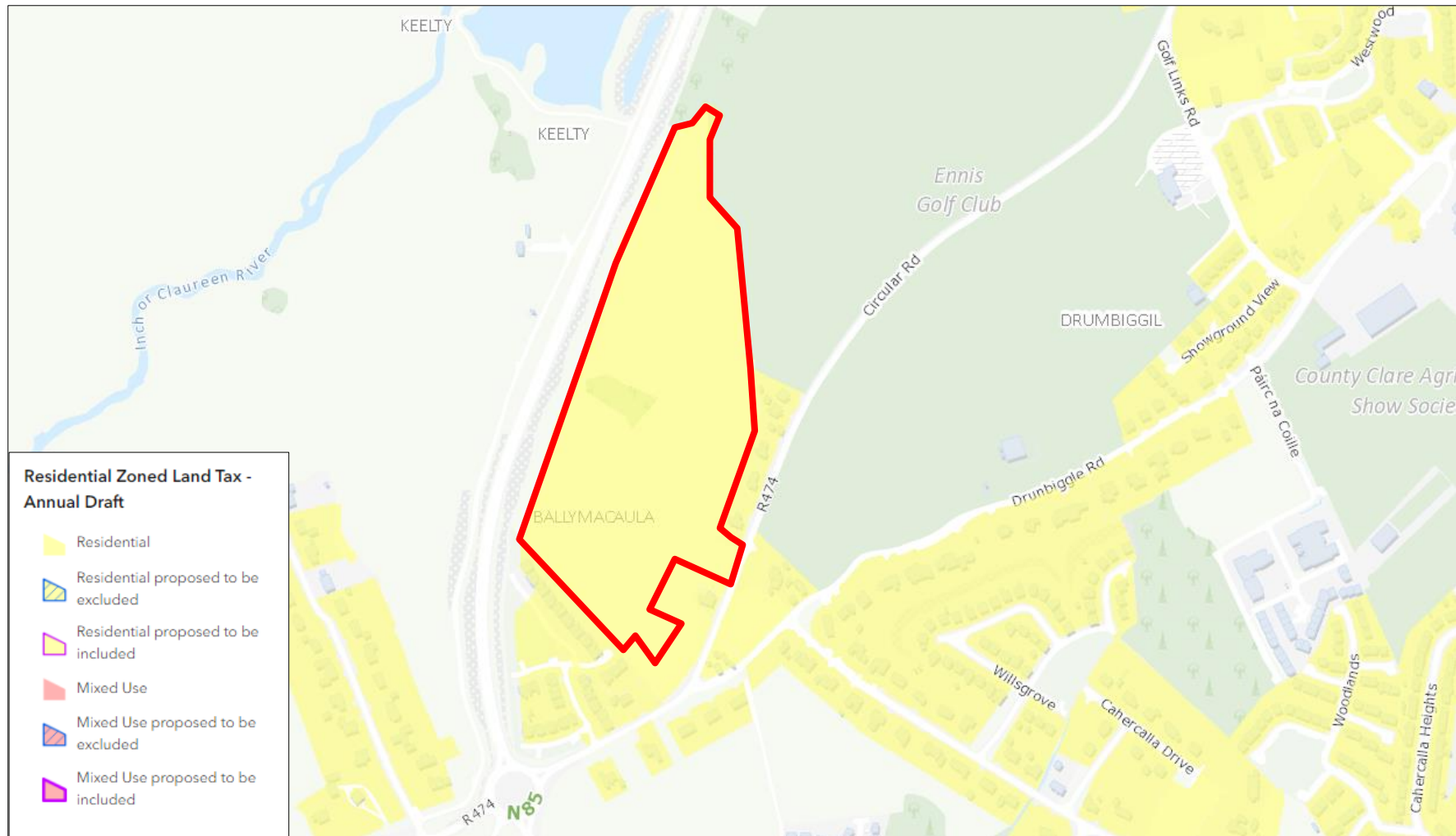


Figure 1.1: Extract From the *Clare Residential Zoned Land Tax Annual Draft Map* with the Indicative Boundary of the Lands Subject to this Submission Outlined in Red

(Source: *Clare Residential Zoned Land Tax Annual Draft Map, Annotated By Thornton O'Connor Town Planning, 2024*)

This Submission to Clare County Council in respect of the *Annual Draft Map* is made without prejudice to any future attempts to secure / implement any Planning Permission on the lands subject to this Submission.

