



Clare County
Development Plan
2023-2029

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Volume 1

Core Strategy, Settlement Strategy and Housing

Volume 3(a) Ennis Municipal District Written Statements and Settlement Maps

Ennis/Clarecastle

Volume 3(b) Shannon Municipal District Written Statements and Settlement Maps

Volume 3(c) Killaloe Municipal District Written Statements and Settlement Maps

Volume 3(d) West Clare Municipal District Written Statements and Settlement Maps

Associated Documents

None of the above

Environmental Reports

None of the above

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Location Map



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Submission to the Draft Clare County Development Plan 2023-2029

Lands at Ballybeg, Ennis,
Co. Clare



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1. INTRODUCTION

We note that Clare County Council are in the review process of the existing *Clare County Development Plan 2017-2023* and preparation of a new development plan for the period 2023-2029 is underway. On behalf of our clients the Flanagan and Courtney families, we wish to make a submission in respect of the Stage 2 (Draft) of the *Clare County Development Plan 2023-2029* (hereinafter referred to as the Draft Plan) which was published on the 10th December 2021 and will be on public display until the 28th of March 2022.

We acknowledge that the development plan for the period 2023-2029 is being prepared in a changed context to the existing plan 2017-2023. New policy documents have been issued since the adoption of the *Clare County Development Plan 2017-2023*, in which there is a new hierarchy of spatial plans that support the strategies of the Development Plan. A more urgent national focus on climate change mitigation and adaptation with implementation of the National Climate Action Plan will be required to guide the drafting of policy. Relevant policy documents that have supported the context of the Draft Plan include:

- Project Ireland 2040: National Planning Framework
- Regional Spatial and Economic Strategy for the Southern Region 2020-2032 ➤
- National Climate Action Plan 2019-2024

MKO have been appointed by the Flanagan and Courtney families to prepare this submission on his behalf. In response to the contents of the Draft Clare County Development Plan 2023-2029, and in particular *Volume 3a Ennis Municipal District*, this submission will support the request for a change in zoning from Agricultural to Residential in respect of lands located at Ballybeg, Ennis, Co.Clare.

2. SITE LOCATION & CONTEXT

2.1 Site Location

The subject lands are located in the Southern Environs of Ennis in the Ballybeg neighborhood. They are located approximately 1.9km south of Ennis Town Centre. To the north of the site is the N85 Ennis Bypass and the site adjoins the Ballybeg Road to the south. The ‘Rocky Road’ adjoins the lands to the west.

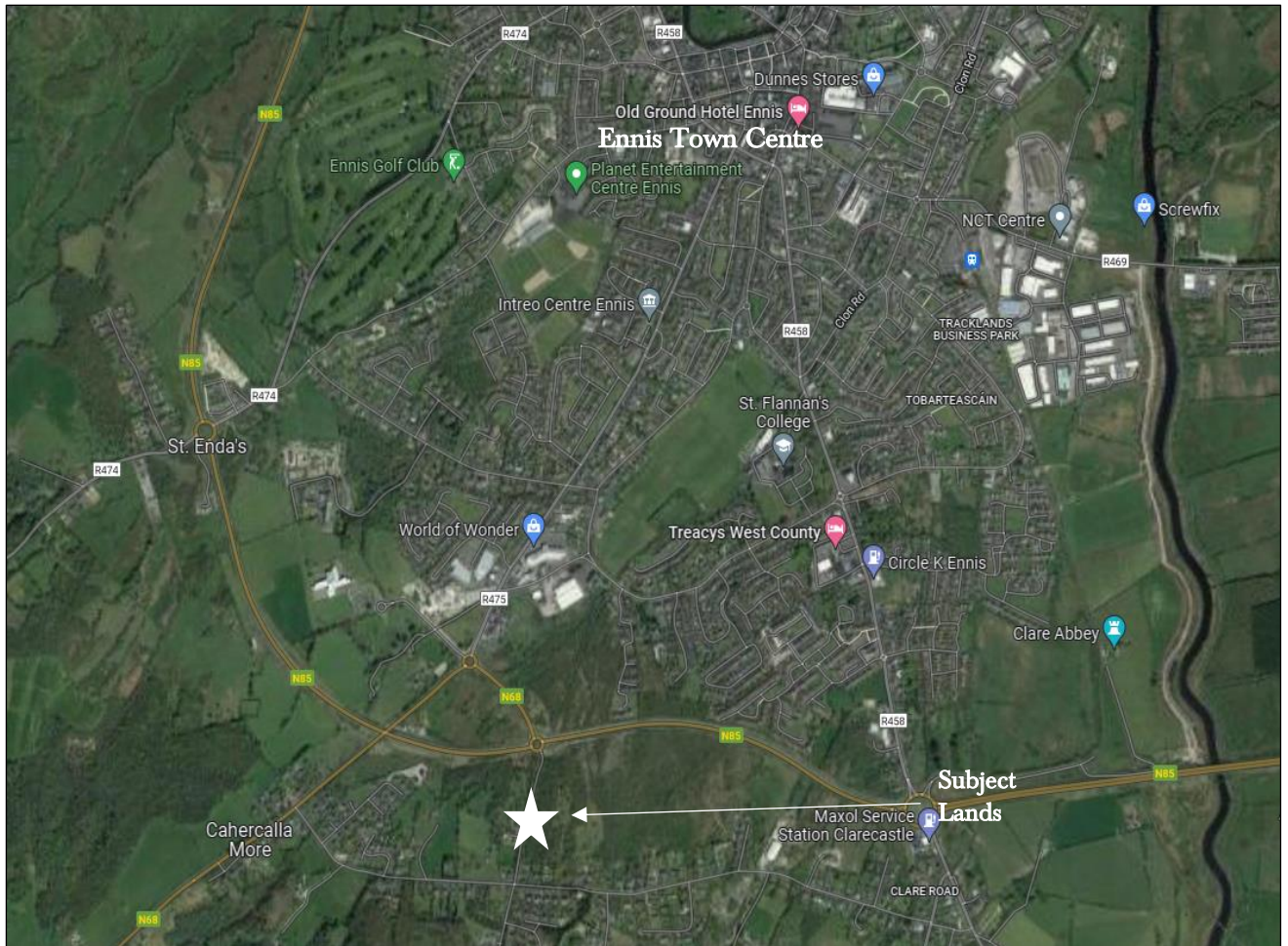


Figure 1 - Site Location

2.2 Site Context

The subject lands extend to approximately 3.2ha. They have approximately 60 metres of frontage onto the Ballybeg Road. Ballybeg is an established neighborhood in Ennis and is made up of a mixture of housing estates (Rockmount Manor, Rockmount Grove, Silver Grove, Killone Grove etc.) and an older more traditional pattern of one-off dwelling houses which have developed in a linear pattern along the Ballybeg Road.

The topography of the land’s slopes gently from a high point at the Ballybeg Road and falls as one moves northward toward the N85. Much of the centre and west of the site comprises of scrub and establishing semi-natural woodland. This establishing woodland is dominated by ash, with an understorey of hawthorn and bramble scrub. A number of semi-mature/mature sessile oaks and ash also occur.



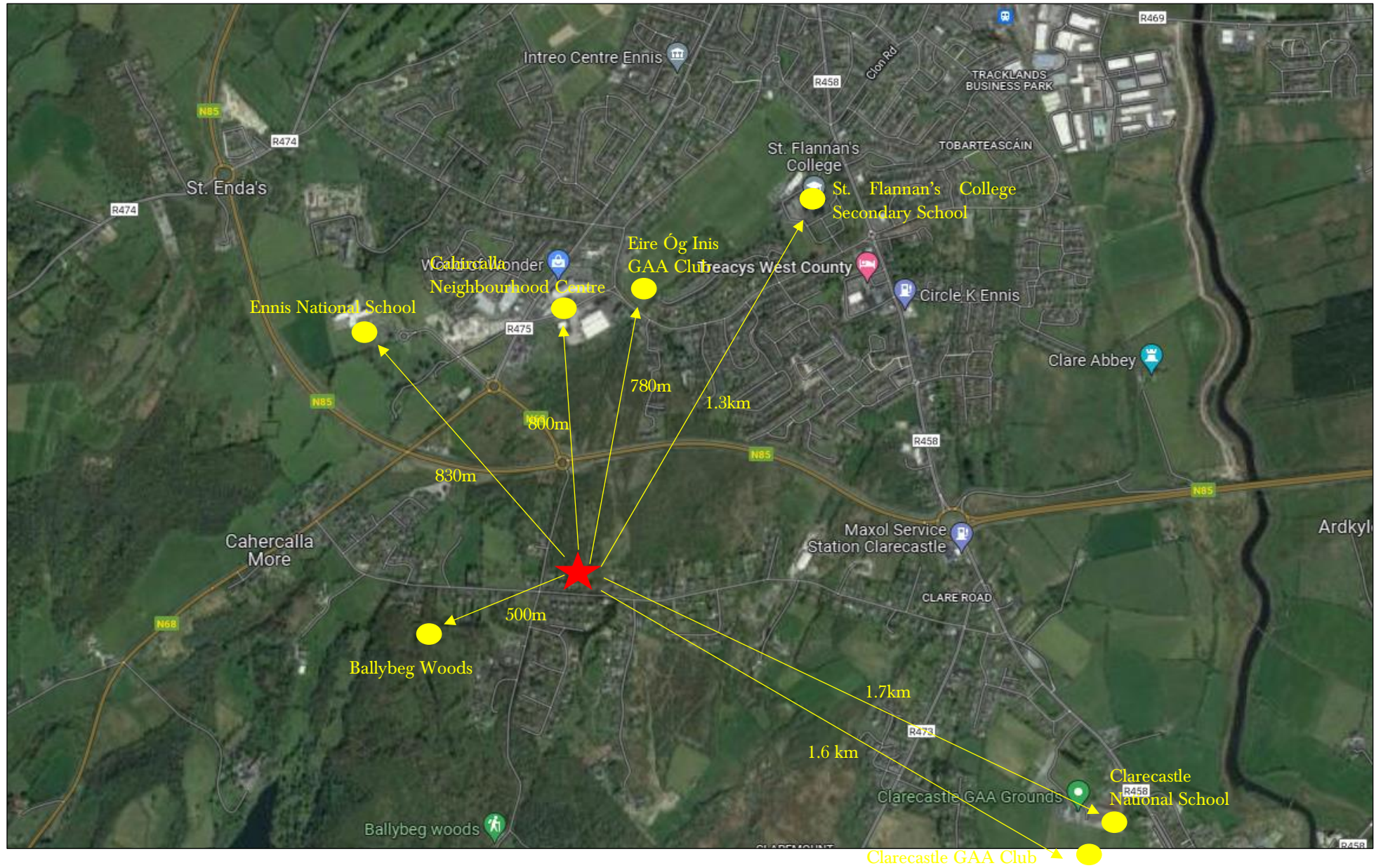
Figure 2 Lands outlined in red

Much of the south and east of the site forms a mosaic of bramble and gorse dominated scrub and rank Dry calcareous and neutral grassland. The Dry calcareous and neutral grassland has formed within the south-east of the site, likely as a result of historic scrub clearance, with piles of brash/scrub evident in places. A narrow band of scrub occurring along the eastern boundary of the site is dominated by hazel.

