

From: Kevin Tiernan <[REDACTED]>
Sent: Tuesday 3 January 2023 22:03
To: Development Plan
Subject: SUBJECT: Submission to Clare County Council ref. Zoning of Site R29 and Site SR8 as proposed within "Proposed Amendments to Draft Clare County Development Plan 2023 – 2029".
Attachments: Drumbiggle Submission 3.docx

Hello

See attached my submission. Re land as referenced above. Also, a report by Dr William O Connor ecologist, regarding the importance of the site for Bat populations that live and possibly roost there.

Also please include the contents of this site www.enniswildlife.com

Regards

Kevin Tiernan



Thursday, 28th December, 2022

Proposed Amendments to Draft Clare County Development Plan 2023 – 2029,
Planning Department,
Clare County Council,
New Road,
Ennis, Co Clare. V95 DXP2

SUBJECT: Submission to Clare County Council ref. Zoning of Site R29 and Site SR8 as proposed within “Proposed Amendments to Draft Clare County Development Plan 2023 – 2029”.

Dear Sir/Madam,

I wish to make a submission to Clare County Council in relation to the “Proposed Amendments to Draft Clare County Development Plan 2023 – 2029” and specifically in relation to the zoning of **Site R29** and **Site 8**, as proposed within same.

Site R29 and Site 8, (currently two parts of the same field), are located off the Drumbiggle Road, Ennis and immediately to the west of the Pairc na Coille Retirement Village.

In Section 2.7 of the currently-in-force Clare County Development Plan 2017-2023, Site R29 and Site SR8 are referred to as one site, namely Site R23 (Zoned “Residential”).

In relation to Site R23, the 2017-2023 Plan states at Page 49 of same, among other things,:

“This site has been identified for residential development. The area of the site to the west of Pairc na Coille includes an attractive natural habitat which should be retained, at least in part, as open space between new development and the nursing home, providing an open space buffer between the two developments.”

Despite the 2017 – 2023 County Development Plan stating the above in relation to Site R23, Clare County Council agreed to grant planning permission under Planning Ref. No. 21599 to Leadlane (Drumbiggle) Limited for a Phase 1 development of 58 housing units on part of this Site R23 without enforcing any requirement to maintain an open space buffer between Pairc na Coille and the development proposed under Planning Ref. No. 21599, as per the Council’s own currently-in-force County Development Plan. Note, this grant of planning permission is currently under appeal to An Bord Pleanála by residents of Willsgrove, among others.

Draft Clare County Development Plan 2023 – 2029 (Dated 10th December, 2021)

In the Draft Clare County Development Plan 2023 – 2029, Volume 3a, Ennis Municipal District Settlement plans, dated 10th December, 2021, and as shown on its accompanying map on Page 102 of same, **all of Site R23**, as previously mentioned in the 2017 – 2023 County Development Plan, was re-zoned and re-designated by the Council as **Site SR8 (Strategic Residential Reserve)**.

Chief Executive’s Report to the Elected Members on submissions received on the Draft Clare County Development Plan 2023 – 2029, Ennis Municipal District, Part 2 of 5 (Dated 10th July, 2022)

The Chief Executive’s Report to the Elected Members on submissions received on the Draft Clare County Development Plan 2023 – 2029, Ennis Municipal District, Part 2 of 5, dated 10th July, 2022 discusses 2 no. submissions regarding Site R29, namely Submission No. S2/801 – MKO OBO Leadlane (Drumbiggle) Ltd. and Submission No. S2/990 – Jerry O’Brien on behalf of Cahercalla Drive Residents Association.

Submission No. S2/801 – MKO OBO Leadlane (Drumbiggle) Ltd.

In relation to Submission No. S2/801 MKO OBO Leadlane (Drumbiggle) Ltd., in which Leadlane sought to have its land back-zoned from **SR** to its extant zoning of **Residential**, the Chief Executive stated, among other things, on Pages 161 and 162 of his Report: “Therefore, there is adequate provision of zoned land within the settlement area and I consider the zoning of these lands for as ‘Residential’ is neither necessary or appropriate and would be contrary to proper planning and sustainable development.”

Submission No. S2/990 – Jerry O’Brien on behalf of Cahercalla Drive Residents’ Association

In relation to Submission No. S2/990 – Jerry O’Brien on behalf of Cahercalla Drive Residents’ Association, as stated on Pages 284 and 285 of his Report, the Chief Executive recommended: “The zoning objective for the site to be amended to Residential to reflect the recent planning history for the site.”

Thus, these two submissions to the Council in respect of the same site resulted in two different and contradictory zoning recommendations being made by the Chief Executive to the Elected Members in his Report.

Draft County Development Plan 2023 – 2029, Volume 3a, Ennis Municipal District Settlement Plans, Proposed Amendments (Dated 28th November, 2022)

In the Draft County Development Plan 2023 – 2029, Volume 3a, Ennis Municipal District Settlement Plans, Proposed Amendments dated 28th November, 2022. Page 98 of same again stated, among other things,:

“This site has been identified for residential development. The area of the site to the west of Park na Coille includes an attractive natural habitat which should be retained, at least in part, as open space between any new development and the existing nursing home, providing an open space buffer between the two developments.”