Key Point: The purpose of this Submission is to provide information to Clare County Council that demonstrates that the lands in the ownership of [REDACTED] at Ballymacaula, Drumbiggle, Keelty, Circular Road, Ennis, Co. Clare which are subject to this Submission **do not meet** the qualifying criteria set out in Section 653B of the *Finance Act 2021* for inclusion on the *Annual Draft Map*.

The development of the lands subject to this Submission, as detailed herein, is dependent upon the upgrading of the Wastewater Drainage Infrastructure in the vicinity thereof by Uisce Éireann (Irish Water).

Thus, this Submission, which is made in accordance with Section 653D of the *Finance Act 2021*, is **seeking the exclusion** of the aforementioned lands at Ballymacaula, Drumbiggle, Keelty, Circular Road, Ennis, Co. Clare from the *Residential Zoned Land Tax Annual Map* on the basis that the lands do not meet the qualifying criteria.

1.2 Format of this Submission

The following is the format of this Submission:

Section 1.0 provides the **Introduction** to this Submission;

Section 2.0 provides an overview of the **Residential Zoned Land Tax – Scoping In / Out**, having specific regard to the lands subject to this Submission;

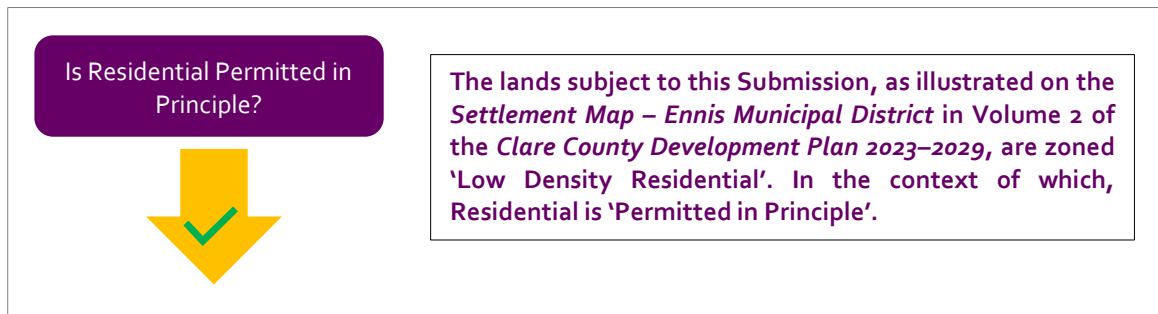
Section 3.0 presents the **Rationale for Scoping Out – Clear Impediment to Development**; and

Section 4.0 sets out the **Concluding Remarks**.