2.3 Amenities & Community Facilities

The subject lands are located in close proximity to a wide variety of amenities and community facilities and the Figure below provides an illustration of this. The 'Rocky Road' adjoins the western boundary of the site and provides a pedestrian link from Ballybeg to St. Flannan's Drive. There are a wide range of amenities and community facilities located within walking distance of the subject lands. These amenities and community facilities are listed below (this list is not exhaustive):

- Ballybeg Woods (500 metres)
- Eire Og Inis GAA Club (780 metres)
- Cahircalla Neighbourhood Centre (800 metres)
- Ennis National School (880 metres)
- St. Flannan's College Secondary School (1.3 km)
- Clarecastle GAA Club (1.6km)
- Clarecastle National School (1.7km)



2.4 Connectivity

Figure 3 below illustrates pedestrian connectivity from the vicinity of the subject lands to the surrounding area. It is evident that the lands benefit from excellent pedestrian connectivity to the surrounding area and the facilities and amenities illustrated in the Figure above. This lands also benefit from recent upgrade works to the Ballybeg Road where a footpath has been provided along a previously unserved section of the road.



Figure 2 - Pedestrian Connectivity

2.5 Services

On the Kilrush Road side of Ballybeg, there is a gravity sewer in the Ballybeg Road close to the relevant lands. The top end of this sewer services the Springfield Estate. The sewer flows north through Rockmount Grove and Rockmount Manor into the pump station in Rockmount Manor. This pumps effluent to a manhole on the Irish Water system near the O' Sullivan/Hansberry garage. On the South side or Kildysart Cross side there is a gravity sewer system extending up part of Ballybeg Road which discharges to a pump station at the upper side of the Ballybeg Stream. Pump systems eventually pump the effluent to the Irish Water gravity Sewer in Clare Road. While the lands in question are well elevated above this gravity sewer there are hollows and hills between and a connection to service the lands would be a pumped line following the contours of the road. Alternatively, a partial gravity system in this area may provide an opportunity to allow numerous septic tank systems in the area to connect and thereby reduce polluting load to Killone Lough and stream and other water bodies in the area. Subject to pipes, pumps and the Clareabbey Wastewater Treatment Plant being of adequate size either option would provide a foul sewer service for the lands in question.

It is considered based on the above that the subject lands can be serviced in order to facilitate their beneficial development.

3. PLANNING HISTORY

A review of Clare County Council’s online planning register indicates that 1 no. valid planning application has been made in respect of the application site. There are currently no extant planning permissions on the subject lands.

Table 1 - Planning History

PI Ref	Applicant	Description of Development	Decision
08/730	Therese McCarthy	Outline permission for 16 houses (On western part of the site which is the subject of this submission. Proposal was for a linear housing development with access off Rocky Road)	Refused 4 no. reasons (1Premature based on lack of water and sewerage infrastructure, 2 traffic safety, 3 impact on amenity value of Rocky Road, 4 unacceptable linear layout and density too low) Appealed, appeal was subsequently withdrawn

3.1 Planning History Summary

The Planning Authority will note that the western part of the subject lands were the subject of a planning application in 2008 for outline permission for 16 dwelling houses. This development had a linear layout with access from the Rocky Road to the west. The application was refused by Clare County Council as it was deemed premature based on infrastructure provision. The issue of infrastructure provision has since been addressed in Ballybeg as referred to in Section 2.5 above.

4. PLANNING POLICY CONTEXT

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

- National Planning Framework: Project Ireland 2040
- Regional Spatial & Economic Strategy for the Southern Regional Assembly 2020- 2032
- Clare County Development Plan 2017-2023 & Draft Clare County Development Plan 2023-2029

4.1 National Planning Framework: Project Ireland 2040

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

- NPO 1b relating to population growth in the region, with 340,000 to 380,000 additional people to 2040;
- NPO 3a deliver at least 40% of all new homes within the built-up footprint of existing settlements
- NPO 4 relating to attractive, well-designed liveable neighbourhoods; NPO 5 relating to sufficient scale and quality of urban development; and
- NPO 6 relating to increased residential population and employment in urban areas.
- NPO 33 prioritise provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location

There is a very significant population growth allocated to the Southern Region in which Ennis is identified as a Key Town – 340,000 to 380,000 to 2040. In order to facilitate this population growth there will be a requirement to develop large numbers of new houses and apartments in the region. Given Ennis is currently affected by the housing crisis, like most other big towns in the country, there is a considerable progress to be made in order to bring housing provision from its current under-supply to the level required to accommodate the population growth forecasts. However, it is important that more sustainable development patterns are established in order to facilitate targeted services and infrastructure investment.

It should also be noted that a report published by the National Investment Office – The Department of Public Expenditure and Reform '*Assessing the alignment of the National Planning Framework and National Development Plan*' has carried out a high-level assessment of the population projections and housing needs as outlined in the NPF. The Rebuilding Ireland action plan set a target to reach a delivery of 25,000 homes per year in Ireland. With the impact of Covid-19 on these targets, a revised estimate for housing was developed in December 2020 which stated that the average housing supply will need to increase to an annual average of 33,000. This should also be reflected in the zoning of the land for the town of Ennis which suffered from a reduction in housing supply due to restrictions introduced during the Covid-19 Pandemic.

4.2 Regional Spatial and Economic Strategy (Southern Region) 2020-2032

The Regional Spatial & Economic Strategy for the Southern Region 2020-2032 (RSES) was adopted on 31st January 2020. The purpose of the RSES is to support the implementation of the National Planning Framework and the economic policies and objectives of the Government by providing a long-term strategic planning and economic framework for the development of the region. Ennis has been identified as one of 6 large-scale Key Town in the RSES which are major centres for delivery of public services and are seen as;

Large population scale urban center functioning as self-sustaining regional drivers.

Given the considerable scope for growth in these large-scale Key Towns, it is envisaged that local authorities should plan for population growth of more than 30% by 2040, to be provided within the existing built-up footprint of the town. More specifically, Ennis has several strategic attributes, these being its scale, it being a county town, its significant zone of influence and its synergy with Limerick, Shannon and Galway.

Its status in the Southern Region makes it an attractive place to live and work in and the provision of sufficient housing in the town is a priority to accommodate the predicted population growth. Clare County Council should ensure that sufficient lands are zoned for housing developments and that provision is made to allow for a wide range of housing types to be built to cater for different housing needs.

4.3 Land Use Zoning

4.3.1 Current Zoning (Clare County Development Plan 2017-2023)

The lands are currently zoned ‘Agriculture’ in the County Development plan 2017-2023 as illustrated below.

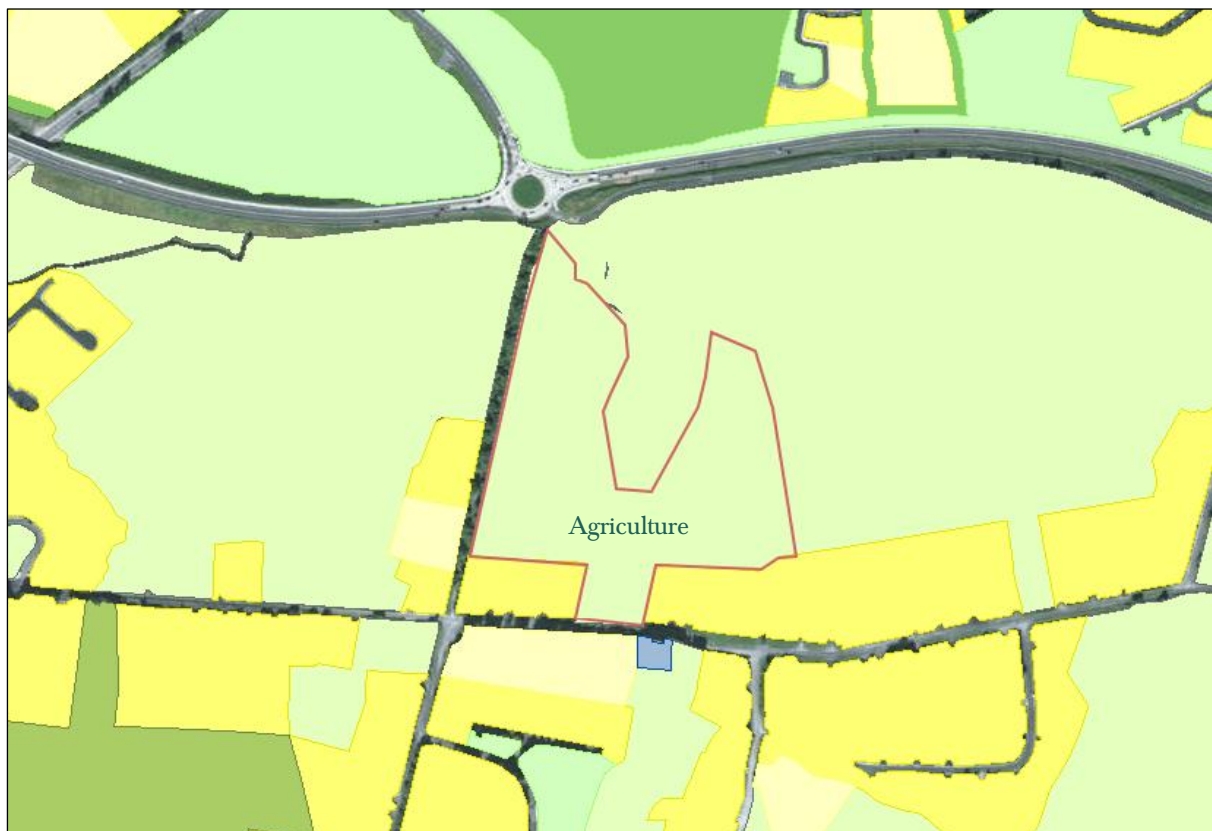


Figure 3 - Current Land Use Zoning

4.3.2 Draft Zoning (Draft Clare County Development Plan 2023-2029)

In the Draft Clare County Development Plan it is proposed to zone the subject lands ‘Agriculture’.

