

[REDACTED]

From: [REDACTED]
Sent: Tuesday 3 January 2023 19:46
To: Development Plan
Cc: [REDACTED]
Subject: Proposed Amendments to the Draft Clare Draft Development Plan 2023 - 2029
Attachments: Submission to Proposed Amendments to Draft Clare County Development Plan 2023-2029_ (002).pdf

To whom it may concern, please see 'Submission to Proposed Amendments to Draft Clare County Development Plan 2023 – 2029'. Can you please confirm receipt of same.

Kind regards
Robert Hanrahan
[REDACTED]

**SUBMISSION TO PROPOSED AMENDMENTS TO DRAFT CLARE COUNTY DEVELOPMENT
PLAN 2023-2029**

LANDS AT BALLYBEG, ENNIS, CO. CLARE

1.0 INTRODUCTION

We, Robert & Anne Hanrahan and Leonard & Rose Kelleher are residents of Ballybeg, Ennis wish to lodge a submission to the Proposed Amendments to the Draft Clare County development Plan 2023-2029 in relation to the proposed rezoning of two large blocks of lands adjacent to our properties. The lands the subject of this submission are identified in Figures 1 and 2 below.



Figure 1 – Subject Lands as outlined in Submission Ref: S2.802



Figure 2 – Subject Lands as outlined in Submission Ref: S2.671

2.0 DRAFT CLARE COUNTY DEVELOPMENT PLAN 2023-2029

From our review of the Draft Clare County Development Plan 2023-2029 the subject lands were proposed to be zoned as *'Agriculture'* which corresponds with the existing zoning of the lands in the current Clare County Development Plan 2017-2023.

We note from our review of the submissions lodged to the Draft Plan review process that Submission Ref: S2.802 lodged by MKO on behalf of Flanagan & Courtney Families (Ballybeg) sought the rezoning of a large block of land adjacent to our properties to be rezoned from *'Agriculture'* to *'Residential'*. Submission Ref: S2.671 also lodged by MKO on behalf of Marfield Developments Ltd sought for the rezoning of another large block of adjacent land from *'Agriculture'* to *'Residential'*. The Chief Executives (CE) response to both of these submissions was stated to be *'I recommend that no amendment is made to the Draft Clare County Development Plan 2023-2029 on the basis of this submission'*.

3.0 PROPOSED AMENDMENTS TO THE DRAFT CLARE COUNTY DEVELOPMENT PLAN 2023-2029

From our review of the Proposed Amendments to the Draft Plan presently on public display we note that part of the subject lands in Submission Ref: S2.802 are now proposed to be rezoned to 'Residential' 'R20' and part of the lands the subject of Submission Ref: S2.671 are also proposed to be rezoned to 'Residential' 'R17' contrary to the CE's recommendation for both. Given that the Chief Executive recommend no change to the proposed rezoning requests, we presume that these proposed changes to rezone part of the site the subject of Submission Ref: S2.802 and Submission Ref: S2.671 to 'Residential' has come about as a result of a motion passed by the Elected Members. Our understanding of when the Elected Members decide not to accept the advice/recommendations set out in the Chief Executive's Report, there is an obligation on the Elected Members to identify whatever reasons motivated their decision to amend the plan contrary to the Chief Executive's recommendation. We found no evidence of any reasons to support a decision to overturn the Chief Executives recommendation on changing the zoning objective for these lands.

In addition, we note from Submission Ref: S3.028 that the submitters are also requesting additional land to be included in this proposed 'Residential' block – See figure 1 below.