The site location map on page 99 of Draft County Development Plan 2023 – 2029, Volume 3a, Ennis Municipal District Settlement Plans, Proposed Amendments shows **this site as being divided in two by the Council and being respectively designated as Site R23 and Site SR8. (Strategic Residential Reserve).**

Site R23 corresponds with the piece of land within this total field upon which Leadlane’s Phase 1 housing development would be located (in accordance with the Grant of Planning Permission under Planning Ref. No. 21599, which is currently under appeal to An Bord Pleanála by residents of Willsgrove) and **Site SR8** corresponds encompasses the area of land within the same field, which corresponds with the land on which Leadlane proposes to undertake a future Phase 2 housing development.

Drainage Issue within the field comprising Site R23 and Site SR8 and Potential Future Back-Flooding of Willsgrove

Ennis Urban District Council granted planning permission for the construction of Willsgrove under the jointly-submitted and jointly-assessed planning applications Planning Ref. Nos. 95/147 and 95/148. In accordance with such a grant of planning permission by Ennis Urban District Council and to facilitate the construction of Willsgrove, a culvert was put in place through the land adjoining Willsgrove, namely Leadlane's site, to take:

- 1) The Cahercalla Stream, which flows from Cahercalla Lough under the Cahercalla Road into Willsgrove and is now piped from immediately in front of No. 1 Willsgrove running under Willsgrove's Green Area on the Green Area's side of its boundary wall with Cahercalla Drive through Willsgrove and onwards down through the back-land development site (Leadlane's site) (within this culvert) to in front of the Pairc na Coille Retirement Village and then runs for a short distance in the open air at the bend of the Pairc na Coille Main Access Road and finally it discharges underground through a grill, which is regularly prone to being clogged with leaves, etc. resulting in road flooding at that location on the Pairc na Coille Main Access Road, to within the adjoining Ennis Rugby Club's land.
- 2) The storm water from Willsgrove.

In respect of Planning Ref. No. 21599, the applicant (Leadlane (Drumbiggle) Limited) submitted Drawing Nos. 11093-2018P01 and 11093-2016P01 and a Further Information Response Report to Clare County Council on 23rd December, 2021 as part of its Further Information Request Response. Both of these drawings show the locations for an "existing" attenuation tank for the applicant's Phase 1 development (under Planning Ref. No. 21599) and another attenuation tank for its future-proposed Phase 2 development at this site. Neither these drawings nor any other drawings submitted by Leadlane as part of that planning application show the elevations for either of these 2 No. attenuation tanks relative to the land surrounding them.

In the Applicant's (Leadlane) Further Information Response Report, under Item 6 the applicant refers to an "existing" attenuation tank, which the above mentioned drawings show as being "in situ" at the bend of the site's access road opposite the Pairc na Coille Nursing Home. This "existing" attenuation tank was to be put in place in accordance with the grant of planning permission by Ennis Town Council under Planning Ref. No. 06/10. (See attached aerial photo of the purported location of this attenuation tank and aerial photo showing location of Cahercalla Stream Culvert). However, a visual inspection of the applicant's site through its site's wire fence at this location does not reveal the actual existence of any such attenuation tank having been put in place by McCarthy Contractors – the applicant under Ennis Town Council under Planning Ref. No. 06/10.

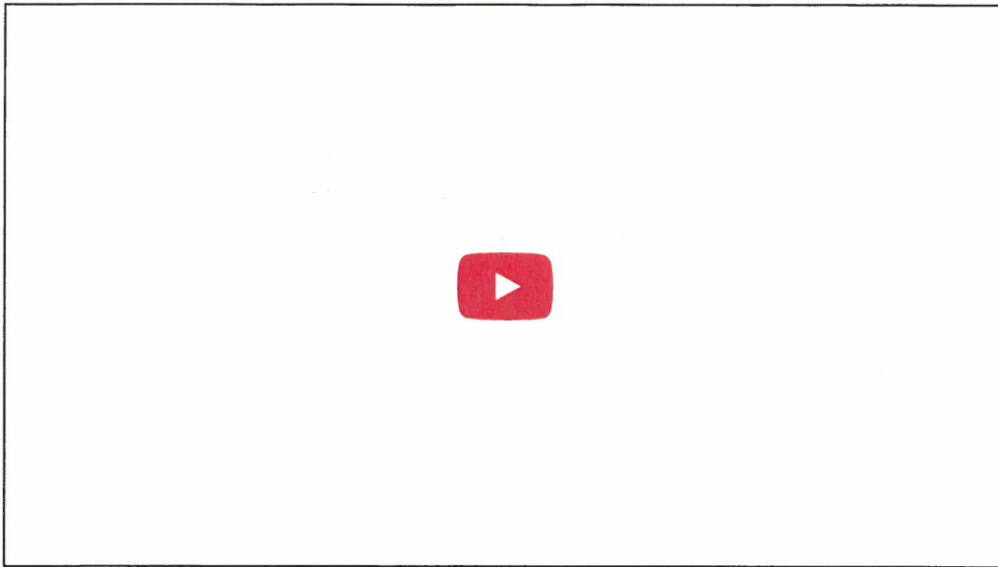
The above-mentioned, existing culvert contains overflow drainage pipes along its length to facilitate the discharge of overflow storm water from the culvert to the surrounding land. If development is permitted on the land surrounding this culvert, the overflow storm water from this culvert will have nowhere to go and will result in the back-flooding of Willsgrove's surface water drainage system and, as a consequence, the flooding of Willsgrove.