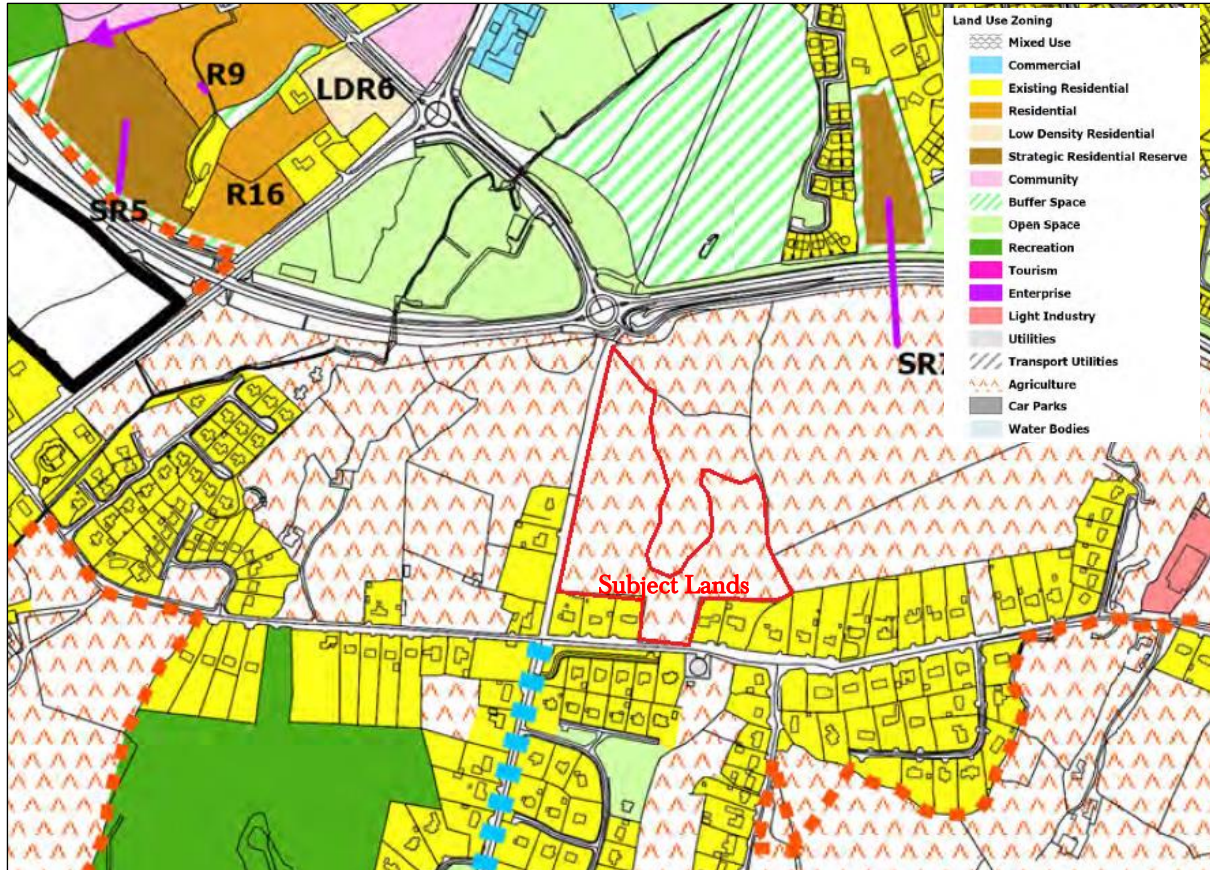


Figure 4 - Proposed Land Use Zoning

4.4 Draft Clare County Development Plan 2023-2029

In Ennis, it is estimated that population growth in excess of 30% will occur up to 2040 and sufficient residential land has to be zoned to accommodate this growth. This equates to a population increased of 2,705 people who are to be accommodated in 1,550 no. new residential units. In addition, 30% of these new homes will have to be built within the existing built-up footprint. The Draft Clare County Development Plan has zoned land for residential development in Ennis town to ensure the planned and sequential development of lands in a manner that complies with national and regional objectives for compact growth. Lands have been zoned for development that comply with the following planning and land use criteria (as per Serviced Land Assessment in appendix 1 of Volume 3a)–

- Compact Growth,
- Public Transport
- Co-ordinated development

Factors like Roads, Footpath, Water Supply, Waste Water were also taken into consideration. It is also highlighted in the draft plan that a “*broad choice of housing options for the diverse needs of the towns’ population profile*” is needed in the town.

The draft plan has four different zonings for residential development:

- Existing residential (yellow)
- Residential (orange)
- Low density residential (pale yellow)
- Strategic residential reserve (brown)

Low density residential is defined as follows

This zoning refers to the use of lands to accommodate a low-density pattern of residential development, primarily detached family dwellings. The underlying priority shall be to ensure that the character of the settlement/area is maintained and further reinforced by a high standard of design. Proposed developments must also be appropriate in scale and nature to the areas in which they are located. (p.429)

The draft plan also states that the Council will advocate a neighborhood approach to future development within the settlements area which recognizes that Ennis is made up of “a series of dynamic communities, each with its own identity, which are inter-dependent both on each-other and on the town centre.” This approach is to be commended as it facilitates the “ten-minute town” concept which encourages the development of communities where facilities and services are easily reachable on foot or by cycling. Several neighbourhoods have been identified in the draft plan for Ennis. The subject lands are located in an area designated as ‘Other Areas’ as per Figure 6 below. It is considered that the subject lands form part of the neighbourhood of Ballybeg which is a long established and well-defined neighbourhood in the town stretching from the Kilrush Road/Ballybeg Road junction in the west to the Ballybeg Road/Kildysart Road junction in the east. Although not officially identified as a neighbourhood in Figure 6 below it does represent a community with its own identity.

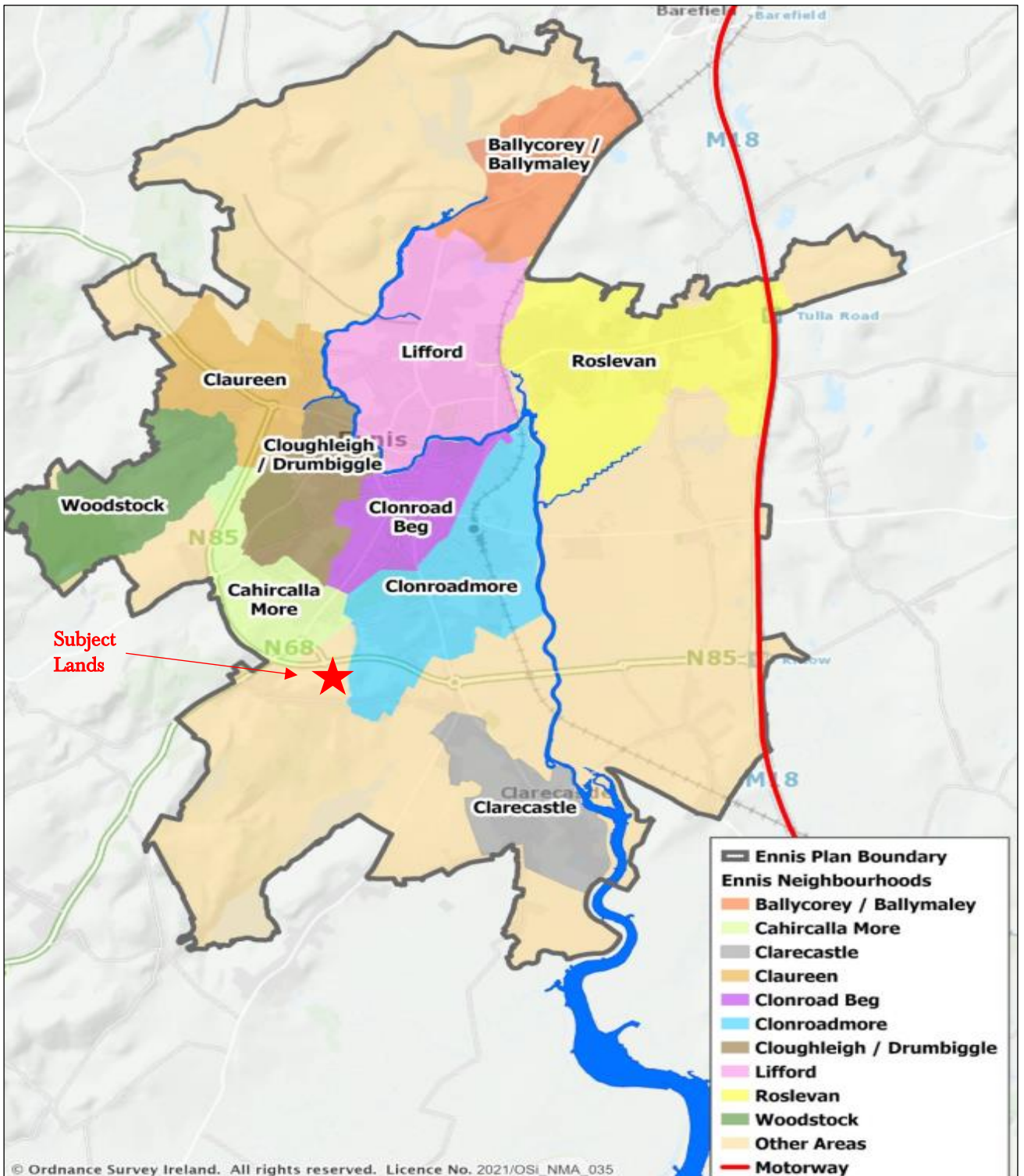


Figure 5 - Ennis Neighbourhoods

5. ASSESSMENT OF SUBJECT LANDS

The purpose of this section is to provide an assessment of the subject lands against the criteria utilised by Planning Authorities in the identification of appropriate land for new residential development and as set out in Section 4 of the – *Development Plans: Guidelines for Planning Authorities 2007* published by the Department of Housing, Local Government and Heritage. The key criteria from this document will be set out below and an assessment of the proposed development provided against same. These criteria are as follows:

- Need
- Policy Context
- Capacity of Water, Drainage and Roads Infrastructure
- Supporting Infrastructure & Facilities
- Physical Suitability
- Sequential Approach
- Environmental and Heritage Policy

In the interests of conciseness an abridged version of the narrative set out in the Guidelines. It is also noted that the Department of Housing, Local Government and Heritage published a draft of an updated Development Plan Guidelines in August 2021. It is considered that the subject site broadly meets the criteria set out in the draft document as they relate to the zoning of land for residential development.

5.1 Need

The Guidelines state the following in respect of need:

‘The amount of land to be zoned for any particular land-use must be clearly based on, and justified by, a realistic assessment of need. The survey and analysis stage of plan preparation should provide the baseline data to determine future land requirements. A number of factors need to be taken into consideration when determining the location and quantity of land to be zoned.’

5.1.1 Assessment

As outlined in Section 4.4 above and the Core Strategy included in the Draft Clare County Development Plan there is an identified population growth of 2,705 people over the duration of the upcoming development plan (2023-2029) who are to be accommodated in 1,550 no. new residential units in Ennis. It is considered that there is an obvious and identifiable need for lands to be zoned for residential development at appropriate locations such as the subject lands.

5.2 Policy Context

The Guidelines state the following in respect of Policy Context:

‘Both the amount of land to be zoned for development and the proposed location of that land will also need to be influenced by other plans and strategies, from national and regional to local levels so that local authorities play their full part in supporting the implementation of those national and regional strategies.’

5.2.1 Assessment

Sections 4.1 and 4.2 above provide an overview of the national and regional planning policy context which are relevant to Ennis. These policy documents provide a very clear direction in relation to the requirement to accommodate very significant population growth within existing settlement in the coming years. The zoning of the subject lands and their beneficial development in terms of providing housing would accord with the relevant national and regional planning policy context.

5.3 Supporting Infrastructure & Facilities

The Guidelines state the following in respect of Supporting Infrastructure & Facilities:

‘Consideration must be given to the future availability of, or the capacity to provide, supporting infrastructure, such as community facilities, health-care, schools, public open space, retail and other service provision and public transport when allocating land for development.’

5.3.1 Assessment

The map included in this submission clearly illustrates that there are a variety of community facilities and amenity facilities located in close proximity to the subject lands. There is also a proposed Neighbourhood Centre located 800 metres from the application site which will provide a range of retail and neighbourhood services. These facilities are all connected to the subject lands by footpath and are within a reasonable walking distance.

5.4 Physical Suitability

The Guidelines state the following in respect of Physical Suitability:

‘The development plan should strive to ensure that the form and location of new development offers the best “value for money” in terms of efficient use of existing infrastructure, while minimising the need for costly new infrastructure. Where land in green-field locations is to be zoned, account should be taken, in considering the different options available, of the land’s capacity for development by way of the most cost-effective means of providing the necessary infrastructure.’

5.4.1 Assessment

As outlined in Section 2.5 above there is existing infrastructure (water and sewer) located in the Ballybeg Road immediately adjoining the subject lands. It is considered that the connection to existing infrastructure at this location would represent an efficient and cost-effective use of land. In more general terms the topography of the subject lands is relatively flat, and it is considered that they could be developed without the requirement for significant levels of excavation/infilling.

5.5 Sequential Approach

The Guidelines state the following in respect of the Sequential Approach:

In order to maximise the utility of existing and future infrastructure provision and promote the achievement of sustainability, a logical sequential approach should be taken to the zoning of land for development:

- (i) Zoning should extend outwards from the centre of an urban area, with undeveloped lands closest to the core and public transport routes being given preference (i.e. ‘leapfrogging’ to more remote areas should be avoided);*
- (ii) A strong emphasis should be placed on encouraging infill opportunities and better use of under-utilised lands;*
- (iii) Areas to be zoned should be contiguous to existing zoned development lands.*

5.5.1 Assessment

It is considered that the subject lands would represent infill development on what are currently under-utilised lands. An analysis of the lands zoned for residential development over the duration of the upcoming development plan period indicates that there is an unbalanced spatial distribution of such sites. The vast majority of new

residential development south of the town centre is allocated to the Cahircalla/Drumbiggle neighbourhood (Sites R15, R9, R16 etc.). No new residential development is identified in the neighbourhood of Ballybeg despite the presence of vehicular and pedestrian connectivity (and investment in same in recent years), availability of services (water and sewer) and proximity to a range of community facilities and amenities.