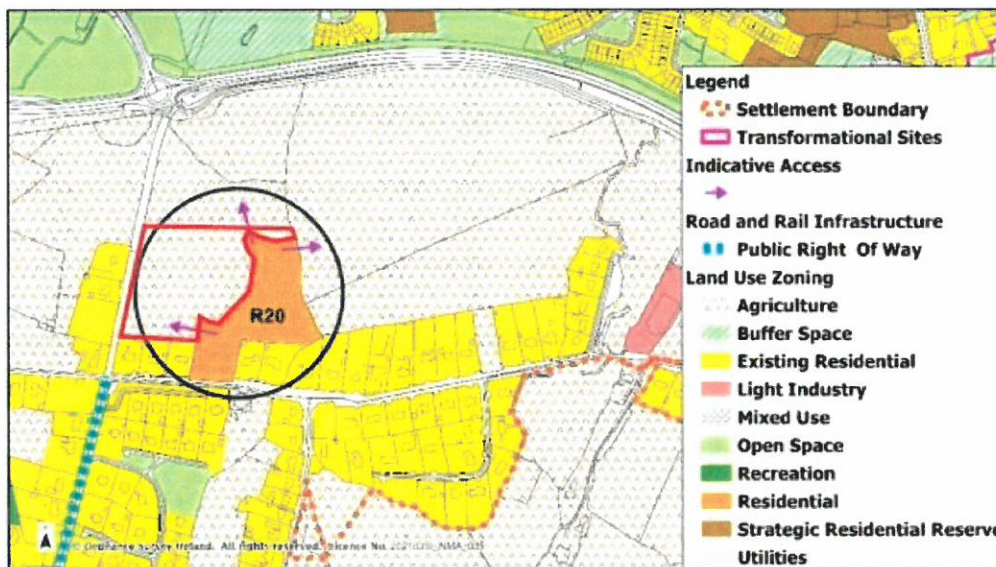


Figure 2 - Amendments Submission (Submission Area outlined in Red)

Figure 1 – Zoning request as per Submission Ref: S3.028

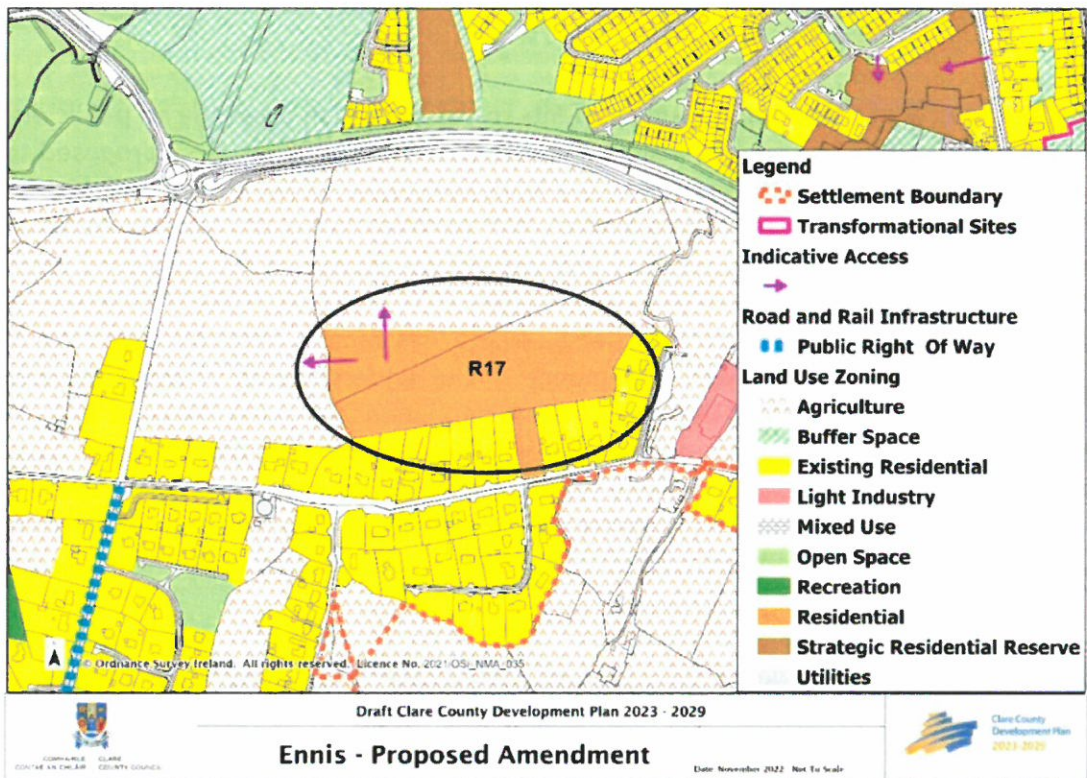


Figure 2 – Lands Proposed to be rezoned from ‘Agriculture’ to ‘Residential’ ‘R17’ Sub Ref: S2.671

4.0 SUBMISSION

We as residents strongly oppose any rezoning of these lands to ‘Residential’ use for the following reasons:-

4.1 Contrary to Compact Growth/Sequential Approach

The subject lands are significantly removed from the town centre and it is considered that additional zoning of the scale proposed at this removed location would mitigate against the achievement of compact growth as set out in CDP 4.13 Planned Growth of Settlements, would be contrary to the sequential approach towards the delivery of compact growth and would be contrary to the principle of sustainable development.