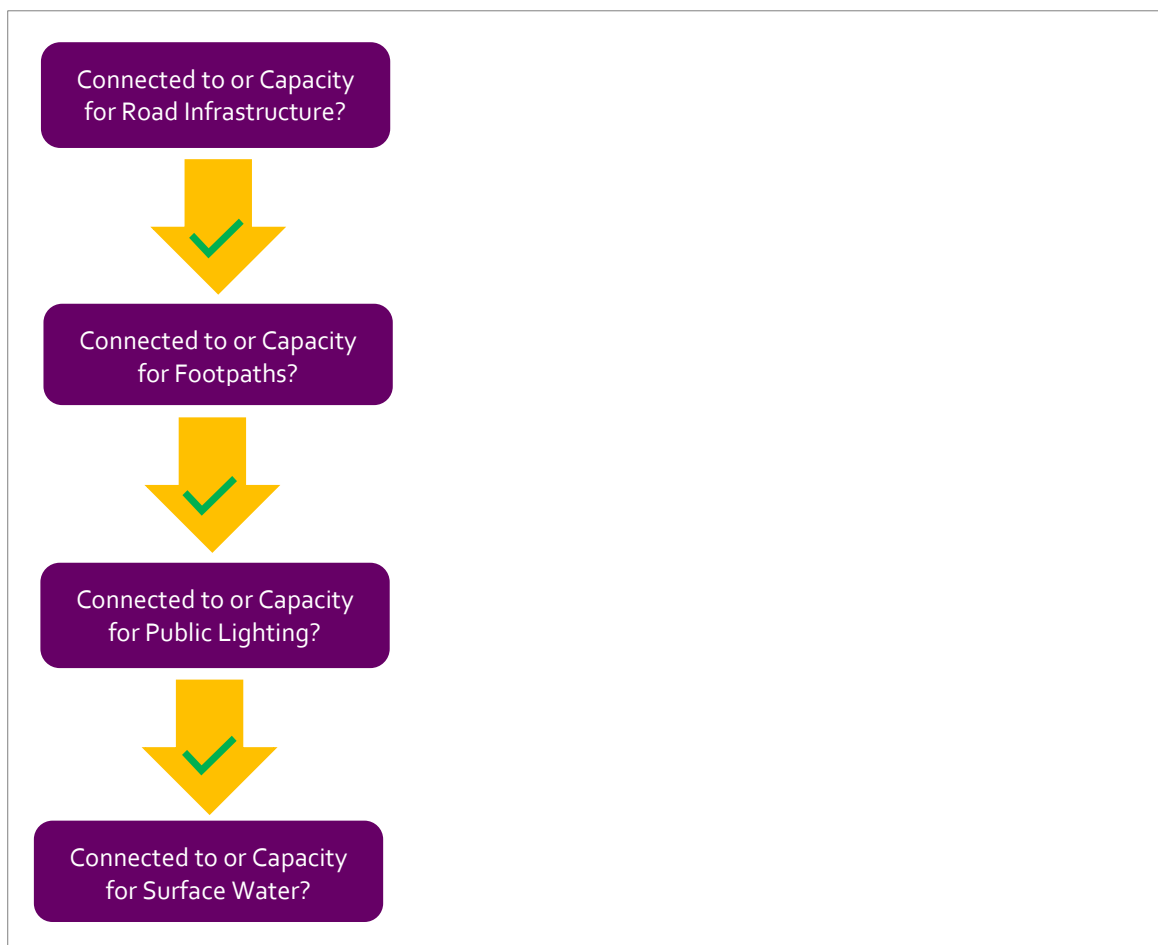
2.0 RESIDENTIAL ZONED LAND TAX – SCOPING IN / OUT

Having regard to the *Residential Zoned Land Tax – Guidelines for Planning Authorities (June 2022)* and in particular Appendix 4 therein, a Scoping Exercise, which is graphically illustrated below, has been undertaken by Thornton O’Connor Town Planning to determine if the lands subject to this Submission at Ballymacaula, Drumbiggle, Keelty, Circular Road, Ennis, Co. Clare meet the qualifying criteria to be within the scope of the Residential Zoned Land Tax.

Step 1



Step 2





Connected to or Capacity
for Wastewater?



The Wastewater Drainage Infrastructure in the vicinity of the lands subject to this Submission, as noted by Uisce Éireann (Irish Water) in considering a Residential Development proposed thereon, needs to be upgraded prior to the development of the lands subject to this Submission.

As noted in the enclosed *Confirmation of Feasibility*, a connection to the Wastewater Network is only feasible subject to upgrades to the Wastewater Treatment Plant and an extension to the Wastewater Network (with likely upgrades to the existing Uisce Éireann (Irish Water) Pumping Station and Rising Main also required).

The lands subject to this Submission, as elaborated upon in Section 3.0 herein, should thus be considered to be 'Out of Scope'.

3.0 RATIONALE FOR SCOPING OUT – CLEAR IMPEDIMENT TO DEVELOPMENT

The lands in the ownership of [REDACTED] at Ballymacaula, Drumbiggle, Keelty, Circular Road, Ennis, Co. Clare which are subject to this Submission, as detailed in Section 2.0 above and elaborated upon herein, should be considered 'Out of Scope' as they do not satisfy the qualifying criteria.

3.1 The Development of the Lands Subject to this Submission is Dependent Upon the Delivery of Upgrades to the Wastewater Drainage Infrastructure in the Locality By Uisce Éireann (Irish Water)

Whilst An Bord Pleanála have Granted Permission for a Residential Development⁴ on the lands in the ownership of [REDACTED] at Ballymacaula, Drumbiggle, Keelty, Circular Road, Ennis, Co. Clare, which are subject to this Submission, the implementation thereof is entirely dependent upon the upgrading of the Wastewater Drainage Infrastructure in the vicinity of the lands. In response to a Pre-Connection Enquiry in respect of the aforementioned Residential Development on the lands subject to this Submission, [REDACTED] received a Statement from Uisce Éireann (Irish Water)⁵ which set out the following in respect of the feasibility of a Wastewater Connection:

Wastewater Connection	Feasible subject to minor upgrades at the WWTP. WW network extension required with likely upgrades of the existing Irish Water owned pumping station and rising main also required. Further details can be discussed prior to connection application stage.
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The aforementioned upgrades necessary to facilitate the development of the lands subject to this Submission were additionally noted in the Chief Executive Report on the Strategic Housing Development Application (An Bord Pleanála Case Reference TA03.314448 refers) made in respect thereof:

*'some upgrade works are required and that in the event of permission **the development should not proceed until such upgrades take place.**' [Our Emphasis]*

The necessary upgrades to the Wastewater Treatment Plant and extension to the Wastewater Network (including the likely required upgrades to the existing Uisce Éireann (Irish Water) Pumping Station and Rising Main) are to be delivered by Uisce Éireann (Irish Water). The required upgrades are thus outside the control of [REDACTED] and Clare County Council.