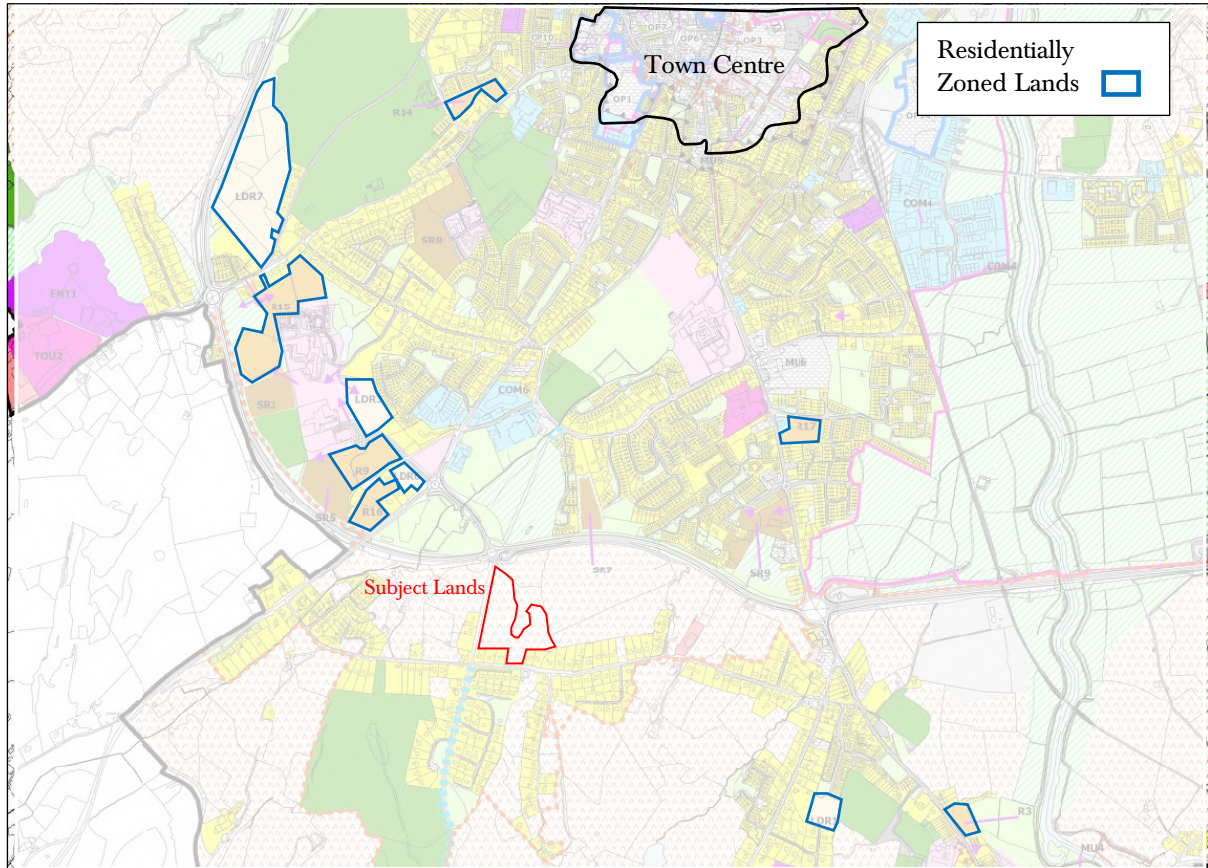


Figure 6 - Ennis Residential Zoning

5.6 Natural Heritage

The Guidelines state the following in respect of Natural Heritage:

'Local authorities have a key role to play in regard to preserving the natural heritage of their areas arising from the legal responsibilities placed on them and from the increasing public awareness of the importance of nature conservation at local level. In doing so they should also avail of opportunities that may arise to create or promote new features of biodiversity in the context of new developments.'

5.6.1 Assessment

The ecological and biodiversity value of the subject lands has been the subject of careful assessment as part of the process of preparing this zoning submission on the Draft Clare County Development Plan. An ecological assessment of the subject lands and wider landholding has been undertaken and is enclosed in Appendix 1 of this submission. The enclosed Note evaluates the site considering potential ecological constraints to future development. The data sources utilised to inform the note include:

- Site visit on the 13th November 2020 by David McNicholas (B.Sc., M.Sc., MCIEEM).
- Static bat detector surveys carried out in April 2021.
- Aerial Photography

- Information and available maps of designated sites for nature conservation including, Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Natural Heritage Areas and proposed Natural Heritage Areas.
- National Biodiversity Data Centre (NBDC) records for the relevant hectads.
- National freshwater pearl mussel database.
- National Parks and Wildlife Service data and information, including the most recent (2019) Article 17 data set. The Article 17 dataset provides an inventory of mapped EU Habitats Directive Annex I habitats occurring in Ireland.
- Bat Report prepared by Pat Doherty in November 2016

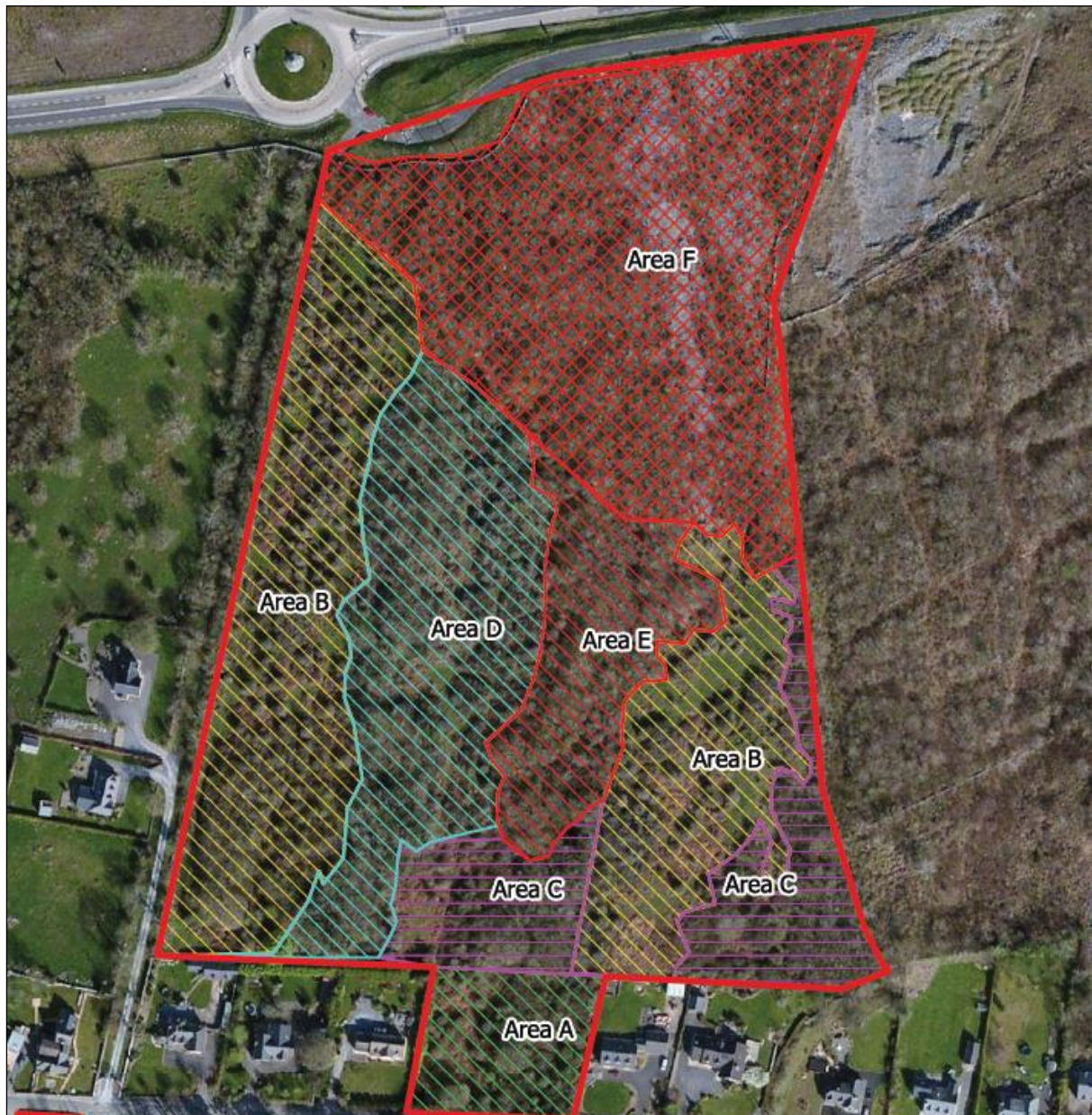


Figure 7 - Ecological Sensitivity

The full extent of our client’s land ownership at this location is illustrated in Figure 8 above. Based on ecological sensitivities associated with Areas E & F these areas have been omitted from the area on which the zoning alteration is sought. The ecological assessment of the Areas identified in Figure 8 above are as follows:

1. Areas A: These two land parcels comprise of semi-natural habitats that have either been subject to agricultural management or are of low local biodiversity value. Therefore, potential for development could be considered.
2. Areas B: These two land parcels comprise semi-natural habitats that have been subject to historic land reclamation or scrub re-establishment. Although the habitats are of some local biodiversity value, a case could be made for the development of these lands. However, this would likely be subject to some restrictions to minimise impact on local bat species. Such restrictions could include low-density housing maintaining connectivity to the wider landscape via a dedicated landscaping plan as well as the incorporation of low intensity lighting. These areas are likely to still pose a medium to high planning risk given the previous mentioned county development plan objectives.
3. Areas C: Although this area contains scrub and semi-mature trees, habitats of local importance (higher value) only, this area forms part of NPWS mapped potential foraging habitat for the Newhall and Edenvale Complex SAC lesser horseshoe bat population. Static detector surveys carried out in 2021 also indicate that bat activity in this location was high, although Lesser Horseshoe activity was low. Therefore, it is important to maintain north-south faunal connectivity between the woodland to the north and the surrounding landscape to the south of the site.
4. Area D: This area of establishing immature woodland provides suitable commuting habitat for the Newhall and Edenvale Complex SAC lesser horseshoe bat population and could be seen as an expansion of the surrounding woodland.
5. Area E: This area of establishing Oak-ash-hazel woodland (WN2) is of high local biodiversity value as well as being mapped as part of the provides suitable commuting habitat for the Newhall and Edenvale Complex SAC lesser horseshoe bat population. This therefore poses a significant constraint to future development of the site. Static detector surveys carried out in 2021 also indicate that bat activity in this location was high as there is suitable linear habitat features and opportunities for commuting and foraging.
6. Area F: Given the International significance of these habitats development in these areas will not be permissible.