As previously stated, the grant of planning permission to Leadlane (Drumbiggle) Limited by Clare County Council under Planning Ref. No. 21599 is currently under appeal with An Bord Pleanála.

Should An Bord Pleanála reverse this grant of planning permission, I request Clare County Council to reverse its proposed zoning of the land currently designated by the Council in the Draft Clare County Development Plan 2023 – 2029 as Site R23 and re-zone it, along with Site SR8, as either Strategic Residential Reserve or Habitat.

Yours faithfully,

Κεων Τιερον



Preservation of the existing 10.5 acres of the wooded area adjacent to the retirement home at Pairc Na Coille, the town of Ennis, with all its plant life trees and wildlife

This website has been created to give the elderly residents at Pairc Na Coille and people in the area in general a way of putting across their views on the proposed changes in this area close to Town of Ennis.

IMPORTANT UPDATE (12th December 2022):

A decision is due by an Bord Pleanála on whether or not to uphold or reverse the decision made by Clare County Council in March to allow for the development and destruction of Páirc na Coille's native woodland.

Concerns have been raised that a 130m long covered over stream has not been adequately assessed or surveyed as part of the planning application.



woodland consisting of ash, alder, Willow, Bramble, Nettle". The site is of high biodiversity and the level of development will be high".

habitat that supports many species of birds and insects. The following species are recorded on the site as part of the survey.

The site is an important roosting site for

and the site at Pairc na Coille is within its core foraging range. To intentionally interfere with any feeding ground within the core foraging range would be a breach of the Habitats Directive under E.U and Irish law.

The planner's report states that "no trees of significance" will be cut down and that new planting will ensure that the wildlife on the site will be Alice in Wonderland stuff and is clearly an attempt by the planner to justify this grant. There is no explaining away the significant impact that the development will have on many species of wildlife that habituate the site. To suggest otherwise is anti-science, insincere, and severely misleading.

The decision to grant permission here seems rushed and the absence of any attempt by the council to seek further clarification from the developer on the issues raised by members of the public concerned by this development is very disappointing.

The decision to grant fails to address the many concerns raised by residents and other members of the public which include concerns about a lack of transparency surrounding the agreement reached between the applicant and Irish Water for connecting this substantial development to Ennis drainage and sewage infrastructure.

The housing and biodiversity crises are not mutually exclusive. They both warrant immediate action. Destroying this site for housing is an attempt to solve one problem by amplifying another. The decision lacks imagination and it is clear that the protection of the environment is not a priority for the council. The Biodiversity Action Plan pays lip service to the green cause but the reality is reflected in this decision to grant a planning permission which will destroy one of the few remaining areas of wilderness in Ennis.

Lots more to discuss.

If you are interested in reading the planners report and submissions lodged by members of the public please click here:

<https://www.eplanning.ie/ClareCC/AppFileRefDetails/21599/0>

All third-party appeals due to An Bord Pleanála by Friday, 8th April. More on how to lodge an appeal, click here: [Making an appeal](#)

This very prominent piece of land near the Town of Ennis of almost 10.5 acres surely can be preserved with all its wildlife and continued to be used for the benefit of the people in the locality, Ennis co Clare.

Mature trees and undergrowth that house wildlife and insects take years to create and minutes to destroy with mechanical diggers. There is a large area of land around the town that can be used for housing without the destruction to wildlife that developing this land would cause.

To many residents at Pairc Na Coille the wildlife and plant life here is their whole life. For example, Tony Conroy is a resident that lives here, and

unmistakable.

On a visit to Pairc Na Choille during the summer, I noted flowers, bees, and bird's in abundance. I stayed on into the evening, and after dusk, with bats flying everywhere in their haphazard fashion. A rare enjoyment to watch. The report on the lesser shoe bat submitted to the local evidence of this rare protected creature foraging at the other end, less dense part of the site. Likely, some of the bats foraging here the evening that species. Their known roosts are only a short distance away. In this case, an important point to highlight the significant part of the site is t correctly. From what I witnessed; this area could well be a substantial part of the lesser horseshoe bat nightly forage for food. When there ar destruction of this area something the local authority should be even considering.

John Hodnett

Ennis Co Clare

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