As regards Services, the *Residential Zoned Land Tax – Guidelines for Planning Authorities (June 2022)* states that:

*'While the aim of the tax is to activate land which can be developed for housing, **this should not result in land being considered in scope for the tax where significant works are required to enable connection to services which are outside of the control of the applicant or the relevant planning authority to enable.**' [Our Emphasis]*

It is clear, having regard to the foregoing extract from the *Residential Zoned Land Tax – Guidelines for Planning Authorities (June 2022)*, that where works, which are outside of the control of the

⁴ An Bord Pleanála Case Reference TA03.314448 refers.

⁵ Uisce Éireann (Irish Water) Confirmation of Feasibility included in Appendix I of this Submission.

Applicant or the Local Authority to enable, are required to enable a connection to services (as is the case in this instance), then the lands should be considered 'Out of Scope'.

Having regard to the dependency of the development of the lands subject to this Submission on the delivery of upgrades to the Wastewater Drainage Infrastructure in the vicinity thereof by Uisce Éireann (Irish Water), the lands subject to this Submission are considered 'Out of Scope'.

4.0 CONCLUSION

The key purpose of this Submission is to demonstrate to Clare County Council that the lands in the ownership of [REDACTED] at Ballymacaula, Drumbiggle, Keelty, Circular Road, Ennis, Co. Clare which are subject to this Submission **do not meet** the qualifying criteria set out in Section 653B of the *Finance Act 2021* for inclusion on the *Annual Draft Map*.

As demonstrated herein, the development of the lands subject to this Submission is dependent upon the upgrading of the Wastewater Drainage Infrastructure in the vicinity thereof by Uisce Éireann (Irish Water). This is consequently precluding the development of the lands subject to this Submission, and as such, the subject lands are considered '**Out of Scope**'.

We trust the content of this Submission will be duly considered and we look forward to receiving confirmation that the subject lands are considered 'Out of Scope' as they do not satisfy the qualifying criteria and will thus be excluded from the 'Final Map'.

Yours faithfully,



Sadhbh O'Connor
Director
Thornton O'Connor Town Planning

APPENDIX I Uisce Éireann (Irish Water) Confirmation of Feasibility

[REDACTED]

Uisce Éireann
 Bosca OP 448
 Oifig Sheachadta na
 Cathrach Theas
 Cathair Chorcaí

Irish Water
 PO Box 448,
 South City
 Delivery Office,
 Cork City.

www.water.ie

26 November 2021

Re: CDS21003780 pre-connection enquiry - Subject to contract | Contract denied
Connection for Housing Development of 330 unit(s) at Golf Links Road, Ennis, Clare

Dear Sir/Madam,

Irish Water has reviewed your pre-connection enquiry in relation to a Water & Wastewater connection at Golf Links Road, Ennis, Clare (the **Premises**). Based upon the details you have provided with your pre-connection enquiry and on our desk top analysis of the capacity currently available in the Irish Water network(s) as assessed by Irish Water, we wish to advise you that your proposed connection to the Irish Water network(s) can be facilitated at this moment in time.

SERVICE	<p style="text-align: center;">OUTCOME OF PRE-CONNECTION ENQUIRY</p> <p style="text-align: center;"><u>THIS IS NOT A CONNECTION OFFER. YOU MUST APPLY FOR A CONNECTION(S) TO THE IRISH WATER NETWORK(S) IF YOU WISH TO PROCEED.</u></p>
Water Connection	Feasible without infrastructure upgrade by Irish Water
Wastewater Connection	Feasible Subject to upgrades
SITE SPECIFIC COMMENTS	
Water Connection	There is sufficient capacity in the Irish Water assets to facilitate the proposed development.
Wastewater Connection	Feasible subject to minor upgrades at the WWTP. WW network extension required with likely upgrades of the existing Irish Water owned pumping station and rising main also required. Further details can be discussed prior to connection application stage.