Any future development would be required to include a site-specific lighting plan to minimise disturbance to bats. Ecological corridors (i.g hedgerows) being retained within the site should avoid any artificial lighting. The lighting plan for the operational phase of the proposed development, should be designed with consideration of the following guidelines: Bat Conservation Ireland (Bats and Lighting: Guidance Notes for Planners, Engineers, Architects and Developers, BCI, 2010), Dark Sky Ireland and the Bat Conservation Trust (Guidance Note 08/18 Bats and Artificial Lighting in the UK (BCT, 2018), to minimise light spillage, thus reducing any potential disturbance to bats. The proposed light fitting/scheme should be designed to help mitigate the effect of the artificial lighting on the local bat populations by incorporating:

- Warm White LED (2700K or less) light source – less attractive to insects, and a good light source to enable directional luminaires. Lowest possible design illuminance levels considering the nature of the site.
- Internal front and rear Louvres – to reduce light spill and eliminate upward light.
- Lamps will also be specified with 0 Degree tilt (where possible) to ensure limited unwanted light spill. The fittings will be angled no greater than 5 degrees to further reduce light spill.
- Pole mounted lamps should be less than 8m (ideally 6m).
- A lighting control regime shall be included to reduce illuminance during hours of lower human activity (i.e. 12:00am – 6:00am). Motion sensors and ground lighting to be considered along pathways.
- All proposed Luminaires are to be justified. Lighting only to be used where necessary.

Any future development would have to ensure that the north-south ecological corridor is retained as it provides an important foraging and commuting habitat for local bat populations. Retaining this corridor will not only benefit bat populations but also provide habitat connectivity to the wider landscape. As outlined above, future developments would also be required to include a site-specific lighting plan to minimise disturbance to bats and in line with relevant guidelines provided above.

In the context of protecting natural heritage and biodiversity assets it is considered that Areas A, B, C & D are suitable for residential development subject to adherence to the ecological mitigation measures referred to above. For more information in relation to this matter please see Ecological Briefing Note enclosed in Appendix 1 of this submission.

6. SUBMISSION

On behalf of our clients, the Flanagan and Courtney families we wish to request that the area identified in Figure 9 below is rezoned from ‘Agricultural’ to ‘Residential’ in the adopted Clare County Development Plan 2023-2029. Future development proposals on the subject lands should be cognisant of the ecological mitigation measures outlined in Section 5.6.1 above.



Figure 8 - Extent of Area to be Zoned

7. CONCLUSION

In summary, the main considerations for the proposed rezoning of the subject lands from ‘Agriculture’ to ‘Residential’ are as follows:

- The subject lands are located within the settlement boundary of Ennis
- There are several significant established multi-unit residential developments in the vicinity i.e. Rockmount Manor, Rockmount Grove, Silver Grove and Killone Grove.
- Road infrastructure and potential vehicular access locations are satisfactory and would accord with relevant development plan provisions.
- The lands benefit from excellent pedestrian connectivity to the surrounding area.
- The lands are located adjacent to the Rocky Road, a high-value amenity pedestrian route in its own right.
- There are a range of amenities and community facilities located within easy walking distance of the subject lands.
- The lands benefit from proximity to services i.e. water and sewer.
- A comprehensive ecological assessment has been carried out to identify areas that are suitable for development and those which are not.
- A range of ecological mitigation measures have been identified and which could form part of any future site-specific zoning objective for the subject lands.
- The Core Strategy set out in the Draft Clare County Development Plan identifies a very significant requirement for new homes in Ennis over the lifetime of the Development Plan.
- It is considered that there is a spatial imbalance in the location of new lands identified for residential development in the Draft Development Plan. No new development is identified in the neighbourhood of Ballybeg despite the presence of recently upgraded road and pedestrian infrastructure, services and the proximity of the area to a wide range of high-quality amenity and community facilities.
- Residential development at this location will consolidate existing residential development in the area and help contribute to the compact growth of Ennis
- Residential development at this location would accord with National and Regional policy objectives and the criteria for zoning lands for residential development set out in the *Development Plans: Guidelines for Planning Authorities 2007*.

We trust that the above submission will be given due consideration in the preparation of the Clare County Development Plan 2023-2029.





APPENDIX 1
ECOLOGICAL ASSESSMENT



ECOLOGICAL BRIEFING NOTE

Project Reference	200809 Flannagan Ennis Dev Plan Submission
Date & Time	04.03.2022
Subject	Ecological briefing note
Author(s)	DMN/CM/JH

Introduction

The purpose of this note is to examine the development potential of the subject lands at Ennis Co. Clare (as seen in Figure 2 below).

The subject lands are located south off the N68 (Ennis western relief road) in Ennis Co. Clare. Access is via the L4176.

This ecological note is based on a desk study and site visit. It evaluates the site considering potential ecological constraints to future development. The data sources utilised to inform this note include:

- › Site visit on the 13th November 2020 by David McNicholas (B.Sc., M.Sc., MCIEEM).
- › Static bat detector surveys carried out in April 2021.
- › Aerial Photography
- › Information and available maps of designated sites for nature conservation including, Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Natural Heritage Areas and proposed Natural Heritage Areas.
- › National Biodiversity Data Centre (NBDC) records for the relevant hectads.
- › National freshwater pearl mussel database.
- › National Parks and Wildlife Service data and information, including the most recent (2019) Article 17 data set. The Article 17 dataset provides an inventory of mapped EU Habitats Directive Annex I habitats occurring in Ireland.
- › Bat Report prepared by Pat Doherty in November 2016

Desktop Study

Designated Sites and Appropriate Assessment

The site is not located within any National or European site designated for nature conservation. Designated sites occurring within 15km of the study area are illustrated on Figure 1a and Figure 1b.

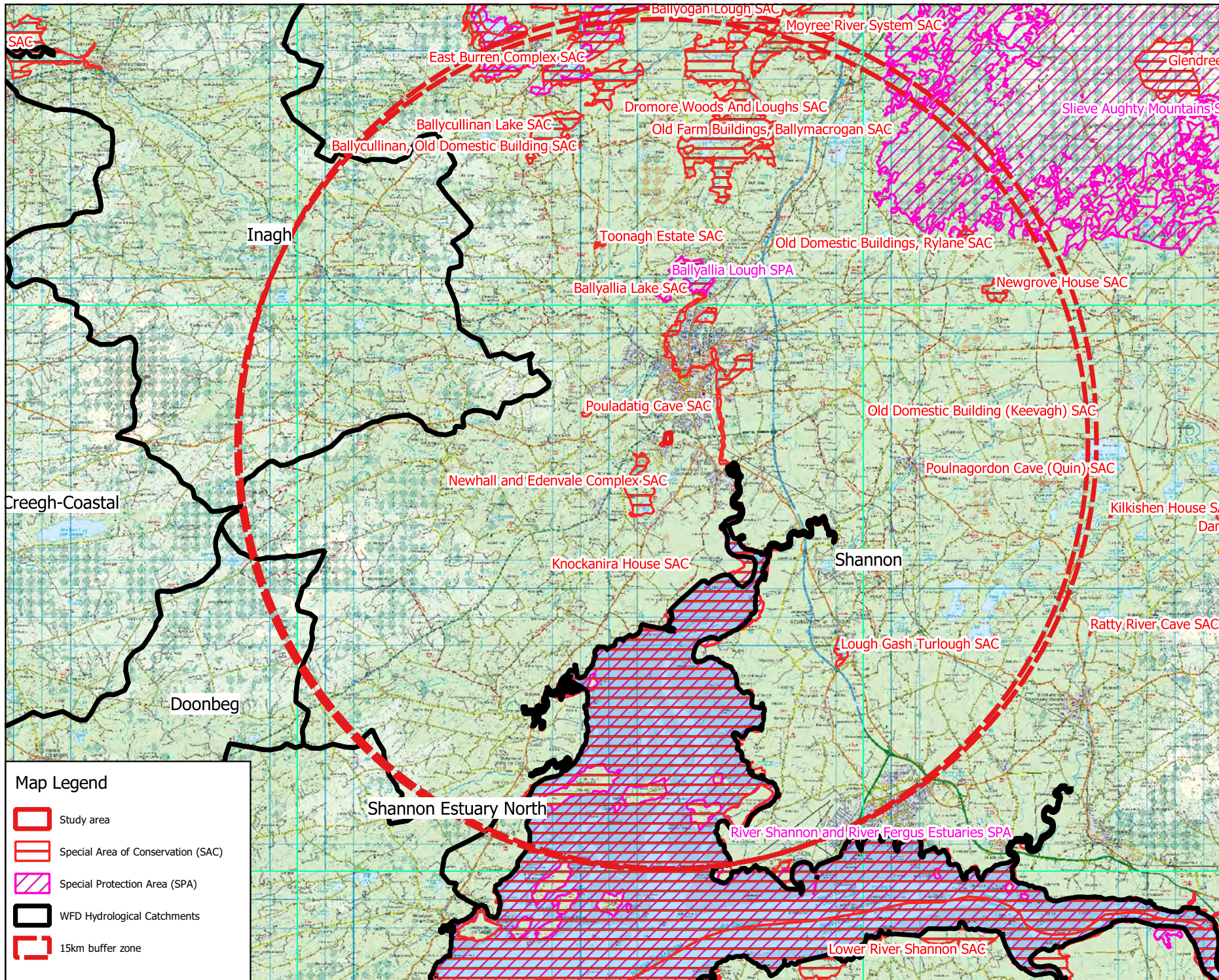
The development site is not directly connected with or necessary to the management of and EU site and any future development proposal should be subject to the Appropriate Assessment process to examine the potential for likely significant effects on European Sites. While there are no watercourses








within the development site, groundwater may provide connectivity with the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA. The potential for impact on these sites will require consideration in relation to any potential future development proposals.

Special Areas of Conservation designated for bat species are considered under the bat section below.





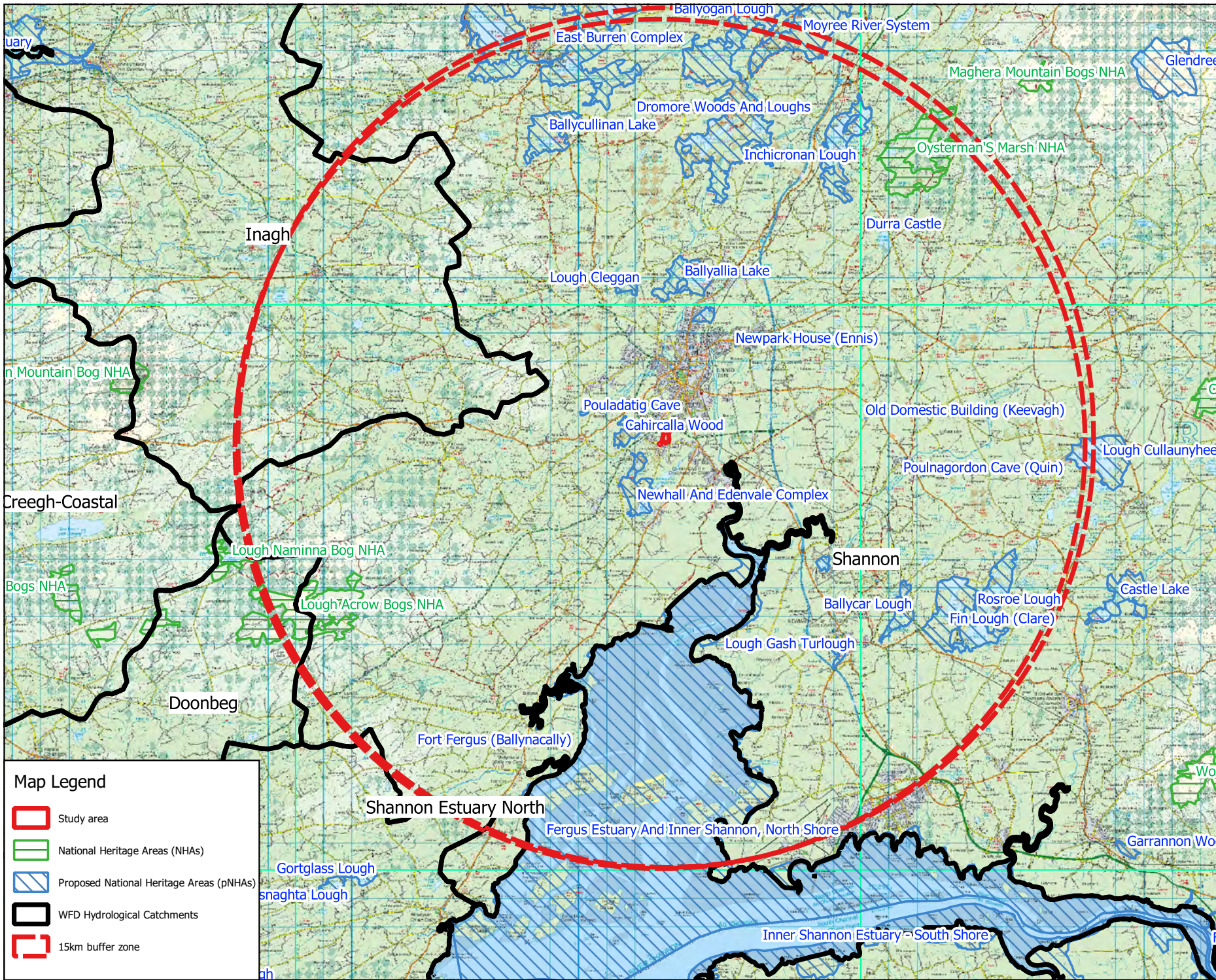
Map Legend

-  Study area
-  Special Area of Conservation (SAC)
-  Special Protection Area (SPA)
-  WFD Hydrological Catchments
-  15km buffer zone