The sequential approach as set out in the DoEHLG Development Plan Guidelines specifies that zoning shall extend outwards from the centre of an urban area, with undeveloped lands closest to the core and public transport routes being given preference, encouraging infill opportunities, and that areas to be zoned shall be contiguous to existing zoned development lands and that any exception must be clearly justified in the written statement of the development plan. The subject lands are not currently serviced by public sewer and are currently not connected in terms of safe pedestrian/cycle routes and there is no public lighting serving the lands. Pedestrian and cycle linkages are of critical importance for the

sequential planning approach in order for new development to successfully integrate with existing development in a sustainable and appropriate manner. The proposal to up-zone the subject lands is clearly in breach of the sequential approach as advocated above. The up-zoning of the subject lands is also a clear breach of National Planning Guidance documents which seek to encourage the development of serviced sites in favour of greenfield development. Suitably located serviced sites should be prioritised in advance of proposing any development on greenfield lands as is currently proposed. The up-zoning of these lands is definitely indicative of development led planning which the planning framework of national, regional and local plans is designed to prevent. There is no zoning or policy justification for the proposed up-zoning of the subject lands.

4.2 Environmental Impacts

The Proposed Amendments to the Environmental Assessments Volume 10a&b of the Proposed Amendments to the Draft Plan regarding Proposed Amendment No. 2 and Proposed Amendment No. 7 states the following in relation to the Assessment of the likely environmental effects.

“The extent of land required for residential uses in the Ennis and Environs area is determined in the Core Strategy, as contained in Volume 1 of the Draft Plan. In determining the location and distribution of residentially-zoned land the Core Strategy is consistent with the Development Plan Guidelines, the Framework Directive. In addition, site specific land use issues were considered. These criteria include, inter alia, the availability of services, sequential test, flood risk assessment, planning history, consolidation or urban form etc. The subject site is not serviced by waste water infrastructure and is not located in an area identified for growth therefore it reflects negatively on Strategic Environmental Objectives S1 in relation to sustainable land use, WW1 and WW2 in relation to waste water. From a sequential point of view the site is removed from the core built up areas of Ennis and Clarecastle and would not contribute to the consolidation of the urban form. While some recent survey information is available for this site in relation to bat usage (Doherty, 2016) this information is currently inconclusive. Preliminary manual and automatic bat detector surveys have indicated low level of bat all of which are afforded protection under both The Wildlife Act 2000 as amended and The Birds and Natural Habitats Regulations 2011. Given the habitat type present on this site and the species which have already been noted, 2 to 3 survey rounds per season are required to confirm species presence and activity. At present based on the information available it is not possible to confirm the level of activity or potential loss to the various species and therefore the proposed amendment reflects negatively on the Strategic Environmental Objectives primarily B1 in relation to loss of diversity and integrity of the broad range of habitats, species and wildlife corridors.”

In relation to the Lands Proposed to be rezoned to 'Residential' 'R17' the Proposed Amendments to the Environmental Assessments Volume 10a&b of the Proposed Amendments to the Draft Plan states the following in relation to the Likely Significant Effects in accordance with the Habitats Directive:-

"These lands contain priority Annex I habitat of wooded limestone pavement, shattered limestone pavement together with providing foraging habitat for Lesserhorse bats (Newhall and Edenvale Complex SAC less than 1km away). The site is not suitable for zoning. The lands in question have specifically been identified on Map 2 of the Conservation Objectives for the Newhall and Edenvale Complex SAC as potential foraging grounds for the Lesser horseshoe bat. (June, 2018). If subsequent data comes to light that this area is not used by the SAC bat population then the sensitivity in the context of impact on the SAC may be clarified. Given the proximity of this proposed zoning to the Newhall Edenvale Complex SAC together with the identification of these lands as potential foraging grounds for Lesser Horseshoe bats it is considered that the potential for significant effects on a European site can not be ruled out".