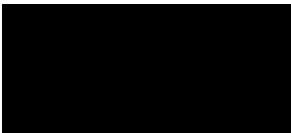
The design and construction of the Water & Wastewater pipes and related infrastructure to be installed in this development shall comply with the Irish Water Connections and Developer Services Standard Details and Codes of Practice that are available on the Irish Water website. Irish Water reserves the right to supplement these requirements with Codes of Practice and these will be issued with the connection agreement.

General Notes:

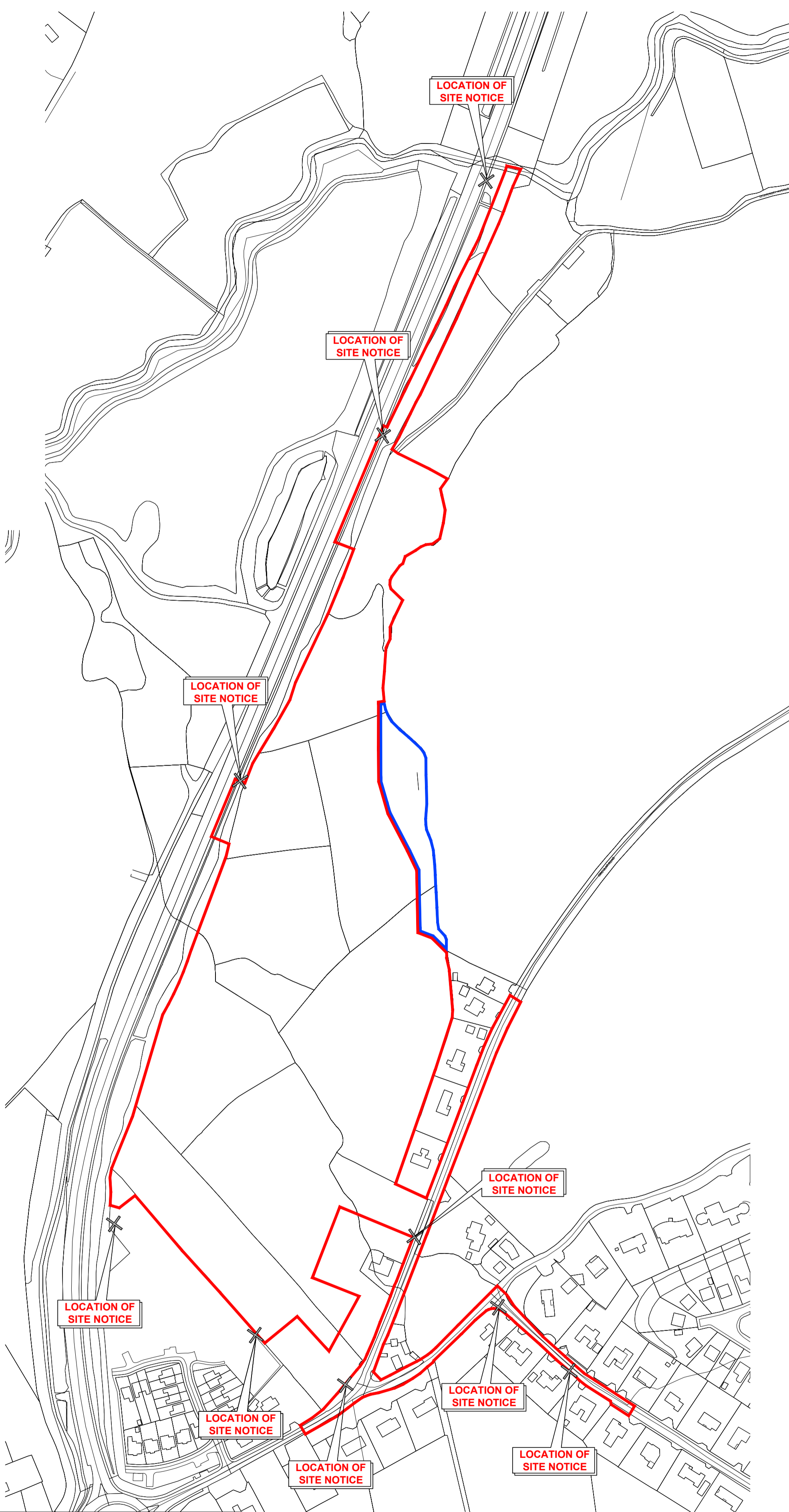
- 1) The initial assessment referred to above is carried out taking into account water demand and wastewater discharge volumes and infrastructure details on the date of the assessment. **The availability of capacity may change at any date after this assessment.**
- 2) This feedback does not constitute a contract in whole or in part to provide a connection to any Irish Water infrastructure. All feasibility assessments are subject to the constraints of the Irish Water Capital Investment Plan.
- 3) The feedback provided is subject to a Connection Agreement/contract being signed at a later date.
- 4) A Connection Agreement will be required to commencing the connection works associated with the enquiry this can be applied for at <https://www.water.ie/connections/get-connected/>
- 5) A Connection Agreement cannot be issued until all statutory approvals are successfully in place.
- 6) Irish Water Connection Policy/ Charges can be found at <https://www.water.ie/connections/information/connection-charges/>
- 7) Please note the Confirmation of Feasibility does not extend to your fire flow requirements.
- 8) Irish Water is not responsible for the management or disposal of storm water or ground waters. You are advised to contact the relevant Local Authority to discuss the management or disposal of proposed storm water or ground water discharges
- 9) To access Irish Water Maps email datarequests@water.ie
- 10) All works to the Irish Water infrastructure, including works in the Public Space, shall have to be carried out by Irish Water.