Drawing Title	
Study Area Boundary in relation to European sites	
Project Title	
Ennis Development Plan	
Drawn By	Checked By
CM	CM
Project No.	Drawing No.
200809	Figure 1a
Scale	Date
1:174896	07/02/2022

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Map Legend

-  Study area
-  National Heritage Areas (NHAs)
-  Proposed National Heritage Areas (pNHAs)
-  WFD Hydrological Catchments
-  15km buffer zone



Drawing Title
Study Area Boundary in relation to national sites

Project Title
Ennis Development Plan

Drawn By CM	Checked By CM
Project No. 200809	Drawing No. Figure 1b
Scale 1:174896	Date 07/02/2022

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Annex I Habitats

A review of the NPWs Article 17 Annex I habitat dataset revealed that a significant portion of the site is mapped at the Annex I habitat Limestone Pavement (See Figure 2). This habitat is of International ecological significance as it is a priority habitat within the EU. It is noted that the Report prepared by Pat Doherty in 2016 mapped additional areas of potential Annex I habitat. Therefore, a dedicated survey was undertaken to determine the full extent of this habitat on the site. Due to the nature of limestone pavement, it is not replaceable and any habitat loss of would be contrary to objective CDP14.11 of the County Development Plan:

CDP14.11 Development Plan Objective: Habitat Protection

It is an objective of the Development Plan:

- A. To protect and promote the sustainable management of the natural heritage, flora and fauna of the County through the promotion of biodiversity, **the conservation of natural habitats** and the enhancement of new and existing habitats;*
- B. To promote the conservation of biodiversity through the protection of sites of biodiversity importance and wildlife corridors, both within and between the designated sites and the wider Plan area;*

Bats

As identified in the 2016 bat report, the study area provides suitable habitat for bats including the Annex II species Lesser Horseshoe Bat. This species was recorded within the study area during 2016 surveys.

The study area is located approximately 800m from Newhall and Edenvale Complex SAC which is designated for an internationally important population of Lesser Horseshoe Bat. Map 2 of the Conservation Objective document for the SAC identifies a significant portion of the study area as potential foraging habitat for the SAC bat population. (See Figure 3).

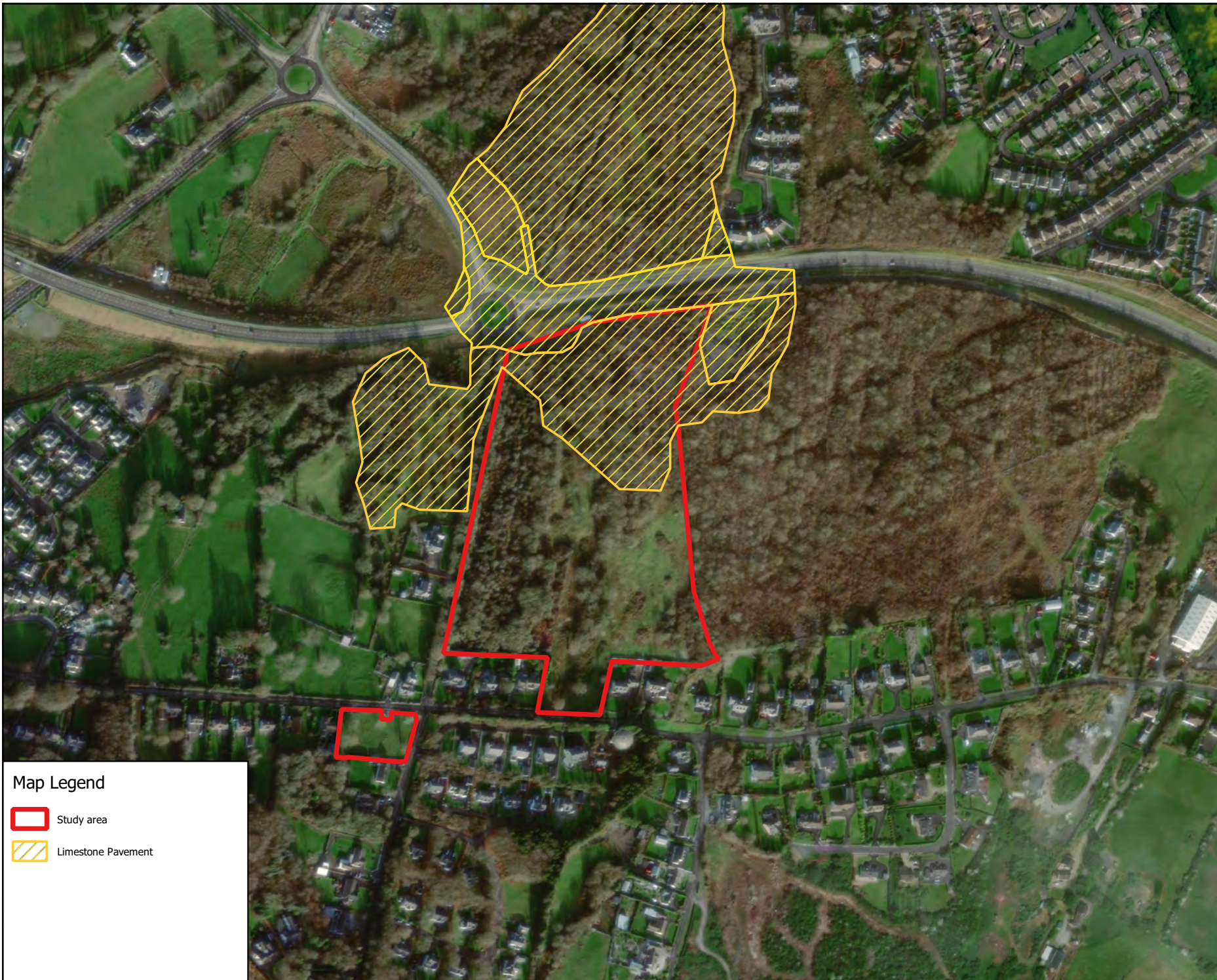
The protection of Lesser horseshoe bat habitat is also cited under Development plan objective CDP14:

CDP14.11 Development Plan Objective: Habitat Protection



It is an objective of the Development Plan:

- A. To ensure that there is no net loss of potential Lesser Horseshoe Bat feeding habitats, treelines and hedgerows within 3km of known roosts.*





Map Legend

-  Study area
-  Limestone Pavement



Drawing Title	
Article 17 habitats in relation to site	
Project Title	
Ennis Development Plan	
Drawn By	Checked By
CM	CM
Project No.	Drawing No.
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Map Legend

- Study area
- Lesser Horseshoe Bat potential foraging ground

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Drawing Title
Lesser Horseshoe Bat Potential foraging ground

Project Title
Ennis Development Plan

Drawn By CM	Checked By CM
Project No. 200809	Drawing No. Figure 3
Scale 1:4955	Date 07/02/2022

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Site Visit

During the site visit, the habitats occurring within the site were assessed and mapped to inform this briefing note. A habitat map is provided in Figure 4 with a brief description of each habitat provided below. The habitats are also evaluated in terms of their importance i.e. from local importance (lower value) to International importance, as per (NRA, 2009) best practice guidance. This is also presented in a 'Habitat Significance' map, see Figure 5.

Limestone pavement

The north of the site is dominated by a large area of Exposed calcareous rock (ER2). This habitat corresponds to the EU Habitats Directive Annex I listed habitat Limestone pavement [*9240], see Plate 1. Some areas have become dominated by scrub and establishing woodland, see Plate 2. The habitat conforms to Annex I status albeit in bad condition. As described above, this area has also been mapped as Annex I listed habitat Limestone pavement as part of the NPWS Article 17 reporting and as such mapping of this area of limestone pavement is based on this Article 17 mapping. This is a priority habitat in Europe and its loss cannot be replaced. At a site level, this habitat has been assessed as of International importance (NRA, 2009¹).



*Plate 1 Limestone pavement [*9240] occurring within the north of the site.*

¹ National Roads Authority. (2009). *Guidelines for Assessment of Ecological Impacts of National Road Schemes (2nd ed.)*. Dublin: National Roads Authority.





Plate 2 – Example of Limestone pavement [*9240] becoming encroached by hazel and ash dominated scrub.

Oak-ash-hazel woodland (WN2)

A strip of woodland within the centre of the site, extends southwards from the above-mentioned limestone pavement. It is therefore occurring on a calcareous substrate with some areas of bryophyte dominated exposed rock occurring within. This woodland is well established and conforms to Oak-ash-hazel woodland (WN2), see Plate 3. The woodland is dominated by sessile oak and ash (*Fraxinus excelsior*), with an understory of hazel (*Corylus avellana*). The woodland also has a well-established woodland ground flora with typical species including ivy (*Hedera helix*), sanicle (*Sanicula europaea*), false brome (*Brachypodium sylvaticum*), herb-robert (*Geranium robertianum*) and ferns (*Dryopteris* spp.), as well as a diverse bryophyte community. This woodland is of high local biodiversity value due to its high degree of naturalness. As described above, it forms part of the mapped commuting and foraging habitat for the Newhall and Edenvale Complex SAC lesser horseshoe bat population, located 800 metres from the site. The Clare Biodiversity Action Plan contains an Objective that aims to ‘prevent the disruption of connectivity between woodlands, hedgerows and other valuable habitats’ and ‘to promote the retention and connectivity of existing trees’. Therefore, any loss of this habitat would be contrary to the Clare Biodiversity Action Plan as well as impacting the mapped supporting habitat for the local internationally important lesser horseshoe bat population. This woodland has therefore been assessed as of County importance (NRA, 2009) from a precautionary perspective.





Plate 3 – Example of Oak-ash-hazel woodland (WN2) occurring within the centre of the site.

Immature woodland (WS2)

Much of the centre and west of the site comprises of scrub and establishing semi-natural woodland. This establishing woodland is dominated by ash, with an understorey of hawthorn and bramble scrub. A number of semi-mature/mature sessile oaks and ash also occur. This habitat is of local biodiversity value as it forms part of the naturally expanding Oak-ash-hazel woodland (WN2) described above as well as provides connectivity to the wider landscape for species such as bats. This habitat has been assessed as of local importance (higher value) due to its semi-natural nature and connectivity to the habitats in the wider landscape.





Plate 4 - Establishing woodland (WS2) is dominated by young ash (foreground), some mature ash and sessile oak (background) and an understorey of dominated by hawthorn and bramble.