In relation to the Lands Proposed to be rezoned to 'Residential' 'R20' the Proposed Amendments to the Environmental Assessments Volume 10a&b of the Proposed Amendments to the Draft Plan states the following in relation to the Likely Significant Effects in accordance with the Habitats Directive:-

"County Clare is a particular stronghold for Irelands only Annex II bat species, the lesser horseshoe bat. Seventeen of the 41 SACs which designate this species as a QI are located within County Clare and two are adjacent to the county boundary. Developments can potentially impact upon foraging areas, roosts or commuting corridors used by this species. Given the importance County Clare holds for lesser horseshoe, this criterion also considers the proximity of development to SACs with lesser horseshoe designated as a QI. Research carried out on this species has suggested that the key zone for foraging exist up to 3km from roosts during the year (Billington and Rawlinson 2006). This distance can reduce down to under 1km during the birthing season (Biggane 2003). At a greater distance of 3-7km this zone is likely to be important for some larger colonies of a few hundred bats (Billington and Rawlinson 2006). Occasional foraging has been recorded 4.2km from the roost (Bontadina et al 2002) whilst larger scale movements of up to 10km has been recorded for foraging bats and may form connections between summer and winter roost sites (Billington and Rawlinson 2006). Within the previous Clare County Development Plan 2017 2023 (as amended) a precautionary 6km buffer was identified around European sites with lesser horseshoe as a QI. Since then, additional research has been conducted and habitat mapping undertaken by NPWS for European sites.

In 2016, the Bat Conservation Trust carried out a review of literature and identified Core Sustenance Zone (CSZ) for lesser horseshoe bats (BCT 2016). The CSZ refers to the area surrounding a communal bat roost within which habitat availability and quality will have a significant influence on the resilience and conservation

status of the colony using the roost. A 2.5km buffer zone was identified based on Schofield 2008 and forms the basis of the Conservation Objective Supporting document for lesser horseshoe bat for Irish European sites (NPWS 2018). For each roost a 2.5km zone is set within the sitespecific conservation objective. The target stipulates there should be; no significant decline in potential foraging habitat; no significant loss of linear features and no significant increase in artificial light adjacent to or along commuting routes within 2.5km of qualifying roosts.

To assess any potential adverse effects a Zone of Influence was identified and a precautionary value of 3km was applied.

In addition, available mapped foraging habitat was also assessed. In addition, it is also assessed whether there will there be a risk of the loss of ecological networks supporting European sites. For example, habitat fragmentation can isolate QI/SCI populations reducing fitness or preventing access to critical resources.

The proposed zoning is within 2.5km buffer for Newhall and Edenvale complex SAC and approximately 970m from designated roost (Roost ID 53). It is also within 2.5km of Pouladatig Cave SAC. The lands within the proposed zoning have been mapped by NPWS as foraging grounds for all identified roosts within the Newhall and Edenvale Complex SAC. Conservation objectives for the SAC state that for;

Foraging habitat - "No significant decline within 2.5km of qualifying roost".

Light pollution - "No significant increase in artificial light intensity adjacent to named roost or along commuting routes within 2.5km of the roost. See map 2" and

Linear features - No significant loss within 2.5km of qualifying roost. See map 2".

The area contains mapped foraging habitat or supporting foraging/commuting habitats which is particularly important given there has already been a loss of mapped foraging habitat for this SAC due to other developments e.g. housing directly south. Any development within this proposed zoned area would result in either a loss of mapped foraging habitat and/or disturbance to foraging areas via lighting or human presence and/or fragmentation of linear features. This would be contrary to the COs for the Newhall and Edenvale Complex SAC.

It is recommended that this area is not rezoned for development but instead zoned as open space to protect mapped foraging grounds and commuting habitats for lesser horseshoe bat"

It is clear from the Environmental Assessments that the proposed rezonings are likely to have a significant negative environmental effect and clearly should not be permitted.

5.0 CONCLUSION

We request that this proposed rezoning of both the 'Residential' 'R17' and 'R20' lands as outlined in the Proposed Amendments to the Draft Plan and request for additional lands to be rezoning as part of the 'R20' lands not be adopted in the final Clare County Development Plan 2023-2029 as it is contrary to proper planning and sustainable development of the area and it is neither necessary or appropriate and should **NOT** be permitted.

Signed

Robert Hanrahan

Anne Hanrahan

Leonard Kelleher

Rosaleen Kelleher