If you have any further questions, please contact Shane Mcmanus from the design team by email to shane.mcmanus@water.ie For further information, visit www.water.ie/connections.

Yours sincerely,



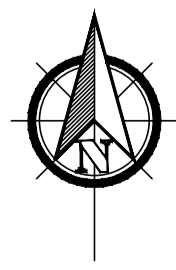
Head of Customer Operations



NOTE
 Project boundary and location are set on OSI baseline mapping and provided for reference only. The map details are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Measurements should not be taken directly from this drawing. For exact measurements, please refer to the site layout map, which is based on topographical survey data.

- DENOTES SITE BOUNDARY EDGED RED
- DENOTES LAND IN APPLICANTS OWNERSHIP EDGED BLUE

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MAP DETAILS

MAP 1
 Description: Digital Cartographic Model (DCM)
 Publisher / Source: Ordnance Survey Ireland (OSI)
 Data Source / Reference: PRIME2
 File Format: Autodesk AutoCAD (DWG_R2013)
 File Name: v_50230215_1.dwg
 Clip Extent / Area of Interest (AOI):
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 LRX,LRY= 532529.5,676429.0
 ULX,ULY= 531914.5,677259.0
 URX,URY= 532529.5,677259.0
 Projection / Spatial Reference:
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 Centre Point Coordinates:
 X,Y= 532222.0,676844.0
 Reference Index:
 Map Series | Map Sheets
 1:2,500 | 4322-A
 1:2,500 | 4322-B
 1:2,500 | 4321-B
 1:2,500 | 4321-D
 Data Extraction Date:
 Date= 01-Nov-2021
 Source Data Release:
 DCLMS Release V1.145.112
 Product Version:
 Version= 1.3
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MAP 2
 Description: Digital Cartographic Model (DCM)
 Publisher / Source: Ordnance Survey Ireland (OSI)
 Data Source / Reference: PRIME2
 File Format: Autodesk AutoCAD (DWG_R2013)
 File Name: v_50230215_2.dwg
 Clip Extent / Area of Interest (AOI):
 LLX,LLY= 531947.5,676875.0
 LRX,LRY= 532562.5,676875.0
 ULX,ULY= 531947.5,677705.0
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 Projection / Spatial Reference:
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 Centre Point Coordinates:
 X,Y= 532255.0,677290.0
 Reference Index:
 Map Series | Map Sheets
 1:2,500 | 4322-A
 1:2,500 | 4321-B
 Data Extraction Date:
 Date= 01-Nov-2021
 Source Data Release:
 DCLMS Release V1.145.112
 Product Version:
 Version= 1.3
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P1	ISSUE FOR PLANNING	29.07.22
No.	Revision/Issue	Date

Firm Name and Address

DEADY SAHAN DG ARCHITECTS

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 T: 021 4355916 W: WWW.DGARCHITECTS.IE
 EMAIL: INFO@DGARCHITECTS.IE

Project Name and Address
 PROPOSED RESIDENTIAL DEVELOPMENT,
 BALLYMACAULA, DRUMBIGGLE, KEELTY,
 CIRCULAR ROAD, ENNIS, CO. CLARE.

Drawing Title	Date
SITE LOCATION MAP	09.11.21
Drawing No.	Drawn
21112/P/002A	MP
Scale	Sheet No.
1:2500 @ A2	2 OF 3

SITE LOCATION MAP

SCALE 1:2500