Scrub (WS1) and Dry calcareous and neutral grassland (GS1)

Much of the south and east of the site forms a mosaic of bramble and gorse dominated scrub (WS1) and rank Dry calcareous and neutral grassland (GS1), see Plates 5 and 6. The Dry calcareous and neutral grassland (GS1) has formed within the south-east of the site, likely as a result of historic scrub clearance, with piles of brash/scrub evident in places, see Plate 5. A narrow band of scrub occurring along the eastern boundary of the site is dominated by hazel (*Corylus avellana*) and is connected to an extensive area of hazel dominated scrub occurring outside of the study area boundary.

The plant species diversity within the calcareous grassland varies throughout this part of the site, largely dominated by grasses and small areas containing shallow soil supporting a rich diversity of herbaceous plants. Although the survey was conducted outside of the optimal survey period for grasslands (April-September), it is considered unlikely to conform to any EU Habitats Directive Annex I listed grassland habitat. However, this should be subject to further assessment in advance of any future planning application to inform development layouts.

Although these habitats are of some local biodiversity value, they do not represent a significant constraint to future development of this part of the site.



Plate 5 – Mosaic of Scrub (WS1) and Dry calcareous and neutral grassland (GS1) with some scrub forming on what appears to have been historic scrub clearance (right),




Plate 5 – Area of Scrub (WS1) occurring between dominated by Oak-ash-hazel woodland (WN2) (left) and Immature woodland (WS2) (right). This area shows signs of historical ground reclamation but is currently regenerating as scrub.


The only faunal species records observed were numerous badger foraging signs within the southeast of the site, suggesting a possible badger sett occurring nearby or within the study area.





Map Legend

 Study area boundary


Habitat Polygon


 Exposed calcareous rock (ER2)/Scrub (WS1)

 Exposed calcareous rock (ER2)


 Buildings and artificial surfaces (BL3)


 Amenity grassland (improved) (GA2)

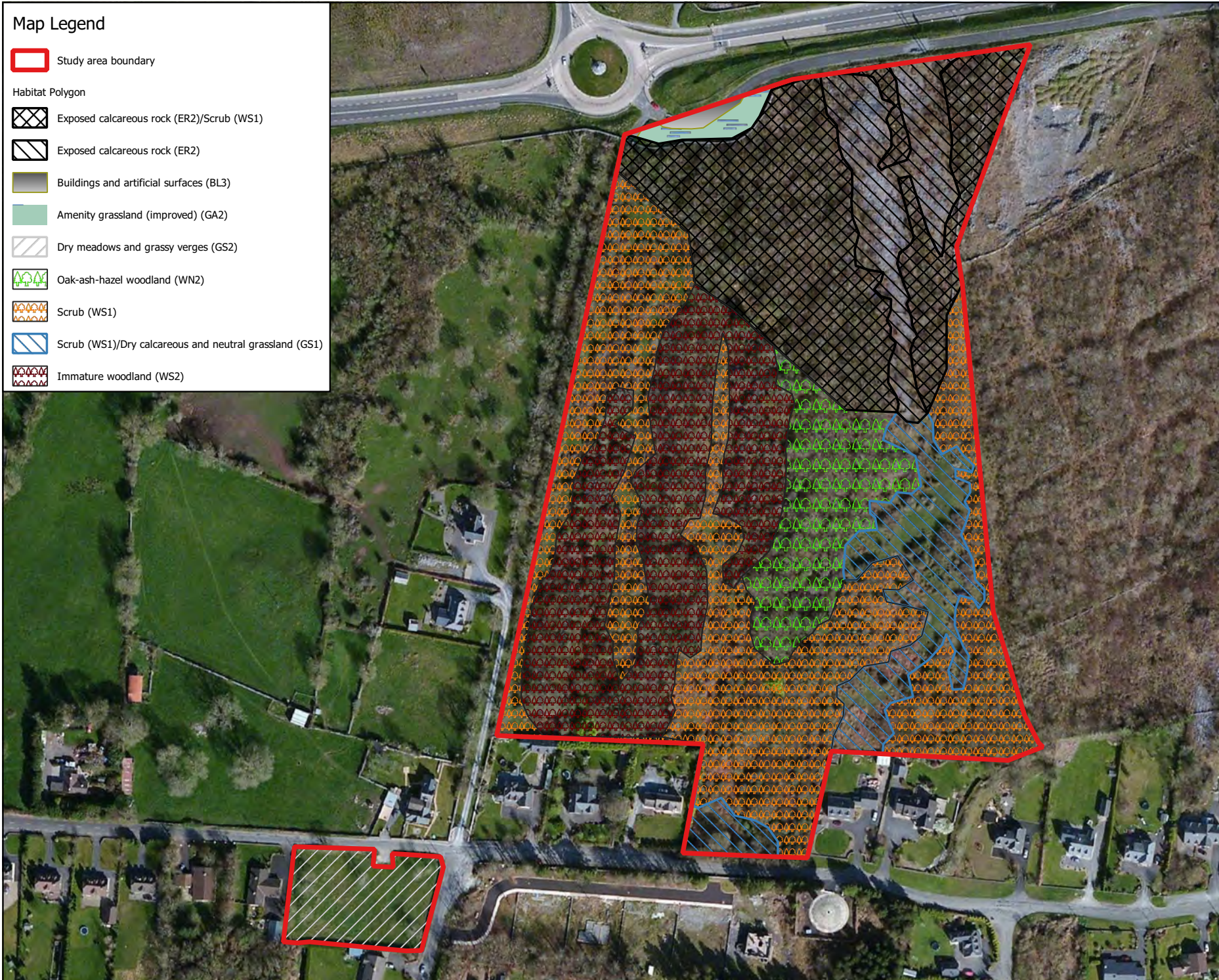
 Dry meadows and grassy verges (GS2)

 Oak-ash-hazel woodland (WN2)

 Scrub (WS1)

 Scrub (WS1)/Dry calcareous and neutral grassland (GS1)

 Immature woodland (WS2)



Drawing Title

Habitat Map

Project Title

Flannigan Briefing Note

Drawn By

DMN

Checked By

JH

Project No.

200809

Drawing No.

Figure 4

Scale

1:2501


Date

07.12.20





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Map Legend


 Study area boundary

Habitat Significance

 National Importance

 County importance

 Local importance (Higher value)

 Local importance (Lower value)



Drawing Title

Habitat significance

Project Title

Flannigan Briefing Note

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DMN	JH
Project No.	Drawing No.
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Bat Surveys

Static Detector Surveys

Full spectrum bat detectors, Song Meter SM4BAT (Wildlife Acoustics, Maynard, MA, USA), were deployed during static surveys to record bat activity at two fixed locations over a 3-week period in 2021. The locations of static detectors were selected to represent the range of habitats present within the site, including favourable bat habitats. Settings used were those recommended by the manufacturer for bats, with minor adjustments in gain settings and band pass filters to reduce background noise when recording. Detectors were set to record from 30 minutes before sunset until 30 minutes after sunrise. The Song Meter automatically adjusts sunset and sunrise times using the Solar Calculation Method when provided with GPS coordinates.

The survey was designed to utilise two static detectors to monitor bat activity. Two Song Meter SM4BAT detectors were deployed on site on the 1st April 2021. The Song Meter SM4, dual-channel acoustic recorder is capable of the long-term acoustic monitoring of bats. Static detector locations can be found in Figure 6. The static detectors were collected on the 23rd April 2021.

Static Detector Survey Results

Two static detectors, were deployed on the site at two different locations (Figure 6), based on likely areas of bat activity, for a total of 21 nights. These detectors allowed a specified look into species composition, commuting and foraging activities within the site.

All recordings were later analysed using bat call analysis software Kaleidoscope Pro v.5.1.9 (Wildlife Acoustics, MA, USA). Bat species were identified using established call parameters, to create site-specific custom classifiers. All identified calls were also manually verified. In total 3,585 bat passes were recorded.

Analysis of the detector recordings positively identified six bats to species level with *Myotis* genus also present. Bat species were dominated by Soprano pipistrelle (*Pipistrellus pygmaeus*) (n=1,625) and *Myotis* spp. (n=1,557). Brown long-eared bat (*Plecotus auritus*) (n=178), Common pipistrelle (*Pipistrellus pipistrellus*) (n=154) and Leisler's bat (*Nyctalus leisleri*) (n=57) were encountered less frequently. Lesser horseshoe bat (n=12) and Nathusius' pipistrelle (n=2) were rarely encountered, with 1% or less of total bats recorded (Plate 6).



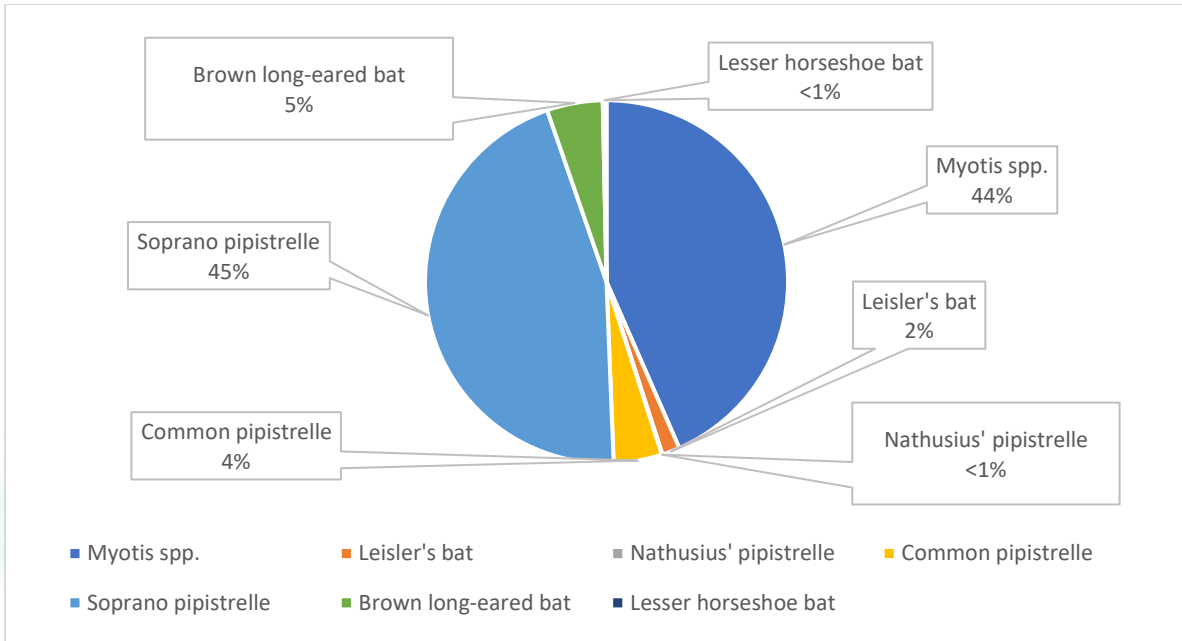


Plate 6. Bat species composition

Bat Activity Analysis-Passes per night

Species composition per night is shown in Plate 4-12. The graph demonstrates that Soprano and Myotis species were most commonly recorded during the survey periods.

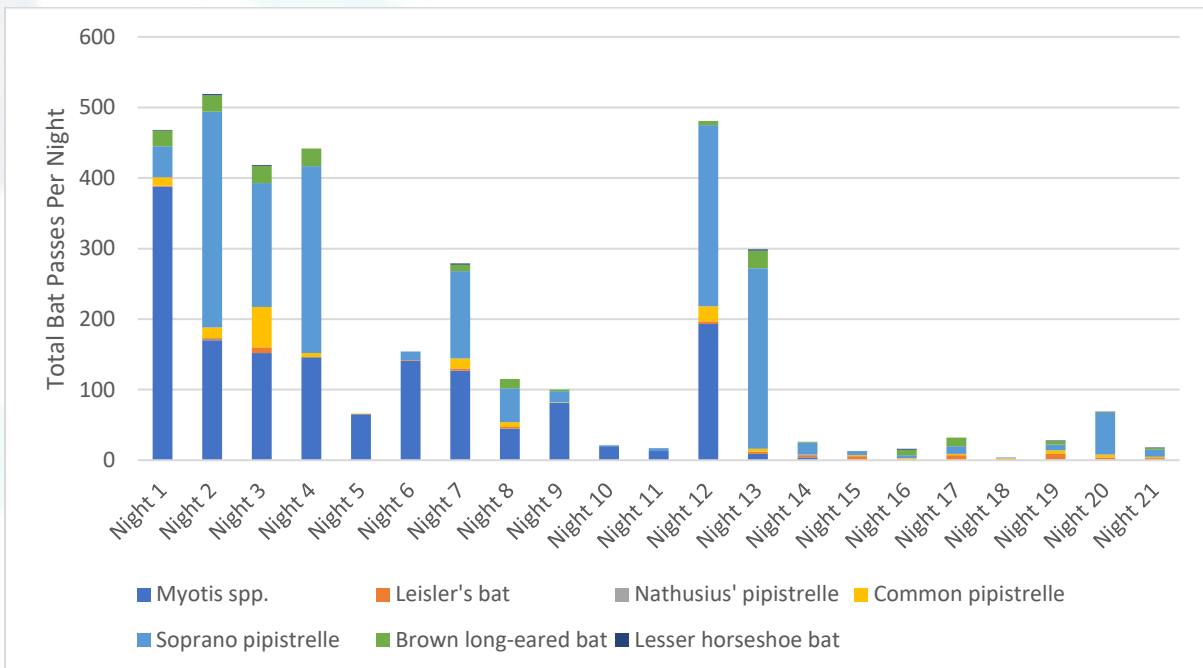


Plate 7. Static detector survey results: Species composition per night



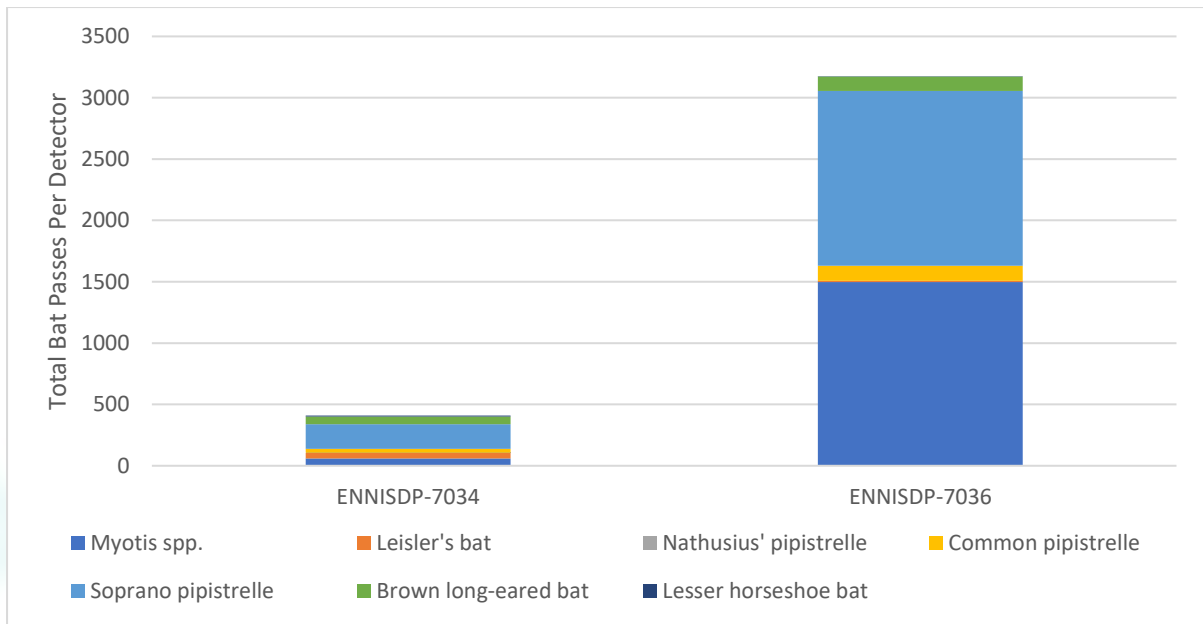


Plate 8. Total Bat Passes Per Detector

Plate 8 shows total bat passes per detector. Detector 7034 was located to the east of the site in an area of open grassland habitat, beside an area of bramble scrub. Activity here was lower than the other detector as the area was more exposed and there were fewer suitable linear features nearby.

Detector 7036 was located to the centre of the site, in an area identified by NPWS as a potential commuting/foraging corridor for Lesser horseshoe bats. Bat activity here was higher than the other detector as this area provided suitable linear habitat features and opportunities for commuting and foraging. Overall, activity levels for Lesser horseshoe bat were low.





Map Legend

- Study area
- Bat Detector Locations 2021

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Drawing Title	
Bat Detector Locations	
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Additional Clare County Development Plan Objectives

Following the identification of habitats of both county and International importance within the site, the below objectives of the Clare County Development Plan are relevant in the context of this briefing note i.e. potential future development of the site:

CDP14.1 Development Plan Objective: Biodiversity

It is an objective of Clare County Council:

(d) To ensure that features of importance to local biodiversity are retained as part of developments and projects being undertaken in the County;

CDP14.9 Development Plan Objective: Environmental Impact Assessment

It is an objective of Clare County Council: a To ensure the protection and conservation of areas, sites, species and ecological networks/corridors of biodiversity value outside of designated sites throughout the County and to require an ecological assessment to accompany development proposals likely to impact on such areas or species;

CDP14.13 Development Plan Objective: Habitat Fragmentation

It is an objective of the Development Plan: To ensure that development proposals support and enhance the connectivity and integrity of habitats in the Plan area by incorporating natural features into the design of development proposals

CDP14.17 Development Plan Objective: Woodlands, Trees and Hedgerows

c) To protect individual or groups of trees within the Plan area which are important for environmental, recreational, historical, biodiversity and/or aesthetic reasons or by reason of contribution to sense of place, including groups of trees which correspond with protected habitats, or which support protected species, under the Habitats Directive;

e) To protect woodlands and hedgerows from damage and/or degradation and to prevent disruption of the connectivity of woodlands and hedgerows of the County;

f) To ensure, where required, applications for development include proposals for planting/leave a suitable ecological buffer zone, between the development works and areas/features of ecological importance;

Any future development proposals would need to consider the ecological sensitivities associated with the site (i.e Limestone pavement, Lesser Horseshoe bat foraging habitat) and accommodate for such in the project design and layout. Potential ecological mitigation measures are provided in the Recommendations Section below.



Recommendations

Following the site visit, habitat mapping and subsequent review of the Clare County Development Plan and Clare Biodiversity Action Plan. The following recommendations are made in terms of likelihood of rezoning/future development. Areas most likely to be considered for development, and those unlikely to be rezoned are shown in Figure 7.

As shown in Figure 7, the following areas are described in terms of their ecological value and associated constraints for any future development:

1. Areas A: These two land parcels comprise of semi-natural habitats that have either been subject to agricultural management or are of low local biodiversity value. Therefore, potential for development could be considered.
2. Areas B: These two land parcels comprise semi-natural habitats that have been subject to historic land reclamation or scrub re-establishment. Although the habitats are of some local biodiversity value, a case could be made for the development of these lands. However, this would likely be subject to some restrictions to minimise impact on local bat species. Such restrictions could include low-density housing maintaining connectivity to the wider landscape via a dedicated landscaping plan as well as the incorporation of low intensity lighting. These areas are likely to still pose a medium to high planning risk given the previous mentioned county development plan objectives.
3. Areas C: Although this area contains scrub and semi-mature trees, habitats of local importance (higher value) only, this area forms part of NPWS mapped potential foraging habitat for the Newhall and Edenvale Complex SAC lesser horseshoe bat population. Static detector surveys carried out in 2021 also indicate that bat activity in this location was high, although Lesser Horseshoe activity was low. Therefore, it is important to maintain north-south faunal connectivity between the woodland to the north and the surrounding landscape to the south of the site.
4. Area D: Sections of the northern and eastern parts of Area D form part of the NPWS mapped potential foraging habitat for the Newhall and Edenvale Complex SAC lesser horseshoe bat population. As with Area C, any future development proposal should maintain north-south linear woodland habitat as this provides important foraging and commuting habitat for local biodiversity.
5. Area E: This area of establishing Oak-ash-hazel woodland (WN2) is of high local biodiversity value as well as being mapped as part of the provides suitable commuting habitat for the Newhall and Edenvale Complex SAC lesser horseshoe bat population. This are therefore poses a significant constraint to future development of the site. Static detector surveys carried out in 2021 also indicate that bat activity in this location was high as there is suitable linear habitat features and opportunities for commuting and foraging.
6. Area F: Given the International significance of these habitats development in these areas will not be permissible.

Any future development would be required to include a site-specific lighting plan to minimise disturbance to bats. Ecological corridors (i.g hedgerows) being retained within the site should avoid any artificial lighting. The lighting plan for the operational phase of the proposed development, should be designed with consideration of the following guidelines: Bat Conservation Ireland (Bats and Lighting: Guidance Notes for Planners, Engineers, Architects and Developers, BCI, 2010), Dark Sky Ireland and the Bat Conservation Trust (Guidance Note 08/18 Bats and Artificial Lighting in the UK



(BCT, 2018), to minimise light spillage, thus reducing any potential disturbance to bats. The proposed light fitting/scheme should be designed to help mitigate the effect of the artificial lighting on the local bat populations by incorporating:

- Warm White LED (2700K or less) light source – less attractive to insects, and a good light source to enable directional luminaires. Lowest possible design illuminance levels considering the nature of the site.
- Internal front and rear Louvres – to reduce light spill and eliminate upward light.
- Lamps will also be specified with 0 Degree tilt (where possible) to ensure limited unwanted light spill. The fittings will be angled no greater than 5 degrees to further reduce light spill.
- Pole mounted lamps should be less than 8m (ideally 6m).
- A lighting control regime shall be included to reduce illuminance during hours of lower human activity (i.e. 12:00am – 6:00am). Motion sensors and ground lighting to be considered along pathways.
- All proposed Luminaires are to be justified. Lighting only to be used where necessary.





Map Legend

Study area

Possible Development Opportunities

- Area A
- Area B
- Area C
- Area D
- Area E
- Area F



Drawing Title	
Possible Development Opportunities	
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Conclusion

There are significant ecological constraints associated with the study area, particularly limestone pavement and to a lesser extent, Oak-ash-hazel woodland (WN2). These habitats pose constraints to future rezoning and development of this site and should therefore be avoided. As described above and as shown in Figure 7, some areas within the study area have been identified as suitable for rezoning and a case could be put forward to support this. Areas most suitable for development include Areas A, Area B, Area C and to sections of Area D. Figure 3 shows the NPWS mapped potential foraging habitat for the Newhall and Edenvale Complex SAC lesser horseshoe bat population. Bat surveys carried out in 2021 found this section of the proposed site has greater bat activity compared to the eastern section, although Lesser Horseshoe activity was general low for the entire site. Any future development would have to ensure that the north-south ecological corridor is retained as it provides an important foraging and commuting habitat for local bat populations. Retaining this corridor will not only benefit bat populations but also provide habitat connectivity to the wider landscape. Future developments would also be required to include a site-specific lighting plan to minimise disturbance to bats and in line with relevant guidelines provided above.



